

PUBLIC HEARING FAIRVIEW CITY HALL

JANUARY 19, 2017

7:00 P.M.

AGENDA

1. CALL TO ORDER BY MAYOR CARROLL.
2. THE PURPOSE OF THIS PUBLIC HEARING IS FOR CITIZENS COMMENTS ON :
 - a. RESOLUTION 12-16, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF PROPERTY BELONGING TO ERICK ALLEN MAGGART AND WIFE KELLY LENORE LAMPLEY MAGGART AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE. THE PROPERTY IS LOCATED AT 7338 OVERBEY ROAD, FAIRVIEW, TENNESSEE AND IS SHOWN ON CITY OF FAIRVIEW, TENNESSEE GEOLOGICAL LISTING OF ASSESSMENT ROLL MAP 46, PARCEL 48.01.
 - b. RESOLUTION 13-16, A RESOLUTION TO ANNEX CERTAIN PROPERTY, LOCATED AT 7338 OVERBEY ROAD, MAP 46, PARCEL 48.01, HEREIN DESCRIBED BELOW AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE; BELONGING TO ERICK ALLEN MAGGART AND WIFE, KELLY LENORE LAMPLEY MAGGART. ALL THE PROPERTY PROPOSED FOR ANNEXATION LIES WITHIN THE CITY OF FAIRVIEW, TENNESSEE'S GROWTH BOUNDARY, CONTAINING 2.17 ACRES
 - c. BILL #2016-34, ORDINANCE NO. 948, A REPLACEMENT FOR BILL #2015-36, ORDINANCE NO. 901, AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN PROPERTY IN THE CITY OF FAIRVIEW, TENNESSEE, LOCATED ON HORN TAVERN ROAD, OWNED BY RAYMOND PRUITT AND WIFE BROWNIE LEE PRUITT, AS SHOWN ON, WILLIAMSON COUNTY, TAX MAP 022, PARCEL 15.00, FROM RS-40 (RESIDENTIAL) TO RS-15 (RESIDENTIAL PLANNED UNIT DEVELOPMENT)
3. ADJOURNMENT.

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS

JANUARY 19, 2017

7:00 P.M.

AGENDA

1. **Call to order by Mayor Carroll**
 - A. Prayer and Pledge
2. **Approval of the Agenda**
3. **Citizen Comments (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).**
4. **Awards and/or Recognitions**
5. **Public Announcements**
6. **Staff Comments**
7. **Approval of the Minutes (only needed if removed from consent agenda)**
8. **Consent Agenda Consisting of Items as Follows**
 - A. Approval of the Minutes from the January 5, 2017 Board of Commissioners Public Hearing
 - B. Approval of the Minutes from the January 5, 2017 Board of Commissioners Meeting
 - C. Second and Final Reading of Bill #2016-36, Ordinance No. 950, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 13, "Property Maintenance Regs.," Chapter 4, "Tree Planting and Protection" Section 13-403 "Establishment of a Tree Commission."
 - D. Second and Final Reading on Bill #2016-34, Ordinance No. 948, A Replacement for Bill #2015-36, Ordinance No. 901, An Ordinance to Change the Zoning of Certain Property in the City of Fairview, Tennessee, Located on Horn Tavern Road, Owned by Raymond Pruitt and Wife Brownie Lee Pruitt, as Shown on, Williamson County, Tax Map 022, Parcel 15.00, From RS-40 (Residential), to RS-15 PUD (Residential Planned Unit Development)
9. **Old Business**
 - A. Discuss and/or Take Action on Resolution No. 12-16, A Resolution Adopting a Plan of Services for the Annexation of Property Belonging to Erick Allen Maggart and Wife Kelly Lenore Lampley Maggart and to Incorporate the Same Within the Corporate Boundaries of the City of Fairview, Tennessee. The Property is Located at 7338 Overbey Road, Fairview, Tennessee and is Shown on City of Fairview, Tennessee, Geological Listing of Assessment Roll Map 046, Parcel 48.01
 - B. Discuss and/or Take Action on Resolution No. 13-16, A Resolution to Annex Certain Property, Located at 7338 Overbey Road, Map 46, Parcel 48.01, Herein Described Below and to Incorporate Same Within the Corporate Boundaries of the City of Fairview, Tennessee; Belonging to Erick Allen Maggart and Wife Kelly Lenore Lampley Maggart. All the Property Proposed for Annexation Lies Within the City of Fairview, Tennessee's Growth Boundary, Containing 2.17 Acres.
 - C. Discuss and/or Take Action on Bill #2016-37, Ordinance No. 951, An Ordinance to Amend the City of Fairview, Tennessee Municipal Code, Title 1, "General Administration," Chapter 1, "Board of Commissioners," by Addition of Section 1-108, "Appointments to Boards and Commissions"
10. **New Business**

- A. Discuss and/or Take Action on Tree Commission Review and Recommendation for all Residential and Commercial Development Projects with a Landscape or Tree Removal Component Prior to Planning Commission
- B. Discuss and/or Take Action on Appointing Two Members of the Board of Commissioners to the Tree Commission

11. City Manager Items for Discussion

- A. Miscellaneous Updates
- B. City Attorney Comments

12. Communications from the Mayor and Commissioners

13. Adjournment

8C

Bill # 2016-36

ORDINANCE NO. 950

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE, TITLE 13, "PROPERTY MAINTENANCE REGS.," CHAPTER 4, "TREE PLANTING AND PROTECTION" SECTION 13-403 "ESTABLISHMENT OF A TREE COMMISSION."

Be it Ordained by the City of Fairview, Tennessee as follows:

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Municipal Code of the City of Fairview, Tennessee should be revised and that the best interest and welfare of all the citizens of the City of Fairview, Tennessee, will be served by amending the Fairview, Tennessee, Municipal Code, Title 13, Chapter 4, Section 13-403 as follows:

Therefore, Be it Ordained by the City of Fairview, Tennessee as follows:

Fairview, Tennessee Municipal Code, Title 13, "Property Maintenance Regs.," Chapter 4, "Tree Planting and Protection" Section 13 – 403 (1) (a) Establishment of a tree commission" As it currently reads is as follows:

13-403 **Establishment of a tree commission.** There shall be a commission to be known and designated as the "tree commission."

(1) The tree commission shall be composed of seven (7) voting members, all citizens of the city. All members should have experience or knowledge of trees or gardening.

(a) Four (4) members shall be appointed by the mayor, with approval of the board of commissioners. The mayor, vice mayor, and chairman of the planning commission shall serve as the other three (3) members.

Therefore, Be it Ordained by the City of Fairview, Tennessee Board of Commissioners that the Fairview Municipal Code, Title 13, "Property Maintenance Regs.," Chapter 4, "Tree Planting and Protection" Section 13 – 403 (1) (a) Establishment of a tree commission" be amended to include this Ordinance as amended to read as follows:

13-403 **Establishment of a tree commission.** There shall be a commission to be known and designated as the "tree commission."

(1) The tree commission shall be composed of seven (7) voting members, all citizens of the city. All members should have experience or knowledge of trees or gardening.

(b) Four (4) citizens of the City of Fairview, Tennessee shall be selected to be members of the tree commission by the mayor, and confirmed by the vote of the board of commissioners. Two (2) members of the

Board of Commissioners (selected by the vote of the Board of Commissioners) and the chairman of the planning commission shall serve as the other three (3) members.

The remaining sections of this Chapter remain unchanged.

BE IT FURTHER ORDAINED, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

BE IT FINALLY ORDAINED, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it.

MAYOR

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading _____

Passed Second Reading _____

Bill # 2016-34

8D

ORDINANCE NO. 948

A REPLACEMENT FOR BILL #2015-36, ORDINANCE NO. 901

AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN PROPERTY IN THE CITY OF FAIRVIEW, TENNESSEE, LOCATED ON HORN TAVERN ROAD, OWNED BY RAYMOND PRUITT AND WIFE BROWNIE LEE PRUITT, AS SHOWN ON, WILLIAMSON COUNTY, TAX MAP 022, PARCEL 15.00, FROM RS – 40 (RESIDENTIAL), TO RS – 15 PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT).

WHEREAS, a public hearing before the Board of Commissioners of the City of Fairview, Tennessee was held on the 19th day of January, 2017, pursuant to a resolution adopted on December 19th, 2016; and

WHEREAS, it appears to the Board of Commissioners of the City of Fairview, Tennessee that the owners **Raymond Pruitt and Wife, Brownie Lee Pruitt**, have requested a changing of the Zoning Classification relative to the property below described and that the said request is well taken and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS;

THE ZONING CLASSIFICATION FOR ALL THE BELOW DESCRIBED PROPERTY IS DESIGNATED AS AND CHANGED FROM ITS PRESENT ZONING DESIGNATION RS – 40 (RESIDENTIAL), TO RS – 15 PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT). THE PROPERTY FOR WHICH THE ZONING CHANGE IS MADE AND OR ADOPTED IS DESCRIBED AS FOLLOWS:

Property in Williamson County, Tennessee, Geological Listing of Assessment **Tax Roll Map 022, Parcel 15.00**, Recorded in **Deed Book 174, Page 162**, Register's Office for Williamson County, Tennessee, Less excepting and excluding from the rezoning the property listed on **Tax Roll Map 022, Parcel 15.01 and Tax Roll Map 022, Parcel 15.02** both parcels are described in **Deed Book 420, Page 789 and Deed Book 1273, Page 641, respectively**, Register's Office for

Williamson County, Tennessee. The descriptions of all three (3) Parcels are hereby Incorporated into and made a part of This Ordinance by reference as fully as if copied into This Ordinance Verbatim.

This Ordinance shall take effect at the earliest date provided by law following its final reading and approval, the public welfare requiring it.

MAYOR

CITY RECORDER

Approved as to form:

City Attorney

Passed first reading: December 19, 2011

Passed second reading: _____

Public Hearing Held on: _____

City of Fairview

7100 City Center Way
Fairview, TN 37062-0069



Phone: 615-799-1585
Fax: 615-799-5599
Email: codes@fairview-tn.org

REZONING REQUEST APPLICATION

For a Rezoning Request, the City of Fairview **requires** the following:

1. Completion of this application. Please type or print the information in blue or black ink.
2. A map of the property.
3. A list of Names **and** addresses of **all** adjacent property owners.
4. A legal description of the property, if available.
5. If the applicant is not the property owner, a letter from the property owner must be attached giving the authority to request the zoning.
6. A letter summarizing the project proposal, including the proposed usage of the land, reason for the rezoning request and justification for the rezoning request.
7. Payment of a Non-Refundable \$200.00 application fee (Checks should be made payable to "City of Fairview")

.....
Request No. _____ Date Submitted 8/14/15

SECTION 1 – Applicant Information

(Any correspondence from the City will be addressed to the applicant)

Property Owner Purchaser of Property Engineer Trustee

Architect Other _____

Name: GARY MARTIN Phone: _____

Business: MARTIN CONSULTING & ENGINEERING, LLC E-mail: _____

Address: _____ Best Way to Contact: either
(Mail, E-mail, Phone)

City: _____ State: _____ Zip: _____

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SECTION 2 – Property Information for the Rezoning Request

Project Name: MANGARUA SUBDIVISION
 Project Address: HORN TOWN ROAD
 Existing Land Use: Residential / AG
 Proposed Land Use: Residential Planned Unit Development RS-15 PUD
 Total Acreage of Project/Rezoning: 21.91 Ac

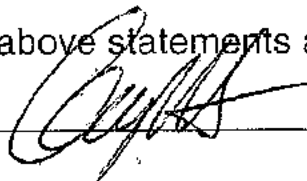
TAX MAP	PARCEL(S)	CURRENT ZONING DISTRICT	REQUESTED ZONING DISTRICT	# OF ACRES	PROPERTY OWNER
22	15	RS-40	RS-15 PUD	21.91	PRUITT

***Reason for Rezoning must be included on an attached sheet.

FOR DEVELOPMENT AS A RESIDENTIAL POD, FOR THE DESIGN OF SHARPER LOTS THAT ALLOWS COMMON OPEN SPACE.

The rezoning process takes approximately three to four months depending on when the application is received by the City. The request must go to the Planning Commission where it receives a recommendation to go to the Board of Commissioners. The Planning Commission reserves the right to make a recommendation on the application as submitted, or an amended application requested at the time of deliberation. The Board of Commissioners must approve a Rezoning Ordinance on two readings and hold a Public Hearing before the rezoning request is considered approved.

I certify that all of the above statements are true to the best of my knowledge.

Applicant's Signature:  Date: 8/14/15



FOR OFFICE USE ONLY

APPLICATION RECEIVED AND FILING FEE PAID 8-14-2015 PAID - 8-31-2015

DATE OF FAVORABLE RECOMMENDATION BY PLANNING COMMISSION

DATE OF CONCURRENCE /FINAL APPROVAL BY BOARD OF COMMISSIONERS

THE PLANNING COMMISSION HAS DETERMINED THAT THE FOLLOWING FINDINGS ARE APPLICABLE;

- _____ 1. The Amendment is in agreement with the general plan for the area.
- _____ 2. It has been determined that the legal purposes for which zoning exists are not contravened.
- _____ 3. It has been determined that there will be no adverse effect upon adjoining property owners, unless such effect can be justified by the overwhelming public good or welfare.
- _____ 4. It has been determined that no property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
- _____ 5. It has been determined that conditions affecting the area have changed a sufficient extent to warrant an amendment to the zoning map.

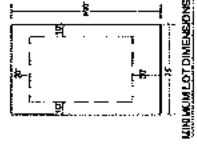
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SITE VICINITY MAP

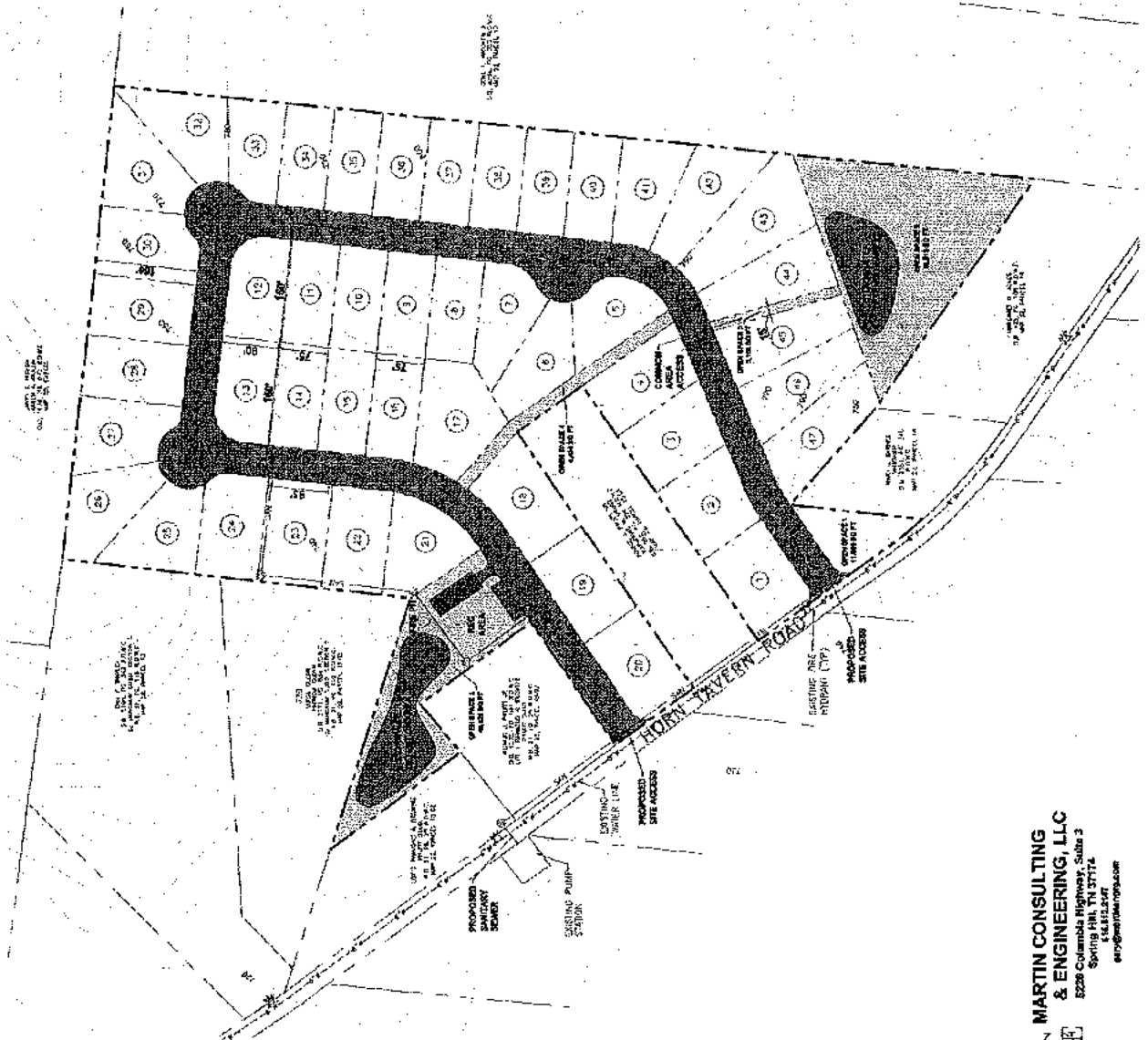


LOT #	AREA (SQ. FT.)	AREA (ACRES)
1	10,000	0.23
2	10,000	0.23
3	10,000	0.23
4	10,000	0.23
5	10,000	0.23
6	10,000	0.23
7	10,000	0.23
8	10,000	0.23
9	10,000	0.23
10	10,000	0.23
11	10,000	0.23
12	10,000	0.23
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28	10,000	0.23
29	10,000	0.23
30	10,000	0.23
31	10,000	0.23
32	10,000	0.23
33	10,000	0.23
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46	10,000	0.23
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80	10,000	0.23
81	10,000	0.23
82	10,000	0.23
83	10,000	0.23
84	10,000	0.23
85	10,000	0.23
86	10,000	0.23
87	10,000	0.23
88	10,000	0.23
89	10,000	0.23
90	10,000	0.23
91	10,000	0.23
92	10,000	0.23
93	10,000	0.23
94	10,000	0.23
95	10,000	0.23
96	10,000	0.23
97	10,000	0.23
98	10,000	0.23
99	10,000	0.23
100	10,000	0.23



MINIMUM LOT DIMENSIONS

DEVELOPMENT SUMMARY
 ZONING: PS-40
 PROPOSED: RS-15 RUD
 DENSITY: 2.8 UNITS/ACRE
 PROPOSED: 47 UNITS (2.2 UNITS/ACRE)
 SITE AREA: 21.40 ACRES
 OPEN SPACE: 3.20 ACRES
 15%



**PRELIMINARY MASTER PLAN
 OF
 PLANNED UNIT DEVELOPMENT
 HORN TAVERN ROAD**



FAIRVIEW, TENNESSEE
 WILLIAMSON COUNTY
 AUGUST 14, 2015

**M_E MARTIN CONSULTING
 & ENGINEERING, LLC**
 5328 Columbia Highway, Suite 3
 Spring Hill, TN 37174
 615.445.1427
 emc@martinconsulting.com

**CJ MANGRUM SUBDIVISION
SECTION 2**

27.0
5 A

18

17

15AC

15

23.5 ACc

15.01

1.4 ACc

16

2 AC

14

1.01 AC

13.02

2.5 AC

15.02

1.08 AC

135

2.01 AC

153

5.99AC

13

4.06 AC

13.01

2 AC

137.01

139

7.34 AC

5.17AC

136

2.22 AC

149

5.1 AC

01

M C

HORN LAVERNE RD



City of Fairview

7100 CITY CENTER WAY

FAIRVIEW, TN, 37062



Phone: 615-799-1585

Email: codes@fairview-tn.org

RECOMMENDATIONS

2015 - 6

DATE: SEPTEMBER 08, 2015

TO: FAIRVIEW BOARD OF COMMISSIONERS

FROM: FAIRVIEW MUNICIPAL PLANNING COMMISSION

On SEPTEMBER 08, 2015 the following items were voted on by the Fairview Municipal Planning Commission with a recommendation to be forwarded to the Board of Commissioners for consideration.

8.5 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION FOR PROPERTIES LOCATED ON HORN TAVERN ROAD. MAP 22, PARCELS 63.00 , 64.00, 65.00, 66.00, 15 ACRES. FROM RS-40 TO R-20. PRISCILLA LAMPLEY, OWNER.

Sutton made a motion for approval. Mangrum Seconded. Engineers report stated. The Land Use Map indicates this area to be considered for Medium Density residential. The R-20 designation is considered a medium density residential zone. Please note that prior to PC plat approval, WADC should be consulted for sewer connection feasibility. All were in favor.

8.6 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION, INCLUDING THE PRELIMINARY MASTER PLAN, FOR PROPERTY LOCATED AT 7718 HORN TAVERN ROAD. MAP 22, PARCELS 15.00 & 15.01. FROM RS-40 TO RS-15 PUD. 24.09 ACRES. RAYMOND & BROWNIE LEE PRUITT OWNERS

Mangrum recused himself from voting but will take part in the discussion. Sutton made a motion for approval. Mitchell Seconded. Per Engineers report, WADC has confirmed to City staff that they will not be able to provide this development with access to the existing sewer located adjacent to this site. WADC has indicated they will allow this site to be served by an onsite, decentralized system. The submitted PUD Preliminary Master Development Plan does not indicate that the site will be served by an onsite decentralized system. As such, staff recommends any approval be granted with the contingency that the proposed development be served by an onsite, decentralized sewer system. Mangrum stated the reason he brought this before them was he wanted to shed some light on the sewer situation. Discussion was made on smaller developments and the cost of the decentralized sewer systems. Beata amended the motion to approve contingent upon approval from the WADC for sewer. Butler Seconded. All were in favor.

9A

CITY OF FAIRVIEW, TENNESSEE

RESOLUTION NO. 12-16

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF PROPERTY BELONGING TO ERICK ALLEN MAGGART AND WIFE KELLY LENORE LAMPLEY MAGGART AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE. THE PROPERTY IS LOCATED AT 7338 OVERBEY ROAD, FAIRVIEW, TENNESSEE AND IS SHOWN ON CITY OF FAIRVIEW, TENNESSEE GEOLOGICAL LISTING OF ASSESSMENT ROLL MAP 46, PARCEL 48.01.

WHEREAS, TCA 6 –51 – 102, as amended requires that a Plan of Services be adopted by the governing body of a City prior to the passage of an annexation resolution of any territory or territories.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE.

Section 1. Pursuant to the provisions of TCA 6 –51 – 102, there is hereby adopted, for the area bounded as described above, the following plan of Services:

A. Police

1. Patrolling, radio response to calls, and other routine police services, using present personnel and equipment, will be provided on the effective date of annexation.
2. Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need is established by appropriate study and traffic standards.

B. Fire

1. Fire protection by the present personnel and equipment of the Fairview City Fire Department, within the limitations of available water and distances from fire stations; will be provided on the effective date of annexation.

C. Water

1. Water for domestic, commercial, and industrial use will be provided by the Water Authority of Dickson County, Tennessee, in accordance with their established policy and procedures. **The City of Fairview, Tennessee does not provide this service.**
2. Water for fire protection will be provided and water lines and fire hydrants will be installed by the Water Authority of Dickson County, Tennessee, in accordance with their established policy and procedures. **The City of Fairview, Tennessee does not provide this service.**

D. Sanitary Sewers

1. At present Sanitary Sewer Service is not available, if and when such service becomes, available, the necessary intercepting and trunk sewers to serve the annexed area will be installed in accordance with current policies of the Water Authority of Dickson County, Tennessee, in accordance with their established policy and procedures.

The City of Fairview, Tennessee does not provide this service.

E. Refuse Collection

1. Private haulers or the county convenience center will handle refuse collection in the annexed area.

F. Streets

1. The State Highway Commission under the standards currently prevailing by the State of Tennessee will serve the State Controlled Streets in the annexed area. The County of Williamson under the standards currently prevailing in Williamson County, Tennessee will serve the County Controlled Streets in the annexed area. The City of Fairview, Tennessee under the standards currently prevailing in the City will serve the City Controlled Streets in the annexed area.

G. Schools

1. The annexed area will be served by the Williamson County School system that serves the entire City of Fairview, Tennessee.

H. Inspection Services

1. Any inspection services now provided by the City will begin in the annexed area on the effective date of annexation.

I. Planning and Zoning

1. The planning and zoning jurisdiction of the City will extend to the annexed area on the effective date of annexation. City Planning will thereafter encompass the annexed area.

J. Street Lighting

1. The State, County or City under the standards currently prevailing for the appropriate authority will serve the annexed area.

K. Recreation

1. Residents of the annexed area may use all City and County parks on and after the effective date of annexation.

L. Miscellaneous

1. Where they are needed, street name signs will be installed as soon as, the need for emergency services to the annexed area are deemed necessary by the current policies of the City of Fairview, Tennessee.

2. Any other service(s) not classified under the foregoing headings will be in accordance with the standards prevailing in the City of Fairview, Tennessee.

This Resolution Referred to City of Fairview, Tennessee Municipal Planning Commission for recommendation by the Fairview, Tennessee Board of Commissioners the 17th day of November, 2016.

This Resolution Considered by the City of Fairview, Tennessee Municipal Planning Commission this 13th day of December, 2016.

The Fairview, Tennessee Municipal Planning Commission voted upon this Resolution as Follows:

Aye 8, Nay 0, Not voting 0.

This Resolution was returned to the City of Fairview, Tennessee Board of Commissioners with a Recommendation from the City of Fairview, Tennessee Municipal Planning Commission for Approval ✓, Disapproval _____, No Recommendation _____.

City of Fairview, Tennessee, Municipal Planning Commission this the 13th day of December, 2016.



Chairman

Section 2. This resolution shall be effective from and after the date of its adoption.

Adopted this the _____ day of _____, 2017.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM

CITY ATTORNEY

Public Hearing Held on: _____, 2017.

CITY OF FAIRVIEW, TENNESSEE

98

RESOLUTION NO. 13-16

A RESOLUTION TO ANNEX CERTAIN PROPERTY, LOCATED AT 7338 OVERBEY ROAD, MAP 46, PARCEL 48.01, HEREIN DESCRIBED BELOW AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE; BELONGING TO ERICK ALLEN MAGGART AND WIFE KELLY LENORE LAMPLEY MAGGART. ALL THE PROPERTY PROPOSED FOR ANNEXATION LIES WITHIN THE CITY OF FAIRVIEW, TENNESSEE'S GROWTH BOUNDARY, CONTAINING 2.17 ACRES.

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee, upon the application by one of the property owners Kelly Lenore Lampley Maggart, have determined that the annexation of the property described herein, is in the best present and future interest of the property owners and the City of Fairview, Tennessee; and

WHEREAS, a public hearing before the Board of Commissioners of the City of Fairview, Tennessee was held on the 19th day of January, 2017 in accordance with Resolution No. 14-16 passed by the Board of Commissioners of the City of Fairview, Tennessee at the special meeting held on December 19th, 2016 and

WHEREAS, it appears to the Board of Commissioners of the City of Fairview, Tennessee that the owner of the property to be annexed by the City of Fairview, Tennessee has requested that the City of Fairview, Tennessee, annex the afore referenced property and that the annexed property be incorporated into the Corporate Boundaries of the City of Fairview, Tennessee, and that the territory herein described will be materially retarded and the safety and welfare of the inhabitants of both the City of Fairview, Tennessee and the inhabitants of the property to be annexed will be endangered if such territory is not annexed: and

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof and of the present and future interests of the City of Fairview, Tennessee as a whole; and

WHEREAS, the request for annexation of the Property Owner of all the property to be Annexed is timely and well taken.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS;

PURSUANT TO THE AUTHORITY CONFERRED UPON THE CITY BY SECTION 6 – 51 – 102, TENNESSEE CODE ANNOTATED, ALL THE FOLLOWING DESCRIBED PROPERTY IS HEREBY ANNEXED INTO THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE AND INCORPORATED WITHIN THE CORPORATE BOUNDARIES THEREOF:

City of Fairview, Tennessee Geological Listing of Assessment Roll **Map 46, Parcel 44.06**, described as follows:

Williamson County, Tennessee, **Tax Map 046, Parcel 48.01**, Recorded in **Deed Book 6708, Page 976**, Register's Office for Williamson County, Tennessee. The description is hereby Incorporated into and made a part of This Resolution by reference as fully as if copied into This Resolution verbatim.

SUBJECT TO Governmental zoning and subdivision ordinances or regulations in effect thereon.

BE IT FURTHER RESOLVED, that residents of and persons owning property in the above-described territory shall be entitled to all the rights and privileges of citizenship in accordance with the provisions of the Charter of the City of Fairview, Tennessee, immediately upon annexation as though the above-described territory annexed has always been part of said City of Fairview, Tennessee.

BE IT FINALLY RESOLVED, That this Resolution shall take effect upon its final passage, or as otherwise provided by the provisions of **T.C.A. 6-51-102**, the public welfare requiring it.

This Resolution Referred to City of Fairview, Tennessee Municipal Planning Commission for recommendation by the Fairview, Tennessee Board of Commissioners the 17th day of November, 2016.

This Resolution Considered by the City of Fairview, Tennessee Municipal Planning Commission this 13th day of December, 2016.

The Fairview, Tennessee Municipal Planning Commission voted upon this Resolution as Follows:

Aye 8, Nay 0, Not voting 0.

This Resolution was returned to the City of Fairview, Tennessee Board of Commissioners with a Recommendation from the City of Fairview, Tennessee Municipal Planning Commission for Approval ✓, Disapproval _____, No Recommendation _____.

13th City of Fairview, Tennessee, Municipal Planning Commission this day of December, 2016.

Lisa Anderson
Chairman

MAYOR

CITY RECORDER

Approved as to form:

City Attorney

Passed: _____, **2017.**

Public Hearing Held: _____, **2017.**

City of Fairview

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



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

RECOMMENDATIONS 2016 – 5

DATE: MAY 10, 2016

TO: FAIRVIEW BOARD OF COMMISSIONERS

FROM: FAIRVIEW MUNICIPAL PLANNING COMMISSION

On May 10, 2016 the following item was voted on by the Fairview Municipal Planning Commission with a recommendation to be forwarded to the Board of Commissioners for consideration.

8.1 DISCUSS AND/OR TAKE ACTION ON ANNEXATION REQUEST FOR 7338 OVERBEY ROAD. MAP 046, PARCEL 44.06, 2.17 ACRES. OWNER KELLY MAGGART.

Mangrum ask Ms. Maggart do they have any idea of the time frame that the County is looking to get the minor subdivision complete. Ms. Maggart stated not sure at that moment, they've talked it's their understanding their working on the plat to record it. Mangrum stated for her to keep in mind, the City can't annex until that is completed. Hall stated Randy Chapdelaine told him they're in the process of the environmental for the septic, which will take a while. Owen stated the annexation process takes almost three months; his assumption would be that the plat will be recorded before that 2nd and final reading. Anderson stated so they can move forward, without deferring. Owen stated yes, move forward with those two items be addressed. Beata made a motion for approval including the two Engineer comments. Sutton Seconded. All were in favor.

PC minutes - May 10, 2016

8.1 DISCUSS AND/OR TAKE ACTION ON ANNEXATION REQUEST FOR 7338 OVERBEY ROAD. MAP 046, PARCEL 44.06, 2.17 ACRES. OWNER KELLY MAGGART.

Beata read Engineers report, which will become part of these minutes. Exhibit A. Kelly Maggart present to answer questions. Beata made a motion for approve to include the Engineers report. Mangrum made a motion for discussion. Mangrum asked Owen can't this be approved in house. Owen stated Mr. Mangrum you are correct, this can be administratively approved. Beata said this is an annexation not a Subdivision, Owen stated correct. Mangrum asked can they subdivide County property, with the City having any say so in it. Owen stated no they can't, other than they need to review at least as a staff that the division of land that is being proposed coincides with the legal description with the annexation boundary. Cantreil asked Owen would he want to defer until this gets recorded. Owen stated no he doesn't think it's necessary to defer, he thinks it can all happen concurrently. Owen stated at the staff review there was some discussion that there was a plat recorded or there was one that was in the process of being recorded through the County and if it is recorded and is in compliance with the description of the annexed area that would be sufficient as well. Mr. Hall gave Owen a plan and stated he doesn't think this has been recorded; it was brought to him that morning. Owen stated it appears that is a minor final plat that's being submitted through the County process to divide 2.17 acres from the parent track then subsequently they are seeking annexation of those 2.17 acres. Mangrum ask Ms. Maggart do they have any idea of the time frame that the County is looking to get the minor subdivision complete. Ms. Maggart stated not sure at that moment, they've talked it's their understanding their working on the plat to record it. Mangrum stated for her to keep in mind, the City can't annex until that is completed. Hall stated Randy Chapdelaine told him they're in the process of the environmental for the septic, which will take a while. Owen stated the annexation process takes almost three months; his assumption would be that the plat will be recorded before that 2nd and final reading. Anderson stated so they can move forward, without deferring. Owen stated yes, move forward with those two items be addressed. Beata made a motion for approval including the two Engineer comments. Sutton Seconded. All were in favor.

May 10, 2016

Engineers Report

ITEM 7.3 DISCUSS AND/OR TAKE ACTION ON DESIGN REVIEW COMPONENTS OF REVISED FINAL SITE PLAN FOR HARDEE'S LOCATED AT 7003 CITY CENTER WAY, MAP 42, PARCEL 168.09, ZONED TCOD/MSMU. (TOWN CENTER OVERLAY DISTRICT/MAIN STREET MIXED USE), BOWIE COMMONS, LLC. OWNER.

Please note that there were minor revisions to the site plan that pertained to slight modifications to the building footprint. These revisions were deemed minor in nature and meeting the criteria outlined in Section 16-103.6 that allows for administrative approval of the revisions. In addition to the minor revisions mentioned above, the applicant is also proposing to revise some of the site plan components pertaining to the design review manual. The design review manual components were not deemed minor and therefore are being presented to the PC for review as an amendment to the previously approved site plan. Specifically, the two revised items for consideration by the PC are as follows:

- 1) The primary structure is now being proposed as an all brick structure with stone accent walls on the left and right sides. The front wall is still deficient in the 70% brick requirement but it will have a brick base below the front windows. The remainder of the front remains mostly unchanged from the previously approved site plan except that exterior tile accents (black in color) have replaced a portion (approximately 40%) of the EIFS surface above the front windows. All other walls are being proposed as 100% brick with stone accents.
- 2) The wall materials for the proposed dumpster and storage room structure has been revised from a faux stone veneer to 8" split face CMU block. This proposed revision meets the requirements found in Section 2-106.3 of the Design Review Manual that commercial dumpster areas be enclosed by a fence of masonry construction.

8. NEW BUSINESS

ITEM 8.1 DISCUSS AND/OR TAKE ACTION ON ANNEXATION REQUEST FOR 7338 OVERBEY ROAD, MAP 046, PARCEL 44.06, 2.17 ACRES. OWNER KELLY MAGGART

- 1) There does not appear to be a recorded plat at the County Register's Office for the 2.17 acres that is being considered for annexation. As such, a minor final plat should be submitted to and approved by the Planning Commission and properly recorded at the County Register's Office prior to the BOC's consideration of the 2nd and final reading of the annexation resolution.
- 2) At the direction of the BOC, a Plan of Services must be drafted by City staff, reviewed by the PC with recommendations being sent to the BOC for consideration, and a public hearing on the POS held by the BOC prior to the BOC's consideration of the 2nd and final reading of the annexation resolution.

ITEM 8.2 DISCUSS AND/OR TAKE ACTION ON FINAL PLAT FOR HEARTLAND RESERVE – SECTION 4 (26 LOTS) MAP 18, PARCEL 55.01, 18.8 ACRES. HEARTLAND RESERVES, INCORPORATED OWNER.

- 1) The construction plans called for drainage swales across the rear portion of lots 25-31 and lots 32-42. These proposed swales should be located in drainage easements and the easements should be shown on the final plat. The easements should be wide enough so that the side slopes are wholly located within the easement.
- 2) Please note that the City's standard practice is that no building permits will be issued until all proposed infrastructure has been installed according to the approved construction plans and accepted by the appropriate entity.

City of Fairview

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FAIRVIEW, TN. 37062



Phone: 615-799-1585
Fax: 615-799-5599
Email: codes@fairview-tn.org

ANNEXATION REQUEST FORM

DATE: 4/5/16

APPLICANT NAME: Kelly L. Maggart

ADDRESS: _____
STREET CITY STATE ZIP CODE

PROPERTY ADDRESS: 7338 Overbeg Rd Fairview TN 37062
STREET

MAP #: 46 GROUP #: _____ PARCEL #: ~~46~~ 44,06

AUTHORIZED AGENT NAME: _____

SIGNATURE OF AUTHORIZED AGENT: _____

- DOES THIS PROPERTY ABUT CITY PROPERTY YES NO
- IS CITY WATER AND SEWER AVAILABLE YES NO

IF NO, GIVE BRIEF EXPLANATION: city water is available

sewer is not available

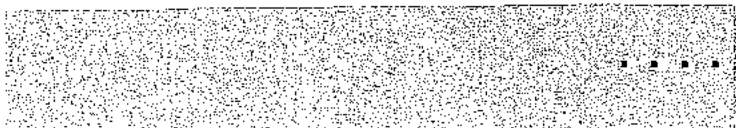
I AM CURRENTLY THE OWNER OF THE CAPTIONED PROPERTY AND WISH TO APPLY FOR ANNEXATION INTO THE CITY OF FAIRVIEW. THE INTENDED USE OF THE PROPERTY IS FOR. CREATE A 2.17 ACRE SUBDIVISION

LOT FOR A RESIDENCE

OWNER SIGNATURE: Kelly Maggart

(PLEASE ATTACH LEGAL DESCRIPTION AND COPY OF DEED)

THERE WILL BE A FEE OF \$100.00 REQUIRED.
DATE FEE PAID: 4-11-2016



9C

Bill # 2016-37

ORDINANCE NO. 951

AN ORDINANCE TO AMEND THE CITY OF FAIRVIEW, TENNESSEE MUNICIPAL CODE, TITLE 1, "GENERAL ADMINISTRATION," CHAPTER 1, "BOARD OF COMMISSIONERS," BY ADDITION OF SECTION 1-108, "BOARDS AND COMMISSIONS APPOINTED OR CONFIRMED BY THE BOARD OF COMMISSIONERS."

Be it Ordained by the City of Fairview, Tennessee as follows:

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee, desire to amend and update Title 1, "General Administration," Chapter 1, "Board of Commissioners," by addition of Section 1-108, "Appointments to Boards and Commissions."

Therefore, Be it Ordained by the City of Fairview, Tennessee as follows:

Title 1, "General Administration," Chapter 1, "Board of Commissioners," is hereby amended to include the following as a new Section of the afore referenced Title and Chapter of the City of Fairview, Tennessee Municipal Code.

Section 1-108. Boards and Commissions Appointed or Confirmed By the Board Of Commissioners. Any person/individual who holds a seat (said seat having been designated for and filled by a citizen of the City of Fairview, Tennessee) on any Board or Commission appointed or confirmed by the Board of Commissioners of the City of Fairview, Tennessee shall upon that person/individual being elected to a seat on the Board of Commissioners of the City of Fairview, Tennessee resign the seat held by them on the Board or Commission appointed or confirmed by the Board of Commissioners of the City of Fairview, Tennessee upon the person/individual assuming their elected seat on the Board of Commissioners of the City of Fairview, Tennessee.

It being the intent that the seats designated for citizens of the City of Fairview, Tennessee, on any Board or Commission appointed or confirmed by the Board of Commissioners of the City of Fairview, Tennessee be filled by citizens of the City of Fairview, Tennessee not by elected members of the Board of Commissioners of the City of Fairview, Tennessee.

The remaining sections of this Title and Chapter remain unchanged.

BE IT FURTHER ORDAINED, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

BE IT FINALLY ORDAINED, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it.

MAYOR

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading

Passed Second Reading
