

PUBLIC HEARING
FAIRVIEW CITY HALL

DECEMBER 17, 2015

7:00 P.M.

AGENDA

1. CALL TO ORDER BY MAYOR CARROLL.
2. THE PURPOSE OF THIS PUBLIC HEARING IS FOR CITIZENS COMMENTS ON -
 1. BILL #2015-45, ORDINANCE NO. 910, AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN PROPERTY IN THE CITY OF FAIRVIEW, TENNESSEE, LOCATED OFF TIGER TRAIL, OWNED BY BENNY SULLIVAN, AS SHOWN ON, WILLIAMSON COUNTY, TAX MAP 042, PARCEL 28.00, FROM RS – 40 (RESIDENTIAL), TO R-20 PUD OVERLAY (RESIDENTIAL/PLANNED UNIT DEVELOPMENT), 15.49 ACRES
3. ADJOURNMENT.

CITY OF FAIRVIEW
BOARD OF COMMISSIONERS

DECEMBER 17, 2015

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 December 3, 2015 Board of Commissioners meeting
 - B. Bill #2015-42, Ordinance No. 907, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 14, "Zoning & Land Use Control," Chapter 2, "Zoning Ordinance," Section 14-204, "Schedule of Fees"
 - C. Bill #2015-43, Ordinance No. 908, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 14, "Zoning & Land Use Control," Chapter 2, "Zoning Ordinance," Section 14-205, "Professional Consultant Review Fee Deposits"
 - D. Bill #2015-44, Ordinance No. 909, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Proper TAN Accounting)
 - E. Bill #2015-45, Ordinance No. 910, An Ordinance To Change The Zoning Of Certain Property In The City Of Fairview, Tennessee, Located Off Tiger Trail, Owned By Benny Sullivan, As Shown On, Williamson County, Tax Map 042, Parcel 28.00, From RS – 40 (Residential), To R-20 PUD Overlay (Residential/Planned Unit Development), 15.49 Acres
 - F. Resolution No. 36-15, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on an Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article XV, Section 15-102, "Role of the Planning Commission"
 - G. Resolution No.38-15, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on an Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article XV, Section 15-103, "Design Review Manual"
9. **Old Business**
10. **New Business**
 - A. Discuss and/or Take Action on Preserving the Appearance Right Before the Board of Commissioners (Regarding the Cox Pike Development), at the Request of the Developer, Tom Smythe, the Hearing Will be Held January 21, 2016 – Hall
 - B. Discuss and/or Take Action on Approval for Application to the Assistance to Firefighters Grant (AFG) - Hughes
11. **City Manager Items for Discussion –**
 - A. Miscellaneous Updates –
 - B. City Attorney Comments -
12. **Communications from the Mayor and Commissioners –**
13. **Adjournment.**



Bill # 2015-42

ORDINANCE NO. 907

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE, TITLE 14, "ZONING & LAND USE CONTROL," CHAPTER 2, "ZONING ORDINANCE," SECTION 14-204 "SCHEDULE OF FEES," 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 14, Chapter 2, Section 14-204 as follows:

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

Fairview, Tennessee Municipal Code, Title 14, "Zoning & Land Use Control", Chapter 2, "Zoning Ordinance", Section 14-204, "Schedule of Fees." As it currently reads is as follows:

14 – 204. Schedule of Fees. Development review fees are as follows:

- (1) Subdivisions, including re-approvals.
 - (a) Preliminary plat \$100 + @20 per acre
+ \$5 per lot
 - (b) Final Plat \$25 + \$ 5 per lot
(major and minor)
 - (c) Re-approval \$25
- 2 Planned unit developments:
 - (a) Preliminary approval \$300 \$25/ acre for the
Portion proposed for
Residential use, plus \$500.00 + \$100/acre
for the
 - portion proposed for
nonresidential use

(In determining the amount of the preliminary approval fees, the entire acreage within the PUD shall be considered, without subtraction of areas proposed for roads, utility easement, open space, etc. Open space areas shall be characterized as residential or non-residential according to whether the area with

which such open space is most closely associated is residential or no-residential. If a road or other easement not intended to be part of a lot divides a residential from a non-residential area, the dividing line between the two areas shall be considered to be the centerline of such road or easement.)

(b) Final master plan approval	
Residential portions	\$100 + \$10 per dwelling unit
Non-residential portions	\$25 + \$.01/s.f. of building Ross floor area

(Or. #453, Feb. 1999)

THEREFORE BE IT ORDAINED, by the Fairview Board of Commissioners that the Fairview Municipal Code, be amended to include this Ordinance as amended to read as follows:

14 – 204. Schedule of Fees. Development review fees are as follows:

The Schedule of Fees adopted shall apply to all developments within the City of Fairview, Tennessee whether residential or non - residential, whether Planned residential or non-residential regardless of whether they are designated as Planned Unit Developments (PUDS) or non - Planned Unit Developments (PUDS). This Schedule of Fees shall be applicable to all developments within the City of Fairview, Tennessee Corporate Boundaries which requires a Development Review.

The Schedule of Fees for all Development Reviews shall be enacted by the Board of Commissioners of the City of Fairview, Tennessee by Resolution and shall be amended from time to time as required by the Board of Commissioners of the City of Fairview, Tennessee by Resolution.

The remaining sections of Fairview, Tennessee Municipal Code, Fairview, Tennessee Municipal Code, Title 14, "Zoning & Land Use Control", Chapter 2, "Zoning Ordinance" is unchanged and not affected by this Ordinance.

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

November 19, 2015

Passed Second Reading



Bill # 2015-43

ORDINANCE NO. 908

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE, TITLE 14, "ZONING & LAND USE CONTROL," CHAPTER 2, "ZONING ORDINANCE," SECTION 14-205 "PROFESSIONAL CONSULTANT REVIEW FEE DEPOSITS", 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 14, Chapter 2, Section 14-205 as follows:

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

Fairview, Tennessee Municipal Code, Title 14, "Zoning & Land Use Control", Chapter 2, "Zoning Ordinance", Section 14-205, "Professional Consultant Review Fee deposits." As it currently reads is as follows:

14 – 205. Schedule of Fees. Professional Consultant review fee deposits.

Each applicant who files a subdivision, or planned unit development plat, shall deposit with the city a sum of money to be utilized for review by professional consultants. Any sums not actually utilized by the consultants may be returned to the applicant when the entire review process is completed. Those deposits will be as follows:

- (a) Residential portions for site \$15 per dwelling unit
- (b) Non-residential portions of site \$.02 per square foot of Building gross floor area plans

(Ord. #453, Feb. 1999)

THEREFORE BE IT ORDAINED, by the Fairview Board of Commissioners that the Fairview Municipal Code, be amended to include this Ordinance as amended to read as follows:

14 – 205. Schedule of Fees. Professional Consultant review fee deposits.

Each applicant who files a residential subdivision or non-residential/ commercial, planned unit development (PUD) or non Planned residential/commercial plat, shall deposit with the city a sum of money to be utilized for review by professional consultants. Any sums not actually utilized by the consultants may be returned to the applicant when the entire review process is completed.

The fee schedule for the consultant review deposit(s) shall be designated by the Board of Commissioners of the City of Fairview, Tennessee and shall be amended from time to time by Resolution of the Board of Commissioners of the City of Fairview, Tennessee.

The Schedule for Professional Consultant Review Fee deposits adopted shall apply to all developments within the City of Fairview, Tennessee whether residential or non - residential, whether Planned residential or non-residential regardless of whether they are designated as Planned Unit Developments (PUDS) or non - Planned Unit Developments (PUDS). This Schedule for Professional Consultant Review Fee deposits shall be applicable to all developments within the City of Fairview, Tennessee Corporate Boundaries which requires a Professional Consultant.

The remaining sections of Fairview, Tennessee Municipal Code, Fairview, Tennessee Municipal Code, Title 14, "Zoning & Land Use Control", Chapter 2, "Zoning Ordinance" is unchanged and not affected by this Ordinance.

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

November 19, 2015

Passed Second Reading



Bill # 2015-44

ORDINANCE NO. 909

AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW, TENNESSEE, BUDGET FOR FISCAL YEAR 2015 – 2016 BUDGET

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 Budget for Fiscal Year 2015 - 2016 (beginning July 1, 2015 and running through June 30, 2016) should be amended to reflect the final expenditures for the Fiscal Year, and:

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee adopted the fiscal year 2015 – 2016 budget by passage of Ordinance Number 891 on June 18, 2015, and

WHEREAS, pursuant to the Tennessee state Constitution, Article II, Section 24, no public money shall be expended except pursuant to appropriations made by law, and

WHEREAS, pursuant to Tennessee Code Annotated § 6-56-209, the Board of Commissioners has the authority to authorize the Finance Director to transfer money from one appropriation to another within the same fund, and

NOW THEREFORE BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2015-2016 BUDGET AS FOLLOWS:

Section 1. Ordinance 891 is hereby amended to make the following entries to comply with the State Comptroller's proper accounting of Tax Anticipation Notes. The entries increase revenue and expenditure by \$403,811.

Appropriate to Account #	Current Balance	Transfer Amount	New Balance
Other Financial Source – TAN - 31140	\$0	\$403,811.00	\$403,811.00

Expenditures Account #	Current Budget	Amendment Amt	New Budget Amt
Tax Anticipation Note – 490000-623	\$0	\$403,811.00	\$403,811.00

Section 2. The Financial Officer is hereby authorized to make said changes in the accounting system.

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

November 19, 2015

Passed Second Reading

Bill # 2015-45

8E

ORDINANCE NO. 910

AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN PROPERTY IN THE CITY OF FAIRVIEW, TENNESSEE, LOCATED OFF TIGER TRAIL, OWNED BY BENNY SULLIVAN, AS SHOWN ON, WILLIAMSON COUNTY, TAX MAP 042, PARCEL 28.03, FROM RS – 40 TO R – 20, PUD OVERLAY.

WHEREAS, a public hearing before the Board of Commissioners of the City of Fairview, Tennessee was held on the 17th day of December, 2015, pursuant to a resolution adopted on November 19th, 2015; and

WHEREAS, it appears to the Board of Commissioners of the City of Fairview, Tennessee that the owner **Benny Sullivan**, has 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, TO R – 20, PUD OVERLAY. THE PROPERTY FOR WHICH THE ZONING CHANGE IS MADE AND OR ADOPTED IS DESCRIBED AS FOLLOWS:

Williamson County, Tennessee, **Tax Map 42, Parcel 28.03**, Land in Williamson County, Tennessee and being part of property duly recorded in the Williamson County Register's Office in Deed Book 322, Page 430, Tract 2, Deed Book 317, Page 944, Deed Book 1952, Page 248, as corrected by instrument recorded in Deed Book 2093, Page 793 to which plan reference is hereby made for a complete description of said tract.

Being part of the same property conveyed to **Benny Sullivan** by deed of record in **Book 322,**

Page 430, Tract 2, and a portion of the property recorded in Deed Book 317, Page 944, Less and excluding the portion of the property sold to the Williamson County Board of Education, Recorded in Deed Book 1952, Page 248 as corrected by instrument recorded in Deed Book 2093, Page 793, all in the Williamson County Register's office. The descriptions 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: November 19, 2015

Passed second reading: _____

Public Hearing Held on: _____

City of Fairview

7100 CITY CENTER WAY

FAIRVIEW, TN. 37062



Phone: 615-799-1585

Email: codes@fairview-tn.org

RECOMMENDATIONS

2015 - 7

DATE: OCTOBER 13, 2015

TO: FAIRVIEW BOARD OF COMMISSIONERS

FROM: FAIRVIEW MUNICIPAL PLANNING COMMISSION

On OCTOBER 13, 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.

8.2 DISCUSS AND/OR TAKE ACTION ON AN APPLICATION FOR REZONING PROPERTY OFF TIGER TRAIL FROM RS-40 (RESIDENTIAL) TO R-20 P.U.D. OVERLAY (RESIDENTIAL /PLANNED UNIT DEVELOPMENT). MAP 42, PARCEL 28.00, 15.49 ACRES. BENNY SULLIVAN OWNER.

Carroll made a motion for approval subject to the agreement of the Builder in Phase One to not include lots 6, 7, 8 & 9. Sutton Seconded. Cantrell stated if he agrees to that it would be fine, he would have to come back and get approval for phase 2. Gordon stated he would say 6, 7, 8 & 9 would be phase 4. Owen stated so they are clear, a better way to word would be, the last four lots plated in this development are 6, 7, 8 & 9. Carroll removed her original motion, restated motion that lots 6, 7, 8 & 9 be the last four lots to be plated in the last phase of this development. Cantrell stated need removal of first Motion. Butler made a motion to remove first motion. Sutton Seconded. Gordon stated he they will agree to this stipulation. Sutton Seconded. All were in favor

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 6-9-2015

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: Brandon Robertson Phone: _____

Business: A-1 Restoration, Inc. E-mail: _____

Address: 256 Seaboard Ln. St. 6-10³ Best Way to Contact: Phone
(Mail, E-mail, Phone)

City: Franklin State: TN Zip: 37067

SECTION 2 – Property Information for the Rezoning Request

Project Name: Spring Station

Project Address: Tiger Trail

Existing Land Use: RS-40

Proposed Land Use: R-20 P.U.D. Overlay

Total Acreage of Project/Rezoning: 15

TAX MAP	PARCEL(S)	CURRENT ZONING DISTRICT	REQUESTED ZONING DISTRICT	# OF ACRES	PROPERTY OWNER
42	28	RS-40	R-20 P.U.D. Overlay	15	Benny Sullivan

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

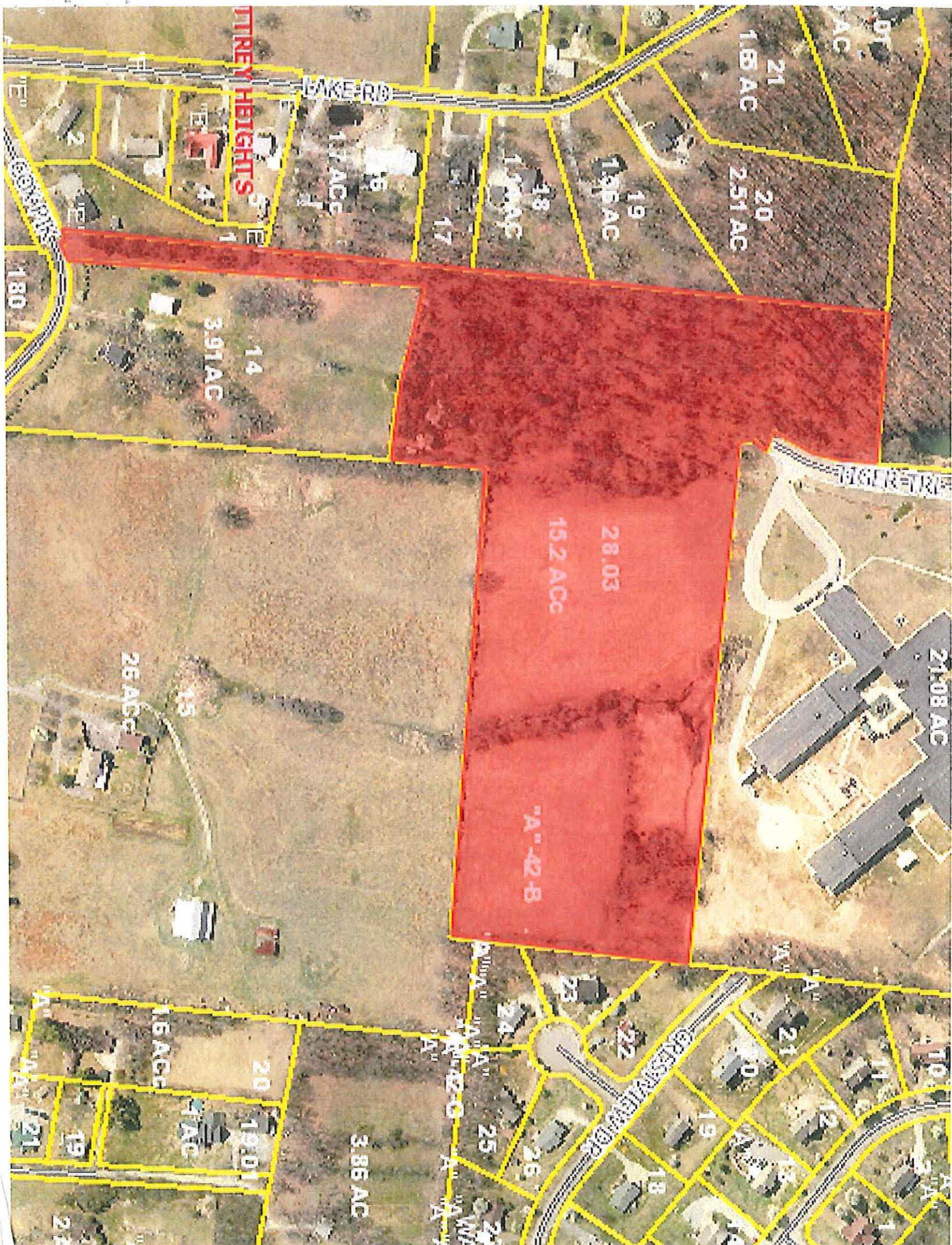
The rezoning process takes approximately three to four months depending on when the application is received by the City. The request must go to the Planning Commission where it receives a recommendation to go to the Board of Commissioners. The Board of Commissioners must approve a Rezoning Ordinance 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: 6/9/15

FOR OFFICE USE ONLY

APPLICATION RECEIVED AND FILING FEE PAID 6-9-15
DATE OF APPROVAL BY PLANNING COMMISSION 10-13-15
DATE OF FINAL APPROVAL BY BOARD OF COMMISSIONERS _____



To whom it may concern:

I give Brandon Robertson and A-1 Restoration, Inc. the authority to request rezoning of 15 acres on Tiger Trail and Cox Pike. The request is to rezone from RS-40 to R-20 P.U.D Overlay, with a density of 2.2 upa.

Thanks,

A handwritten signature in blue ink, appearing to read "Benny Sullivan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Benny Sullivan

A-1 Restoration, Inc.
256 Seaboard Lane
Ste. G 103
Franklin, TN 37067

To Whom It May Concern:

We are requesting to rezone 15 acres located on Cox Pike and Tiger Trail in the City of Fairview. The property is currently zoned RS-40. Our request is to rezone the property to R-20 P.U.D. overlay. The intention is to develop 33 lots residential lots.

Thank you,

A handwritten signature in black ink, appearing to read 'Brandon Robertson', with a large, stylized flourish at the end.

Brandon Robertson, pres.

A-1 Restoration, Inc.



CITY OF FAIRVIEW, TENNESSEE

RESOLUTION NO. 36-15

A RESOLUTION TO SET A PUBLIC HEARING FOR THE PURPOSE OF OBTAINING PUBLIC COMMENT ON AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE XV, SECTION 15-102, "ROLE OF THE PLANNING COMMISSION"

WHEREAS, The City of Fairview, Tennessee is in the process of Amending the City of Fairview, Tennessee, Municipal Zoning Code, Article XV, Section 15-102, "Role of the Planning Commission," and the Statutes of the State of Tennessee require that a public hearing be held for the purpose of obtaining the public's comments regarding the proposed Zoning Ordinance Change and,

WHEREAS, the Board of Commissioners for the City of Fairview, Tennessee have determined that January 21, 2016, is an acceptable date for the conduct of such a public hearing.

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

1. That a public hearing for the purpose of obtaining the comments of the public regarding Amending the City of Fairview, Tennessee, Municipal Zoning Code Article XV, section 15-102, "Role of the Planning Commission," is scheduled and will be held at 7:00 O'Clock P.M., January 21, 2016, in the City Hall of the City of Fairview, Tennessee.

Adopted this the _____ day of _____, 2015.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM

LARRY D. CANTRELL
CITY ATTORNEY
FAIRVIEW, TENNESSEE



CITY OF FAIRVIEW, TENNESSEE

RESOLUTION NO. 38-15

A RESOLUTION TO SET A PUBLIC HEARING FOR THE PURPOSE OF OBTAINING PUBLIC COMMENT ON AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE XV, SECTION 15-103, "DESIGN REVIEW MANUAL"

WHEREAS, The City of Fairview, Tennessee is in the process of Amending the City of Fairview, Tennessee, Municipal Zoning Code, Article XV, Section 15-103, "Design Review Manual," and the Statutes of the State of Tennessee require that a public hearing be held for the purpose of obtaining the public's comments regarding the proposed Zoning Ordinance Change and,

WHEREAS, the Board of Commissioners for the City of Fairview, Tennessee have determined that January 21, 2016, is an acceptable date for the conduct of such a public hearing.

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

- 1. That a public hearing for the purpose of obtaining the comments of the public regarding Amending the City of Fairview, Tennessee, Municipal Zoning Code Article XV, section 15-103, "Design Review Manual," is scheduled and will be held at 7:00 O'Clock P.M., January 21, 2016, in the City Hall of the City of Fairview, Tennessee.

Adopted this the _____ day of _____, 2015.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM

LARRY D. CANTRELL
CITY ATTORNEY
FAIRVIEW, TENNESSEE