

# City of Fairview

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## WORKSHOP MEETING JULY 12, 2016

Lisa Anderson, Chairperson  
Matt Beata, Vice Chairman  
Brandon Butler 1<sup>st</sup> Secretary  
Michael Mitchell, 2<sup>nd</sup> Secretary  
Donn Lovvorn, Mayors Appointee  
Toney Sutton, Commissioner  
Wayne Lowman  
Tim Mangrum  
Mitchell Dowdy

**Present:** Anderson, Beata, Butler, Mitchell, Lovvorn, Sutton, Lowman

**Absent:** Mangrum, Dowdy

**Others Present:** City Manager Wayne Hall, City Attorney Larry Cantrell,  
Commissioner Shannon Crutcher, Codes Clerk Sharon Hall

**Anderson called the meeting at 6:07p.m.**

### **1. DISCUSSION ON THE ZONING ISSUES AT THE MEADOWS OF FAIRVIEW.**

- Mr. Hall went through The City of Fairview's process, when a large development in brought in to the City. Mr. Staggs present to answer questions.
- Crutcher stated he had met with Mr. Hall & John Bledsoe today to get some clarification on the zoning issue which was the bigger of the two that was presented by the citizens at the last BOC meeting. One issue was if there was a master plan or not, he didn't see that being as big of an issue as the zoning, specifically the zoning was there a portion of our code missing. Wanted to find out as to where that code was, found out that the bill that was referenced as missing was actually the entire zoning ordinance number 444, which is that big book, points to one on the table. The other question was how the Meadows of Fairview went from

R-3 to RM-12, whether or not that was done properly. What they found was when the Meadows of Fairview was originally approved the zoning classifications were different, property was zoned R-1, R-2 & R-3. R-1 was your low density residential single family dwellings, R-2 was medium density single and two family dwellings, and R-3 was higher density single family, two family & multifamily dwellings. In 1998, shortly after the Meadows was approved, there was a change in the classification, at that time there was a state planning office, state planner was assigned in municipalities to assist in zoning. They did a reclassification to break it down into more zones, within each class, is his understanding. This particular land changed from R-3 to Rm-12. He doesn't know if there are minutes or an explanation as to why this changed, it was just part of the entire ordinance that was passed in 1998. None of them knows why this was changed.

- Hall stated he was told that 212 units had been approved; they have 58 units there now, if they can't get sewer approval they may have problems with future development.
- Carroll stated when they originally approved this property, it was supposed to have 3 phases, 2 of them have been built, at some point wouldn't they have to come to the Planning Commission to divided and sell off the remaining land. Cantrell stated he believes an individual would have to get the approval of the Planning Commission if they were going to subdivide it. Carroll stated so they can sell any portion of their property but what keeps them from not having to stay with what was originally there, which was Condos. Cantrell stated if that was what was originally approved there could be some argument for that or they could come back in and to get a different plan approved. As far as the zoning the Government can rezone a piece of property if they want to.
- Anderson stated these people that are here, bought the property under the assumption that it would be just condos on the property. Cantrell stated they didn't buy this land they bought their houses. Cantrell stated these types of things usually end up in a courthouse.

- Mr. Staggs stated the density was changed, most communities, when they have a PUD overlay, they may tweak things, almost nobody changes the density, the reason is the impact it has on a community. The amenities aren't big enough; roads aren't big enough, a playground, a pool. In their situation they have to maintain the road.
- Beata stated he was just trying to find out about the PUD. Carroll stated it is referred to in the minutes but one can't be found.
- Butler asked Mr. Staggs how did they find out the owner was going to build apartments. Mr. Staggs stated the surveyors told them they had a meeting with the owner John Coleman Hayes and he told them he was going to build apartments on the hillside.
- Butler asked would the R-3 prevent the 12 units per acre. Mr. Staggs got the impression they should have been grandfathered in. Everything points to the density of 8 or less units per acre; he can show on every plat on the minutes, until this crazy zoning changed to and RM-12. The Planning Commission was very through to keeping the density lower. When they finished Phase 2, they had actually brought the density under 7 units per acre. Then all of a sudden on Phase 3 there is 9 units being built on 3 quarters of an acre.
- Crutcher stated on all 3 Phases he sees a density of less than 8 units per acre. Phase 1 was 6.46 units per acre, Phase 2 was 6.86 units per acre, and Phase 3 was 7.34 units per acre.
- Mr. Staggs stated why they would want apartments up on that hill instead of Condos, people that own their homes would take better care of the sand filter systems than renters. Anderson stated the Water Authority of Dickson would have to approve anything being built because of the sewer and also the soil would have to be approved and perked for apartments, because they take ownership of the systems. Beata stated it goes through the same state requirements as our City Sewer; it's just individualized per parcel.

- Butler asked does Dickson Water Authority show any reference of this project, do they have any knowledge of it? Mr. Staggs stated he just saw a copy of the plat and saw where he had purchased those 11 acres, they assigned not only 11 acres but all 21 acres to an entity that he couldn't find on line it's called Wayfair Apartments.
- Butler stated like Mr. Hall had said, the first step would be to get approval from Dickson Water Authority and if they don't have anything on it, needs to go through that process, because a lot of projects come to a halt because they can't get approval from Dickson Water Authority. Hall stated all future maintenance of those systems belongs to Dickson Water Authority. Hall stated we have a video on those systems, the makeup and how it works; they are more than welcome to view. Mr. Staggs said he would get with him to set up a time for them to view the video.
- Anderson stated before the Planning Commission began they would like to hear from the Citizens that want to speak.
- Mike Greiner lives at 7112 Wheat Road. He's a substitute teacher, semi-Retired Teacher with 20 years' experience. He would like to know if this deal is in the works what they saw the surveyors have. Mr. Staggs stated as far as they know he has it but it has never been presented to the Planning Commission. Anderson stated this is not in the works until he gets approval from the Dickson Water Authority. It's a little worrisome; he moved in in 1990, he was the 2<sup>nd</sup> resident in the units. It's all about trust, he thinks a little bit of that is missing here in Fairview. They moved in trusting that they were going to have a full community with all the amenities, then all of sudden Ryan pulls up, one day their there, next day their not. This needs to be addressed and they need to take into consideration their feelings, their interest and all the funds they have paid over the years, not only to the association but also to the City of Fairview. Again it's all about trust and that's what they expect from their elected officials.
- Paul Hoteling lives at 7105 Birch Bark Court this development directly attaches to their backyard. They were

under the impression that land was wetlands back there as well as part of the 100 year flood plan; they thought this would never be developed. His wife has been there 14 years; they have never had a problem until they started clearing all the land. He went around and surveyed all the people that were directly affected by this, people on Birch Bark Court, Birch Bark Drive, and Red Maple Lane, none of them are for low income housing in their backyard. He thinks there are better uses for the land, continuing on with the condominiums, single family homes, other things that can be done for a City of this size and population. He would like to know one way or the other so if it's going to come they can make a decision on whether to stay or go. There has been a ton of work done on homes in the neighborhoods to bring the values up this want help their values go up. He thinks there is better use for the land and it should be very carefully looked at before they approve more low income housing in this City.

- Angela Wilburn from the Meadow Wood Subdivision, her neighbors behind their home directly behind the fence line the land is being cleared. It is concerning to them along with everyone else what's going to happen. Her main question is if they find out if the zoning is RM-12, what they can do as citizens of Fairview to get that zoning changed back down to RM-8 or something else entirely. They will be glad to help they are just not sure what they need to do. Carroll stated the property owner can come rezone their property or the City can request a zoning change, but the attorney had questioned whether or not with intent. Carroll stated she does think there are some things that they are going to have to take into consideration because there are such gaps of what was originally perceived and what it is now. Carroll stated she thinks as a Planning Commission there are some things that they can take into consideration when they come to get approved. Carroll stated she knows the frustration because people has seen trees dropping, alleged meetings but until they come to the City that's where they have a problem. Carroll stated once it goes through the steps and as a Planning Commission if they

can prove what it was originally supposed to be. Carroll stated she almost bought a home there and she remembers the layout of the Community it may have not been a PUD because now they have reason that it may not have been necessarily required at that time. Carroll stated she knows as citizens and homeowners they defiantly bought in the concept that this was going to be a PUD development. Hall stated he just wanted to advise her that more than likely this has to be the landowner to change the zoning, but you as a citizen; we do have citizen's comments at the meeting. Just keep a watch if they bring something in, they can sign in and have 3 minutes to voice their opinions.

- Crutcher stated he has heard there are two ways to rezone, the property owner can request the rezoning and the City can rezone property. He's interested in how they can rezone property, he would like to get a legal opinion written based on the facts as they know them, some of which were presented tonight of these three phases. All three of the phases reference R-3, there is a felt tip pen that marks out R-3 on Phase 1 which is dated prior to Phase 2 & Phase 3 and writes in RM-12. There are several minutes from the Planning Commission & the Board of Commissioners that he has seen that make reference to a Master Plan that specifically made reference to 212 units. We know based off the land area and the number of units that were approved was the zoning or should be under the current classification. If it's zoned incorrectly he wants to know as a City what they can do to correct that zoning, so he is interested in getting a legal opinion based on the facts as they exist as what they can do as a City to correctly zone this property. Also would like to know how much or what tracts of land surrounding this property have the same zoning classification. Anderson asked she doesn't know if marking through a zoning is even legal, this bothers her. Mitchell stated also refers to the R-3 after the felt tip marker was used in 2001 & 2006 when it was changed in 1998.
- Don Lampley 7404 Rice Court and when he put his hard earned money down it was his understanding that the property would be the same type of buildings. He has had

a hard life and a hard time getting the money, he doesn't want to see no low income in his backyard after he has worked and paid for the condo, not only will it ruin them, will also ruin the City, the schools.

- Anderson stated they will be doing an investigation, also remember a development has to come before the staff, the Planning Commission and get approval from the Dickson Water Authority. Mr. Hall asked Mr. Staggs could he get him the deeds. Mr. Staggs said he will get them to him.
- Anderson stated they appreciate all them coming out tonight they take seriously every citizen and their property and what goes on in the City of Fairview and want them to know they will do what they can to look into this. They encourage them to come to the meetings and speak so they know their opinions on things.
- Anderson adjourned at 6:58p.m.

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**Chairperson**

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**Secretary**