

Agenda

Fairview Planning Commission

November 12, 2024 Regular Meeting @ 7 p.m.

David Magner, Chairman
Hayley Schulist
Mayor Lisa Anderson
Salvatore Cali
Will King

Chris McDonald
Jeff Pape
LaRhonda Williams
Shonda Schilling

- Call to Order
- Roll Call
- Opening Prayer and Pledge
- Approval of Agenda
- Citizen Comments (*limited to the first five citizens to sign in and three minutes each*)
- Approval of Minutes:

- **October 15, 2024, Regular Meeting**

OLD BUSINESS

NEW BUSINESS

1. PC Resolution **PC-36-24**, Rezoning, 7103 Wiley Circle, 1.27 Acres, Portion of Map: 042H, Group: C Parcel: 008.00. Current Zoning: C1. Property Owner: Wiley Circle Investment
2. PC Resolution **PC-37-24**, Variance Request from Subdivision Regulations, Liberty Rd., 18.91 Acres, Map: 69, Parcel: 79.02. Current Zoning: RS-40. Property Owner: Garron and Kim Wright.
3. PC Resolution **PC-38-24**, Final Plat, Cedarcrest Phase 1, Map: 042, Parcel: 125.00. Current Zoning: Commercial General. Property Owner: Meritage Homes.
4. PC Resolution **PC-39-24**, Development Plan, Chester Road Townhomes, 17.23 Acres, Map:42, Parcel: 142.00. Current Zoning: RM-8. Property Owner: Phillips Builders.
5. PC Resolution **PC-40-24**, Residential Development Plan, Belvoir Subdivision Phase 2, 51.91 Acres, Map: 21, Parcel: 062.00 and Map:21, Parcel: 063.00. Current Zoning: R-20. Property Owner: Northwest Cove LLC.
6. PC Resolution **PC-41-24**, Zoning Ordinance Amendment, Exceptions to Height Regulations.

7. PC Resolution **PC-42-24**, Master Development Plan, Lake Road Highway 96 Townhomes, 13.49 Acres, Map: 22, Parcel: 007.00, Map:22, Parcel: 0167.00, Map:22, Parcel: 178.02. Current Zoning: RM-8. Property Owner: Middle Tennessee Developers

BONDS AND LETTERS OF CREDIT

REPORTS FOR DISCUSSION AND INFORMATION

- City Planning Staff
- City Manager
- City Engineer
- City Attorney

PLANNING COMMISSION ROUNDTABLE

ADJOURNMENT

MUNICIPAL PLANNING COMMISSION MINUTES

October 15, 2024, Meeting at 7 PM

David Magner, Chairman
Hayley Schulist, Vice Chair
Lisa Anderson, Mayor

Chris McDonald
Salvatore Cali
Will King

Shonda Schilling
LaRhonda Williams
Jeff Pape

Staff present: Tom Daugherty, Rachel Jones, Marisa Howell, Patrick Carter, Ethan Greer, Curtis Broadbent, Kevin Chastine, Bre Bailey, Jamey Meadows, Micah Fann

- **Call to order by:** Mr. Magner at 7:00 PM
- **Roll Call by:** Marisa Howell, Community Services Assistant

	PRESENT	ABSENT
Mr. Pape	X	
Mr. McDonald	X	
Mr. Cali	X	
Ms. Schulist		X
Mr. Magner	X	
Mayor Anderson	X	
Ms. Schilling	X	
Ms. Williams	X	
Mr. King	X	

- **Prayer & Pledge led by:** Mr. Magner
- **Approval of Agenda**

Motion to approve: Mr. McDonald
Second: Mr. Cali

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King	X				
Ms. Schulist					X
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 8-0					

- **Citizen Comments**
 1. Bart Nash – 7128 Elrod Road
- **Approval of Minutes – September 10, 2024, Regular Meeting**

Motion to approve: Mr. McDonald
Second: Mr. Cali

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King	X				
Ms. Schulist					X
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 8-0					

- **Old Business - None**

- **New Business**

1. **PC Resolution PC-33-24, Final Plat, Brush Creek Subdivision, 37.21 Acres, Map: 023, Parcel: 051.00. Current Zoning: RS-15. Property Owner: A1 Home Builders**

Motion to approve: Mr. Cali

Second: Mr. Pape

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King	X				
Ms. Schulist					X
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 8-0					

Staff Report: Mr. Greer

Representative: Allison Corolla, T-Square Engineering

Discussion: Ms. Williams requested a recap for wastewater / rainwater mechanisms and how these amenities will be kept safe here in Fairview. Ms. Corolla stated all of the storm water and grading areas comply with the storm water manual regulations. Ms. Corolla stated all ponds have at least one foot of freeboard for 100 year storm to prevent any house flooding or discharging onto any other properties at a higher rate than what is currently discharging. Ms. Corolla stated that WADC required them to upgrade the existing pump station and effectively relocate the existing pump station to create a regional pump station on the site. Ms. Corolla stated the new pump station will not only work for the area but will reroute all the other waste that was using the older pump station to ensure that all the residents have adequate sewer.

2. **PC Resolution PC-34-24, Remove Condition of Approval #3 From PC-40-23, Bellehaven, 251 Acres, Map: 21, Parcel: 021.00 and Map:18, Parcel: 041.00. Current Zoning: RM-8 PUD. Property Owner: WUSF 4 Bellehaven, LLC.**

Motion to deny: Mr. McDonald

Second: Mr. Cali

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams		X			
Mr. King	X				
Ms. Schulist					X
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling		X			
MOTION PASSED 6-2					

Staff Report: Mr. Greer

Representative: Shawn Henry, D R Horton

Discussion: Mr. Pape made a motion to find the development plan submitted with this development plan application to not be in substantial compliance with controlling documents. Mr. Carter replied that is an inappropriate motion, that the request tonight is to remove condition # 3 and that this planning commission only has the power under the zoning code and can only respond to applications. Mr. Carter explained the appropriate ways to make the motion. No one seconded Mr. Pape's motion. Mr. McDonald made a motion to deny, Mr. Cali seconded. Mr. Henry explained that this application was filed due to them not being able to satisfy condition of approval # 3 due to the BOC not approving the development agreement that they had negotiated in good faith. Mr. Henry stated they have come back to the planning commission to explain that the development agreement as written and required cannot be accomplished or satisfied. Mr. Henry read a memo from Tiffany Reid summarizing the traffic impact study and stating the traffic impact study conclusions are still applicable (memo attached). Mr. Henry stated the only true impact this project has is on the intersection of Northwest Hwy and Hwy 96. Mr. Henry stated D R Horton is committed to satisfy their traffic impact by installing the turn lanes at that intersection and the traffic light at the intersection. Mr. Henry stated the reason for a development agreement was a concern if the city is going forward with a roadway improvement project including that intersection, it makes little sense for the developer to do it then the city come back later and tear up what has been installed and complete it as part of the overall street scape project. Mr. Henry stated the purpose of the development agreement is to not have the city and the developer do the same thing but come to an agreement where the city would take contributions for the road work and use those funds for the roadway improvement project. Mr. Magner asked Mr. Carter if it is a common condition for a requirement such as this between the applicant and the city to be established for cost terms. Mr. Carter stated yes, if there is work that needs to be coordinated and required improvements. Mr. Magner then asked Mr. Carter his opinion if condition # 3 were to be removed or reaffirmed, is there still a continued shared responsibility that would have to be resolved by the BOC moving forward. Mr. Carter replied if the BOC still wishes to move forward with this project this item needs to be resolved between the developer and the city on when the work occurs, who will do the work, and how much the work will cost. Mr. Carter stated the traffic study is saying that the cost will be between 1.3 or 1.4 million and the city planner and engineer have looked at that and can choose to agree or not agree. Mr. Magner asked Mr. Henry why the delay in the initial offer if time is of the essence. Mr. Henry stated that he can't explain that. Mr. Magner stated that there were previous offers by the applicant, such as listed burdens that the applicant was willing to pay towards the shared arrangements. Mr. Henry wanted to clarify that this planning commission did not dive into what the elements of the development agreement would or would not contain. Mr. Magner stated that he just wanted to understand the facts so the planning commission can make a decision correctly. Mr. Henry stated that there were meetings that took place to come up with the

amount of the contribution. Mr. Carter stated that staff doesn't have the ability to agree to anything. Mr. Carter stated staff can work to come up with a number then present it to the BOC. Mr. Magner stated the agreement cannot be satisfied between the applicant and the BOC and asked Mr. Henry his opinion if it unsatisfactory because one party doesn't agree on a value amount or that it's reached a point where the applicant has exceeded the ability to have a development agreement. Mr. Henry explained that there was an open book attitude with the BOC, and that at some point the developer will have to pay the ransom or decide not to do that project, and in this case the developer wants to do the project, and they are coming back to this board to let you know the amount that was in two development agreements was not approved. Mr. Henry stated that what is important is that the law kicks in when there is an exaction being demanded of a developer or a property owner that is in far excess of the impact of the development project. Mr. Henry stated D R Horton is exceeding the reasonable contribution for the offsite roadway improvements. Mr. Magner stated so it is unsatisfactory because the applicant the BOC didn't come to an agreement, so it is brought back to the planning commission. Mr. Carter then explained that this board is an administrative body of appointed officials, not an elected body, and that the role of planning commission is strictly limited to the zoning and development code. Mr. Carter stated this body can either agree to remove the condition or vote to not remove the condition and leave as is or perhaps modify the condition. Mr. Magner reminded the planning commission of the condition being discussed. Mr. Magner stated the planning commission cannot establish values, cost of burden, or time. Mr. Magner opened up the discussion to other planning commissioner members for questions or comments. Ms. Williams asked if there is a conflict with cost, why they would add the addendum that D R Horton will accept the following sub text in the last sentence "will install these roadway improvement when permitted by TDOT." Mr. Henry stated Ms. Williams is referring to his email (email attached) and explained the point of that text is to define what condition # 3 does not define with condition # 3 being to go figure out a development agreement that can be agreed upon with the BOC. Mr. Henry stated they are suggesting to define condition # 3 and tie it to the traffic impact study that was approved, then D R Horton is happy to do that. Mr. Henry stated the developer cannot live with the condition as written so they are asking the planning commission to remove the condition and if there is no support for removing the condition they are offering a substitute text that would be acceptable. Mr. King asked city staff to provide a definition of the scope of work referred to as the roadway improvements that D R Horton is supposed to share the monetary value of. Mr. Carter explained that the city would be repairing Northwest Hwy and since the developer knew that area was in the development; to get the project moving forward, the developer offered an additional sum to complete the roadwork, and any other part of Northwest Hwy. Mr. King stated his understating was that there was a lot more improvements on Northwest Hwy not just at the intersection. Mr. King also asked the standard and the precedent that is set for developers for roadway improvements in front of their developments. Mr. Carter explained the law states that when a developer builds a development, there is a traffic study done and that traffic study will show what the increase of traffic will be due to that specific development. Mr. Carter stated the traffic study concluded that the rating was not changed at those intersections further down and that the improvements that are required by the traffic study are the ones to the turn lane and traffic signal. Mr. King stated that he was more concerned for the curb appeal rather than the traffic impact. Mr. Greer stated that typically developments add curb and gutter to improve road frontage along their existing rights of way. Mr. King asked if that scope is included in this discussion as far as the road improvements being defined. Mr. Greer stated those improvements are not included in their traffic study as being required. Mr. Carter noted that whatever is built has to be to city standards. Mr. Henry said that D R Horton does not have an issue with improving to the current standard with curb and gutter and fresh paving in front of their property. Mr. Henry stated the issue has always been that the city is going to widen Northwest Hwy so why would the developer make

changes to the road and then the city come mess it all up. Mr. King wanted clarification on the stop light at the intersection of Northwest Hwy and Hwy 96 being a TDOT project or a city project. Mr. Greer stated that would be part of a city project to align Northwest Hwy and Hwy 96 and adding a signalized intersection. Mr. McDonald explained he made the motion to deny the removal of condition # 3 due to the planning commission being an appointed body and the planning commission not being accountable to the citizens or put there or removed by the citizens and he feels that the planning commission should not be responsible for such a large decision that will have such a large impact on the city. Mr. Pape stated that he was not on the board in December to act on the application. Mr. Pape stated if he had been on the board in December, he would have not voted for it stating he does not believe the plans are in substantial compliance. Mr. Pape stated he read the meeting minutes from December and the planning commissioners was instructed to focus on substantial compliance. Mr. Pape stated this should have been a two-step process and per the minutes it did not happen in a two-step process. Mr. Pape stated there are several parts of the underlying ordinance that these plans don't satisfy and were never mentioned in the controlling documents. Mr. Pape stated he does not think it is appropriate for the planning commission to remove the condition. Mr. Pape also stated that this board is not the board that negotiates agreements. Mr. Pape suggested the BOC should look into getting an independent traffic study done and to look at the city standards more in depth before negotiating a development agreement. Mr. Magner poses a hypothetical question, if there is potential time delay in allowing this development to begin, is there any impact to allowing phase 1 to commence while the development agreement is in progress with some stipulations applied to that and what impact would that have against us risk wise either from a liability standard or a constructability. Mr. Greer stated that the condition that was placed on resolution 40-23 is a development agreement approval required by BOC regarding the share of any road improvements before a final plat is recorded. Mr. Magner explained his reaction as a reiteration that this commission does not discuss terms and conditions as far as cost related to projects that they rely on the BOC to complete that. Mr. Magner stated he understand some negotiations between the BOC and developers have taken place with the subjectivity of what satisfaction truly is. Mr. Magner stated he feels this is the BOC discussion and that the BOC has that legislative requirement. Mr. Magner stated the motion on the table is to deny the request to remove condition # 3 which means the condition will remain, and the BOC and developer must still negotiate and enter into a development agreement.

3. PC Resolution PC-35-24, Adopt Planning Commission Schedule for February 2025 – February 2026.

Motion to approve: Mr. Cali

Second: Mr. McDonald

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King	X				
Ms. Schulist					X
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 8-0					

Discussion: Mr. Greer explained the planning commission calendar for 2025. Mr. Greer stated the planning commission typically operates on a 6 week calendar, but he has added an additional week to make it a 7 week calendar to give extra time.

- **Bonds and Letters of Credit – None**
- **Reports for Discussion and Information**
 - **City Planning Staff** – Mr. Greer discussed the training that will take place on December 10, 2024. Mr. Greer stated this training will be for the Board of Commissioners, Planning Commission, Board of Zoning Appeals and will also be open to the public.
 - **City Manager** – Mr. Daughtery thanked all the board for their service to the community.
 - **City Engineer** –None
 - **City Attorney** – Mr. Carter stated if there is anything that needs to be discussed at the training session to email him so he can get it added.
- **Planning Commission Roundtable**
- **Adjournment by:** Mr. Pape at 8:19 PM

Marisa Howell, Community Services Assistant

<https://www.youtube.com/watch?v=749J3UiF4Zw>

Rachel Jones

From: Ethan Greer
Sent: Tuesday, October 15, 2024 6:46 PM
To: Rachel Jones
Subject: FW: Fairview PC Resolution PC-34-24 (Bellehaven)
Attachments: 2024.10.15 Bellehaven NW Highway Memo.pdf
Importance: High

Thank you,
Ethan Greer | City Planner
egreer@fairview-tn.org



From: Shawn R. Henry <shenry@tewlawfirm.com>
Sent: Tuesday, October 15, 2024 5:09 PM
To: Ethan Greer <egreer@fairview-tn.org>
Co: Patrick carter <pcarter@mtlawgroup.net>; Patrick Aaron Pitts <PAPitts@drhorton.com>; Tiffany Giordano <TGiordano@ragansmith.com>
Subject: Fairview PC Resolution PC-34-24 (Bellehaven)
Importance: High

Ethan, attached please find a new memo from the Bellehaven traffic engineer summarizing the previously approved Traffic Impact Study. The TIS conclusions are still applicable. As a reminder,

1. The roads surrounding the project remain in need of improvement for current traffic, even if Bellehaven is never built.
2. The Bellehaven TIS recommends turn lanes and a traffic signal at the intersection of NW Highway and Hwy 96, without traffic from the Bellehaven development. The city intends to add turn lanes as part of NW Highway improvements, but a commitment to fund and perform that roadway work is uncertain.
3. D.R.Horton will be required to construct its entrance from Hwy 96 to TDOT standards, including a right turn lane and left turn lane into the development. All other Bellehaven streets linking existing city roads will be built to City of Fairview standards.
4. There is no rational nexus, no rough proportionality, for the city to require D.R.Horton to construct or pay for improvements that already need to be made for existing traffic. That need is not arising from Bellehaven's traffic impact.

My client reiterates the current request to remove condition #3 from PC Resolution 40-23. However, if the Planning Commission desires to replace that condition D.R.Horton will accept the following substitute text:

“If the City of Fairview does not construct the turn lanes and traffic signal at the intersection of Highway 96 and Northwest Highway/Jingo Road,
then D.R.Horton will install these roadway improvements when permitted by TDOT.”

Shawn R. Henry, AICP
Tune, Entrekin & White, PC
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RaganSmith
a Pape-Dawson company

Memorandum

TO: City of Fairview FROM: Tiffany Reid, P.E., PTOE
DATE: October 15, 2024
REFERENCE: Bellehaven Traffic Impact Study
JOB NUMBER: 14-026-1909

The purpose of this memorandum is to provide a summary of the Bellehaven traffic impact study (dated October 31, 2023) recommendations for Northwest Highway in the City of Fairview, Tennessee. The traffic impact study analyzed existing traffic conditions as well as two future traffic conditions. One future traffic condition, background traffic conditions, analyzed existing traffic volumes with growth from other approved developments in the area. The next future traffic condition, total traffic conditions, analyzed background traffic volumes with growth from the Bellehaven development traffic volumes.

As noted in the traffic impact study, turn lane improvements and a traffic signal installation on Highway 96 at the intersection with Northwest Highway / Jingo Road are projected to be warranted even if the Bellehaven project does not move forward. Based on known information at the time of the memorandum, the traffic impact study conclusions are still applicable. The following conclusions were provided:

Highway 96 at Northwest Highway / Jingo Road

- Based on background traffic condition projections and traffic volume-based turn lane warrant analyses, the City of Fairview should construct an eastbound right turn lane and a westbound left turn lane with an opposing eastbound left turn lane to maintain positive sight distance. Additionally, a northbound right turn lane will be beneficial for the future traffic conditions and level of service. It should be noted that the turn lane warrants are expected to be met without any traffic contribution from the Bellehaven development. If the City of Fairview does not construct the turn lanes at this intersection, the Bellehaven development should construct the turn lanes when the traffic volume-based turn lane warrants are met.
- Traffic volume-based traffic signal warrants are projected to be met during background traffic condition projects. The City of Fairview should install a traffic signal at the intersection of Highway 96 at Northwest Highway when the traffic signal volume-based warrants are met. It should be noted that the traffic signal warrants are expected to be met without any traffic contribution from the Bellehaven development. If the City of Fairview does not construct the traffic signal at this intersection, the Bellehaven development should construct the traffic signal when the traffic volume-based traffic signal warrants are met.

NASHVILLE
315 Woodland Street
P.O. Box 60070
Nashville, TN 37206

CHATTANOOGA
35 Station Street
Chattanooga, TN 37408

MURFREESBORO
1500 Medical Center Parkway
Suite 2 J
Murfreesboro, TN 37129

FRANKLIN
4068 Rural Plains Circle
Suite 290
Franklin, TN 37064



- A traffic volume-based traffic signal warrant study should be conducted in three years to determine if the traffic signal should be installed. The traffic signal warrant study will include collecting new traffic data. If the traffic volume-based traffic signal warrants are met, then a traffic signal should be installed. If the traffic signal warrants are not yet met, another traffic signal warrant study should be conducted annually until the traffic volumes indicate a traffic signal should be installed.
- To minimize impacts to existing traffic, the turn lanes and the traffic signal at the intersection should be constructed at the same time.
- A Tennessee Department of Transportation (TDOT) grading and entrance permit will be required for construction in TDOT right-of-way.

Northwest Highway at Elrod Road

- No intersection control changes or geometry modifications are recommended at the intersection of Northwest Highway at Elrod Road due to the impact of Bellehaven development.
- Traffic volume-based turn lane warrant analyses were conducted for total traffic conditions at the intersection and it was determined that turn lanes are not warranted.

Northwest Highway at Dice Lampley Road

- No intersection control changes or geometry modifications are recommended at the intersection of Northwest Highway at Dice Lampley Road due to the impact of Bellehaven development.
- Traffic volume-based turn lane warrant analyses were conducted for total traffic conditions at the intersection and it was determined that turn lanes are not warranted.

Northwest Highway at Cox Pike

- No intersection control changes or additional laneage are recommended at the intersection of Northwest Highway at Cox Pike due to the impact of Bellehaven development.
- Traffic volume-based turn lane warrant analyses were conducted for total traffic conditions at the intersection and it was determined that turn lanes are not warranted.

Northwest Highway at Project Access

- The west leg of the intersection should be design to meet City of Fairview standards, with a minimum of one lane exiting and one lane entering.
- During the design of the project access, it should be confirmed that there is the minimum sight distance available.
- Traffic volume-based turn lane warrant analyses were conducted for total traffic conditions at the intersection and it was determined that turn lanes are not warranted.

**PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE
RESOLUTION NO. 36-24**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, RECOMMENDING THE APPROVAL OF A REZONING REQUEST FROM C1 (COMMERCIAL) TO RS-8 (SINGLE FAMILY RESIDENTIAL DISTRICT) FOR A 1.27 (+/-) ACRE PORTION OF THE 5.60 (+/-) ACRE PARCEL LOCATED AT 7103 WILEY CIRCLE. TAX MAP 042H GROUP C PARCEL 008.00. OWNER: Wiley Circle Investment.

WHEREAS, Mr. Tim Mangrum (Innovated Construction Company, LLC), is requesting approval of a rezoning from C1 (Commercial) to RS-8 (Single Family Residential) for a 1.27 (+/-) acre portion of the property located at 7103 Wiley Circle; and

WHEREAS, the 2040 Fairview Forward Plan classifies this property as Commercial Center which lists appropriate zoning districts as CC (Core Commercial) and OPS and the appropriate land use as retail/Restaurant, Office, Light Industrial, Multi-Family, and Civic/Institutional; and

WHEREAS, the proposed lots sizes and land use of single-family dwellings is far less intensive than all appropriate land uses listed in the Commercial Center classification; and

WHEREAS, the parcel has frontage along both Wiley Circle and Fairview Boulevard (Highway 100), which are two (2) very different roadway types and support very different land uses (Wiley Circle – Residential) (Fairview Boulevard – Commercial); and

WHEREAS, the staff report is attached as Exhibit PC-36-24-A,

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

The City of Fairview Planning Commission hereby **recommends** the Board of Commissioners approve this rezoning request with the following conditions:

1. This rezoning request will be placed on the Thursday, December 5th Board of Commissioners meeting agenda for consideration with the potential for the Public Hearing and second reading being held at the Thursday, January 2nd, 2025 Board of Commissioners meeting.

Adopted this _____ day of _____, 2024

Planning Commission Chairperson

Attest:

City Recorder

Approved As To Form:

City Attorney

EXHIBIT PC-36-24-A
STAFF REPORT
PC-36-24

Project: Wiley Circle Cottages – Rezoning

Application Type: Rezoning

Applicant: Innovated Construction Company, LLC (Tim Mangrum)

Owner: Wiley Circle Investment

Initial Submittal Date: 9/27/2024

Final Submittal Date: 10/24/2024

Tax Map: 042H **Group:** C **Parcel:** 008.00

Project Summary

Mr. Tim Mangrum (Innovated Construction Company, LLC) has submitted a request to rezone a 1.27 (+/-) acre portion of the 5.60(+/-) acre parcel located at 7103 Wiley Circle. The property is currently zoned C1 (Commercial).

The properties to the east are zoned CG (Commercial General), properties to the south and west are zoned RS-40 (Single Family Residential), and the properties to the north are zoned RS-40 (Single Family Residential) and R-20 (One- and Two-Family Residential). The properties to the east contain a multitude of commercial and office uses. The properties to the north and south contain a single-family detached residences and the property to the west is currently vacant. The remaining portions of the property requested for rezoning contains a church and parsonage related to the church and has an existing access point onto Fairview Boulevard (Highway 100).

The Fairview Forward 2040 Comprehensive Plan designated this property as Commercial Center. The Commercial Center notes the appropriate land use as Retail/Restaurant, Office, Light Industrial, Multi-Family (as part of mixed-use development) and Civic/Institutional. The Commercial Center classification lists two (2) zone districts as appropriate zoning, and those zone districts are the CC and “*OPS district with changes to achieve the intent of the policy.*” The CC (Commercial Community District) and OPS (Office/Professional Services District) districts are no longer included within the Fairview Zoning Ordinance.

The property is larger in size, at 5.60 (+/-) acres and is unique in that it has double road frontage on Fairview Boulevard and Wiley Circle. This rezoning request is desiring to rezone the northern portion of the parcel that has road frontage along Wiley Circle, which is a roadway that serves a residential area.

Although not aligned with the 2040 Plan, this rezoning request holds merit in that it will require the parcel to be subdivided, which will provide the potential to create an area of development adjacent to each of the road frontages for this parcel. This rezoning would permit a residential type of development along Wiley Circle that is a residential street, and the remaining portion of the parcel can be developed commercially to match the development pattern of Fairview Boulevard. A benefit of this rezoning would be the removal of a potential commercial access point onto Wiley Circle, which is currently a residential street. An additional benefit of this rezoning and the subsequent subdivision would be the elimination of a commercial access point onto Wiley Circle, a street designed for residential traffic.

Reason for Proposed Rezoning:

The applicant provided the following reason for the rezoning request. *“To keep Wiley Circle a residential street and create some separation from commercial and residential.”*

Staff Recommendation:

Staff recommend that the Planning Commission provide a favorable recommendation to the Fairview Board of Commissioners to approve this request to rezone the 1.27(+/-) acre portion of Tax Map 042H Group C Parcel 008.00 located at 7103 Wiley Circle from the current zoning of C-1 to RS-8, with the following conditions of approval included in Resolution PC-36-24:

1. This rezoning request will be placed on the Thursday, December 5th Board of Commissioners meeting agenda for consideration with the potential for the Public Hearing and second reading being held at the Thursday, January 2nd, 2025 Board of Commissioners meeting.

**PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE
RESOLUTION NO. 37-24**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, APPROVING A VARIANCE REQUEST TO REDUCE THE REQUIRED ACCESS EASEMENT WIDTH OF 50 FEET, AS REQUIRED BY SECTION 1-113.107 OF THE FAIRVIEW SUBDIVISION REGULATIONS, TO 30 FEET TO PERMIT THE EXISTING ACCESS EASEMENT TO BE UTILIZED TO ACCESS THE NORTHEAST PORTION OF TAX MAP 69 PARCEL 79.02. PROPERTY CONTAINS 18.91 (+/-) ACRES AND IS LOCATED NORTH OF LIBERTY ROAD AND WEST OF VALLEY ROAD. OWNER: GARRON AND KIM WRIGHT.

WHEREAS, Ms. Kim Wright is requesting approval of a 20-foot variance from the access easement width of 50 feet, as found in Section 1-113.107 in the Fairview Subdivision Regulations, to utilize the existing 30-foot wide access easement that connects the two (2) separate portions of Tax Map 69 Parcel 79.02; and

WHEREAS, Section 1-112 of the Fairview Subdivision Regulations permits variance requests from the regulations found within the Subdivision Regulations; and

WHEREAS, Section 1-112 of the Fairview Subdivision Regulations provides four (4) standards for the Planning Commission to consider when reviewing variance requests from Subdivision Regulation requirements; and

WHEREAS, the staff report is attached as Exhibit PC-37-24-A,

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

The City of Fairview Planning Commission hereby **approves** the variance from Section 1-113.107 of the Fairview Subdivision Regulations to permit the use of an existing 30 foot wide access easement, which is a 20 foot reduction from the required 50 foot wide access easement as required by Section 1-113.107, as resubmitted on October 29th, 2024, with the following conditions:

Adopted this _____ day of _____, 2024

Planning Commission Chairperson

Attest:

City Recorder

Approved As To Form:

City Attorney

EXHIBIT PC-37-24-A
STAFF REPORT
PC-37-24

Project: Liberty Road: Variance Request

Application Type: Subdivision Regulations Variance Request

Applicant: Kim Wright

Owner: Garron and Kim Wright

Initial Submittal Date: 9/24/2024

Final Submittal Dates: 10/29/2024

Tax Map: 069 Part of Parcel: 079.02

Project Summary

The current owners, Garron and Kim Wright, would like to subdivide the property they own into two (2) separate parcels. The property is located north of Liberty Road and west of Valley Road and is identified as Tax Map 069 Parcel 79.02. The property is zoned RS-40 (Single Family Residential) and contains a total of 18.91 (+/-) acres. The property is currently two (2) different tracts of land, but only having a single tax map and parcel identification number. The southwest tract of land has road frontage along Liberty Road and contains 10.18 (+/-) acres. The northeast tract of land has no road frontage and contains 8.73 (+/-) acres. Currently, there is an existing 30-foot-wide ingress/egress easement that permits access from the southwest portion of the property to the northeast portion of the property.

The existing ingress/egress easement was existing at the time the current owners purchased the property. The easement does cross the property to the south (Tax Map 69 Parcel 80.01), which is owned by Wayne Michael Hooper. To comply with the required 50-foot-wide access easement requirement, the current owners have spoken with the Hooper family about widening the existing easement, however the Hooper family does not wish to grant an expansion to the easement. The current owners have also spoken with the property owner located to the north (Tax Map 69 Parcel 78.01). Although the current easement does not cross the property to the north, the current owners have tried to expand the easement to the north, however that property owner does not wish to grant the easement across their property.

The current owner desires to subdivide the parcel into two (2) separate parcels with two (2) unique tax map and parcel numbers. Given that the northeast tract does not have road frontage, access will have to be provided through the existing access easement. Given

the current owner's inability to negotiate an expansion/widening of the access easement to 50 feet, they have submitted a variance request per the standards found in Section 1-112 of the Fairview Subdivision Regulations.

Standards for Variance:

Section 1-112 of the Fairview Subdivision Regulations provides four (4) standards for the Planning Commission to consider when reviewing variance requests. The four (4) standards and related information is listed below.

1. Granting of the variance will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood where the property is located.

Applicant Response

- *"Our intent is to subdivide the property into two parcels. We are not planning any changes or development that would be detrimental to the public safety, health or welfare or be injurious to the neighbors."*

Staff Information

- *If approved, the variance would not be detrimental to public safety, health or welfare due to the 30-foot-wide access easement is an existing condition and has provided access to the northeast portion of the property for years.*

2. Conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

Applicant Response

The conditions under which the variance is requested are unique because:

Our property was part of a larger parcel that was previously subdivided leaving a portion of our property with no access, i.e. land-locked. Russell & Peggy Spicer quit-claimed a portion of their property to the north of the subject property of this request to the Liberty Hill Church of Christ in 2014. The parcel that was quit-claimed to Liberty Hill Church of Christ has frontage on Hwy 100. This transaction left a section of the property that we own land-locked. We were told by the previous City of Fairview Planning Manager that the existing easement could be used to access the portion of our property that is land-locked. However, when our engineer assessed the project, he brought to our attention the issue with the required 50' easement.

The GIS map for this parcel is incorrect. The section of the parcel that fronts on Liberty Road and the section to the North do not intersect, which creates a land-locked section of the parcel. The GIS map shows that the two sections are connected. The property has a single PIN but two completely separate parcels.

We have been unable to reach agreement with the neighbors to widen the existing 30' easement.

Staff Information

- *The requested variance would not be applicable to properties, whether adjacent or in other areas of the city, due to the request being based on the existing 30-foot-wide ingress/egress easement present on this property and the unique property boundaries for the parcel.*
3. Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and

Applicant Response

- *“Without this exception, the section of the property to the north, about 8.73 has no access if we were to subdivide the property.”*

Staff Information

- *This variance request is not self-imposed in that the existing ingress/egress easement was established by previous owners of the property and not the current owners. Additionally, the property (Tax Map 069 Parcel 79.02) is physically unique in that the property is divided into two (2) tracts, but only has one (1) tax map and parcel number for identification. The tract of land to the northeast is landlock with no access without the ingress/egress easement.*
4. The variance will not in any manner alter provisions of the land development plan, the Major Thoroughfare Plan, or the Fairview Zoning Ordinance.

Applicant Response

“Our intent is to subdivide the parcel into two parcels / minor subdivision. This should not impact the land development plan, the Major Thoroughfare Plan or the Fairview Zoning Ordinance.”

Staff Information

- *The variance request, if approved, will not alter any provisions or regulation found in the Fairview 2040 Plan, the current Major Thoroughfare Plan or the Fairview Zoning Ordinance. The requested variance is from the Subdivision Regulations and not any other city regulation.*

Reason for Request:

The applicant/owner provided the following ‘*Justification for Variance Request*’ as required on the application.

“The backpiece of our property which contains approximately 8.73 AC is currently accessed via a 30’ easement. We would like to subdivide the property / minor subdivision into two parcels (the front being one parcel and the back piece its own parcel - they do

not connect today). However, the easement that is required is now 50'. We have asked both neighbors (Hooper and Sullivan) if they would allow us to widen the existing easement by 20'. Neither neighbor would agree to widening the easement. We feel a hardship exists due to the fact that the backpiece should have its own PIN anyway given that it does not connect to the front piece and would be land locked without the use of the existing easement."

Staff Recommendation:

Staff recommends the Planning Commission approve the variance request from Section 1-113.107 of the Fairview Subdivision Regulations to permit the use of an existing 30-foot-wide access easement, which is a 20-foot reduction from the required 50-foot-wide access easement, as resubmitted on October 29th, 2024.

**PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE
RESOLUTION NO. 38-24**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, RECOMMENDING THE APPROVAL OF THE FINAL PLAT FOR PHASE 1 OF THE CEDARCREST SUBDIVISION CONTAINING 48 MULTI-FAMILY RESIDENTIAL UNITS ON 8.02 (+/-) ACRES LOCATED EAST OF FAIRVIEW BOULEVARD (HIGHWAY 100). TAX MAP 042 PARCEL 125.00. OWNERS: MERITAGE HOMES.

WHEREAS, Daniel Wolterman (T Square Engineering) is requesting approval of a final plat for Phase 1 of the Cedarcrest Subdivision in order to create 48 multi-family units, create three (3) new public rights-of-way (Cedarcrest Lane, Cedarcrest Way and Cedarcrest Court), create one (1) detention pond, create two (2) open spaces that are fully located within Phase 1 and a portion of one (1) open space that is in both Phase 1 and Phase 2, and install all stormwater, water and wastewater infrastructure.

WHEREAS, the staff report is attached as Exhibit PC-38-24-A.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

The City of Fairview Planning Commission hereby **approves** the Final Plat for Phase 1 of the Cedarcrest Subdivision, as resubmitted on October 29, 2024.

Adopted this _____ day of _____, 2024

Planning Commission Chairperson

Attest:

City Recorder

Approved As To Form:

City Attorney

EXHIBIT PC-38-24-A
STAFF REPORT
PC-38-24

Project: Cedarcrest Subdivision: Phase 1

Application Type: Final Plat

Applicant: Daniel Wolterman (T Square Engineering)

Owner: Meritage Homes

Initial Submittal Date: 9/27/2024

Final Submittal Date: 10/29/2024

Tax Map: 042 Part of Parcel: 125.00

Project Summary

Daniel Wolterman (T Square Engineering) has submitted, on behalf of Meritage Homes, a Final Plat for Phase 1 of the Cedarcrest Subdivision. The Cedarcrest Subdivision contains a total of 137 townhouse units on 27.57 (+/-) acres. Phase 1 of the subdivision contains 48 of the 137 total units on 8.02 (+/-) acres. Phase 1 will also create three (3) new public rights-of-way that will be named Cedarcrest Lane, Cedarcrest Way and Cedarcrest Court. All three (3) of these rights-of-ways are 50 feet in width that matches the City requirements for a residential roadway. Cedarcrest Lane will connect to Fairview Boulevard (Highway 100) and connect to all future phases of the subdivision. Phase 1 will also create three (3) open spaces and one (1) detention pond. Open Space 1 and 2 are completed located within Phase 1, while Open Space 3 will be in both Phase 1 and 2.

The property is located on FEMA FIRM Panel, 4187C0151F and a portion of the development is located within a flood hazard area, Zone AE. This flood hazard area is not located within Phase 1; therefore, the designated flood hazard area does not impact any proposed lot within Phase 1.

Surrounding Land Uses and Zoning

The two (2) properties to the north are zoned RS-40 (Single Family Residential). The property to the east is zoned R-20 (One and Two Family Residential). The properties to the south are zoned RS-40 (Single Family Residential) and R-20 (One and Two Family Residential). The property to the west, across Fairview Boulevard, is zoned RS-40 (Single Family Residential) while one (1) parcel is located between the development and Fairview Boulevard and that parcel is zoned CG (Commercial-General).

Two (2) of the surrounding parcels contain single-family detached residential land uses, while all other adjacent properties are currently vacant.

Fairview Forward 2040 Plan

The Fairview Forward 2040 Comprehensive Plan designates the parcel that contains the Cedarcrest Subdivision Phase 1 as Town Center. The Town Center classification notes the appropriate land uses are single-family detached residential, single family attached residential, Multifamily residential, Retail/Restaurant, Office, and Civic/Institutional. The Town Center classification lists the Town Center Mixed Use zone district, “with changes to achieve the intent of the policy”, as the only appropriate zoning for properties within this classification. This property was rezoned to RM-8 prior to the creation and adoption of the 2040 Plan. Also, the RM-8 zoning of the property does permit the multi-family land use, which is in alignment with the Town Center classification.

Staff Recommendation:

Staff recommends the Planning Commission approve the Final Plat for Phase 1 of the Cedarcrest Subdivision in order to create 48 multi-family units, create three (3) new public rights-of-way (Cedarcrest Lane, Cedarcrest Way and Cedarcrest Court), create one (1) detention pond, create three (3) open spaces and install all stormwater, water and wastewater infrastructure as resubmitted on October 29, 2024.

**PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE
RESOLUTION NO. 39-24**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, APPROVING THE RESIDENTIAL DEVELOPMENT PLAN FOR THE CHESTER ROAD – TOWNHOMES DEVELOPMENT LOCATED ON PROPERTY WEST OF FAIRVIEW BOULEVARD (HIGHWAY 100) AND BETWEEN BOONE STREET AND CHESTER ROAD ON TAX MAP 42 PARCEL 142.00 OWNER: PHILLIPS BUILDERS.

WHEREAS, Kimley-Horn (John Richard Patterson) is requesting approval of a Residential Development Plan for the Chester Road Townhomes development to construct 114 townhomes, three (3) private rights-of-way, two (2) stormwater ponds and infrastructure, one (1) open space and all necessary utilities infrastructure; and

WHEREAS, the owner of Tax Map 42 Parcel 142.00 has acquired a .14 (+/-) acre portion of 2209 Fairview Boulevard (Tax Map Parcel 141.00) to permit the construction of the proposed access point and stormwater infrastructure for the townhome project on the southeast corner instead of acquiring an access easement from the owner of the property at 2209 Fairview Boulevard; and

WHEREAS, the Residential Development Plan is in substantial compliance with the Chester Road Townhome Master Development Plan; and

WHEREAS, the staff report is attached as Exhibit PC-39-24-A,

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

The City of Fairview Planning Commission hereby approves the Residential Development Plan for the Chester Road Townhomes Development, as resubmitted on October 25th, 2024, with the following conditions:

1. Approval of Pedestrian Bridge Design for Chester Road Sidewalk.

Adopted this _____ day of _____, 2024

Planning Commission Chairperson

Attest:

City Recorder

Approved As To Form:

City Attorney

EXHIBIT PC-39-24-A
STAFF REPORT
PC-39-24

Project: Chester Road Townhomes

Application Type: Residential Development Plan

Applicant: John Richard Patterson (Kimley-Horn)

Owner: Phillips Builders

Developer: Jason Phillips (Phillips Builders)

Initial Submittal Date: 10/21/2024

Final Submittal Date: 10/25/2024

Tax Map: 42 Parcels: 142.00

Property Zoning: RM-8 (Multi-Family Residential)

Project Summary

John Richard Patterson (Kimley-Horn) has submitted, on behalf of Cathy Oneida, a Residential Development Plan for the Chester Road Townhomes Development. The project is a multi-family residential development that consists of 114 townhomes, three (3) private rights-of-way, two (2) stormwater ponds and infrastructure, one (1) open space and all necessary utilities infrastructure. The parcel (Tax Map 42 Parcel 142.00) is zoned RM-8 (Multi-Family Residential) and contains 15.54 (+/-) acres.

The property is located on two (2) FEMA FIRM Panels, 4187C0135F and 47187C0151F. There is a flood hazard area, Zone AE, located along the eastern boundary of the property. Also, there is Floodway located along the eastern boundary of the property. No physical element of the development is located within the floodway or Zone AE. The development is proposing cut and fill within the floodplain according to City standards.

The Chester Road Townhomes development contains 114 townhome units, three (3) private rights-of-way, two (2) stormwater ponds, and a playground. The townhome units consist of 53 two-bedroom units and 61 three-bedroom units. All three-bedroom townhome have two (2) parking spaces (one within a garage and one in the driveway). Parking for all two-bedroom units is provided in surface parking areas adjacent to the buildings.

Surrounding Zoning and Land Use

The properties to the north are zoned RS-40 (Single Family Residential) and CG (Commercial-General). The properties to the south (across Chester Road) are zoned RS-40 (Single Family Residential) and CG (Commercial-General). All properties to the east are zoned RS-40 (Single Family Residential). All properties to the west are zoned CG (Commercial-General). The land use on properties to the north, east and southeast is single family residential. The land use on properties to the south and west is commercial.

Fairview Forward 2040 Plan

The Fairview Forward 2040 Comprehensive Plan designates the parcel that contains the Chester Road Townhome development as Legacy Neighborhood (Residential-Medium). The Legacy Neighborhood classification notes that the appropriate land use is Single-Family Detached Residential. The classification lists two (2) zone districts as appropriate – RS-40 and R-20. The current property zoning is RM-8 (Multi-Family Residential). This zone district, although not in alignment with the listed zone districts, is in place and the Multi-Family Dwelling land use is a permitted land use.

Staff Recommendation:

Staff recommends the Planning Commission approve the Chester Road Townhome Residential Development Plan to construct 114 townhomes, three (3) private rights-of-way, two (2) stormwater ponds and infrastructure, one (1) open space and all necessary utilities infrastructure as resubmitted on October 25th, 2024, with the conditions of approval included in Resolution PC-39-24.

1. Approval of Pedestrian Bridge Design for Chester Road Sidewalk.

**PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE
RESOLUTION NO. 40-24**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, APPROVING THE DEVELOPMENT PLAN FOR PHASE 2 OF THE BELVOIR RESIDENTIAL SUBDIVISION, LOCATED SOUTH AND WEST OF NORTHWEST HIGHWAY, EAST OF DICE LAMPLEY ROAD ON TAX MAP 021 PARCELS 062.00 AND 063.00. OWNERS: TONY CAVENDER.

WHEREAS, Allison Corolla (T-Square Engineering) is requesting approval of a Development Plan for Phase 2 of the Belvoir Residential Subdivision in order to create 54 single-family residential lots, create two (2) new public rights-of-way (Belvoir Grove and Belvoir Loop), extend one (1) public right-of-way (Northwest Highway), create one (1) new public alley, create three (3) open spaces, create three (3) stormwater ponds, and install all necessary stormwater, water, and wastewater infrastructure.

WHEREAS, the staff report is attached as Exhibit PC-40-24-A,

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

The City of Fairview Planning Commission hereby approves the Development Plan for Phase 2 of the Belvoir Residential Subdivision, as resubmitted on October 24, 2024, with the following conditions:

1. Remaining staff comments to be addressed prior to the pre-construction meeting.

Adopted this _____ day of _____, 2024

Planning Commission Chairperson

Attest:

City Recorder

Approved As To Form:

City Attorney

EXHIBIT PC-40-24-A
STAFF REPORT
PC-40-24

Project: Belvoir: Phase 2

Application Type: Residential Development Plan

Applicant: Allison Corolla (T-Square Engineering)

Owner: Tony Cavender

Developer: Tony Cavender

Initial Submittal Date: 9/26/2024

Final Submittal Date: 10/24/2024

Tax Map: 021 **Parcels:** 062.00 and 063.00

Property Zoning: R-20 (One and Two-Family Residential)

Project Summary

Allison Corolla (T-Square Engineering) has submitted a Development Plan for Phase 2 of the Belvoir residential subdivision development. The Belvoir development contains a total of 81 single-family detached residential lots within two (2) phases. The property for Phase 2 was rezoned to R-20 (One and Two-Family Residential) at the July 18, 2024, Board of Commissioners meeting. Phase 2 contains 54 single-family residential lots on 51.91 (+/-) acres. Also, Phase 2 will create two (2) new 50-foot public rights-of-way that will connect to a proposed extension of the existing Northwest Highway, which will be a 62-foot right-of-way. Phase 2 is also proposing a single 20-foot-wide public right-of-way for an alley. The property for Phase 1 is located on FEMA FIRM Panel, 4187C0135F and no portion of Phase 2 is located within a flood hazard area.

Surrounding Zoning and Land Use

The property to the north and west are Phase 1A and Phase 1B of the Belvoir development. Two (2) properties to the south of Belvoir Phase 1 are located within Fairview municipal boundaries and are zoned R-20 (One and Two Family Residential). The other property located to the south is located within Williamson County and is zoned MGA-5. The properties to the east of Phase 2 are also located within Williamson County and zoned MGA-5. All surrounding parcels contain single-family residential land uses or are currently vacant.

Fairview Forward 2040 Plan

The Fairview Forward 2040 Comprehensive Plan designates this property as New Residential – Medium Neighborhood. The New Residential – Medium Neighborhood classification notes the appropriate land uses are single-family detached residential, single family attached residential (limited to two-family houses), Mixed-use/Commercial/Office (TND only), Multifamily residential (TND, CS Only), and Civic/Institutional. All phases of the Belvoir residential subdivision development contain single-family detached residential units; therefore, the proposed land use of Phase 2 complies with the New Residential-Medium Neighborhood classification found within the Fairview Forward 2040 Plan.

Staff Recommendation:

Staff recommends the Planning Commission approve the Belvoir Phase 2 Development Plan in order to create 54 single-family detached lots, create two (2) new public rights-of-way (Belvoir Grove and Belvoir Loop), extend one (1) public right-of-way (Northwest Highway), create one (1) new public alley, create three (3) open spaces, create three (3) stormwater ponds, and install all necessary stormwater, water, and wastewater infrastructure as resubmitted on October 24th, 2024 with the condition of approval included in Resolution PC-40-24.

**PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE
RESOLUTION NO. 41-24**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, APPROVING AN AMENDMENT TO THE FAIRVIEW ZONING ORDINANCE ARTICLE 6: RESIDENTIAL DISTRICT REGULATIONS, SECTION 6-102.10 GENERAL EXCEPTIONS TO HEIGHT REGULATIONS: RESIDENTIAL ZONE DISTRICTS, ARTICLE 8: COMMERCIAL DISTRICT REGULATIONS, SECTION 8:103.3 GENERAL EXCEPTIONS TO HEIGHT REGULATIONS: COMMERCIAL ZONE DISTRICTS and ARTICLE 9 : INDUSTRIAL DISTRICT REGULATIONS, SECTION 9.103.3 GENERAL EXCEPTIONS TO HEIGHT REGULATIONS: INDUSTRIAL ZONE DISTRICTS IN ORDER TO CLARIFY PERMITTED EXCEPTIONS TO HEIGHT REGULATIONS AND PERMIT HEIGHT EXCEPTION FOR ALL LAND USES WITHIN THE COMMUNITY FACILITIES LAND USE AS LISTED IN SECTION 3-103.2 OF THE FAIRVIEW ZONING ORDINANCE.

WHEREAS, the Fairview Zoning Ordinance permits exception to the height regulations within all residential, commercial and industrial zone districts, and

WHEREAS, the exceptions to height did not provide clarity on all potential situation and scenarios that may qualify for an exception of prescribed height regulations; and

WHEREAS, land uses within the Community Facilities land use category are permitted in residential, commercial and industrial zone districts; and

WHEREAS, the Community Facilities land use category permits numerous land uses and associated buildings and structures that meet the requirements for an exception to height regulations, and

WHEREAS, the staff report is attached as Exhibit PC-41-24-A,

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

The City of Fairview Planning Commission hereby recommends to the Board of Commissioners to amend Section 6-102.10 General Exceptions to Height Regulations, Section 8-103.3(1) General Exceptions to Height Regulations and Section 9-103.3(1) General Exceptions to Height Regulations to provide clarity to permitted exceptions to height regulations and to provide a height exception for all land uses within the Community Facilities land use category as listed in Section 3-103.2 as noted within the attached Staff Report (Exhibit PC-41-24-A).

Adopted this _____ day of _____, 2024

Planning Commission Chairperson

Attest:

City Recorder

Approved As To Form:

City Attorney

EXHIBIT PC-41-24-A
STAFF REPORT
PC-41-24

Project: Exceptions to Height Regulations

Application Type: Zoning Ordinance Amendment

Applicant: Fairview Planning Department

Zoning Amendment Summary

The Fairview Zoning Ordinance contains exceptions to maximum height requirements in all zoning districts, whether residential, commercial or industrial. This height exception language is found in Section 6-102.10, Section 8-103.3(1) and Section 9-103.3(1). Each of these sections provides general information related to specific structure types that are permitted to exceed the maximum height regulations as stated in all established zoning districts, whether residential, commercial or industrial.

To provide more specificity and clarity to which structure types are permitted to exceed the height regulations found in established zone districts, the City Planning Department staff are proposing updates to three (3) sections within the Fairview Zoning Ordinance.

The specific structures that have been added to these sections are domes, flag poles, silos, and grain elevators, which are currently not specified within these regulations. Additionally, the request is to add text that provides an exception to all land uses listed within the Community Facilities land use category in Section 3-103.2 of the zoning ordinance. The Community Facilities land use category is permitted within all types of zoning districts – residential, commercial and industrial. Also, the Community Facilities land use category permits buildings/structures that have a high likelihood of meeting the requirements for an exception to the height regulations. These buildings/structures include court buildings, fire department buildings, police department buildings, post offices, and other government office/facilities.

These updates will provide more specificity and clarity for both City Staff while reviewing projects and for applicants as they are creating a project for submission.

Proposed Amendments and Proposed Text

The proposed amendment is to remove all text in Section 6-102.10, Section 8-103.3(1), and 9.103.3(1) and replace with the following text.

The proposed text for Section 6-102.10, Section 8-103.3(1) and Section 9.103.3(1), is as follows:

6-102.10 General Exceptions to Height Regulations

1. General Exceptions to Height Regulations: Residential Zone Districts

The maximum height regulations contained in all residential zone district bulk regulations shall not apply to church spires, belfries, cupolas, domes, radio towers, flag poles, water tanks, silos, grain elevators, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level of a building and not intended for human occupancy. Additionally, the maximum height regulations contained in any residential zone district bulk regulations shall not apply to any land use found within the Community Facilities Activity classification as found in Section 3-103.2 of this ordinance.

8-103.3 Height Regulations

1. General Exceptions to Height Regulations: Commercial Zone Districts

The maximum height regulations contained in all commercial zone district bulk regulations shall not apply to church spires, belfries, cupolas, domes, radio towers, flag poles, water tanks, silos, grain elevators, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level of a building and not intended for human occupancy. Additionally, the maximum height regulations contained in any commercial zone district bulk regulations shall not apply to any land use found within the Community Facilities Activity classification as found in Section 3-103.2 of this ordinance.

9-103.3 Height Regulations

1. General Exceptions to Height Regulations: Industrial Zone Districts

The maximum height regulations contained in all industrial zone district bulk regulations shall not apply to church spires, belfries, cupolas, domes, radio towers, flag poles, water tanks, silos, grain elevators, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level of a building and not intended for human occupancy. Additionally, the maximum height regulations contained in any industrial zone district bulk regulations shall not apply to any land use found within the Community Facilities Activity classification as found in Section 3-103.2 of this ordinance.

Staff Recommendation:

Staff recommends the Planning Commission provide a favorable recommendation to the Board of Commissioners to amend Section 6-102.10 General Exceptions to Height Regulations, Section 8-103.3(1) General Exceptions to Height Regulations and Section 9-103.3(1) General Exceptions to Height Regulations to provide clarity to permitted exceptions to height regulations and to provide a height exception for all land uses within the Community Facilities land use category as listed in Section 3-103.2.

**PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE
RESOLUTION NO. 42-24**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, APPROVING THE MASTER DEVELOPMENT PLAN FOR THE LAKE ROAD HIGHWAY 96 TOWNHOMES DEVELOPMENT, LOCATED ON PROPERTY WEST OF HIGHWAY 96 AND EAST OF LAKE ROAD, TAX MAP 22 PARCELS 007.00, 167.00 AND 178.02. OWNER: SM COMMERCIAL, LLC.

WHEREAS, T Square Engineering (Allison Corolla) is requesting approval of a Master Development Plan for the Highway 96 Townhomes development for 104 number of attached dwelling units within 18 buildings, two (2) stormwater ponds, one (1) active open space, private roadways, and all necessary stormwater, water, and sewer infrastructure.

WHEREAS, the staff report is attached as Exhibit PC-42-24-A,

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

The City of Fairview Planning Commission hereby **approves** the Master Development Plan for Highway 96 Townhomes development, as resubmitted on October 24, 2024, with the following conditions:

1. Remaining staff comments to be addressed prior to the pre-construction meeting.

Adopted this _____ day of _____, 2024

Planning Commission Chairperson

Attest:

City Recorder

Approved As To Form:

City Attorney

EXHIBIT PC-42-24-A
STAFF REPORT
PC-42-24

Project: Highway 96 Townhomes

Application Type: Master Development Plan

Applicant: T Square Engineering (Allison Corolla)

Owner: Middle Tennessee Developers (Thomas Steffen)

Developer: Middle Tennessee Developers (Thomas Steffen)

Initial Submittal Date: 9/26/2024

Final Submittal Date: 10/24/2024

Tax Map: 22 Parcel: 007.00, 167.00, and 178.02

Property Zoning: RM-8 (Multi-Family Residential District)

Project Summary

T Square Engineering (Allison Corolla) has submitted, on behalf of Middle Tennessee Developers, a Master Development Plan for the Highway 96 Townhomes development. The development contains 13.49 (+/-) acres, and it is proposed to construct 104 townhouse units, 250 parking spaces, private roadways and 7.98 (+/-) acres of open space. The Fairview Zoning Ordinance classifies the townhouse land use as an attached dwelling as stated in Section 7-103 Development Standards for Attached Dwellings. Section 7-103(1) states that all Attached Dwelling development must submit a Master Development Plan for review by the Fairview Planning Commission.

The property is located on FEMA FIRM Panel, 4187C0135F and no portion of the Highway 96 Townhomes development is located within a flood hazard area, Zone X.

The Highway 96 townhome development contains 104 townhouse units within 19 buildings and the required 208 parking spaces along with an additional 42 guest parking spaces. The density of the development is 7.7 units per acre or 5,650 square feet per unit. The RM-8 zone district permits 8 units per acre or 5,400 square feet per unit. The development is providing a playground that is centrally located within the development adjacent to a guest parking lots and the clustered mail kiosk. The development also includes four (4) private roadways with sidewalks provided on both sides of the roadways and connect the entire development.

Surrounding Zoning and Land Use

The property to the north is zoned RS-40 (Single Family Residential). The properties to the south are zoned RSM-40 (Single Family Residential). The properties to the east (across Highway 96) are zoned CG (Commercial General) and RS-40 (Single Family Residential). The properties to the west are zoned R-20 (One and Two Family Residential), RS-40 (Single Family Residential) and RSM-40 (Single Family Residential). All surrounding properties are located with the municipal boundaries of Fairview.

The land use found on properties to the north and east is currently single family detached residential. The properties to the south and west are currently all vacant.

Fairview Forward 2040 Plan

The Fairview Forward 2040 Comprehensive Plan designates the parcels that encompass the Highway 96 Townhome development as both Transition Corridor and Legacy Residential-Medium. The Transition Corridor classification notes the appropriate land uses are Single-Family Detached Residential, Office, Civic/Institutional and the appropriate zone districts are RS-40 and a new district that would permit the adaptive reuse of existing structures. The Legacy Residential-Medium classification notes the appropriate land use is Single-Family Detached Residential and the appropriate zone districts are RS-40 and R-20.

The property zoning of RM-8 nor the proposed land use of attached dwellings is in alignment with the Fairview Forward Plan, however the property zoning has been in place prior to the adoption of the 2040 Plan. Therefore, the owner can develop the property as current zoned and the proposed land use of attached dwelling (townhomes) is a permitted use within the RM-8 zone district.

Staff Recommendation:

Staff recommends the Planning Commission approve the Highway 96 Townhomes Master Development Plan in order to create 104 townhouse units within 19 buildings, with all required parking spaces, four (4) private roadways, two (2) stormwater ponds, open spaces, and all required stormwater, water, and sewer infrastructure as resubmitted on October 24, 2024 with the conditions of approval included in Resolution PC-42-24.