
**CITY OF GALLATIN
COUNCIL MEETING**

May 20, 2014

6:00 pm

**Dr. J. Deotha Malone
Council Chambers**

- Call to Order – Mayor Jo Ann Graves
- Invocation
- Pledge of Allegiance – Vice Mayor Alexander
- Roll Call: Vice Mayor Alexander – Brackenbury – Camp – Hayes – Kemp – Mayberry – Overton
- Approval of Minutes: Council Meeting May 6, 2014
- Public Recognition on Agenda-Related Items
- Mayor’s Comments

AGENDA

1. **Second Reading Ordinance No. O1403-13** An ordinance of the City of Gallatin, Sumner County, Tennessee, annexing three (3) parcels comprising approximately 20.84 (+/-) acres into the City of Gallatin, located east of Airport Road and north of Cairo Road, authorizing the annexed parcel(s) to be indicated on the Official Zoning Map; authorizing assigning annexed area to a Council District; repealing conflicting ordinances; providing for severability, and providing for an effective date. **(Councilwoman Kemp)**
2. **Second Reading Ordinance No. O1404-19** Ordinance adopting a Plan of Service for the annexation of three (3) parcels (Tax Map 127 and Parcels 005.00, 005.07, and 005.08) containing 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. **(Councilwoman Kemp)**
3. **Second Reading Ordinance No. O1403-12** An ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning an approximate 20.84 acre parcel, located east of Airport Road and north of Cairo Road from Low Density Residential-40 (R40) Zoning District to the Multiple Residential and Office (MRO) Zoning District and approving a Preliminary Master Development Plan for Cairo Estates, authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date. **(Councilwoman Kemp)**
4. **Second Reading Ordinance No. O1404-18** An ordinance of the City of Gallatin, Sumner County, Tennessee reaffirming the Mixed Use (MU) District zoning on a 30.84 (+/-) acre parcel (S.B.E. 126//001.00), located at the southeastern corner of the intersection of Long Hollow Pike and State Route 109 North and approving a Preliminary Master Development Plan for the Long Hollow Pike Mixed Use Development, authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date. **(Councilman Hayes)**

5. **Second Reading Ordinance No. O1405-24** Ordinance appropriating \$2,338.27 for damage to a decorative light fixture pole and lamp at West Main Street **(Councilwoman Kemp)**
6. **Second Reading Ordinance No. O1405-26** An ordinance amending Gallatin Municipal Code, Chapter 10, Article IV. Noise, Sec. 10-87. Exceptions **(Councilman Overton)**
7. **First Reading Ordinance No. O1404-21** Ordinance appropriating \$14,600 to Information Technology Division for salary and benefits **(Councilman Mayberry)**
8. **First Reading Ordinance No. O1404-22** Ordinance appropriating \$70,000 for A.C.E.S. Redlight Camera System **(Councilwoman Brackenbury)**
9. **First Reading Ordinance No. O1404-23** Ordinance appropriating \$3,606.70 from revenue received for insurance recoveries **(Councilman Hayes)**
10. **First Reading Ordinance No. O1405-27** Ordinance appropriating \$9,392.50 from revenue received by sale of surplus property **(Councilman Overton)**
11. **First Reading Ordinance No. O1405-33** Ordinance authorizing funds in the amount of \$172,415.00 to purchase property located at 170 West Franklin Street, Gallatin, Tennessee, and to repair and renovate the structure located thereon **(Councilwoman Kemp)**
12. **Resolution No. R1405-19** Resolution approving the use of city-owned right-of-way located along Noah Lane, Chloe Drive and Browns Lane for the installation of community identification markers, street trees, and landscaping for the Fairvue Plantation Homeowner's Association **(Councilman Hayes)**
13. **Resolution No. R1405-20** Resolution reclassifying Risk Management Coordinator **(Councilman Mayberry)**
14. **First Reading Ordinance No. O1404-25** Ordinance to provide revenue for the City of Gallatin Tennessee for municipal purposes for the 2014 tax year and the 2015 fiscal year **(Councilman Mayberry)**
15. **First Reading Ordinance No. O1405-34** Ordinance of the City of Gallatin, Tennessee, adopting the annual budget for the fiscal year beginning July 1, 2014 through June 30, 2015. **(Mayor Graves)**

- Other Business
- Public Recognition on Non-Agenda-Related Items
- Adjourn

City of Gallatin City Council Meeting

May 6, 2014

The Gallatin City Council met in regular session on Tuesday, May 6, 2014 in the Dr. J. Deotha Malone Council Chambers Gallatin City Hall. Vice Mayor John D. Alexander called the meeting to order at 6:00 P.M. Councilman Ed Mayberry led the opening prayer and Vice Mayor John D. Alexander led the Pledge of Allegiance.

City Recorder Connie Kittrell called the roll and the following were present:

Present:

Vice Mayor John D. Alexander
Councilwoman Julie Brackenbury
Councilman Steve Camp
Councilman Craig Hayes
Councilwoman Anne Kemp
Councilman Ed Mayberry
Councilman Jimmy Overton

Absent:

Mayor Jo Ann Graves

Others Present

Ronnie Stiles, Public Works Director
David Gregory, Public Utilities Director
Debbie Johnson, Human Resource Director
Bill McCord, City Planner
News Examiner, Reporter
Rosemary Bates, Special Projects Director
Chuck Stuart, Building Official
James Fenton, EDA Director

David Brown, Leisure Services Dir.
Rachel Nichols, Finance/IT Dir.
Don Bandy, Police Chief
Connie Kittrell, City Recorder
Nick Tuttle, City Engineer
Gallatin Newspaper, Reporter
Billy Crook, Fire Chief

Approval of Minutes

Vice Mayor Alexander presented the minutes of the April 15, 2014 City Council Meeting for approval. Councilman Overton made motion to approve; Councilwoman Brackenbury second. Motion carried with 6 ayes and 0 nays.

Public Recognition on Agenda Related Items

Vice Mayor Alexander opened public recognition on agenda related items.

Bob Thomas of 166 Grandview Circle spoke about the exceptions noise issue and the Tractor Pull Event noise problem. Mr. Thomas provided council with an aerial photo of Triple Creek Park.

Councilman Craig Hayes entered the meeting at this time.

With no one else wishing to speak, Vice Mayor Alexander closed public recognition.

Mayor's Comments

Vice Mayor Alexander made no comments.

Agenda

1. Ordinance #O1403-13 - Public Hearing

Councilwoman Kemp presented this ordinance of the City of Gallatin, Sumner County, Tennessee, annexing three (3) parcels comprising approximately 20.84 (+/-) acres into the City of Gallatin, located east of Airport Road and north of Cairo Road, authorizing the annexed parcel(s) to be indicated on the Official Zoning Map; authorizing assigning annexed area to a Council District; repealing conflicting ordinances; providing for severability, and providing for an effective date.

There were no public comments.

2. Ordinance #O1404-19 - Public Hearing

Councilwoman Kemp presented this ordinance adopting a Plan of Service for the annexation of three (3) parcels (Tax Map 127 and Parcels 005.00, 005.07, and 005.08) containing 20.84(+/-) acres, located east of Airport Road and north of Cairo Road.

There were no public comments.

3. Ordinance #O1403-12 - Public Hearing

Councilwoman Kemp presented this ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning an approximate 20.84 acre parcel, located east of Airport Road and north of Cairo Road from Low Density Residential-40 (R40) Zoning District to the Multiple Residential and Office (MRO) Zoning District and approving a Preliminary

Master Development Plan for Cairo Estates, authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

James Egan, Chairman of the Sumner County Regional Airport Authority spoke in opposition of the development due to its close proximity to the airport. Mr. Egan urged council to provide a statement notice on the plat and pass a resolution in support of airport growth. Mr. Egan provided Special Projects Director Rosemary Bates with a copy of his requests from council.

Andy Leath, Engineer for the developer Henry Holleman stated the purchasers in the development will certainly be made aware of the closeness of the airport and noise possibilities. Mr. Leath added that he would also place a note on the plat for each homeowner's information.

Leonard Assante, representing the aircraft owners spoke concerning the airport and the development. Mr. Assante said that he was in agreement with Chairman Egan's request for a notice on the plat and a resolution from the city.

With no one else wishing to speak, Vice Mayor Alexander closed the public hearing.

4. Ordinance #O1404-18 Public Hearing

Councilman Hayes presented this ordinance of the City of Gallatin, Sumner County, Tennessee reaffirming the Mixed Use (MU) District Zoning on a 30.84 (+/-) acre parcel (S.B.E. 126//001.00), located at the southeastern corner of the intersection of Long Hollow Pike and State Route 109 North and approving a Preliminary Master Development Plan for the Long Hollow Pike Mixed Use Development, authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

There were no public comments.

5. Ordinance #O1302-5 - Second Reading

Councilman Mayberry presented this ordinance amending the City of Gallatin, Tennessee Charter as established in Chapter 67 of the Private Acts of 195 and as amended thereafter to establish a Rainy Day Fund.

Councilman Mayberry made motion to approve; Councilman Overton second. Motion carried with 7 ayes and 0 nays.

6. Ordinance #O1403-10 - Second Reading

Councilman Mayberry presented this ordinance appropriating funds from the Sale of Equipment for the Public Works Department in the amount of \$3,484.65.

Councilman Mayberry made motion to approve; Councilwoman Kemp second. Motion carried with 7 ayes and 0 nays.

7. Ordinance #O1403-14 - Second Reading

Councilman Hayes presented this ordinance appropriating \$1,270.00 from revenue received by Sign Shop Sale of Materials.

Councilman Hayes made motion to approve; Councilman Overton second. Motion carried with 7 ayes and 0 nays.

8. Ordinance #O1404-20 - Second Reading

Councilwoman Kemp presented this ordinance appropriating \$100,000 for paving and repairs to the parking area at the Gallatin Civic Center.

Councilwoman Kemp made motion to approve; Councilman Overton second. Motion carried with 7 ayes and 0 nays.

9. Ordinance #O1405-24 - First Reading

Councilwoman Kemp presented this ordinance appropriating \$2,338.27 for damage to a decorative light fixture pole and lamp at West Main Street.

Councilwoman Kemp made motion to approve; Councilwoman Brackenbury second. Motion carried with 7 ayes and 0 nays.

10. Ordinance #O1405-26 - First Reading

Councilman Overton presented this ordinance amending Gallatin Municipal Code, Chapter 10, Article IV. Noise, Sec. 10-87. Exceptions.

Councilman Overton made motion to approve; Councilwoman Kemp second. Motion carried with 7 ayes and 0 nays.

11. Resolution #R1402-4

Councilwoman Kemp presented this resolution confirming local historic landmark design guidelines for the Schamberger Opera House at 126 East Main Street.

Councilwoman Kemp made motion to approve; Councilwoman Brackenbury second. Motion carried with 7 ayes and 0 nays.

12. Resolution #R1404-17

Councilwoman Brackenbury presented this resolution confirming reappointment of Roger Matchett to Gallatin Historic District Commission.

Councilwoman Brackenbury made motion to approve; Councilman Overton second. Motion carried with 7 ayes and 0 nays.

13. Resolution #R1404-18

Councilman Camp presented this resolution reappointing James Robert Ramsey to Gallatin Regional Board of Zoning Appeals.

Councilman Camp made motion to approve; Councilwoman Kemp second. Motion carried with 7 ayes and 0 nays.

Other Business

Vice Mayor Alexander called for other business.

- Councilman Overton presented the request to purchase the property at 170 West Franklin Street for \$133,000.00 for use by the Gallatin Police Department. Councilman Overton continued that \$39,415 will be needed for improvements to the building for a total of \$172,415.00.

Councilman Overton made motion to appropriate \$172,415 for purchase and improvements of 170 West Franklin Street property and authorize Mayor to sign contract; Councilwoman Kemp second. Motion carried with 7 ayes and 0 nays.

- City Recorder Connie Kittrell presented a Certificate of Compliance for Broadway Discount Liquors located at 415 East Broadway, Guy Chapman applicant.

Councilman Overton made motion to approve; Councilwoman Brackenbury second. Motion carried with 7 ayes and 0 nays.

- EDA Director James Fenton requested council consider lowering the surety bond for ABC Technologies. There was much discussion on this issue among City Planner Bill McCord, EDA Director James Fenton and Council.

Councilman Overton requested this item be placed on next week's work session agenda for more discussion. Councilwoman Brackenbury requested written/itemized information placed in their packets for the work session.

With no one else wishing to speak, Vice Mayor Alexander closed other business.

Public Recognition on Non-Agenda Related Items

Vice Mayor Alexander called for public recognition on non-agenda related items.

- Bob Thomas of 166 Grandview Circle referenced his earlier handout (aerial photo of Triple Creek Park) and the soccer fields located next to Grandview Subdivision. Mr. Thomas stated his concerns over the lighting of the soccer fields and the ball fields becoming an issue. Mr. Thomas also spoke about the fence between the park and the residents in Grandview Subdivision.
- Councilwoman Brackenbury announced the "Relay For Life" event scheduled for this Friday night at 6:00 PM at the Civic Center with all the money raised going to cancer research.
- Vice Mayor Alexander requested 511 Randolph Circle, Vantrease Subdivision, easement placed on next week's work session agenda for more discussion.

With no one else wishing to speak, Vice Mayor Alexander closed public recognition on non-agenda related items.

Adjourn

With no other business to discuss, Vice Mayor Alexander adjourned the meeting.

Vice Mayor John D. Alexander

City Recorder Connie Kittrell

ORDINANCE NO. 01403-13

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, ANNEXING THREE (3) PARCELS COMPRISING APPROXIMATELY 20.84 (+/-) ACRES INTO THE CITY OF GALLATIN, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD, AUTHORIZING THE ANNEXED PARCEL(S) TO BE INDICATED ON THE OFFICIAL ZONING MAP; AUTHORIZING ASSIGNING ANNEXED AREA TO A COUNCIL DISTRICT; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of property of the affected area has/have submitted a petition to annex 20.84 acres located adjacent to and substantially contiguous to the City of Gallatin, Tennessee city limits and located in the City of Gallatin Planning area; and

WHEREAS, a public hearing was held following public notice as prescribed by ordinance and §6-51-102 T.C.A.; and

WHEREAS, the City of Gallatin deems it reasonable and mutually beneficial to annex the territory described herein; and

WHEREAS, the Gallatin Municipal-Regional Planning Commission has by a majority vote recommended approval of the proposed annexation and Plan of Service to the affected area; and

WHEREAS, the City Council of the City of Gallatin has approved a Plan of Services for the annexation area as described in Ordinance O1404-19 (Exhibit 'A').

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE as follows:

Section 1. The City Council of the City of Gallatin does hereby annex the following property as described in Exhibit 'B' and indicated on the map in Exhibit 'C';

Section 2. The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City's boundaries and the Official Zoning Atlas to show the classification for the area as hereby being annexed into the City as shown on Exhibit 'B' and Exhibit 'C' attached hereto.

Section 3. The territory described in Exhibit 'B' and depicted in Exhibit 'C' shall become part of the City Council District 1.

Section 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 6. This ordinance shall take effect thirty (30) days after final passage, the public welfare requiring such, per Sec. 6-51-102(a)(1) T.C.A.

PASSED FIRST READING: April 15, 2014

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Exhibit 'A' – Plan of Services for the annexation property (Ordinance O1404-19)

Exhibit 'B' – Legal Description of annexation territory

Exhibit 'C' – Map of the annexation territory

EXHIBIT A

ORDINANCE NO. 01404-19

ORDINANCE ADOPTING A PLAN OF SERVICE FOR THE ANNEXATION OF THREE (3) PARCELS (TAX MAP 127 AND PARCELS 005.00, 005.07, AND 005.08) CONTAINING 20.84 (+/-) ACRES, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD.

WHEREAS, the City of Gallatin received a petition by a property owner for the annexation of 20.84 (+/-) acres contiguous to the City; and

WHEREAS, the area proposed for annexation to the City of Gallatin is substantially contiguous to the corporate limits to the City and within the City's Urban Growth Boundary, as required by law; and

WHEREAS, Tennessee Code Annotated Section 6-51-102(b) as amended requires that a Plan of Service be adopted by the governing body of a City prior to the passage of an annexation ordinance; and,

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to T.C.A. 6-51-102(b), 6-51-107, 13-3-104, 13-3-301, and 13-4-103 has reviewed and recommended approval of this Plan of Service, as contained in this ordinance, in GMRPC Resolution 2014-24.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, AS FOLLOWS:

SECTION 1. Pursuant to the provisions of Section 6-51-102, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described in Exhibit 'A' and the Plan of Service described in Exhibit 'B':

SECTION 2. This Ordinance shall be effective April 24, 2014, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

EXHIBIT A

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Exhibit 'A' – Legal Description and Annexation Exhibit
Exhibit 'B' – Plan of Service

EXHIBIT B PLAN OF SERVICE FOR CAIRO ESTATES (PC0259-14)

A. Water

Water service in the annexation area will be provided by Gallatin Public Utilities (GPU). There is a six (6) inch GPU water line located within Cairo Road, which is adjacent to the proposed entrance of this development.

Gallatin Public Utilities has indicated that:

- The existing utility infrastructure will support this proposed annexation. Detailed plans and specifications for extending water and sanitary sewer to this development must be submitted for review and approval.
- Additional water and/or sanitary sewer capacity may be needed to serve the annexation property and development. Upon receipt of detailed plans and specifications for water and sewer installations and hydraulic calculations. Specific facility needs cannot be determined. The developer of the properties should be responsible for extending municipal water lines to the property upon or prior to development.

B. Sanitary Sewer

Sanitary sewer service in the annexation area will be provided by Gallatin Public Utilities (GPU). There is a 12 inch sanitary sewer line located along Albright Creek, which bisects this property between the proposed Phase 2 and 3.

Gallatin Public Utilities has indicated that:

- The existing utility infrastructure will support this proposed annexation. Detailed plans and specifications for extending water and sanitary sewer to this development must be submitted for review and approval.
- Additional water and/or sanitary sewer capacity may be needed to serve the annexation property and development. Upon receipt of detailed plans and specifications for water and sewer installations and hydraulic calculations. Specific facility needs cannot be determined. The developer of the properties should be responsible for extending municipal water lines to the property upon or prior to development.

C. Street Construction and Maintenance

Approximately 2,660 linear feet of new roadways are proposed within Cairo Estates. The streets in the annexation area will be maintained by the City of Gallatin upon request from the property owner for the City of Gallatin to accept the roads.

EXHIBIT A

D. Solid Waste and Refuse Collection

Upon annexation, the City of Gallatin will begin the collection of solid waste in the annexation area based on the provisions set forth in the Gallatin Municipal Code.

E. Planning and Zoning Services

Upon annexation, the planning and zoning services of the City of Gallatin will continue to be provided in the annexation area.

F. Building Inspections and Code Enforcement Services

Upon annexation, building and code inspection services will continue to be provided by the City of Gallatin.

G. Fire Protection

Present personnel and equipment of the Gallatin Fire Department will provide fire protection on and after the effective date of the annexation. The developer will provide fire hydrants in the annexation area pursuant to NFPA Life Safety Standards as determined by the City's Senior Fire Inspector.

Gallatin Fire Department has indicated that no additional firemen or departmental vehicles will be needed for this annexation/plan of service.

H. Police Protection

Police patrol, response to calls, and other routine police services by the Gallatin Police Department will be provided with existing personnel on and after the effective date of the annexation.

Gallatin Police Department has indicated that:

- No additional police officers will be needed to provide service to this area due to annexation and
- No additional departmental vehicles will be needed.

I. Animal Control

The Public Works Department provides animal control services and enforces the City's animal control ordinances. These services will be available in the annexation area when the annexation becomes effective.

J. Recreational Facilities and Programs

The benefit and use of all recreational facilities and programs provided by the Leisure Services Department will be available on and after the effective date of the annexation. Recreational facilities and programs will be provided with existing personnel, facilities, and resources.

EXHIBIT A

K. Street Lighting and Electric Service

Street lighting will be extended into the annexed area in accordance with existing City policy along with the extension of City electric facilities as provided in T.C.A. Section 6-51-112. Either the City of Gallatin or Cumberland Electric Membership Corporation will provide electrical service to the annexation area.

Gallatin Department of Electricity has indicated that:

- The existing Gallatin Department of Electricity infrastructure will not support this proposed annexation and subsequent development.
- To be served by Gallatin Department of Electricity, the developer must supply route electric service lines, approved by GDE, from either Gregory Drive or Airport Road for access to this development. GDE cannot build an elevated power line along Cairo Road from Airport Road due to FAA restrictions. GDE will have discussions with Cumberland Electric Membership Corporation (CEMC) about serving this development.

The City may negotiate to acquire CEMC lines serving the development after construction or franchise to CEMC the operation of services in the annexation area as provided by T.C.A. Sec. 6-5-112.

L. Gas

The Gallatin Public Utilities Department provides natural gas services to residential, business, and industrial customers in the City of Gallatin and outside the City's corporate limits. The Public Utilities Department will extend natural gas service in the annexation area. Upon extension of gas lines by Gallatin Public Utilities, the City will oversee and monitor such lines.

**DESCRIPTION OF THE HENRY HOLLEMAN PROPERTY:
20.84 ACRE TRACT.**

The property described herein is located in the 2nd Civil District of Sumner County, Tennessee; situated on the northern side of Cairo Road approximately 0.3 mile easterly of the intersection with Airport Road adjoining the City Limits of Gallatin, Tennessee; being known as Job Number 13031T as described by a survey performed by Richard D. Graves, Tennessee Registered Land Surveyor Number 1628, on the 27th day of January, 2014 in detail as follows:

Beginning on a five-eighths inch iron re-bar found on the north right-of-way of Cairo Road, being found 28.00 feet from the existing centerline of said road at the southeastern corner of the Sumner County Regional Airport Authority (R.B. 502 P. 70), being the southwestern corner of the herein described tract, thence running with the east line of the Sumner County Regional Airport Authority (R.B. 502 P. 70), Lot 1 of the Ramsey Industrial Center Subdivision - Section Two (P.B. 19 P. 53) - Owner - Joseph C. Merlo (R.B. 1175 P. 268), and Lot 10 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gary H. Branham, et ux (R.B. 3275 P. 552) along the City Limits of Gallatin, Tennessee N 05 degrees 52 minutes 53 seconds E 1,120.77 feet to a half inch iron re-bar found by a corner post in the east line of Lot 10 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gary H. Branham, et ux (R.B. 3275 P. 552) at the southwest corner of the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320), thence running and cornering with the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320), continuing with the City Limits of Gallatin, Tennessee, for the next two calls: S 81 degrees 54 minutes 44 seconds E 298.52 feet to a half inch iron re-bar found by a corner post, thence N 12 degrees 42 minutes 51 seconds E 373.63 feet to a one inch iron pipe found by a corner post at the northeast corner of the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320) in the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50), thence running with the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50) S 83 degrees 29 minutes 58 seconds E 514.76 feet (passing through a half inch iron re-bar found at 109.39 feet, leaving the City Limits of Gallatin, Tennessee, and passing through a railroad spike found at 304.43 feet at a Deed/Tract corner of Holleman) to a five-eighths inch iron re-bar found in concrete by a corner post in the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50) at the northwest corner of the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160), thence running and cornering with the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160) for the next three calls: S 06 degrees 02 minutes 05 seconds W 297.63 feet to a half inch iron re-bar found (Darnall RLS 1571), thence S 20 degrees 02 minutes 33 seconds W 153.35 feet to a half inch iron re-bar found (Darnall RLS 1571), thence S 24 degrees 45 minutes 19 seconds W 657.51 feet to a half inch iron re-bar set prior survey at the southwest corner of the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160) with the northwest corner of the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113), thence running and cornering with the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113) for the next three calls: S 06 degrees 52 minutes 10 seconds E 167.00 feet to a half inch iron re-bar set prior survey, thence S 05 degrees 19 minutes 55 seconds W 103.30 feet to a half inch iron re-bar set prior survey found in concrete (disturbed), thence S 21 degrees 01 minute 58 seconds W

R E C E I V E D
MAR 13 2014

EXHIBIT B

ATTACHMENT 3-2

193.11 feet to a half inch iron re-bar set prior survey in the west line of the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113) at the northeast corner of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757), thence running and cornering with the northern line of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757) for the next two calls: N 20 degrees 21 minutes 05 seconds W 200.71 feet to a half inch iron re-bar set prior survey, thence N 74 degrees 08 minutes 11 seconds W 128.35 feet to a half inch iron re-bar set prior survey at the northwest corner of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757) with the northeast corner of Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623), thence running and cornering with Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623) for the next three calls: N 51 degrees 43 minutes 37 seconds W 125.72 feet to a half inch iron re-bar set prior survey, thence N 74 degrees 08 minutes 11 seconds W 80.00 feet to a half inch iron re-bar set prior survey, thence S 12 degrees 42 minutes 55 seconds W 317.89 feet to a half inch iron re-bar set prior survey on the north right-of-way of Cairo Road, being found 24.50 feet from the existing centerline of said road at the southwest corner of Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623), thence running with the northern right-of-way of Cairo Road N 57 degrees 23 minutes 56 seconds W 174.59 feet to the beginning, containing 20.84 acres more or less.....

Surveyor's Notes: (1) A Major Portion of the above described tract is located in Flood Hazard Zones AE & X. (2) Subject to a Sewer Line crossing through the tract and any easements or rights-of-ways associated with said sewer line. (3) Subject to any rights-of-ways, easements, liens, encroachments, leases, etc. that exist and still apply to said property.

The above described tract being all of the tract of land conveyed to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, from Raymond Keith Brown and Morgan Lee Brown of record in Record Book 3752 Pages 416-418, all of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Kyle McMahon, Douglas L. McMahon, Jack B. McMahon, and Jill Writesman of record in Record Book 2030 Pages 283-286 - in Record Book 3286 Pages 509-512 - See Tract 2, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, and the remainder of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Joy McMahon of record in Record Book 2030 Pages 287-290 - in Record Book 3286 Pages 509-512 - See Tract 1, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, all references to Record Books being in the Office of the Register for Sumner County, Tennessee and to Will Books being in the Office of the Circuit Court Clerk for Sumner County, Tennessee.

Tax Map Reference: Map 127 All of Parcels 5.00, 5.07, and 5.08

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GALLATIN PLANNING
& ZONING

Page 2 of 2

Richard A. Jones
1/27/2014

A RESOLUTION OF THE CITY OF GALLATIN MUNICIPAL REGIONAL PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ANNEXATION ORDINANCE NO. 01403-13 AND A PLAN OF SERVICE ORDINANCE NO. 01404-19 TO THE GALLATIN CITY COUNCIL – PC0259-14

WHEREAS, the owner of property of the affected area has submitted a petition to annex 20.84 (+/-) acres located adjacent to and substantially contiguous to the City of Gallatin city limits and located in the City of Gallatin Planning Region; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the annexation petition submitted by the applicant, Rogers Engineering Group, at its regular meeting on March 24, 2014; and

WHEREAS, the Planning Commission, acting as the Planning agency for the municipality, has made study of and a report on a Plan of Service for 20.84 (+/-) acres proposed for annexation to the City Council as authorized under Title 6, Sec. 6-51-107, T.C.A.,

WHEREAS, Tennessee Code Annotated, Title 6, Chapter 6, Section 6-51-102 requires a Plan of Services be adopted upon annexation of territory into the City, and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, and evidence and testimony presented during a public meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to T.C.A. Title 6, Chapter 51 and Title 13, Chapter 33 and Chapter 4, § 13-3-104, 13-3-301 and 13-4-103, 6-51-102(b), 6-51-102(b)(4), and 6-51-107

1. The City of Gallatin Municipal-Regional Planning Commission deems it necessary and reasonable to annex the territory described here in; and
2. The proposed Plan of Service is in agreement and consistent with the recommendations of the General Development and Transportation Plan for the area.
3. The City is not in default on any existing as adopted plan of services. (T.C.A. 65-51-102(b)(5))
4. It has been determined that there will not be an adverse effect upon adjoining property owners by annexation or implementing the Plan of Services or any such adverse effect can be justified by the public good or welfare.

5. It has been determined that no one (1) property owner or small group of property owners will benefit materially from the annexation and plan of services to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission as authorized by Title 6, Sec. 6-~~3~~-102(b)(4) hereby recommends approval of the Annexation Ordinance No. O1403-13(Exhibit 'A') and the Plan of Service Ordinance No.O1404-19 (Exhibit 'B') to the Gallatin City Council.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 7

NAY: 0

DATED: 3/24/2014



Dick Dempsey, Chairman



Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

Exhibit A – Annexation Ordinance No. O1403-13
Exhibit B – Plan of Service Ordinance No. O1404-19



City of Gallatin, Tennessee

Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: March 25, 2014

TO: Mr. Andy Leath
Rogers Engineering Group
114B West Main Street
Gallatin, TN 37066

FROM: Planning Department

RE: March 24, 2014, Gallatin Municipal-Regional Planning Commission Meeting
Cairo Estates, Phase 3, Annexation File: PC0259-14

At the above referenced meeting, the request for annexation and plan of service was:

- RECOMMENDED
- RECOMMENDED WITH CONDITIONS
- NOT RECOMMENDED
- DEFERRED

Approval contains the following requirements:

- COUNCIL SUBMITTAL
- CITY COUNCIL APPROVAL
 - Council Committee: 4/8/14
 - 1st Reading at City Council: 4/15/14
 - Ad runs for Public Hearing by Codes/Planning Department: 4/17/14
 - Public Hearing 5/6/14
 - 2nd Reading at City Council: 5/20/14

cc: PC File PC0259-14
Mr. Henry Holleman

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

APRIL 8, 2014

DEPARTMENT: PLANNING DEPARTMENT

AGENDA # 6

SUBJECT:

Ordinance No. O1403-13 of the City of Gallatin, Sumner County, Tennessee, annexing 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. (PC259-14)

SUMMARY:

Applicant requests the annexation of three (3) parcels (Tax Map 127 and Parcels 005.00, 005.07, and 005.08) containing 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. The Gallatin Municipal-Regional Planning Commission recommended approval at the March 24, 2014 Planning Commission Meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE ADOPTING A PLAN OF SERVICE FOR THE ANNEXATION OF THREE (3) PARCELS (TAX MAP 127 AND PARCELS 005.00, 005.07, AND 005.08) CONTAINING 20.84 (+/-) ACRES, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD.

WHEREAS, the City of Gallatin received a petition by a property owner for the annexation of 20.84 (+/-) acres contiguous to the City; and

WHEREAS, the area proposed for annexation to the City of Gallatin is substantially contiguous to the corporate limits to the City and within the City's Urban Growth Boundary, as required by law; and

WHEREAS, Tennessee Code Annotated Section 6-51-102(b) as amended requires that a Plan of Service be adopted by the governing body of a City prior to the passage of an annexation ordinance; and,

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to T.C.A. 6-51-102(b)(4), 6-5-107, 13-3-104, 13-3-301, and 13-4-103 has reviewed and recommended approval of this Plan of Service, as contained in this ordinance, in GMRPC Resolution 2014-24.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, AS FOLLOWS:

SECTION 1. Pursuant to the provisions of Section 6-51-102, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described in Exhibit 'A' and the Plan of Service described in Exhibit 'B':

SECTION 2. This Ordinance shall be effective April 24, 2014, the public welfare requiring such.

PASSED FIRST READING: April 15, 2014.

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Exhibit 'A' – Legal Description and Annexation Exhibit
Exhibit 'B' – Plan of Service

EXHIBIT A

ATTACHMENT 3-2

DESCRIPTION OF THE HENRY HOLLEMAN PROPERTY: 20.84 ACRE TRACT

The property described herein is located in the 2nd Civil District of Sumner County, Tennessee; situated on the northern side of Cairo Road approximately 0.3 mile easterly of the intersection with Airport Road adjoining the City Limits of Gallatin, Tennessee; being known as Job Number 13031T as described by a survey performed by Richard D. Graves, Tennessee Registered Land Surveyor Number 1628, on the 27th day of January, 2014 in detail as follows:

Beginning on a five-eighths inch iron re-bar found on the north right-of-way of Cairo Road, being found 28.00 feet from the existing centerline of said road at the southeastern corner of the Sumner County Regional Airport Authority (R.B. 502 P. 70), being the southwestern corner of the herein described tract, thence running with the east line of the Sumner County Regional Airport Authority (R.B. 502 P. 70), Lot 1 of the Ramsey Industrial Center Subdivision - Section Two (P.B. 19 P. 53) - Owner - Joseph C. Merlo (R.B. 1175 P. 268), and Lot 10 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gary H. Branham, et ux (R.B. 3275 P. 552) along the City Limits of Gallatin, Tennessee N 05 degrees 52 minutes 53 seconds E 1,120.77 feet to a half inch iron re-bar found by a corner post in the east line of Lot 10 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gary H. Branham, et ux (R.B. 3275 P. 552) at the southwest corner of the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320), thence running and cornering with the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320), continuing with the City Limits of Gallatin, Tennessee, for the next two calls: S 81 degrees 54 minutes 44 seconds E 298.52 feet to a half inch iron re-bar found by a corner post, thence N 12 degrees 42 minutes 51 seconds E 373.63 feet to a one inch iron pipe found by a corner post at the northeast corner of the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320) in the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50), thence running with the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50) S 83 degrees 29 minutes 58 seconds E 514.76 feet (passing through a half inch iron re-bar found at 109.39 feet, leaving the City Limits of Gallatin, Tennessee, and passing through a railroad spike found at 304.43 feet at a Deed/Tract corner of Holleman) to a five-eighths inch iron re-bar found in concrete by a corner post in the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50) at the northwest corner of the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160), thence running and cornering with the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160) for the next three calls: S 06 degrees 02 minutes 05 seconds W 297.63 feet to a half inch iron re-bar found (Darnall RLS 1571), thence S 20 degrees 02 minutes 33 seconds W 153.35 feet to a half inch iron re-bar found (Darnall RLS 1571), thence S 24 degrees 45 minutes 19 seconds W 657.51 feet to a half inch iron re-bar set prior survey at the southwest corner of the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160) with the northwest corner of the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113), thence running and cornering with the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113) for the next three calls: S 06 degrees 52 minutes 10 seconds E 167.00 feet to a half inch iron re-bar set prior survey, thence S 05 degrees 19 minutes 55 seconds W 103.30 feet to a half inch iron re-bar set prior survey found in concrete (disturbed), thence S 21 degrees 01 minute 58 seconds W

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GALLATIN PLANNING
COMMISSION

PC0260-14

EXHIBIT A

ATTACHMENT 3-2

193.11 feet to a half inch iron re-bar set prior survey in the west line of the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113) at the northeast corner of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757), thence running and cornering with the northern line of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757) for the next two calls: N 20 degrees 21 minutes 05 seconds W 200.71 feet to a half inch iron re-bar set prior survey, thence N 74 degrees 08 minutes 11 seconds W 128.35 feet to a half inch iron re-bar set prior survey at the northwest corner of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757) with the northeast corner of Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623), thence running and cornering with Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623) for the next three calls: N 51 degrees 43 minutes 37 seconds W 125.72 feet to a half inch iron re-bar set prior survey, thence N 74 degrees 08 minutes 11 seconds W 80.00 feet to a half inch iron re-bar set prior survey, thence S 12 degrees 42 minutes 55 seconds W 317.89 feet to a half inch iron re-bar set prior survey on the north right-of-way of Cairo Road, being found 24.50 feet from the existing centerline of said road at the southwest corner of Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623), thence running with the northern right-of-way of Cairo Road N 57 degrees 23 minutes 56 seconds W 174.59 feet to the beginning, containing 20.84 acres more or less.....

Surveyor's Notes: (1) A Major Portion of the above described tract is located in Flood Hazard Zones AE & X. (2) Subject to a Sewer Line crossing through the tract and any easements or rights-of-ways associated with said sewer line. (3) Subject to any rights-of-ways, easements, liens, encroachments, leases, etc. that exist and still apply to said property.

The above described tract being all of the tract of land conveyed to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, from Raymond Keith Brown and Morgan Lee Brown of record in Record Book 3752 Pages 416-418, all of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Kyle McMahon, Douglas L. McMahon, Jack B. McMahon, and Jill Writesman of record in Record Book 2030 Pages 283-286 - in Record Book 3286 Pages 509-512 - See Tract 2, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, and the remainder of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Joy McMahon of record in Record Book 2030 Pages 287-290 - in Record Book 3286 Pages 509-512 - See Tract 1, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, all references to Record Books being in the Office of the Register for Sumner County, Tennessee and to Will Books being in the Office of the Circuit Court Clerk for Sumner County, Tennessee.

Tax Map Reference: Map 127 All of Parcels 5.00, 5.07, and 5.08

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GALLATIN PLANNING
& ZONING

Page 2 of 2

Richard A. Bence
1/22/2014

PA0260-14

**EXHIBIT B
PLAN OF SERVICE FOR CAIRO ESTATES (PC0259-14)**

A. Water

Water service in the annexation area will be provided by Gallatin Public Utilities (GPU). There is a six (6) inch GPU water line located within Cairo Road, which is adjacent to the proposed entrance of this development.

Gallatin Public Utilities has indicated that:

- The existing utility infrastructure will support this proposed annexation. Detailed plans and specifications for extending water and sanitary sewer to this development must be submitted for review and approval.
- Additional water and/or sanitary sewer capacity may be needed to serve the annexation property and development. Upon receipt of detailed plans and specifications for water and sewer installations and hydraulic calculations. Specific facility needs cannot be determined. The developer of the properties should be responsible for extending municipal water lines to the property upon or prior to development.

B. Sanitary Sewer

Sanitary sewer service in the annexation area will be provided by Gallatin Public Utilities (GPU). There is a 12 inch sanitary sewer line located along Albright Creek, which bisects this property between the proposed Phase 2 and 3.

Gallatin Public Utilities has indicated that:

- The existing utility infrastructure will support this proposed annexation. Detailed plans and specifications for extending water and sanitary sewer to this development must be submitted for review and approval.
- Additional water and/or sanitary sewer capacity may be needed to serve the annexation property and development. Upon receipt of detailed plans and specifications for water and sewer installations and hydraulic calculations. Specific facility needs cannot be determined. The developer of the properties should be responsible for extending municipal water lines to the property upon or prior to development.

C. Street Construction and Maintenance

Approximately 2,660 linear feet of new roadways are proposed within Cairo Estates. The streets in the annexation area will be maintained by the City of Gallatin upon request from the property owner for the City of Gallatin to accept the roads.

EXHIBIT B

D. Solid Waste and Refuse Collection

Upon annexation, the City of Gallatin will begin the collection of solid waste in the annexation area based on the provisions set forth in the Gallatin Municipal Code.

E. Planning and Zoning Services

Upon annexation, the planning and zoning services of the City of Gallatin will continue to be provided in the annexation area.

F. Building Inspections and Code Enforcement Services

Upon annexation, building and code inspection services will continue to be provided by the City of Gallatin.

G. Fire Protection

Present personnel and equipment of the Gallatin Fire Department will provide fire protection on and after the effective date of the annexation. The developer will provide fire hydrants in the annexation area pursuant to NFPA Life Safety Standards as determined by the City's Senior Fire Inspector.

Gallatin Fire Department has indicated that no additional firemen or departmental vehicles will be needed for this annexation/plan of service.

H. Police Protection

Police patrol, response to calls, and other routine police services by the Gallatin Police Department will be provided with existing personnel on and after the effective date of the annexation.

Gallatin Police Department has indicated that:

- No additional police officers will be needed to provide service to this area due to annexation and
- No additional departmental vehicles will be needed.

I. Animal Control

The Public Works Department provides animal control services and enforces the City's animal control ordinances. These services will be available in the annexation area when the annexation becomes effective.

J. Recreational Facilities and Programs

The benefit and use of all recreational facilities and programs provided by the Leisure Services Department will be available on and after the effective date of the annexation. Recreational facilities and programs will be provided with existing personnel, facilities, and resources.

EXHIBIT B

K. Street Lighting and Electric Service

Street lighting will be extended into the annexed area in accordance with existing City policy along with the extension of City electric facilities as provided in T.C.A. Section 6-51-112. Either the City of Gallatin or Cumberland Electric Membership Corporation will provide electrical service to the annexation area.

Gallatin Department of Electricity has indicated that:

- The existing Gallatin Department of Electricity infrastructure will not support this proposed annexation and subsequent development.
- To be served by Gallatin Department of Electricity, the developer must supply route electric service lines, approved by GDE, from either Gregory Drive or Airport Road for access to this development. GDE cannot build an elevated power line along Cairo Road from Airport Road due to FAA restrictions. GDE will have discussions with Cumberland Electric Membership Corporation (CEMC) about serving this development.

The City may negotiate to acquire CEMC lines serving the development after construction or franchise to CEMC the operation of services in the annexation area as provided by T.C.A. Sec. 6-5-112.

L. Gas

The Gallatin Public Utilities Department provides natural gas services to residential, business, and industrial customers in the City of Gallatin and outside the City's corporate limits. The Public Utilities Department will extend natural gas service in the annexation area. Upon extension of gas lines by Gallatin Public Utilities, the City will oversee and monitor such lines.



ITEM 3

STAFF REPORT to CITY COUNCIL

Cairo Estates Annexation and Plan of Service (PC0259-14)

Located East of Airport Road and North of Cairo Road

Date: March 28, 2014

REQUEST: THE OWNER/APPLICANT IS REQUESTING APPROVAL AND RECOMMEND TO THE GALLATIN CITY COUNCIL THE ANNEXATION AND AN ORDINANCE ADOPTING A PLAN OF SERVICE FOR THREE (3) PARCELS (TAX MAP 127 AND PARCELS 005.00, 005.07, AND 005.08), CONTAINING 20.84 (+/-) ACRES, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD.

OWNER: HENRY HOLLEMAN

APPLICANT: ROGERS ENGINEERING GROUP (ANDY LEATH, P.E.)

STAFF RECOMMENDATION: RECOMMEND APPROVAL

STAFF CONTACT: KEVIN CHASTINE

PLANNING COMMISSION DATE: MARCH 24, 2014

CITY COUNCIL DATE: APRIL 8, 2014

PROPERTY OVERVIEW:

The owner/applicant is requesting approval of Ordinance O1403-13 for the annexation of and Ordinance O1404-19 adopting a Plan of Service for three (3) parcels (Tax Map 127 and Parcels 005.00, 005.07, and 005.08), containing 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. This property is currently located within the Gallatin Planning Region. The subject property is located within the City of Gallatin's Urban Growth Boundary and is contiguous to the existing City limits.

A Plan of Service is required by state statute (T.C.A. 6-5-102(6)) to accompany an annexation request. The Planning Commission is required to review the Plan of Service Ordinance and provide a recommendation to the Gallatin City Council as required by T.C.A. Title 6, Chapter 6, Sec. 6-5-102(b)(4). Please refer to Attachment 3-1 for a detailed description of the proposed Plan of Service for this property.

Proposed Development

In addition to the annexation and plan of service, the owner is requesting rezoning from Residential-40 (R40) zone district to Multiple Residential and Office (MRO) zone district to develop a subdivision with 63 One-Family Detached Dwelling lots and approval of a Preliminary Master Development Plan on 20.84 (+/-) acres. (Tax Map 127 and Parcels 005.00, 005.07, and 005.08)

Department of Electricity

During the initial review of the Preliminary Master Development Plan the Gallatin Department of Electricity (GDE) stated that the existing infrastructure would not support this proposed annexation and subsequent development because there were no GDE electric lines in the area. GDE stated they could not install aerial power lines along Cairo Road from Airport Road due to FAA restrictions. The option to circumvent this situation was for the developer to supply a route that would be approved by GDE from either Gregory Drive, to the north of Cairo Estates or for the developer to pay to install the line underground along Cairo Road from Airport Road to the proposed development. GDE is in discussion with Cumberland Electric Membership Corporation (CEMC) regarding CEMC serving this development. CEMC serves the adjacent Cairo Landing subdivision to the east and the existing adjacent single family homes to the south.

Discussions between GDE and CEMC have been ongoing for approximately two (2) weeks, but a final decision has not been reached. The Cairo Estates development will be served by one of these two agencies, but this decision has not been finalized. The City may negotiate to acquire CEMC lines serving the development after construction or franchise to CEMC the operation of services in the annexation area as provided by T.C.A. Sec. 6-5-112. (See Attachment 3-4 and 3-5)

Engineering Division Comments

The Engineering Division reviewed and commented on the site plan. All of the Engineering Division Comments have been satisfied.

Other Departmental Comments

Other City Departments, including Police, Fire, Building Codes, and Public Utilities has reviewed and commented on the Site Plan. All of the Other Departmental Comments have been satisfied.

PLANNING COMMISSION RECOMMENDATION:

After discussion and public comment the Planning Commission recommended approval as indicated in GMRPC Resolution No. 2014-24 (Attachment 3-6) and the Action Form (Attachment 3-7) as required by Article 12, Section 12.02.020, Gallatin Zoning Ordinance.

The Planning Commission and staff recommend approval of Annexation Ordinance No. O1403-13 and Plan of Service Ordinance O1404-19 for the proposed Cairo Estates Subdivision.

ATTACHMENTS

- Attachment 3-1** **Cairo Estates Annexation Exhibit**
- Attachment 3-2** **Cairo Estates Legal Description**
- Attachment 3-3** **Draft Plan of Service Ordinance**
- Attachment 3-4** **T.C.A. Sec. 6-51-111(e)**
- Attachment 3-5** **T.C.A. Sec. 6-51-112 and 6-51-112(a)(7)**
- Attachment 3-6** **GMRPC Resolution 2014-24**
- Attachment 3-7** **Action Form for PC0259-14**

ATTACHMENT 3-2

DESCRIPTION OF THE HENRY HOLLEMAN PROPERTY: 20.84 ACRE TRACT

The property described herein is located in the 2nd Civil District of Sumner County, Tennessee; situated on the northern side of Cairo Road approximately 0.3 mile easterly of the intersection with Airport Road adjoining the City Limits of Gallatin, Tennessee; being known as Job Number 13031T as described by a survey performed by Richard D. Graves, Tennessee Registered Land Surveyor Number 1628, on the 27th day of January, 2014 in detail as follows:

Beginning on a five-eighths inch iron re-bar found on the north right-of-way of Cairo Road, being found 28.00 feet from the existing centerline of said road at the southeastern corner of the Sumner County Regional Airport Authority (R.B. 502 P. 70), being the southwestern corner of the herein described tract, thence running with the east line of the Sumner County Regional Airport Authority (R.B. 502 P. 70), Lot 1 of the Ramsey Industrial Center Subdivision - Section Two (P.B. 19 P. 53) - Owner - Joseph C. Merlo (R.B. 1175 P. 268), and Lot 10 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gary H. Branham, et ux (R.B. 3275 P. 552) along the City Limits of Gallatin, Tennessee N 05 degrees 52 minutes 53 seconds E 1,120.77 feet to a half inch iron re-bar found by a corner post in the east line of Lot 10 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gary H. Branham, et ux (R.B. 3275 P. 552) at the southwest corner of the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320), thence running and cornering with the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320), continuing with the City Limits of Gallatin, Tennessee, for the next two calls: S 81 degrees 54 minutes 44 seconds E 298.52 feet to a half inch iron re-bar found by a corner post, thence N 12 degrees 42 minutes 51 seconds E 373.63 feet to a one inch iron pipe found by a corner post at the northeast corner of the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320) in the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50), thence running with the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50) S 83 degrees 29 minutes 58 seconds E 514.76 feet (passing through a half inch iron re-bar found at 109.39 feet, leaving the City Limits of Gallatin, Tennessee, and passing through a railroad spike found at 304.43 feet at a Deed/Tract corner of Holleman) to a five-eighths inch iron re-bar found in concrete by a corner post in the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50) at the northwest corner of the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160), thence running and cornering with the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160) for the next three calls: S 06 degrees 02 minutes 05 seconds W 297.63 feet to a half inch iron re-bar found (Darnall RLS 1571), thence S 20 degrees 02 minutes 33 seconds W 153.35 feet to a half inch iron re-bar found (Darnall RLS 1571), thence S 24 degrees 45 minutes 19 seconds W 657.51 feet to a half inch iron re-bar set prior survey at the southwest corner of the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160) with the northwest corner of the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113), thence running and cornering with the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113) for the next three calls: S 06 degrees 52 minutes 10 seconds E 167.00 feet to a half inch iron re-bar set prior survey, thence S 05 degrees 19 minutes 55 seconds W 103.30 feet to a half inch iron re-bar set prior survey found in concrete (disturbed), thence S 21 degrees 01 minute 58 seconds W

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MAR 13 2014

GALLATIN ENGINEERING
LLC

PC0260-14

ATTACHMENT 3-2

193.11 feet to a half inch iron re-bar set prior survey in the west line of the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113) at the northeast corner of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757), thence running and cornering with the northern line of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757) for the next two calls: N 20 degrees 21 minutes 05 seconds W 200.71 feet to a half inch iron re-bar set prior survey, thence N 74 degrees 08 minutes 11 seconds W 128.35 feet to a half inch iron re-bar set prior survey at the northwest corner of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757) with the northeast corner of Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623), thence running and cornering with Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623) for the next three calls: N 51 degrees 43 minutes 37 seconds W 125.72 feet to a half inch iron re-bar set prior survey, thence N 74 degrees 08 minutes 11 seconds W 80.00 feet to a half inch iron re-bar set prior survey, thence S 12 degrees 42 minutes 55 seconds W 317.89 feet to a half inch iron re-bar set prior survey on the north right-of-way of Cairo Road, being found 24.50 feet from the existing centerline of said road at the southwest corner of Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623), thence running with the northern right-of-way of Cairo Road N 57 degrees 23 minutes 56 seconds W 174.59 feet to the beginning, containing 20.84 acres more or less.....

Surveyor's Notes: (1) A Major Portion of the above described tract is located in Flood Hazard Zones AE & X. (2) Subject to a Sewer Line crossing through the tract and any easements or rights-of-ways associated with said sewer line. (3) Subject to any rights-of-ways, easements, liens, encroachments, leases, etc. that exist and still apply to said property.

The above described tract being all of the tract of land conveyed to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, from Raymond Keith Brown and Morgan Lee Brown of record in Record Book 3752 Pages 416-418, all of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Kyle McMahon, Douglas L. McMahon, Jack B. McMahon, and Jill Writesman of record in Record Book 2030 Pages 283-286 - in Record Book 3286 Pages 509-512 - See Tract 2, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, and the remainder of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Joy McMahon of record in Record Book 2030 Pages 287-290 - in Record Book 3286 Pages 509-512 - See Tract 1, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, all references to Record Books being in the Office of the Register for Sumner County, Tennessee and to Will Books being in the Office of the Circuit Court Clerk for Sumner County, Tennessee.

Tax Map Reference: Map 127 All of Parcels 5.00, 5.07, and 5.08

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MAR 13 2014

GALLATIN PLANNING
& ZONING

Page 2 of 2

Richard A. Barnes

1/27/2014

PC0260-14

ATTACHMENT 3-3

ORDINANCE NO.

ORDINANCE ADOPTING A PLAN OF SERVICE FOR THE ANNEXATION OF THREE (3) PARCELS (TAX MAP 127 AND PARCELS 005.00, 005.07, AND 005.08) CONTAINING 20.84 (+/-) ACRES, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD.

WHEREAS, the City of Gallatin received a petition by a property owner for the annexation of 20.84 (+/-) acres contiguous to the City; and

WHEREAS, the area proposed for annexation to the City of Gallatin is substantially contiguous to the corporate limits to the City and within the City's Urban Growth Boundary, as required by law; and

WHEREAS, Tennessee Code Annotated Section 6-51-102(b) as amended requires that a Plan of Service be adopted by the governing body of a City prior to the passage of an annexation ordinance; and,

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to T.C.A. 6-51-102(b), 6-51-107, 13-3-104, 13-3-301, and 13-4-103 has reviewed and recommended approval of this Plan of Service, as contained in this ordinance, in GMRPC Resolution 2014-24.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, AS FOLLOWS:

SECTION 1. Pursuant to the provisions of Section 6-51-102, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described in Exhibit 'A' and the Plan of Service described in Exhibit 'B':

SECTION 2. This Ordinance shall be effective April 24, 2014, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

ATTACHMENT 3-3

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Exhibit 'A' – Legal Description and Annexation Exhibit
Exhibit 'B' – Plan of Service

EXHIBIT B PLAN OF SERVICE FOR CAIRO ESTATES (PC0259-14)

A. Water

Water service in the annexation area will be provided by Gallatin Public Utilities (GPU). There is a six (6) inch GPU water line located within Cairo Road, which is adjacent to the proposed entrance of this development.

Gallatin Public Utilities has indicated that:

- The existing utility infrastructure will support this proposed annexation. Detailed plans and specifications for extending water and sanitary sewer to this development must be submitted for review and approval.
- Additional water and/or sanitary sewer capacity may be needed to serve the annexation property and development. Upon receipt of detailed plans and specifications for water and sewer installations and hydraulic calculations. Specific facility needs cannot be determined. The developer of the properties should be responsible for extending municipal water lines to the property upon or prior to development.

B. Sanitary Sewer

Sanitary sewer service in the annexation area will be provided by Gallatin Public Utilities (GPU). There is a 12 inch sanitary sewer line located along Albright Creek, which bisects this property between the proposed Phase 2 and 3.

Gallatin Public Utilities has indicated that:

- The existing utility infrastructure will support this proposed annexation. Detailed plans and specifications for extending water and sanitary sewer to this development must be submitted for review and approval.
- Additional water and/or sanitary sewer capacity may be needed to serve the annexation property and development. Upon receipt of detailed plans and specifications for water and sewer installations and hydraulic calculations. Specific facility needs cannot be determined. The developer of the properties should be responsible for extending municipal water lines to the property upon or prior to development.

C. Street Construction and Maintenance

Approximately 2,660 linear feet of new roadways are proposed within Cairo Estates. The streets in the annexation area will be maintained by the City of Gallatin upon request from the property owner for the City of Gallatin to accept the roads.

D. Solid Waste and Refuse Collection

Upon annexation, the City of Gallatin will begin the collection of solid waste in the annexation area based on the provisions set forth in the Gallatin Municipal Code.

E. Planning and Zoning Services

Upon annexation, the planning and zoning services of the City of Gallatin will continue to be provided in the annexation area.

F. Building Inspections and Code Enforcement Services

Upon annexation, building and code inspection services will continue to be provided by the City of Gallatin.

G. Fire Protection

Present personnel and equipment of the Gallatin Fire Department will provide fire protection on and after the effective date of the annexation. The developer will provide fire hydrants in the annexation area pursuant to NFPA Life Safety Standards as determined by the City's Senior Fire Inspector.

Gallatin Fire Department has indicated that no additional firemen or departmental vehicles will be needed for this annexation/plan of service.

H. Police Protection

Police patrol, response to calls, and other routine police services by the Gallatin Police Department will be provided with existing personnel on and after the effective date of the annexation.

Gallatin Police Department has indicated that:

- No additional police officers will be needed to provide service to this area due to annexation and
- No additional departmental vehicles will be needed.

I. Animal Control

The Public Works Department provides animal control services and enforces the City's animal control ordinances. These services will be available in the annexation area when the annexation becomes effective.

J. Recreational Facilities and Programs

The benefit and use of all recreational facilities and programs provided by the Leisure Services Department will be available on and after the effective date of the annexation. Recreational facilities and programs will be provided with existing personnel, facilities, and resources.

K. Street Lighting and Electric Service

Street lighting will be extended into the annexed area in accordance with existing City policy along with the extension of City electric facilities as provided in T.C.A. Section 6-51-112. Either the City of Gallatin or Cumberland Electric Membership Corporation will provide electrical service to the annexation area.

Gallatin Department of Electricity has indicated that:

- The existing Gallatin Department of Elect city infrastructure will not support this proposed annexation and subsequent development.
- To be served by Gallatin Department of Electricity, the developer must supply route electric service lines, approved by GDE, from either Gregory Drive or Airport Road for access to this development. GDE cannot build an elevated power line along Cairo Road from Airport Road due to FAA restrictions. GDE will have discussions with Cumberland Electric Membership Corporation (CEMC) about serving this development.

The City may negotiate to acquire CEMC lines serving the development after construction or franchise to CEMC the operation of services in the annexation area as provided by T.C.A. Sec. 6-5-112.

L. Gas

The Gallatin Public Utilities Department provides natural gas services to residential, business, and industrial customers in the City of Gallatin and outside the City's corporate limits. The Public Utilities Department will extend natural gas service in the annexation area. Upon extension of gas lines by Gallatin Public Utilities, the City will oversee and monitor such lines.

ATTACHMENT 3-4

Tenn. Code Ann. § 6-51-111

TENNESSEE CODE ANNOTATED
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*** Current through the 2013 Regular Session ***

Title 6 Cities And Towns
Municipal Government Generally
Chapter 51 Change of Municipal Boundaries
Part 1 Annexation

Tenn. Code Ann. § 6-51-111 (2013)

6-51-111. Municipal property and services.

(a) Upon adoption of an annexation ordinance or upon referendum approval of an annexation resolution as provided in this part, an annexing municipality and any affected instrumentality of the state, including, but not limited to, a utility district, sanitary district, school district, or other public service district, shall attempt to reach agreement in writing for allocation and conveyance to the annexing municipality of any or all public functions, rights, duties, property, assets and liabilities of such state instrumentality that justice and reason may require in the circumstances. Any and all agreements entered into before March 8, 1955, relating to annexation shall be preserved. The annexing municipality, if and to the extent that it may choose, shall have the exclusive right to perform or provide municipal and utility functions and services in any territory that it annexes, notwithstanding § 7-82-301 or any other statute, subject, however, to the provisions of this section with respect to electric cooperatives.

(b) Subject to such exclusive right, any such matters upon which the respective parties are not in agreement in writing within sixty (60) days after the operative date of such annexation shall be settled by arbitration with the laws of arbitration of this state effective at the time of submission to the arbitrators, and § 29-5-101(2) shall not apply to any arbitration arising under this part and § 6-51-301. The award so rendered shall be transmitted to the chancery court of the county in which the annexing municipality is situated, and thereupon shall be subject to review in accordance with §§ 29-5-113 -- 29-5-115 and 29-5-118.

(c) (1) If the annexed territory is then being provided with a utility service by a state instrumentality that has outstanding bonds or other obligations payable from the revenues derived from the sale of such utility service, the agreement or arbitration award referred to in subsections (a) and (b) shall also provide that:

(A) The municipality will operate the utility property in such territory and account for the revenues therefrom in such manner as not to impair the obligations of contract with reference to such bonds or other obligations; or

(B) The municipality will assume the operation of the entire utility system of such state instrumentality and the payment of such bonds or other obligations in accordance with their terms.

(2) Such agreement or arbitration award shall fully preserve and protect the contract rights vested in the holders of such outstanding bonds or other obligations.

(d) (1) Notwithstanding the provisions of any law to the contrary, if a private individual or business entity provides utility service within the boundaries of a municipality under the terms of a privilege, franchise, license, or agreement granted or entered into by the municipality, and if the municipality annexes territory that includes the service area of a utility district, then such

private individual or business entity and the utility district shall attempt to reach agreement in writing for allocation and conveyance to such private individual or business entity of any or all public functions, rights, duties, property, assets, and liabilities of such utility district that justice and reason may require in the circumstances. If an agreement is not reached, then notwithstanding the change of municipal boundaries, the service area of the utility district shall remain unchanged, and such private individual or business entity shall not provide utility service in the service area of the utility district.

(2) Nothing in subdivision (d)(1) shall be construed to diminish the authority of any municipality to annex.

(e) If at the time of annexation, the annexed territory is being provided with utility service by a municipal utility system or other state instrumentality, including but not limited to, a utility district, the annexing municipality shall, by delivering written notice of its election to the municipal utility system or other state instrumentality, have the right to purchase all or any part of the utility system of the municipal utility system or other state instrumentality then providing utility service to the area being annexed that the annexing municipality has elected to serve under this section. The purchase price shall be a price agreed upon by the parties for the properties comprising the utility system, or part thereof, that is being acquired and payment of such purchase price shall be on terms agreed to by the parties. In the event the parties cannot agree on a purchase price, then a final determination of the fair market value of the properties being acquired and all other outstanding issues related to the provision of utility services in the annexed area shall be made using the arbitration provisions of subsection (b); provided, that the arbitrator or arbitrators shall be a person or persons experienced and qualified to value public utility properties and any such arbitrator or arbitrators shall be agreed upon by the parties. If the parties cannot agree, the selection of an arbitrator shall be as otherwise provided by the laws of arbitration of this state. Such method and determination shall be the sole means by which the annexing municipality may acquire the facilities of a municipal utility or other state instrumentality located in the annexed territory.

HISTORY: Acts 1955, ch. 113, § 9; 1957, ch. 381, § 1; 1968, ch. 413, § 1; T.C.A., § 6-318; Acts 1993, ch. 375, § 1; 1998, ch. 586, § 1; 2003, ch. 93, § 1.



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Tenn. Code Ann. § 6-51-112

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*** Current through the 2013 Regular Session ***

Title 6 Cities And Towns
Municipal Government Generally
Chapter 51 Change of Municipal Boundaries
Part 1 Annexation

Tenn. Code Ann. § 6-51-112 (2013)

6-51-112. Electric cooperatives.

(a) Notwithstanding the provisions of any other statute, if the annexing municipality owns and operates its own electric system, it shall either offer to purchase any electric distribution properties and service rights within the annexed area owned by any electric cooperative, or grant such cooperative a franchise to serve the annexed area, as follows:

(1) The municipality shall notify the affected electric cooperative in writing of the boundaries of the annexed area and shall indicate such area on appropriate maps;

(2) The municipality shall offer to purchase the electric distribution properties of the cooperative located within the annexed area, together with all of the cooperative's rights to serve within such area, for a cash consideration, which shall consist of:

(A) The present-day reproduction cost, new, of the facilities being acquired, less depreciation computed on a straight-line basis; plus

(B) An amount equal to the cost of constructing any necessary facilities to reintegrate the system of the cooperative outside the annexed area after detaching the portion to be sold; plus

(C) An annual amount, payable each year for a period of ten (10) years, equal to the sum of:

(i) Twenty-five percent (25%) of the revenues received from power sales to consumers of electric power within the annexed area, except consumers with large industrial power loads greater than three hundred kilowatts (300kW), during the last twelve (12) months preceding the date of the notice provided for in subdivision (a)(1); and

(ii) Fifty percent (50%) of the net revenues, which is gross power sales revenues less wholesale cost of power including facilities rental charge, received from power sales to consumers with large industrial power loads greater than three hundred kilowatts (300kW) within the annexed area during the last twelve (12) months preceding the date of the notice provided for in subdivision (a)(1);

(3) The electric cooperative, within ninety (90) days after receipt of an offer by the annexing municipality to purchase the cooperative's electric distribution properties and service rights within the annexed area, shall signify in writing its acknowledgement of the offer, and the parties shall proceed to act. The annexing municipality shall then be obligated to buy and pay for, and the cooperative shall be obligated to sell to the municipality, such properties and rights free and clear of all mortgage liens and encumbrances for the cash consideration computed and payable as provided in subdivision (a)(2);

(4) The annexing municipality, if it elects not to make the offer to purchase as provided for in subdivisions (a)(1) and (2), shall grant to the cooperative a franchise to serve within the annexed area, for a period of not less than five (5) years, and the municipality shall thereafter renew or extend the franchise or grant new franchises for similar subsequent periods; provided, that upon expiration of any such franchise, the municipality may elect instead to make an offer to buy the cooperative's electric distribution properties and service rights as they then exist in accordance with and subject to the provisions of subdivisions (a)(1) and (2); provided further, that, during the term of any such franchise, the annexing municipality shall be entitled to serve only such electric customers or locations within the annexed area as it served on the date when such annexation became effective;

(5) If any annexing municipality contracts its boundaries so as to exclude from its corporate limits any territory, the cooperative may elect within sixty (60) days thereafter to purchase from such municipality, and such municipality shall thereupon sell and convey to the cooperative, the electric distribution properties and service rights of the municipality in any part of the excluded area that the electric cooperative had previously served, upon the same procedures set forth in subdivisions (a)(1)-(4) for acquisitions by municipalities;

(6) Nothing contained in this section shall prohibit municipalities and any cooperative from buying, selling, or exchanging electric distribution properties, service rights and other rights, property, and assets by mutual agreement;

(7) The territorial areas lying outside municipal boundaries served by municipal and cooperative electric systems will remain the same as generally established by power facilities already in place or legal agreements on March 6, 1968, and new consumers locating in any unserved areas between the respective power systems shall be served by the power system whose facilities were nearest on March 6, 1968, except to the extent that territorial areas are revised in accordance with this section; and

(8) "Electric distribution properties," as used in this section, means all electric lines and facilities used or useful in serving ultimate consumers, but does not include lines and facilities that are necessary for integration and operation of portions of a cooperative's electric system that are located outside the annexed area.

(b) The methods of allocation and conveyance of property and property rights of any electric cooperative to any annexing municipality provided for in subsection (a) shall be exclusively available to such annexing municipality and to such electric cooperative notwithstanding § 7-52-105 or any other title or section of the code in conflict or conflicting herewith.

HISTORY: Acts 1968, ch. 413, §§ 2, 3; T.C.A., § 6-320.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

APRIL 8, 2014

DEPARTMENT: PLANNING DEPARTMENT

AGENDA # 7

SUBJECT:

Ordinance No. O1404-19 of the City of Gallatin, Sumner County, Tennessee, adopting a Plan of Service for the annexation 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. (PC259-14)

SUMMARY:

Applicant requests approval of a Plan of Service on three (3) parcels (Tax Map 127 and Parcels 005.00, 005.07, and 005.08) containing 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. The Gallatin Municipal-Regional Planning Commission recommended approval at the March 24, 2014 Planning Commission Meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE NO. 01403-12

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, REZONING AN APPROXIMATE 20.84 ACRE PARCEL, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD FROM LOW DENSITY RESIDENTIAL-40 (R40) ZONING DISTRICT TO THE MULTIPLE RESIDENTIAL AND OFFICE (MRO) ZONING DISTRICT AND APPROVING A PRELIMINARY MASTER DEVELOPMENT PLAN FOR CAIRO ESTATES, AUTHORIZING THE REVISION TO BE INDICATED ON THE OFFICIAL ZONING ATLAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of property has submitted a complete application to rezone these parcels consisting of 20.84 (+/-) acres located in the City of Gallatin, Tennessee Planning Region; and

WHEREAS, the property to be rezoned is located east of Airport Road and north of Cairo Road and is currently zoned R40; and

WHEREAS, the Gallatin Municipal-Regional Planning Commission has reviewed and recommended approval of the proposed rezoning in GMRPC Resolution 2014-25; and

WHEREAS, a public hearing was held following public notice as prescribed by the Gallatin Zoning Ordinance and 13-7-203 T.C.A.; and

WHEREAS, the City Council has approved by majority vote of the members present the rezoning request of the described property; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE as follows:

Section 1. The City Council of the City of Gallatin does hereby approve rezoning a 20.84(±) acre parcel from the Low Density Residential 40 (R40) Zoning District to the Multiple Residential and Office (MRO) District as described in Exhibit 'A' and approves the Preliminary Master Development Plan as described in Exhibit 'B'.

Section 2. The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City's Official Zoning Atlas to show the classification for the area as hereby rezoned.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this

ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective immediately upon adoption.

PASSED FIRST READING: April 15, 2014

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Exhibit 'A' – Legal Description of the property

Exhibit 'B' - Preliminary Master Development Plan for Cairo Estates with conditions

EXHIBIT 'A'

[ATTACH LEGAL DESCRIPTION and MAP]

**DESCRIPTION OF THE HENRY HOLLEMAN PROPERTY:
20.84 ACRE TRACT**

The property described herein is located in the 2nd Civil District of Sumner County, Tennessee; situated on the northern side of Cairo Road approximately 0.3 mile easterly of the intersection with Airport Road adjoining the City Limits of Gallatin, Tennessee; being known as Job Number 13031T as described by a survey performed by Richard D. Graves, Tennessee Registered Land Surveyor Number 1628, on the 27th day of January, 2014 in detail as follows:

Beginning on a five-eighths inch iron re-bar found on the north right-of-way of Cairo Road, being found 28.00 feet from the existing centerline of said road at the southeastern corner of the Sumner County Regional Airport Authority (R.B. 502 P. 70), being the southwestern corner of the herein described tract, thence running with the east line of the Sumner County Regional Airport Authority (R.B. 502 P. 70), Lot 1 of the Ramsey Industrial Center Subdivision - Section Two (P.B. 19 P. 53) - Owner - Joseph C. Merlo (R.B. 1175 P. 268), and Lot 10 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gary H. Branham, et ux (R.B. 3275 P. 552) along the City Limits of Gallatin, Tennessee N 05 degrees 52 minutes 53 seconds E 1,120.77 feet to a half inch iron re-bar found by a corner post in the east line of Lot 10 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gary H. Branham, et ux (R.B. 3275 P. 552) at the southwest corner of the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320), thence running and cornering with the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320), continuing with the City Limits of Gallatin, Tennessee, for the next two calls: S 81 degrees 54 minutes 44 seconds E 298.52 feet to a half inch iron re-bar found by a corner post, thence N 12 degrees 42 minutes 51 seconds E 373.63 feet to a one inch iron pipe found by a corner post at the northeast corner of the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320) in the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50), thence running with the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50) S 83 degrees 29 minutes 58 seconds E 514.76 feet (passing through a half inch iron re-bar found at 109.39 feet, leaving the City Limits of Gallatin, Tennessee, and passing through a railroad spike found at 304.43 feet at a Deed/Tract corner of Holleman) to a five-eighths inch iron re-bar found in concrete by a corner post in the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50) at the northwest corner of the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160), thence running and cornering with the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160) for the next three calls: S 06 degrees 02 minutes 05 seconds W 297.63 feet to a half inch iron re-bar found (Darnall RLS 1571), thence S 20 degrees 02 minutes 33 seconds W 153.35 feet to a half inch iron re-bar found (Darnall RLS 1571), thence S 24 degrees 45 minutes 19 seconds W 657.51 feet to a half inch iron re-bar set prior survey at the southwest corner of the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160) with the northwest corner of the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113), thence running and cornering with the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113) for the next three calls: S 06 degrees 52 minutes 10 seconds E 167.00 feet to a half inch iron re-bar set prior survey, thence S 05 degrees 19 minutes 55 seconds W 103.30 feet to a half inch iron re-bar set prior survey found in concrete (disturbed), thence S 21 degrees 01 minute 58 seconds W

R E C E I V E D
MAR 13 2014

GALLATIN PLANNING
& ZONING

EXHIBIT A

PC 0260-14

193.11 feet to a half inch iron re-bar set prior survey in the west line of the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113) at the northeast corner of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757), thence running and cornering with the northern line of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757) for the next two calls: N 20 degrees 21 minutes 05 seconds W 200.71 feet to a half inch iron re-bar set prior survey, thence N 74 degrees 08 minutes 11 seconds W 128.35 feet to a half inch iron re-bar set prior survey at the northwest corner of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757) with the northeast corner of Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623), thence running and cornering with Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623) for the next three calls: N 51 degrees 43 minutes 37 seconds W 125.72 feet to a half inch iron re-bar set prior survey, thence N 74 degrees 08 minutes 11 seconds W 80.00 feet to a half inch iron re-bar set prior survey, thence S 12 degrees 42 minutes 55 seconds W 317.89 feet to a half inch iron re-bar set prior survey on the north right-of-way of Cairo Road, being found 24.50 feet from the existing centerline of said road at the southwest corner of Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623), thence running with the northern right-of-way of Cairo Road N 57 degrees 23 minutes 56 seconds W 174.59 feet to the beginning, containing 20.84 acres more or less.....

Surveyor's Notes: (1) A Major Portion of the above described tract is located in Flood Hazard Zones AE & X. (2) Subject to a Sewer Line crossing through the tract and any easements or rights-of-ways associated with said sewer line. (3) Subject to any rights-of-ways, easements, liens, encroachments, leases, etc. that exist and still apply to said property.

The above described tract being all of the tract of land conveyed to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, from Raymond Keith Brown and Morgan Lee Brown of record in Record Book 3752 Pages 416-418, all of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Kyle McMahon, Douglas L. McMahon, Jack B. McMahon, and Jill Writesman of record in Record Book 2030 Pages 283-286 - in Record Book 3286 Pages 509-512 - See Tract 2, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, and the remainder of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Joy McMahon of record in Record Book 2030 Pages 287-290 - in Record Book 3286 Pages 509-512 - See Tract 1, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, all references to Record Books being in the Office of the Register for Sumner County, Tennessee and to Will Books being in the Office of the Circuit Court Clerk for Sumner County, Tennessee.

Tax Map Reference: Map 127 All of Parcels 5.00, 5.07, and 5.08

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GALLATIN PLANNING
& DESIGN

Page 2 of 2

EXHIBIT A

Richard A. Powell
1/27/2014

PC0260-14

EXHIBIT 'B'

The Preliminary Master Development Plan for Cairo Estates consists of a four (4) sheet plan, prepared by Rogers Engineering Group of Gallatin TN, with project No. #14-005, dated February 26, 2014, with a revised date of March 13, 2014, and the architectural renderings for housing types consisting of photographs labeled PC0260-14, dated February 26, 2014. The Plan is approved with the following conditions:

1. The Planning Commission determined that the proposed alternative bufferyard plan meets the requirements in Section 13.04.100.C of the Gallatin Zoning Ordinance and approved the alternative bufferyards.
2. The rezoning and Cairo Estates Preliminary Master Development Plan approval is conditioned on the Planning Commission granting approval of an amendment to the Gallatin on the Move 2020, The General Development and Transportation Plan 2008-2020 Update to change the Airport Road Industrial Special District to Suburban Neighborhood Established Character Area. (This is scheduled to be considered at the April 28th, 2014 Planning Commission meeting.)
3. No homes shall be constructed within the stream buffer, but homes can be built within the floodplain if the finish floor elevation of the home is constructed one (1) foot above the Base Flood Elevation (BFE) for floodplain areas with established BFEs or three (3) foot above the highest adjacent grade for floodplain areas without an established BFE, as required in Section 10.03.070.B.
4. Provide Gallatin Public Utilities with detailed plans, specifications and hydraulic calculations for water and sanitary sewer installations.
5. Establish and label all portions of the development not including lots or proposed right-of-way as open space tract(s) to be owned and maintained by the homeowner's association.
6. The applicant shall work with staff to identify and reserve a corridor for the location of the proposed greenway along Albright Creek as indicated in the Gallatin on the Move 2020 Plan: The General Development and Transportation Plan 2008-2020.

EXHIBIT 'B'

Cairo Estates – PMDP, FMDP, and Final Plat Note

NOTE TO OWNERS: The Cairo Estates subdivision is located within close proximity to the Sumner County Airport. The airport runway is located approximately 610 feet to the southwest of Lot 1 of the Cairo Estates subdivision. The subdivision is not located within the runway approach zones. The projected noise level on Lot 1 is 65 decibels. There is the potential for increased activity in the future due to recent expansion of the airport.



ITEM 5

STAFF REPORT to CITY COUNCIL

Preliminary Master Development Plan and Rezoning for Cairo Estates
(PC0260-14)

Located East of Airport Road and North of Cairo Road

Date: March 28, 2014

REQUEST: OWNER AND APPLICANT REQUESTS REZONING AND APPROVAL OF A PRELIMINARY MASTER DEVELOPMENT PLAN FOR CAIRO ESTATES, ON THREE (3) PARCELS COMPRISING 20.84 (+/-) ACRES, TO CREATE 63 LOT SUBDIVISION, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD.

OWNER: HENRY HOLLEMAN

APPLICANT: ROGERS ENGINEERING GROUP (ANDY LEATH, P.E.)

STAFF RECOMMENDATION: RECOMMEND APPROVAL WITH CONDITIONS

STAFF CONTACT: KEVIN CHASTINE

PLANNING COMMISSION DATE: MARCH 24, 2014

CITY COUNCIL DATE: APRIL 8, 2014 (COUNCIL COMMITTEE)

PROPERTY OVERVIEW: The owner and applicant are requesting approval of Ordinance O1403-12 to rezone three (3) parcels comprising 20.84 (+/-) acres (Tax Map 127 and Parcels 005.00, 005.07, and 005.08) from Residential-40 (R40) zone district to Multiple Residential and Office (MRO) zone district and a Preliminary Master Development Plan to create 63 One-Family Detached Dwelling lots. One-Family Detached Dwellings are a permitted use in the MRO zone district. (Attachment 5-1)

CASE BACKGROUND:

Previous Submittals

A rezoning (PC File #3-27-06) and an annexation request (PC File #6-7-06) was submitted for Cairo Landing Phase 3 on October 26, 2006 for a portion of this property (Tax Map and Parcel 127//005.07). The request to rezone 15.025 (+/-) acres from Residential-40 (R40) to Residential-20 Planned Residential Development (R20-PRD) with a Preliminary Master Development Plan to create 27 One-Family Detached Dwelling lots was submitted with the annexation request in 2006. Both the Preliminary Master Development Plan and the Annexation request were withdrawn by the applicant on November 14, 2006. No additional actions have been taken on these submittals.

The Planning Commission approved the Preliminary Master Development Plan under GMRPC Resolution No. 2014-25 on March 24, 2014 (Attachment 5-5).

DISCUSSION:

Proposed Development

The applicant is proposing to rezone 20.84 (+/-) acres from Residential-40 (R40) to Multiple Residential and Office (MRO) and obtain approval of the PMDP to create 63 One-Family Detached Dwelling lots. The subdivision will be developed in three (3) phases with 32 lots in Phase 1, 15 lots in Phase 2, and 16 lots in Phase 3. Of the 63 proposed lots, 52 are between 6,000 and 9,000 square feet in size. The remaining 11 lots vary greatly in size with the largest being 25,023 square feet. The estimated construction schedule is as follows:

- Phase 1 – Begin July 2014 end December 2014
- Phase 2 – Begin October 2014 end March 2014
- Phase 3 – Begin January 2015 end June 2015

Natural Features

The natural topography for the existing vacant farmland slopes from the highest point of elevation (580') located along the west boundary, with a steady and even decline, towards the lowest point of elevation (560') located along the eastern and northern boundaries. The decline in elevation relates to the presence of a stream that runs along the eastern property boundary and dissects the project site between proposed Phase 2 and 3 of the project. There are existing mature trees and other vegetation located along the stream. Based on FEMA FIRM Map 471650318G and 471650319G a large portion of the site along the eastern boundary is located within the Floodway and Zone A and AE of Albright Creek.

Adjacent or Area Uses

The adjacent surrounding area to the north has developed as industrial, to the south is the Sumner Regional Airport runway, to the east is Cairo Landing Subdivision, which contains 49 single family lots, and to the west is vacant property owned by the Sumner Regional Airport Authority. The project site is surrounded by Industrial Restrictive (IR) zoning to the north, Industrial General (IG) zoning to the south, Residential-40 (R40) to the west and Residential-20 Planned Residential Development (R20-PRD) to the east.

Character Area Change Request

The applicant has formally requested a change in the Character Area designation for the Cairo Estates project site. Currently, the *Gallatin On The Move 2020 Plan* designates the project site as part of the Airport Road Industrial Special District Character Area. The applicant is requesting a change to the Suburban Neighborhood Established Character Area. The project site is located between parcels designated as Airport Road Industrial Special District to the north and west and Suburban Neighborhood Established Character Area to the east. The project site is currently zoned Residential-40 (R40) and was zoned this way at the time of the adoption of *2020 Plan*. The Character Area request (PC262-14) will come before the Planning Commission for a consideration at the April 28th, 2014 meeting. The approval of the Cairo Estates Preliminary Master Development Plan and rezoning is conditioned on the Planning Commission granting the Character Area Change from Airport Road Industrial Special District to Suburban Neighborhood Established Character Area.

Sumner County Regional Airport

The proposed Cairo Estates subdivision would be located east of Airport Road and north of Cairo Road. The property located to the south and west of Cairo Estates is owned by the Sumner County Airport Authority. Due to the close proximity of the Sumner County Regional Airport and Article 10.04 Airport Overlay (AO) Zoning District Regulations of the Gallatin Zoning Ordinance, the development was reviewed for potential conflicts with the airport master plan (PC9801-11).

The proposed Cairo Estates subdivision lies outside of the runway approach zone as established in Article 10.04 and it is outside of the Building Restriction Line and Runway Object Free Zone as established by the Sumner County Airport Master Plan. Section 10.04.060.B establishes a maximum height restriction of 150 feet or elevation of 734 feet above mean sea level within the Transitional Zones that radiate out from the Horizontal Zone above the runway. Also, Section 10.04.060.E states, ". . . *nothing shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.*"

The Cairo Estates subdivision is located within the horizontal zone of the Airport Overlay Zone. As proposed no structure or tree will exceed the height restriction of 150 feet or mean sea level of 734. Also, none of the sample architectural elevations show homes that will exceed the 50 feet limit found in Section 10.04.060.E.

Airport Authority chair Jim Egan reviewed the Cairo Estates Preliminary Master Development Plan and will be provided noise level projections (Attachment 5-7) for the owner/developer to review in regards to the potential need of adding noise deadening materials to the proposed homes. This information will be provided to the owner/developer as soon as staff receives it from Mr. Egan.

Architectural Designs

The three (3) sample architectural designs for homes proposed for Cairo Estates range in size from 1,268 square feet to 1,524 square feet. The two (2) smallest of the home designs are one-story in height with front loading garages. The third and largest home design is two-story in height and also has a front loading garage. Two (2) of the home designs have front elevations of brick, while the three (3) other elevations are vinyl. The other home design has vinyl siding on all sides. All three (3) sample architectural designs meet the architectural requirements in Section 13.08.010 of the Gallatin Zoning Ordinance. The Planning Commission approved the architectural designs included as Attachment 5-2, with the understanding that the final architectural designs will be submitted with the Final Master Development Plan for Cairo Estates.

Lot Layout

The requested (MRO) zoning requires a minimum lot size of 6,000 square feet. All lots meet or exceed the required minimum lot size, with the smallest lots meeting the minimum size of 6,000 square feet. There are 20 lots that meet the minimum lot size of 6,000 square feet. Of the 63 proposed lots, 52 are between 6,000 and 9,000 square feet in size. The remaining 11 lots vary greatly in size with the largest being 25,023 square feet.

The lots are designed to accommodate and work with the natural topography of the land to reduce impact of stormwater runoff to each adjoining lots within this phase and adjacent lots to this phase. Phase 1 and 2 are located south of where Albright Creek bisects the property and Phase 3 is located north of Albright Creek. The site layout is dictated by the presence of Albright Creek and the associated floodplain. The development is designed to minimize the impact of the floodplain on potential lots. The floodplain encroaches on just nine (9) lots, with only lots 17 and 18 having any portion of the building envelope encroached upon by the floodplain. Also, Albright Creek is shown with a 60 foot stream buffer, which is larger than the City required 50 foot buffer. The lot layout has kept all but eight (8) lots from being encroached upon by the floodplain of Albright Creek and six (6) lots from being encroached upon by the stream buffer. No homes can be built within the stream buffer, but homes can be built within the floodplain if the finish floor elevation of the home is constructed one (1) foot above the Base Flood Elevation (BFE) for floodplain areas with established BFEs or three (3) foot above the highest adjacent grade for floodplain areas without an established BFE, as required in Section 10.03.070.B.

Rights-of-Way/Streets/Roads

There will be approximately 2,660 linear feet of public right-of-way with the construction of Hayden Lane, Cairo Way, and Hutch Court. Five (5) foot wide sidewalks will be constructed on both sides of all streets as well as along Cairo Road.

The Gallatin on the Move 2020 Plan: The General Development and Transportation Plan 2008-2020 indicates a future greenway located through this project site along Albright Creek. The applicant shall work with staff to identify and reserve a corridor for the location of this future greenway.

Easements (P.U.D.E's)

All lots will include 10 foot wide P.U.D.E's along the front, side, and rear property lines. All easements shall be considered "Public" in accordance with the City of Gallatin Subdivision Regulations.

Stormwater Detention

There are two (2) proposed stormwater detention areas, both of which are located on the eastern portion of the site, within the floodplain area of Albright Creek. The southern detention area is approximately 18,775 square feet and is located along the back of lots 26 through 32. The northern detention area is approximately 20,221 square feet and is located at the back of lots 60 and 61. Due to the topography of the site sloping from west to east towards Albright Creek the stormwater system will include several inlets and outflow points between lots and will be supplemented by grading that will direct the stormwater to the two (2) detention areas. A more detailed drainage plan will be submitted with construction drawings and with the Final Master Development Plan for each phase.

Open Space and Bufferyard

The Preliminary Master Development Plan shows no proposed open space tracts. However, the areas not included as lots or streets should be designated as open space tracts, including the detention ponds. This area comprises the stream buffers, creek, and adjacent lands. Other small areas along Cairo Way could also be designated as open space tracts.

Bufferyards are required to be shown as part of the Preliminary Master Development Plan. These are intended to minimize the potential impacts of the proposed development on the adjacent properties as outlined in Article 13 of the Gallatin Zoning Ordinance. The applicant has submitted a preliminary bufferyard plan, which includes some alternatives to the requirements of the Gallatin Zoning Ordinance.

A Type 35, 40, and 50 Bufferyard is required per Table 13-05 Bufferyard Requirements of the Gallatin Zoning Ordinance. An Alternative Type 35 Bufferyard is proposed on the lots located on the western boundary between lots 13 thru 18 and the northern boundary between lots 48 thru 56. Next, an Alternative Type 40 Bufferyard is proposed along the entirety of the eastern boundary. Finally, an Alternative Type 50 Bufferyard is proposed along the western boundary between lots 1 thru 12 and the entirety of the southern boundary (Lots 19-23).

The applicant could consider including the bufferyards along lots 14 thru 18, lots 56 thru 61, lot 63, and lots 23 thru 33 within the suggested open space tracts.

Due to the heavy existing vegetation on the site and along Albright Creek, the applicant is requesting to utilize some of the existing vegetation as the required bufferyards. The Preliminary Master Development Plan notes that a tree survey will be required with each Final Master Development that is submitted. The applicant has presented two (2) different alternative bufferyard plans to be utilized dependent upon the existing vegetation.

Alternative Bufferyard 'A' will be utilized when sufficient deciduous vegetation *does not* exist. Alternative 'A' provides one (1) large deciduous tree (minimum 2 1/2 inch caliper) planted every 80 feet along with one (1) ornamental tree (minimum 2 1/2 inch caliper) planted equal distance (40 feet) between the large deciduous trees. Also, Alternative 'A' includes six (6) foot tall medium evergreen trees planted on a triangular pattern of 20 feet apart and 10 feet between the rows. All proposed plant material will be planted within a 30 foot wide area.

Alternative Bufferyard 'B' will be utilized when sufficient deciduous vegetation *does* exist. Alternative 'B' provides six (6) foot tall medium evergreen trees planted on a triangular pattern of 20 feet apart and 10 feet between the rows. All proposed plant material will be planted within a 30 foot wide area.

Until a tree survey is completed for the subdivision it is unknown exactly where the Alternative Bufferyard 'A' and Alternative Bufferyard 'B' will be placed. The specific location of each alternative bufferyard will be shown on the Final Master Development Plan for each phase of Cairo Estates.

The Planning Commission approved the Alternative Bufferyard Plan per Section 13.04.100.C of the Gallatin Zoning Ordinance. The Planning Commission determined the alternative landscaping plan is acceptable and meets the intent of the Gallatin Zoning Ordinance.

Department of Electricity

During the initial review of the Preliminary Master Development Plan the Gallatin Department of Electricity stated that the existing Gallatin Electric Department infrastructure would not support this proposed annexation and subsequent development because there was no Gallatin Electric Department lines in the area. The Department stated that they could not build an elevated power line along Cairo Road from Airport Road due to FAA restrictions. The option to circumvent this situation was for the developer to supply a route that would be approved by GDE from either Gregory Drive, to the north of Cairo Estates or for the developer to pay to place the line underground along Cairo Road from Airport Road to the proposed development. Finally, GDE began discussion with Cumberland Electric Membership Corporation (CEMC) regarding CEMC serving this development.

Discussions between GDE and CEMC have been ongoing for approximately four (4) weeks, but a final decision has not been reached. The Cairo Estates development will be served by one of these two agencies, but this decision has not be finalized.

Gallatin Public Utilities Department Comments

This development will be serviced by the Gallatin Public Utilities Department through existing water lines within Cairo Road right-of-way and a sewer line that bisects this property as it extends to the adjacent subdivision, Cairo Landing. The applicant shall coordinate all development with Gallatin Public Utilities Department to ensure all future utility infrastructures are installed to the satisfaction of the Gallatin Public Utilities Department standards. The Gallatin Public Utilities Department reviewed the Preliminary Master Development Plan and made the following comment indicated below:

1. Provide detailed plans and specifications and hydraulic calculation for water and sanitary sewer installations.

Planning Department Comments

The Planning Department reviewed and commented on the Preliminary Master Development Plan. The applicant satisfactorily addressed the Planning Department comments; however the applicant shall comply with the following:

1. No homes shall be constructed within the stream buffer, but homes can be built within the floodplain if the finish floor elevation of the home is constructed one (1) foot above the Base Flood Elevation (BFE) for floodplain areas with established BFEs or three (3) foot above the highest adjacent grade for floodplain areas without an established BFE, as required in Section 10.03.070.B.

Engineering Division Comments

The Engineering Division reviewed and commented on the Preliminary Master Development Plan. The applicant satisfactorily addressed all Engineering Division comments.

FINDINGS:

1. The owner/applicant has submitted a completed application with required attachments to the City requesting the zoning change and Preliminary Master Development Plan approval.
2. The proposed zoning amendment is in general conformance with the general plan of the area subject to amendment of the Character Area from Airport Road Industrial Special District to the Suburban Neighborhood Established Character Area and that the public necessity, convenience, and the general welfare, require the adoption of the proposed amendment.
3. The property proposed for rezoning has adequate public utilities, infrastructure and private or municipal services necessary to serve the existing and proposed development and population permitted by the requested zoning or such necessary services and facilities will be provided upon development of the property.
4. Due public notice of the proposed zoning change has been provided at least fifteen (15) days but no more than thirty (30) days prior to the public hearing and public notice signs have been posted on the property consistent with Section 15.07.060 of the Gallatin Zoning Ordinance.
5. The Gallatin Regional-Municipal Planning Commission held a public meeting and has reviewed and recommended to the City Council action on the proposed rezoning request.
6. The proposed rezoning will be compatible with surrounding environment and will protect the public health, safety and welfare and will not be injurious to other property or improvements in the area in which the property is located.
7. A Preliminary Master Development Plan was submitted with the rezoning application as required by Sections 12.02.010 B. and 15.07.030 of the Gallatin Zoning Ordinance and complies with the twelve (12) standards required of the plan.

PLANNING COMMISSION RECOMMENDATION:

After discussion and public comment the Planning Commission recommended approval as indicated in GMRPC Resolution 2015-25 (Attachment 5-5) and the Action Form (Attachment 5-6) as required by Article 12, Section 12.02.020, Gallatin Zoning Ordinance.

The Planning Commission and staff recommend approval of Ordinance O1403-12, approving the rezoning from Residential-40 (R40) to Multiple Residential and Office (MRO) and a Preliminary Master Development Plan for Cairo Estates consisting of a four (4) sheet plan, prepared by Rogers Engineering Group of Gallatin TN, with project No. #14-005 and dated February 26, 2014, with a revised date of March 13, 2014, and the architectural renderings for housing types consisting of existing photographs labeled PC0260-14 dated February 26, 2014 with the following conditions:

1. The Planning Commission determined the proposed alternative bufferyard plan meets the requirements in Section 13.04.100.C of the Gallatin Zoning Ordinance and approval of the alternative bufferyards.
2. The rezoning and Cairo Estates Preliminary Master Development Plan approval is conditioned on the Planning Commission granting approval of an amendment to the Gallatin on the Move 2020, The General Development and Transportation Plan 2008-2020 Update to change the Airport Road Industrial Special District to Suburban Neighborhood Established Character Area. (This is scheduled to be considered at the April 28th, 2014 Planning Commission meeting.)
3. No homes shall be constructed within the stream buffer, but homes can be built within the floodplain if the finish floor elevation of the home is constructed one (1) foot above the Base Flood Elevation (BFE) for floodplain areas with established BFEs or three (3) foot above the highest adjacent grade for floodplain areas without an established BFE, as required in Section 10.03.070.B.
4. Provide Gallatin Public Utilities with detailed plans, specifications and hydraulic calculations for water and sanitary sewer installations.
5. Establish and label all portions of the development not including lots or proposed right-of-way as open space tract(s) to be owned and maintained by the homeowner's association and identify the proposed greenway through the development site.

(The plans shall be amended to comply with the conditions of approval prior to the final staff approval by the City)

ATTACHMENTS

- Attachment 5-1 PMDP for Cairo Estates**
- Attachment 5-2 Architectural Elevations for Cairo Estates**
- Attachment 5-3 Sumner County Regional Airport Master Plan (PC9801-11)**
- Attachment 5-4 Draft City Council Ordinance (NO. 1403-12)**
- Attachment 5-5 GMRPC Resolution 2015-25**
- Attachment 5-6 Action Form for PC0260-14.**
- Attachment 5-7 Sumner County Airport Noise Projections**

dining with a view



LOWE'S
LEGACY
SERIES

plan #544-007D-0038
Total living area: 1,524
Width: 38'-0"
Depth: 41'-4"
3 bedrooms
2 1/2 baths
2-car garage
Basement foundation,
drawings also include crawl
space and slab foundations

Price Code B

plan highlights

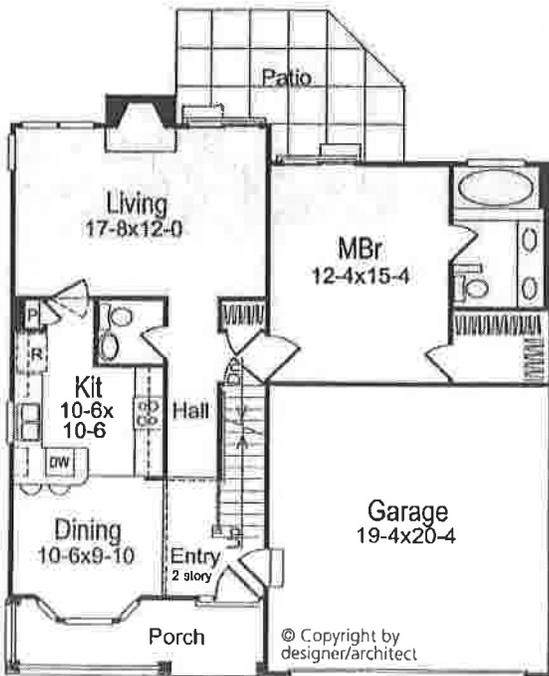
The delightful balcony
overlooks the two-story
entry illuminated by an oval
window

The roomy first floor master
bedroom offers quiet and
privacy

All of the bedrooms feature
one or more walk-in closets

order page 288 or
call 1-877-379-3420

ATTACHMENT 5-2



First Floor
951 sq. ft.



Second Floor
573 sq. ft.

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GALLERIA FURNITURE & LIGHTING

design lesson

Hang a large mirror (or prop it against a wall) in a small room like the dining room of this home to create the illusion of depth in a small space. Even small mirrors expand the sense of space by reflecting views and light, but an oversize mirror has a dramatic effect because it reflects a large portion of the room.

PC 0260-14

small home packed with big style



LOWE'S
LEGACY
SERIES

plan #544-121D-0012
Total living area: 1,281
Width: 37'-6"
Depth: 52'-0"
3 bedrooms
2 baths
2-car garage
Basement foundation

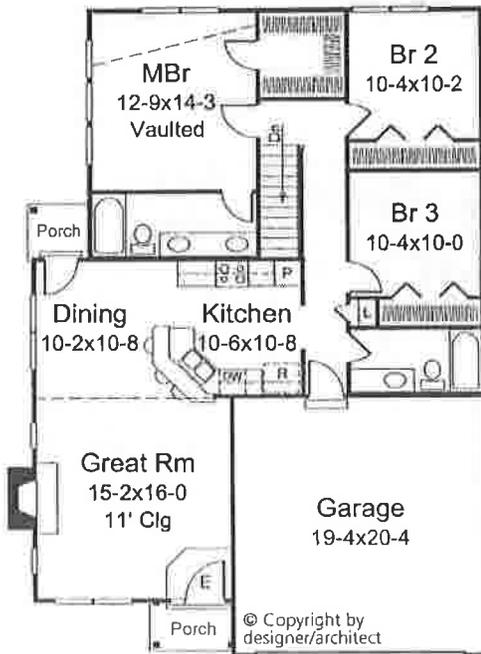
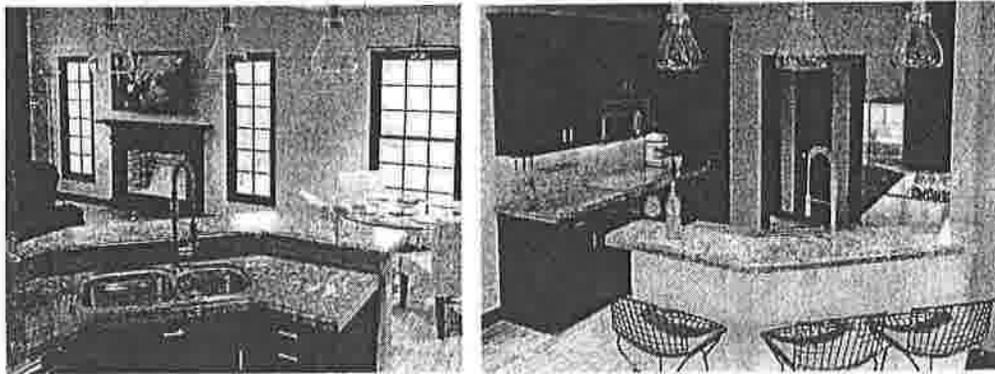
Price Code AA

plan highlights
The well-appointed kitchen enjoys an angled raised counter perfect for casual dining

The great room has an 11' ceiling, a fireplace for warmth, and easy access to the breakfast area

The vaulted master bedroom enjoys a sizable walk-in closet and its own private bath

order page 288 or
call 1-877-379-3420



ATTACHED 5-2

RECEIVED
FEB 26 2014

GALLATIN PUBLISHING & CO.

design lesson

If you're a bit nervous about painting an entire room or even a wall one of the bold colors that is popular right now, then try starting with a furniture piece like a small side chair or coffee table and make it a fun focal point.

PC0260-14

ATTACHMENT 5-2

distinguished styling for a small lot

LOWE'S LEGACY SERIES

plan #544-007D-0060

Total living area: 1,268

Width: 38'-8"

Depth: 48'-4"

3 bedrooms

2 baths

2-car garage

Basement foundation,
drawings also include crawl
space and slab foundations

Price Code B

plan highlights

Multiple gables, a large
porch and arched windows
create a classy exterior

This innovative design
provides openness in the
great room, kitchen and the
breakfast area

The secondary bedrooms
have a private hall with a
bath

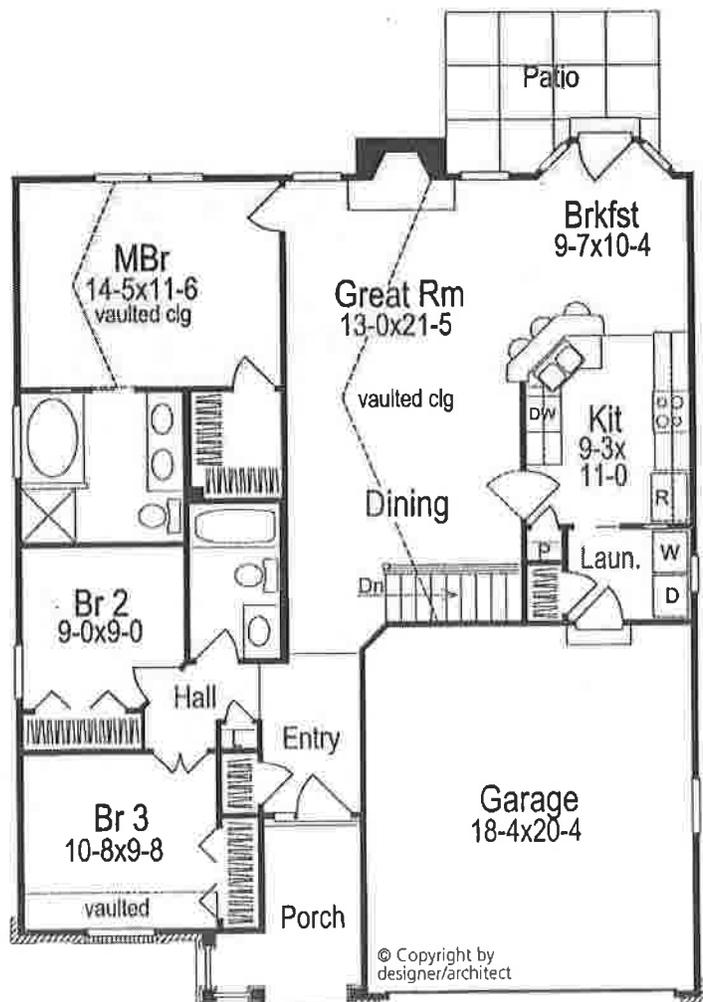
2" x 6" exterior walls
available, please order
plan #544-007E-0060

order page 288 or
call 1-877-379-3420

RECEIVED
FEB 26 2014
GALLATIN PLANNING
& ZONING

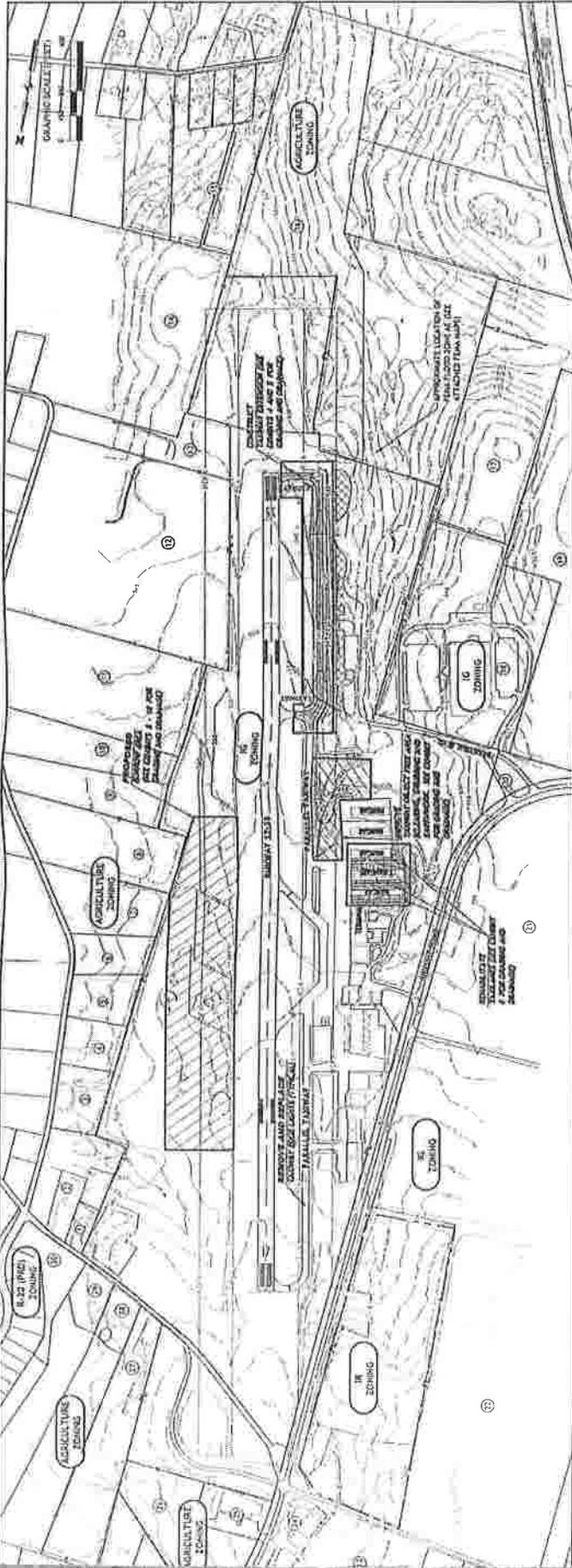
design lesson

A single shelf or a
collection of corner shelves
are surprisingly appealing,
offering an opportunity
to show off collectibles
in an exciting new way.
Plus, they also work well in
more compact homes with
smaller rooms.



© Copyright by
designer/architect

PC 0260-14



OWNER

1	OWNER 1 NAME AND ADDRESS
2	OWNER 2 NAME AND ADDRESS
3	OWNER 3 NAME AND ADDRESS
4	OWNER 4 NAME AND ADDRESS
5	OWNER 5 NAME AND ADDRESS
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47	OWNER 47 NAME AND ADDRESS
48	OWNER 48 NAME AND ADDRESS
49	OWNER 49 NAME AND ADDRESS
50	OWNER 50 NAME AND ADDRESS

- SITE PLAN NOTES**
1. THE PROPOSED IMPROVEMENTS COMPLY WITH APPLICABLE COUNTY ORDINANCES.
 2. THE PROPOSED IMPROVEMENTS COMPLY WITH APPLICABLE LOCAL ORDINANCES.
 3. PLEASE REFER TO THE ATTACHED FEMA MAPS.
 4. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF GALLATIN ENGINEERING DIVISION PRIOR TO CONSTRUCTION.

SITE DATA TABLE

OWNER	SUMNER COUNTY AIRPORT AUTHORITY
ADDRESS	4700 AIRPORT ROAD GALLATIN, TN 37046
PROPERTY ZONING	AG (AGRICULTURAL)
TAX MAP AND PARCEL NUMBER	127-03
SITE ADDRESS	4700 AIRPORT ROAD GALLATIN, TN 37046
OWNER AND PROJECT NAME OR FACILITY	LETTERING PRINT FACILITY



LEGEND

[Symbol]	BORROW AREA
[Symbol]	TAXIWAY OBJECT FREE AREA
[Symbol]	GRASS IMPROVEMENTS
[Symbol]	EXISTING TAXIWAY WITHIN THE TAXIWAY SAFETY AREA
[Symbol]	PROPERTY OWNER MARKERS
[Symbol]	PROPERTY OBJECT FREE ZONE
[Symbol]	BORROW SAFETY AREA
[Symbol]	TAXIWAY SAFETY AREA
[Symbol]	BORROW OBJECT FREE AREA
[Symbol]	BUILDING RESTRICTION LINE
[Symbol]	ZONING BOUNDARY FENCE

ARMSTRONG.
 9019 Overlook Blvd. / Suite D-4
 Brentwood, TN 37027
 PH 615.377.1320 // FX 615.377.3490
 rwarms@armstrong.com

SUMNER COUNTY REGIONAL AIRPORT
PARALLEL TAXIWAY EXTENSION AND REHABILITATE TAXILANES
EXHIBIT 1
SITE PLAN
 04/14/2011

DRAFT

ATTACHMENT 5-4

ORDINANCE NO. 01403-12

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, REZONING AN APPROXIMATE 20.84 ACRE PARCEL, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD FROM LOW DENSITY RESIDENTIAL-40 (R40) ZONING DISTRICT TO THE MULTIPLE RESIDENTIAL AND OFFICE (MRO) ZONING DISTRICT AND APPROVING A PRELIMINARY MASTER DEVELOPMENT PLAN FOR CAIRO ESTATES, AUTHORIZING THE REVISION TO BE INDICATED ON THE OFFICIAL ZONING ATLAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of property has submitted a complete application to rezone these parcels consisting of 20.84 (+/-) acres located in the City of Gallatin, Tennessee Planning Region; and

WHEREAS, the property to be rezoned is located east of Airport Road and north of Cairo Road and is currently zoned R40; and

WHEREAS, the Gallatin Municipal-Regional Planning Commission has reviewed and recommended approval of the proposed rezoning in GMRPC Resolution 2014-25; and

WHEREAS, a public hearing was held following public notice as prescribed by the Gallatin Zoning Ordinance and 13-7-203 T.C.A.; and

WHEREAS, the City Council has approved by majority vote of the members present the rezoning request of the described property; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE as follows:

Section 1. The City Council of the City of Gallatin does hereby approve rezoning a 20.84(±) acre parcel from the Low Density Residential 40 (R40) Zoning District to the Multiple Residential and Office (MRO) District as described in Exhibit 'A' and approves the Preliminary Master Development Plan as described in Exhibit 'B'.

Section 2. The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City's Official Zoning Atlas to show the classification for the area as hereby rezoned.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this

DRAFT

ATTACHMENT 5-4

Section 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 6. This ordinance shall become effective immediately upon adoption.

PASSED FIRST READING: [DATE]

PASSED SECOND READING: [DATE]

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

ATTACHMENT 5-5

GMRPC Resolution No. 2014-25

A RESOLUTION OF THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION RECOMMENDING APPROVAL TO GALLATIN CITY COUNCIL OF A REZONING THREE (3) PARCELS CONSISTING OF 20.84 (+/-) ACRES FROM RESIDENTIAL-40 (R40) TO MULTIPLE RESIDENTIAL AND OFFICE (MRO) AND PRELIMINARY MASTER DEVELOPMENT PLAN AND FOR THE CAIRO ESTATES SUBDIVISION LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD. (PC0260-14)

WHEREAS, The applicant has submitted an application for rezoning and a Preliminary Master Development Plan consistent with Section 12.02.050 of the City of Gallatin Zoning Ordinance, and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the Preliminary Master Development Plan submitted by the applicant, Rogers Engineering Group, at its regular meeting on March 24, 2014; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report and the evidence and testimony presented during the meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-7-202 and 13-7-203 and Section 12.02 020 of the City of Gallatin Zoning Ordinance:

1. The proposed rezoning is internally consistent with Gallatin on the Move 2020 General Development and Transportation Plan Update subject to a land use change from the Airport Road Industrial Special District to the Suburban Neighborhood Established Character Area and the Intent and Purpose of the Zoning Ordinance of Gallatin, Tennessee as set forth in Article 1.00, Section 1.03 of said Ordinance. The proposed zoning is consistent with the Suburban Neighborhood Established Character Area assigned to the property.
2. The owner/applicant has submitted a completed application with required attachments to the City requesting the zoning change
3. The proposed zoning amendment is in general conformance with the general plan of the area subject to amendment of the Character Area from Airport Road Industrial Special District to the Suburban Neighborhood Established

ATTACHMENT 5-5

Character Area and that the public necessity, convenience, and the general welfare, require the adoption of the proposed amendment.

4. The property proposed for rezoning has adequate public utilities, infrastructure and private or municipal services necessary to serve the existing and proposed development and population permitted by the requested zoning or such necessary services and facilities will be provided upon development of the property,
5. Due public notice of the proposed zoning change has been provided at least fifteen (15) days but no more than thirty (30) days prior to the public hearing and public notice signs have been posted on the property consistent with Section 15.07.060 of the Gallatin Zoning Ordinance,
6. The Gallatin Regional-Municipal Planning Commission held a public meeting and has reviewed and recommended to the City Council action on the proposed rezoning request,
7. The proposed rezoning will be compatible with surrounding environment and will protect the public health, safety and welfare and will not be injurious to other property or improvements in the area in which the property is located.
8. A Preliminary Master Development Plan was submitted with the rezoning application as required by Sections 12.02.010 B. and 15.07.030 of the Gallatin Zoning Ordinance and complies with the twelve standards required of the plan.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of a rezoning of the subject property from the Residential-40 (R40) district to the Multiple Residential and Office (MRO) district as described in Exhibit ‘A’ and a Preliminary Master Development Plan for Cairo Estates to Gallatin City Council with the following conditions:

1. The Planning Commission shall determine whether the proposed alternative bufferyard plan meets the requirements in Section 13.04.100.C of the Gallatin Zoning Ordinance and approval of the alternative bufferyards.
2. The rezoning and Cairo Estates Preliminary Master Development Plan approval is conditioned on the Planning Commission granting approval of an amendment to the Gallatin on the Move 2020, The General Development and Transportation Plan 2008-2020 Update to change the Airport Road Industrial Special District to Suburban Neighborhood Established Character Area. (This is scheduled to be considered at the April 28th, 2014 Planning Commission meeting.)
3. No homes shall be constructed within the stream buffer, but homes can be built within the floodplain if the finish floor elevation of the home is

constructed one (1) foot above the Base Flood Elevation (BFE) for floodplain areas with established BFEs or three (3) foot above the highest adjacent grade for floodplain areas without an established BFE, as required in Section 10.03.070.B.

- 4. Provide Gallatin Public Utilities with detailed plans, specifications and hydraulic calculations for water and sanitary sewer installations.
- 5. Establish and label all portions of the development not including lots or proposed right-of-way as open space tract(s) to be owned and maintained by the homeowner's association.
- 6. The applicant shall work with staff to identify and reserve a corridor for the location of the proposed greenway along Albright Creek as indicated in the Gallatin on the Move 2020 Plan: The General Development and Transportation Plan 2008-2020.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 7

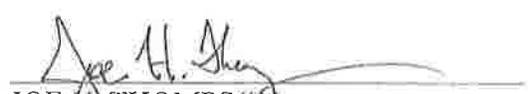
NAY: 0

DATED: 03/24/2014


 Dick Dempsey, Chairman


 Johnny Wilson, Secretary

APPROVED AS TO FORM:


 JOE H. THOMPSON
 CITY ATTORNEY



City of Gallatin, Tennessee

Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: March 25, 2014

TO: Mr. Andy Leath
Rogers Engineering Group
114B West Main Street
Gallatin, TN 37066

FROM: Planning Department

RE: March 24, 2014, Gallatin Municipal-Regional Planning Commission Meeting
Cairo Estates, Phase 3, PMDP Rezoning File: PC0260-14

At the above referenced meeting, the request for recommendation of a Preliminary Master Development Plan and Rezoning was:

- RECOMMENDED
- RECOMMENDED WITH CONDITIONS
- NOT RECOMMENDED
- DEFERRED

Conditions of Approval:

1. The Planning Commission shall determine whether the proposed alternative bufferyard plan meets the requirements in Section 13.04.100.C of the Gallatin Zoning Ordinance and approval of the alternative bufferyards.
2. The rezoning and Cairo Estates Preliminary Master Development Plan approval is conditioned on the Planning Commission granting approval of an amendment to the Gallatin on the Move 2020, The General Development and Transportation Plan 2008-2020 Update to change the Airport Road Industrial Special District to Suburban Neighborhood Established Character Area. (This is scheduled to be considered at the April 28th, 2014 Planning Commission meeting.)
3. No homes shall be constructed within the stream buffer, but homes can be built within the floodplain if the finish floor elevation of the home is constructed one (1) foot above the Base Flood Elevation (BFE) for floodplain areas with established BFEs or three (3) foot above the highest adjacent grade for floodplain areas without an established BFE, as required in Section 10.03.070.B.
4. Provide Gallatin Public Utilities with detailed plans, specifications and hydraulic calculations for water and sanitary sewer installations.



City of Gallatin, Tennessee

Planning Department

5. Establish and label all portions of the development not including lots or proposed right-of-way as open space tract(s) to be owned and maintained by the homeowner's association.
6. The applicant shall work with staff to identify and reserve a corridor for the location of the proposed greenway along Albright Creek as indicated in the Gallatin on the Move 2020 Plan: The General Development and Transportation Plan 2008-2020.

Approval contains the following requirements:

COUNCIL SUBMITTAL

CITY COUNCIL APPROVAL

- Council Committee: 4/8/14
- 1st Reading at City Council: 4/15/14
- Ad runs for Public Hearing by Codes/Planning Department: 4/17/14
- Public Hearing 5/6/14
- 2nd Reading at City Council: 5/20/14

cc: PC File PC0260-14
Mr. Henry Holleman



SUMNER COUNTY REGIONAL AIRPORT

ENVIRONMENTAL ASSESSMENT

EXHIBIT 4-4: 2016 BUILD NOISE EXPOSURE

SUMNER COUNTY REGIONAL AIRPORT
1475 AIRPORT ROAD
GALLATIN, TENNESSEE



9019 Overlook Blvd., Suite D-4
Brentwood, TN 37027
ph 615-377-1320 // fx 615-377-3600
rwa@armstrong.com

PC-0260-14

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

APRIL 8, 2014

DEPARTMENT: PLANNING DEPARTMENT

AGENDA # 8

SUBJECT:

Ordinance No. O1403-12 an ordinance of the City of Gallatin, Sumner County, Tennessee, amending the zoning on 20.84(+/-) acres from Residential 40 (R40) zone district to Multiple Residential and Office (MRO) zone district with a Preliminary Master Development Plan.

SUMMARY:

Applicant requests approval to amend the Gallatin Zoning Ordinance to rezone three (3) parcels (Tax Map 127 and Parcels 005.00, 005.07, and 005.08) and approval of a Preliminary Master Development Plan for Cairo Estates, containing 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. The Gallatin Municipal-Regional Planning Commission recommended approval at the March 24, 2014 Planning Commission Meeting. (PC0260-14)

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

MAY 13, 2014

DEPARTMENT: PLANNING DEPARTMENT

AGENDA # 6

SUBJECT:

Ordinance No. O1403-12 an ordinance of the City of Gallatin, Sumner County, Tennessee, amending the zoning on 20.84(+/-) acres from Residential 40 (R40) zone district to Multiple Residential and Office (MRO) zone district with a Preliminary Master Development Plan.

SUMMARY:

Applicant requests approval to amend the Gallatin Zoning Ordinance to rezone three (3) parcels (Tax Map 127 and Parcels 005.00, 005.07, and 005.08) and approval of a Preliminary Master Development Plan for Cairo Estates, containing 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. The Gallatin Municipal-Regional Planning Commission recommended approval at the March 24, 2014 Planning Commission Meeting. (PC0260-14)

At the April 22, 2014 Council Committee meeting, Councilwoman Brackenbury requested that Ordinance No. O1403-12 be brought back to the May 13, 2014 Council Committee meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**Statement at Public Hearing on Rezoning for Cairo Estates
May 6, 2014**

Good evening, Mayor and Council Members. Thank you for the opportunity to speak today on this rezoning ordinance.

As you know, the Sumner County Regional Airport Authority is opposed to this rezoning Ordinance, as well as the approval of the final plat for the development of the Cairo Estates development due to the close proximity of the proposed development to the Sumner County Regional Airport at a time when the airport is poised to greatly expand the scope of its operations. The certainty of future noise issues and complaints is obvious to the aviation community, based on historical experience with residential encroachment on airport facilities. Still, we realize that much planning and expense on the part of the developer and the city planning department, as well as other considerations, may make the rejection of this rezoning ordinance both economically and politically unfeasible.

At the last meeting of this body, in a working session, a representative of the developer indicated that he, the developer, was open to including in the Master Development Plan and final plat documents, a statement advising prospective builders and buyers of homes in this development, of the close proximity to the airport, and that the airport is expected to increase the scope of its activity in the near term. I would, therefore, urge this body to make such a statement a stipulation of this rezoning ordinance and the final approval of the plat. I would also urge this body to pursue a resolution of support for the development and growth of the Sumner County Regional Airport as an economic asset, the development of which is vital to not just the City of Gallatin, but to the entire County, as I suggested at the previous meeting, and which seemed to be of interest to at least some of this body's members.

I respectfully thank you for your time, and your consideration of these requests.

Jim Egan, Chairman
Sumner County Regional Airport Authority

RECEIVED
MAY 07 2014

GALLATIN PLANNING
& ZONING

RECEIVED
MAY 06 2014
MAYOR'S OFFICE
@ COUNCIL MTG

6. Rezoning a New Subdivision near the Sumner County Regional Airport

Mr. Jim Eagan, Chairman of the Airport Authority, said the Airport Authority is opposed to the rezoning and character area change from Airport Industrial to Residential. Representatives of the airport owners and Pilots Association are concerned with the future noise complaints that may affect the relationship between the airport and the City of Gallatin. Experience shows residential areas adjacent to airport properties almost always results in noise issues. Mr. Eagan said a solution may be that the City require the developer to inform buyers of the closeness of the airport in homeowner association covenants. Another suggestion is for the City to acknowledge the probability of such issues in a resolution of support for the development of the airport. Such a resolution should recognize the airport as an asset to the area.

Mr. Andy Leath, with Rogers Engineering Group, represented the property owner. Mr. Leath said he and the property owner respect the concerns of the Airport Authority and support a statement into the codes and covenants that states the airport is close to the subdivision. It has been the property owner's plan to develop this property for a long time. The property owner, Mr. Holleman, is committed to building a nice development for the City.

Mr. Richard Graves, Engineer on the project, said the buyers of the lots in the subdivision would be made aware of the situation, and a note would be put into the plat notifying potential buyers of the closeness of the airport.

Councilman Camp said he would like to see the City pass a resolution stating the City supports the airport and its future growth. Councilman Overton suggested that the advice of the City Attorney is needed in this process. Councilwoman Brackenbury asked that this discussion be brought back to the Council Committee meeting in three weeks.

1. Reappoint Roger Matchett to Historic District Commission

Councilwoman Kemp motioned to approve; Councilman Hayes seconded. Motion carried 7 ayes, 0 nays.

2. Reappoint James Robert Ramsey to the Regional Board of Zoning Appeals

Councilwoman Kemp motioned to approve; Councilman Hayes seconded. Motion carried 7 ayes, 0 nays.

ORDINANCE NO. 01404-18

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, REAFFIRMING THE MIXED USE (MU) DISTRICT ZONING ON A 30.84 (+/-) ACRE PARCEL (S.B.E. TAX MAP 126//001.00), LOCATED AT THE SOUTHEASTERN CORNER OF THE INTERSECTION OF LONG HOLLOW PIKE AND STATE ROUTE 109 NORTH AND APPROVING A PRELIMINARY MASTER DEVELOPMENT PLAN FOR THE LONG HOLLOW PIKE MIXED USE DEVELOPMENT, AUTHORIZING THE REVISION TO BE INDICATED ON THE OFFICIAL ZONING ATLAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval in GMRPC Resolution No. 2014-22; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE as follows:

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin Municipal-Regional Planning Commission and hereby reaffirms the Mixed Use (MU) District Zoning on the property described in Exhibit A and adopts the Preliminary Master Development Plan as described in Exhibit B; and
2. Based upon the recommendation of approval by the Gallatin Municipal-Regional Planning Commission and after public notice and public hearing in compliance with Section 15.07.060 of the Gallatin Zoning Ordinance, the Mixed Use (MU) zoning of the property is reaffirmed and the Preliminary Master Development Plan is approved with the conditions as described in Exhibit B; and
3. The Gallatin City Council does hereby approve, authorize and direct the revision of the City's Official Zoning Atlas in accordance with Section 15.07.080 of the Gallatin Zoning Ordinance, the official zoning map of the City of Gallatin, Tennessee, shall, upon the effective date of this ordinance, be amended to reflect the reaffirmed zoning and approved Preliminary Master Development Plan herein made; and
4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict; and
5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING: April 15, 2014.

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

11. N31°11'04"W, a distance of 299.97 feet to a concrete right of way monument (old);
thence,
 12. N34°45'12"W, a distance of 150.22 feet to a concrete right of way monument (old);
thence,
 13. N28°45'08"W, a distance of 299.71 feet to a concrete right of way monument (old);
thence,
 14. N28°44'59"W, a distance of 448.28 feet to a concrete right of way monument (old);
thence,
 15. with a curve to the right, northwesterly an arc length of 161.15 feet, said curve having a
radius of 5644.58 feet, a delta angle of 1°38'09", and a chord of N25°41'45"W, 161.15
feet to a concrete right of way monument (old); thence,
 16. N30°02'59"W, a distance of 149.40 feet to a concrete right of way monument (old);
thence,
 17. N24°01'14"W, a distance of 381.41 feet to a concrete right of way monument (old);
thence,
 18. N20°03'34"E, a distance of 140.81 feet to the POINT OF BEGINNING;
- CONTAINING 1,343,526 square feet 30.843 acres, more or less.

This description was prepared using the "Boundary Survey of the Green & Little, L.P. Property, Long Hollow Pike & Tennessee Highway 109", by Darnall & Associates, dated October 1, 2008 and certified by John T. Darnall, Tennessee RLS #1571.

EXHIBIT A

ORDINANCE NO. O1404-18
EXHIBIT B

EXHIBIT B

The development shall be consistent with the Preliminary Master Development Plan for the Long Hollow Pike Mixed Use Development, consisting of a eight (8) sheet plan, prepared by Lose and Associates, Inc. of Nashville TN, with project No. 10075 and dated February 26, 2014, with a final revised date of April 1, 2014, and including the boundary survey of the Green & Little, L.P. Property, consisting of one (1) sheet plan, prepared by John Darnall Surveying of Gallatin TN, with project No. #10-016 and dated April 15, 2010, with a revised date of March 13, 2014, and including legal description of Green & Little, L.P. Property, consisting of two (2) sheets, prepared by Darnall & Associates, LLC of Gallatin TN, received March 7, 2014 with the following conditions:

1. Planning Commission approved the architectural elevations as submitted.
2. Planning Commission approved the alternative bufferyard plan as submitted.
3. Correct the 10' M.B.S.L. along Long Hollow Pike in future parcel "A" to 20' M.B.S.L. on sheets PMDP.3 and PMDP.4.
4. Correct the 10' M.B.S.L. along the local public streets in future parcels "F" and "G" to 20' M.B.S.L. on sheets PMDP.3 and PMDP.4.
5. Correct 15' width to 20' width in Buffer Yard Type 20 detail on sheet PMDP.4.
6. Submit five (5) corrected and folded copies, one (1) full size and four (4) half-size, of the Preliminary Master Development Plan to the Planning Department.



ITEM 6

STAFF REPORT TO CITY COUNCIL

Preliminary Master Development Plan for Long Hollow Pike Mixed Use Development

(PC0189-13)

Long Hollow Pike and State Route Highway 109

Date: April 1, 2014

PUBLIC COMMENT

REQUEST: OWNER AND APPLICANT REQUESTS APPROVAL REAFFIRMING THE MIXED USE (MU) DISTRICT ZONING ON A 30.84 (+/-) ACRE PARCEL AND APPROVAL OF A PRELIMINARY MASTER DEVELOPMENT PLAN (PMDP) FOR THE LONG HOLLOW PIKE MIXED USE DEVELOPMENT IN ORDER TO DEVELOP A MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PARCELS AND A MULTI-FAMILY DWELLING RESIDENTIAL PARCEL LOCATED AT THE SOUTHEASTERN CORNER OF THE INTERSECTION LONG HOLLOW PIKE AND STATE ROUTE HIGHWAY 109.

OWNER: GREEN AND LITTLE, LLP. (LEE ZOLLER)
APPLICANT: LOSE AND ASSOCIATES, INC. (JAY EVERETT)
STAFF RECOMMENDATION: RECOMMEND APPROVAL WITH CONDITIONS
STAFF CONTACT: ROBERT J. KALISZ
PLANNING COMMISSION DATE: MARCH 24, 2014
CITY COUNCIL DATE: APRIL 8, 2014 (COUNCIL COMMITTEE)

PROPERTY OVERVIEW: The owner and applicant are requesting approval of Ordinance O1404-18 (Attachment 6-1) reaffirming the Mixed Use (MU) District Zoning on a 30.84 (+/-) acre parcel (S.B.E. Tax Map 126//001.00), and a Preliminary Master Development Plan (PMDP) for the Long Hollow Pike Mixed Use Development located at the southeastern intersection of Long Hollow Pike and State Route Highway 109. (Attachment 6-2) The PMDP illustrates the site layout, number and size of future parcels, and architectural elevations and materials. The development contains seven (7) future parcels; one (1) future parcel for multi-family dwelling residential development, and the remaining six (6) future parcels for commercial activities as General Retail Sales and Service, Office, Food Service, and Convenience Sales and Service (with Gas Pumps) on 30.84 (+/-) acres. The Planning Commission recommended approval with conditions.

CASE BACKGROUND:

Previous Approvals

The Planning Commission recommended approval of a rezoning with the Preliminary Master Development Plan for the Green Mixed Use Development on 34.76 (+/-) acres to the Gallatin City Council at the May 20, 2002 meeting with a condition that the applicant

submit a revised boundary survey and legal description for the property. The rezoning from Industrial Restrictive (IR) to Mixed Use (MU) zone district, passed Second Reading at the July 02, 2002 Gallatin City Council meeting.

The previously approved Preliminary Master Development Plan for Green Mixed Use Development consisted of 19.76 (+/-) acres of commercial use and 15.00 (+/-) acres of multi-family residential use. The 34.76 (+/-) acres of development consisted of six (6) future parcels or areas including four (4) commercial outparcels, with no specific uses outlined, located along Long Hollow Pike, one (1) General Retail future parcel consisting of a 124,450 square foot building located directly behind the four (4) commercial outparcels, and located in the rear of the development, one (1) multi-family dwelling residential development future parcel consisting of 192 units.

The Planning Commission approved reaffirming the Mixed Use (MU) District Zoning and the Preliminary Master Development Plan for Long Hollow Pike Mixed Use Development under GMRPC Resolution No. 2014-22 on March 24, 2014 (Attachment 6-3).

DISCUSSION:

Lapse of Approval

Gallatin Zoning Ordinance Section 12.02.040.A, Preliminary Master Development Plan indicates that a Preliminary Master Development Plan shall become void two (2) years after the date of Planning Commission approval unless a Final Master Development Plan (previously referred to as a Final Site Development Plan) for the subject property, or portion thereof, has been approved by the Planning Commission in accordance with Section 12.02.030.

If a Final Master Development Plan has not been approved by the end of this two (2) year period, the owner may not apply for approval of a Final Master Development Plan until the owner requests the Planning Commission review the previously approved Preliminary Master Development Plan and provide the Mayor and Alderman with a recommendation to either: (1) extend the approval of the Preliminary Master Development Plan of the subject property for a period not to exceed two (2) years; (2) revise the Preliminary Master Development Plan in regards to the use, bulk, and/or design standards required of the previous approval; or (3) cancel the approval and impose a new base zoning district on the subject project.

The Planning Commission recommended approval of a new Preliminary Master Development Plan (PMDP) for Long Hollow Pike Mixed Use Development. The new plan includes changes to the site layout, number of future parcels, future parcel sizes, and architectural elevations and materials, and affirms the Mixed Use (MU) zoning on the 30.84 (+/-) acre site.

Natural Features of the Site

The natural topography for the existing vacant land slopes from the highest point of elevation (532') located along the south boundary (CSX Railroad), with a steady and even decline, towards the lowest point of elevation (490') located along the north boundary (Long Hollow Pike). There are existing mature trees located along the majority of the perimeter of

the property with the exception along Highway 109. There is existing vegetation located along the north boundary which is adjacent to the existing stormwater drainage ditch that runs through the two (2) existing box culverts. No portion of this development for Long Hollow Pike Mixed Use Development is located within a flood hazard area.

Adjacent Development and Zoning

The adjacent area to the north and east of the proposed development are established subdivisions zoned Residential R-10. Howard Elementary School is located in close proximity to the east of the proposed development. A portion of the property area to the north, across from Long Hollow Pike, is vacant land zoned Commercial Service (CS) and is part of the Commercial Corridor as outlined in the *Gallatin on the Move 2020 Plan*. Located to the west is State Route Highway 109 and to the south is the CSX Railroad. Beyond State Route Highway 109 is the Long Hollow Golf Course and Village Green Industrial Park and beyond the CSX Railroad are commercial zoned (CS) properties.

Comprehensive Plan Land Use and Policies

The *Gallatin on the Move 2020 Plan* shows this property as part of the Commercial Corridor Character Category. The intent of the commercial corridors is to discourage continuous ribbons of automobile-oriented commercial development, provide sidewalks and more pedestrian-friendly environment, encourage mixed use development, and reflect quality materials and design. The development strategies for the commercial corridors is to establish pedestrian-oriented building setbacks, guide building and site designs, including parking lot configuration and streetscape features, and to find an appropriate balance between residential and commercial uses within mixed use developments. The primary land uses for the commercial corridor are small and large-scale apartments, office, and commercial retail uses.

The Mixed Use (MU) zoning and the Preliminary Master Development Plan for the Long Hollow Pike Mixed Use Development is consistent with the intent, strategies, and land uses as outlined in the *Gallatin on the Move 2020 Plan*.

Proposed Development

The owner and applicant requests approval reaffirming the Mixed Use (MU) zoning on 30.84 (+/-) acres and approval of the Preliminary Master Development Plan (PMDP) for the Long Hollow Pike Mixed Use Development located at the southeastern intersection of Long Hollow Pike and State Route Highway 109. Per Section 12.02.040.A of the Gallatin Zoning Ordinance, the Planning Commission recommended approval of the Preliminary Master Development Plan with conditions.

Access and Traffic Generation

There are two (2) existing access points to this development located off of Long Hollow Pike over two (2) existing box culverts. These access points will become the two (2) main accesses to the development which in turn will become local public streets servicing the future parcels in the development. The western main access point is located approximately 350 feet from the off-ramp of the interchange of Highway 109 and Long Hollow Pike and will provide primarily access to future parcels "D", "E", and "F". The eastern main access point is located approximately 430 feet east of the western access point on Long Hollow Pike and will provide primary access to future parcels "A", "B", "C", and "G". Another local

public street will be located parallel to Long Hollow Pike providing connectivity to the other local public streets and provide additional access to future parcels "F" and "G".

Another minor access point to the development will be the continuation of Mike Street from Holland Heights Subdivision located along the eastern boundary to the eastern local public street. A proposed emergency vehicle access (crash gate) will be located at the northwest corner of future parcel "C" adjacent to the parking lot located in the southwest corner of future parcel "D".

A Traffic Impact Study has been submitted to the Engineering Division for review. The Traffic Impact Study identifies project traffic generation and assignment and outlines the schedule for transportation improvements based upon project trip generation.

Future Parcel Types

The proposed Preliminary Master Development Plan for Long Hollow Pike Mixed Use Development consists of 16.82 (+/-) acres of commercial use and 14.02 (+/-) acres of multi-family residential use. The future parcel uses are clearly identified. The architectural elevations and building materials are submitted with the proposed PMDP which meet the Architectural Character and Compatibility Standards of Section 13.08 of the Gallatin Zoning Ordinance. The proposed building sizes, stories, tenant, square footage of proposed building and proposed use are as follows:

- Parcel A: 1.74 (+/-) acres, one (1) proposed building:
 - one-story, multi-tenant (10), 17,500 s.f.-General Retail Sales and Service
- Parcel B: 3.66 (+/-) acres, two (2) proposed buildings:
 - one-story, multi-tenant (10), 17,500 s.f.-General Retail Sales and Service
 - one-story, multi-tenant (6), 10,500 s.f.-Office
- Parcel C: 14.02 (+/-) acres, 16 proposed buildings and clubhouse:
 - two-story, multi-family dwelling, 192 total dwelling units, 13.69 dwelling units per acre
- Parcel D: 5.82 (+/-) acres, three (3) proposed buildings:
 - two-story, multi-tenant (20), 17,500 s.f.-General Retail Sales and Service and 17,500 s.f. Office
 - two-story, multi-tenant (12), 10,500 s.f.-General Retail Sales and Service and 10,500 s.f.-Office
 - two-story, multi-tenant (12), 10,500 s.f.-General Retail Sales and Service and 10,500 s.f.-Office
- Parcel E: 1.00 (+/-) acres, one (1) proposed building:
 - one-story, single-tenant (1), 9,700 s.f.-General Retail Sales and Service
- Parcel F: 1.74 (+/-) acres, one (1) proposed building:
 - one-story, single-tenant (1), 6,500 s.f.-Food Service
- Parcel G: 1.25 (+/-) acres, one (1) proposed building:
 - one-story, single-tenant (1), 4,000 s.f.-Convenience Sales and Service (with Gas Pumps/20 fueling stations)

Buildings and Architectural Elevations

The owner and applicant have designed the layout of the commercial buildings with pedestrian-oriented building setbacks being closer to the proposed public sidewalks and reflecting quality materials and design.

All of the proposed buildings for the development will mainly consist of brick veneer facades (minimum 70 percent), stone or pre-cast base (exception multi-family residential), E.I.F.S. or brick parapet walls (commercial), and cementitious board located in the dormers and trim package (multi-family residential). The percentage of the materials to be used is illustrated on the architectural elevations. (Attachment 6-2) The owner and applicant has submitted a sample board of material and color which shows the proposed colors to be earth tones complimenting each other into the design of the proposed buildings.

The roofing system for proposed tenant buildings will be a low slope membrane material. The proposed convenience sales and service building will be standing seam metal roof panels. The multi-family residential buildings and clubhouse will use architectural asphalt shingles.

The proposed single-tenant, multi-tenant, and food service buildings are illustrated to be a typical modern design for retail centers. The proposed architectural elevations show the main entrances to the buildings using a typical extended tower facade entry to bring definition to the relative long tenant buildings.

- The one (1) story single tenant building shows one (1) front main entrance and two (2) storefront window systems with three (3) rear covered entrances.
- The one (1) story multi-tenant building (10 tenants) shows four (4) front main entrances with separate front covered entrances for the remaining tenants and rear covered entrances located opposite of the four (4) main entrances. The proposed tenant building also shows the two (2) outside main entrances include side entrance as part of the extended tower facade.
- The two (2) story multi-tenant building shows two (2) front main entrances included with the side entrances with separate front covered entrances for the remaining tenants and rear covered entrances located opposite of the two (2) main entrances.
- The one (1) story multi-tenant building (six (6) tenants) will be familiar to the two (2) story multi-tenant building minus the second story.
- The food service building will be familiar to the one (1) story single tenant with exception of more storefront window systems and no rear public entrance.

The proposed convenience sales and service (with gas pumps) building is illustrated to be a typical one (1) story rectangular shaped building with a hip roof. The main and rear entrance will be a typical aluminum storefront entry system with multiple aluminum storefront window systems located in front and on the sides of the building. The gas pump canopy will be pre-finished metal roof structure with brick veneer on the support columns. The owner and applicant show a gas station logo sign to be located on the front and sides of the canopy. A detailed sign package for the gas station logo needs to be submitted as part of the Final Master Development Plan.

The Planning Commission approved the architectural elevations as submitted, with the understanding that the final architectural elevation will be provided as part of each Final Master Development Plan.

Open Space and Landscaping

The Preliminary Master Development Plan for Long Hollow Pike Mixed Use Development does not identify any open space tracts throughout the proposed development except a detention area located in the northwest corner of the proposed development. The PMDP shows two (2) pocket parks to be located in future parcels “B” and “D” to accommodate public activities and provide improved connectivity from the corners of the local public streets. The PMDP shows landscaping in the pocket parks and detention area. Any future open space tracts might be identified as future parcels develop through the Final Master Development Plan process.

The PMDP includes a conceptual landscaping plan that shows landscaping throughout the proposed development. Bufferyards are required to be shown as part of the Preliminary Master Development Plan. These are intended to minimize the potential impacts of the proposed development on the adjacent properties as outlined in the *Gallatin on the Move 2020 Plan* and Article 13 of the Gallatin Zoning Ordinance. The applicant has submitted a conceptual landscaping and bufferyard plan, which includes some alternatives to the requirements of the Gallatin Zoning Ordinance. (Refer to plan sheet PMDP.4) The conceptual landscaping plan shows the required bufferyards; however, the owner and applicant are requesting alternative bufferyards located along the south (railroad tracks) and west (S.R. 109) boundaries, and the northern portion of the east boundary. The conceptual landscaping plan shows details of the bufferyard types. The owner and applicant stated the amount of required landscaping will not be reduced but the width of the bufferyard is to be reduced to accommodate the proposed development. The conceptual landscaping plan does not indicate any of the existing mature trees to be used towards the required bufferyards. If the owner and applicant wish to incorporate the existing mature trees into the landscaping plan then a detailed tree survey will have to be submitted with each Final Master Development Plan. Detailed landscaping plans will be submitted with each Final Master Development Plan illustrating bufferyards, parking area screening, interior planting areas, and any other required landscaping for the proposed development.

The owner and applicant is requesting approval of an Alternative Bufferyard Plan per Section 13.04.100.C of the Gallatin Zoning Ordinance. The Planning Commission determined the alternative bufferyard plan is acceptable and meets the intent of the Gallatin Zoning Ordinance. The Planning Commission approved the alternative bufferyard plan as submitted.

Parking

The parking requirements are based on the following ratios for the proposed use classifications.

- General Retail Sales and Services, one (1) parking space per 250 square feet, for future parcels “A”, “B”, “D”, and “E”
- Office, one (1) space per 300 square feet, for future parcels “B” and “D”

- Convenience Sales and Service, one (1) space per 100 square feet of gross area, for future parcel “G”
- Multi-Family Residential, two (2) spaces per dwelling unit, for future parcel “C”
- Food Service, one (1) space per four (4) person seating capacity, for future parcel “F”.

Based on these ratios, the proposed development is required to provide:

- 333 parking spaces for the retail centers
- 164 parking spaces for the office centers
- 40 parking spaces for the convenience sales and service
- 384 parking spaces for the multi-family apartments
- 71 parking spaces for the food service (seating capacity unknown)
 - The PMDP has noted when food service is submitted in the Final Master Development Plan stage the parking requirements will be established and followed per the Gallatin Zoning Ordinance.
- Total of 1,009 parking spaces required
- Total of 1,033 parking spaces provided

Staff is satisfied that adequate parking is provided for future parcels and complies with the minimum number of required regular parking spaces, including handicapped parking requirements, for each building per G.Z.O., Section 11.03, *Schedule of Off-Street Parking Requirements* and Section 11.07, *Handicapped Parking*.

Drainage and Retention

The applicant has shown the stormwater infrastructure and detention pond on the PMDP. The new site layout channels stormwater runoff into the catch basins located along the local public streets into the proposed detention area located in the northwest corner of the proposed development. The applicant shall provide more detailed information for the detention pond and stormwater infrastructure on the Final Master Development Plan for each of the future parcels.

Signing

The owner and applicant has provided a preliminary design with the PMDP illustrating the proposed freestanding ground signs and noted the freestanding ground signs to be of metal and masonry materials (stone, brick, and/or split-faced block). The PMDP shows one (1) multi-tenant freestanding ground sign, located in future parcel “A” along the local public street, and three (3) single-tenant freestanding ground signs located in front at future parcels “C”, “F”, and “G”. The applicant has not provided a preliminary design for any wall mounted signs with this PMDP, but will be required to submit a detailed sign package for Final Master Development Plans that contain wall mounted signs and freestanding ground signs.

Subdivision Plat

A subdivision plat will be submitted for the dedication of the proposed public streets right-of-way, common area tracts, and any future parcels, five (5) acres or less, to be subdivided or sold from the development.

Planning Department Comments

The Planning Department reviewed and commented on the Preliminary Master Development Plan. The applicant satisfactorily addressed the Planning Department comments; however the applicant shall comply with the following:

1. Correct the rear yard in the residential bulk regulations from “30 feet” to “20 feet” on sheets PMDP.0 and PMDP.3.
2. Correct and add the M.B.S.L.’s and yards to parcels on sheets PMDP.3 and PMDP.4.
3. Remove the “DEVELOPMENT SIGN” wording and arrow from sheet PMDP.3.
4. Correct the “Signage Notes per G.Z.O.13.07.100” to read “Signage Notes per G.Z.O.13.07 Sign Regulations” on sheet PMDP.3.
5. Correct “but in no case shall a single sign face exceed one hundred twenty (120) square feet” to read “but in no case shall a single sign face exceed one hundred (100) square feet” on sheet PMDP.3.
6. Correct the “(1) per lot-no single tenant ground sign permissible with multi-tenant ground signs” to read “(1) per development entrance-no single tenant ground sign permissible with multi-tenant ground signs” in the Multi-Tenant Ground Sign Detail on sheet PMDP.3.
7. Correct CS zoning on the property on the north side of Long Hollow Pike and add IR and CG zoning to the property on the east side of S.R. 109 on sheet PMDP.4.
8. Add a Buffer Yard Type 12 detail and use the landscape description from Buffer Yard Type 25 to sheet PMDP.4.
9. Correct 15’ to 20’ and “sixty feet” to “seventy-five feet” in Buffer Yard Type 20 detail on sheet PMDP.4.

Engineering Division Comments

The Engineering Division reviewed and commented on the Preliminary Master Development Plan and the Traffic Impact Study. Most of the Engineering Division comments have been satisfied; however, the applicant shall be aware that the Traffic Impact Study identifies project traffic generation and assignment and outlines the schedule for transportation improvements based upon project trip generation. Additional traffic review may be requested upon submittals of Final Master Development Plans.

Gallatin Public Utilities Department Comments

This development is serviced by the Gallatin Public Utilities Department. The applicant shall coordinate all development with Gallatin Public Utilities Department to ensure all future utility infrastructures are installed to the satisfaction of the Gallatin Public Utilities Department standards. The Gallatin Public Utilities Department reviewed the Preliminary Master Development Plan and made the following comment indicated below:

1. Submit detailed plans and specifications for water and sanitary sewer to the Gallatin Public Utilities Department for review and approval prior to submittal of final plats.

Other Departmental Comments

Other City Departments reviewed and commented on the Preliminary Master Development Plan. The applicant satisfactorily addressed the Other Departmental Comments.

FINDINGS:

1. The Preliminary Master Development Plan is in agreement and consistent with the intent and recommendations of the Gallatin on the Move 2020 General Development and Transportation Plan for the area, and in particular, the Commercial Corridor Character Area Category.
2. The proposed Preliminary Master Development Plan is consistent with the purpose and intent of the Mixed Use (MU) zone district and complies with the use restrictions, minimum bulk and height regulations, minimum lot dimensions, yard lines and minimum building setback line requirements established in said zone district with conditions.
3. The Preliminary Master Development Plan complies with the Design and Performance Standards of the Gallatin Zoning Ordinance as described in Section 13.02.
4. It has been determined that the legal purposes for which zoning regulations exists have not been contravened.
5. It has been determined that the zoning and Preliminary Master Development Plan will not create adverse effects upon adjoining property owners or any such adverse effect can be mitigated by applying design and performance standards or is justified by the public good or welfare.
6. It has been determined that no one property owner or small group of property owners will benefit materially from the approval to the detriment of the general public.

RECOMMENDATION:

After discussion and public comment the Planning Commission recommended approval as indicated in GMRPC Resolution No. 2014-22 (Attachment 6-3) and the Action Form (Attachment 6-4) as required by Article 12, Section 12.02.020, Gallatin Zoning Ordinance.

The Planning Commission and staff recommend approval of Ordinance O1404-18, reaffirming the Mixed Use (MU) zoning and approval of a Preliminary Master Development Plan (PMDP) for the Long Hollow Pike Mixed Use Development, consisting of a eight (8) sheet plan including architectural elevations, prepared by Lose and Associates, Inc. of Nashville TN, with project No. 10075 and dated February 26, 2014, with a final revised date of April 1, 2014, and including the boundary survey of the Green & Little, L.P. Property, consisting of one (1) sheet plan, prepared by John Darnall Surveying of Gallatin TN, with project No. #10-016 and dated April 15, 2010, with a revised date of March 13, 2014, and including legal description of Green & Little, L.P. Property, consisting of two (2) sheets, prepared by Darnall & Associates, LLC of Gallatin TN, received March 7, 2014 with the following conditions:

1. Planning Commission approves the architectural elevations as submitted.
2. Planning Commission approves the alternative bufferyard plan as submitted.
3. Correct the 10' M.B.S.L. along Long Hollow Pike in future parcel "A" to 20' M.B.S.L. on sheets PMDP.3 and PMDP.4.
4. Correct the 10' M.B.S.L. along the local public streets in future parcels "F" and "G" to 20' M.B.S.L. on sheets PMDP.3 and PMDP.4.
5. Correct 15' width to 20' width in Buffer Yard Type 20 detail on sheet PMDP.4.

6. Submit five (5) corrected and folded copies, one (1) full size and four (4) half-size, of the Preliminary Master Development Plan to the Planning Department.

(The plans shall be amended to comply with the conditions of approval prior to the final staff approval by the City.)

ATTACHMENTS

Attachment 6-1 Draft City Council Ordinance No. O1404-18

Attachment 6-2 Preliminary Master Development Plan with Architectural Elevations

Attachment 6-3 GMRPC Resolution No. 2014-22

Attachment 6-4 GMRPC Action Form dated March 25, 2014

ATTACHMENT 6-3

GMRPC Resolution No. 2014-22

A RESOLUTION OF THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION RECOMMENDING APPROVAL REAFFIRMING THE MIXED USE (MU) DISTRICT ZONING ON A 30.84 (+/-) ACRE PARCEL AND APPROVAL OF A PRELIMINARY MASTER DEVELOPMENT PLAN (PMDP) FOR THE LONG HOLLOW PIKE MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PARCELS AND A MULTI-FAMILY RESIDENTIAL DWELLING PARCEL LOCATED AT THE SOUTHEASTERN CORNER OF THE INTERSECTION LONG HOLLOW PIKE AND STATE ROUTE HIGHWAY 109 – (PC0189-13)

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the Preliminary Master Development Plan submitted by the applicant, Lose & Associates, Inc., at its regular meeting on March 24, 2014; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff, in the Planning Commission Staff Report, in the Preliminary Master Development Plan and architectural elevations attached hereto as Exhibit A, and the evidence and testimony presented during the meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to T.C.A. §13-7-202, and §13-7-203 and G.Z.O. § 12.02.020:

1. The Preliminary Master Development Plan is in agreement and consistent with the intent and recommendations of the Gallatin on the Move 2020 General Development and Transportation Plan for the area, and in particular, the Commercial Corridor Character Area Category.
2. The proposed Preliminary Master Development Plan is consistent with the purpose and intent of the Mixed Use (MU) zone district and complies with the use restrictions, minimum bulk and height regulations, minimum lot dimensions, yard lines and minimum building setback line requirements established in said zone district with conditions.
3. The Preliminary Master Development Plan complies with the Design and Performance Standards of the Gallatin Zoning Ordinance as described in Section 13.02.
4. It has been determined that the legal purposes for which zoning regulations exists have not been contravened.
5. It has been determined that the zoning and Preliminary Master Development Plan will not create adverse effects upon adjoining property owners or any such adverse effect can be mitigated by applying design and performance standards or is justified by the public good or welfare.

ATTACHMENT 6-3

6. It has been determined that no one property owner or small group of property owners will benefit materially from the approval to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval reaffirming the Mixed Use (MU) district zoning and the Preliminary Master Development Plan for the Long Hollow Pike Mixed Use Development consisting of a eight (8) sheet plan, prepared by Lose and Associates, Inc. of Nashville TN, with project No. 10075 and dated February 26, 2014, with a revised date of March 13, 2014, and including the boundary survey of the Green & Little, L.P. Property, consisting of one (1) sheet plan, prepared by John Darnall Surveying of Gallatin TN, with project No. #10-016 and dated April 15, 2010, with a revised date of March 13, 2014, and including legal description of Green & Little, L.P. Property, consisting of two (2) sheets, prepared by Darnall & Associates, LLC of Gallatin TN, received March 7, 2014 with the following conditions:

1. Planning Commission approved the architectural elevations as submitted.
2. Planning Commission approved the alternative bufferyard plan as submitted.
3. Correct the rear yard in the residential bulk regulations from “30 feet” to “20 feet” on sheets PMDP.0 and PMDP.3.
4. Correct and add the M.B.S.L.’s and yards to parcels on sheets PMDP.3 and PMDP.4.
5. Remove the “DEVELOPMENT SIGN” wording and arrow from sheet PMDP.3.
6. Correct the “Signage Notes per G.Z.O.13.07.100” to read “Signage Notes per G.Z.O.13.07 Sign Regulations” on sheet PMDP.3.
7. Correct “but in no case shall a single sign face exceed one hundred twenty (120) square feet” to read “but in no case shall a single sign face exceed one hundred (100) square feet” on sheet PMDP.3.
8. Correct the “(1) per lot-no single tenant ground sign permissible with multi-tenant ground signs” to read “(1) per development entrance-no single tenant ground sign permissible with multi-tenant ground signs” in the Multi-Tenant Ground Sign Detail on sheet PMDP.3.
9. Correct CS zoning on the property on the north side of Long Hollow Pike and add IR and CG zoning to the property on the east side of S.R. 109 on sheet PMDP.4.
10. Add a Buffer Yard Type 12 detail and use the landscape description from Buffer Yard Type 25 to sheet PMDP.4.
11. Correct 15’ to 20’ and “sixty feet” to “seventy-five feet” in Buffer Yard Type 20 detail on sheet PMDP.4.
12. Submit three (3) corrected and folded copies, one (1) full size and two (2) half-size, of the Preliminary Master Development Plan to the Planning Department.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

ATTACHMENT 6-3

IT IS SO ORDERED.

PRESENT AND VOTING

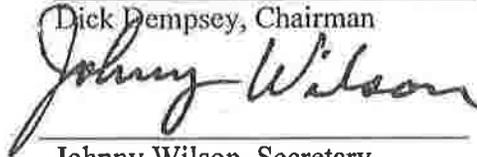
AYE: 7

NAY: 0

DATED: 3/24/14



Dick Dempsey, Chairman



Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY



ATTACHMENT 6-4

City of Gallatin, Tennessee

Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: March 25, 2014

TO: Mr. Jay Everett
Lose & Associates
1314 5th Avenue North, Suite 200
Nashville, TN 37708

FROM: Planning Department

RE: March 24, 2014, Gallatin Municipal-Regional Planning Commission Meeting
Long Hollow Pike Mixed Use Development, PMDP File: PC0189-13

The request for approval Reaffirming the Mixed Use (MU) District Zoning on 30.84 (+/-) acre parcel and a Preliminary Master Development Plan and was:

- RECOMMENDED
- RECOMMENDED WITH CONDITIONS
- NOT RECOMMENDED
- DEFERRED

Conditions of Approval:

1. Planning Commission approved the architectural elevations as submitted.
2. Planning Commission approved the alternative bufferyard plan as submitted.
3. Correct the rear yard in the residential bulk regulations from "30 feet" to "20 feet" on sheets PMDP.0 and PMDP.3.
4. Correct and add the M.B.S.L.'s and yards to parcels on sheets PMDP.3 and PMDP.4.
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7. Correct "but in no case shall a single sign face exceed one hundred twenty (120) square feet" to read "but in no case shall a single sign face exceed one hundred (100) square feet" on sheet PMDP.3.
8. Correct the "(1) per lot-no single tenant ground sign permissible with multi-tenant ground signs" to read "(1) per development entrance-no single tenant ground sign permissible with multi-tenant ground signs" in the Multi-Tenant Ground Sign Detail on sheet PMDP.3.



ATTACHMENT 6-4

City of Gallatin, Tennessee

Planning Department

9. Correct CS zoning on the property on the north side of Long Hollow Pike and add IR and CG zoning to the property on the east side of S.R. 109 on sheet PMDP.4.
10. Add a Buffer Yard Type 12 detail and use the landscape description from Buffer Yard Type 25 to sheet PMDP.4.
11. Correct 15' to 20' and "sixty feet" to "seventy-five feet" in Buffer Yard Type 20 detail on sheet PMDP.4.
12. Submit fifteen (15) corrected and folded copies, one (1) full size and fourteen (14) half-size, of the Preliminary Master Development Plan to the Planning Department by 12:00 p.m. (noon) on Tuesday, April 1, 2014 in order to place this item on April 8, 2014 City Council Committee meeting agenda.

Approval contains the following requirements:

- NONE
- BUILDING PERMIT/USE AND OCCUPANCY PERMIT
- ZONING PERMIT
- SIGN PERMIT
- LAND DISTURBANCE PERMIT
- SIGNAGE CHECK
- SITE SURETY
- SUBDIVISION SURETY
- LIST CONDITIONS OF APPROVAL ON RESUBMITTAL
- COUNCIL SUBMITTAL
- SUBMIT 15 CORRECTED, FOLDED COPIES (ONE (1) FULL SIZE AND FOURTEEN (14) HALF SIZE), NO COLORED ARCHITECTURAL ELEVATIONS OR BOUNDARY SURVEY AND LEGAL DESCRIPTION REQUIRED.
- OTHER: CORRECTED AND FOLDED COPIES TO BE SUBMITTED TO PLANNING DEPARTMENT BY 12:00 P.M. (NOON) ON TUESDAY, APRIL 1, 2014.
- CITY COUNCIL APPROVAL
 - City Council Committee: April 8, 2014
 - 1ST Reading at City Council: April 15, 2014
 - Public Hearing: May 6, 2014
 - 2nd Reading at City Council: May 20, 2014

cc: PC File PC0189-13
Lee Zoller, Green & Little, LP

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

APRIL 8, 2014

DEPARTMENT: PLANNING DEPARTMENT

AGENDA # 9

SUBJECT:

Ordinance No. O1404-18 an ordinance of the City of Gallatin, Sumner County, Tennessee, reaffirming the Mixed Use (MU) zone district on a 30.84 (+/-) acres parcel and approving a Preliminary Master Development Plan.

SUMMARY:

Applicant requests approval to reaffirm the Mixed Use (MU) district zoning on a 30.84 (+/-) acre parcel (S.B.E. Tax Map126//001.00), and approving a Preliminary Master Development Plan for Long Hollow Pike Mixed Use Development located at the southeastern corner of the intersection of Long Hollow Pike and State Route 109 North. The Gallatin Municipal-Regional Planning Commission recommended approval at the March 24, 2014 Planning Commission Meeting. (PC0189-13)

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE NO. O1405-24

ORDINANCE APPROPRIATING \$2,338.27 FOR DAMAGE TO A DECORATIVE
LIGHT FIXTURE POLE AND LAMP AT WEST MAIN STREET

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$2,338.27 is hereby appropriated from the Undesignated Fund Balance of the General Fund for repairs to a decorative light fixture pole and lamp damaged by an accident on March 3, 2014. The funds will be payable to Gallatin Electric Department.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect on final passage, the public welfare requiring such.

PASSED FIRST READING: May 6, 2014.

PASSED SECOND READING: _____,

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

Gallatin Department of Electricity

**P.O. Box 1555
135 Jones Street
Gallatin, TN 37066
Phone: 615-452-5152
Fax: 615-452-6060**

April 14, 2014

City of Gallatin
ATTN: JamiAnn Hannah
132 West Main Street
Gallatin, TN 37066

**RE: Damages @ West Main Street, Gallatin – March 3, 2014
Police Report Tracking Number: 14-01026**

Cost to replace decorative street light @ West Main Street due to car accident.

Payroll (including all applicable OH)	\$ 272.87
Transportation	22.40
Decorative fixture, pole, & lamp	<u>2,043.00</u>
Total	\$ 2,338.27

AN ORDINANCE AMENDING GALLATIN MUNICIPAL CODE, CHAPTER 10,
ARTICLE IV. NOISE, SEC. 10-87. EXCEPTIONS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that, Gallatin
Municipal Code Sec. 10-87 is hereby amended by deleting subsection (3) in its entirety and
replacing it with the following:

Sec. 10-87. Exceptions.

(3) Noncommercial and nonprofit events. Noise reasonably
related to events which occur on municipally controlled property
that are noncommercial in character and sponsored by nonprofit
organizations are exempt. However, no such event shall occur
until a permit therefor is secured from the recorder. Hours for the
event will be designated in the permit so issued and the event
shall be restricted to the hours so designated in the permit.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that
this Ordinance shall take effect upon passage, the public welfare requiring such.

PASSED FIRST READING: May 6, 2014.

PASSED SECOND READING: _____, 2014.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

April 22, 2014

DEPARTMENT: City Attorney

AGENDA #

SUBJECT:

Exceptions to Noise Ordinance for Triple Creek Park Events

SUMMARY:

After researching the municipal code, an exception to the city's noise ordinances already exists for non-profit events. This ordinance would have to be modified slightly to accommodate the events at Triple Creek Park. See below:

Sec. 10-87. Exceptions.

None of the terms or prohibitions in sections 10-86 through 10-99 shall apply to or be enforced against:

(3) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit.

(Code 1979, § 10-233(2))

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE APPROPRIATING \$14,600 TO INFORMATION TECHNOLOGY
DIVISION FOR SALARY AND BENEFITS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$14,600 is hereby appropriated from the General Fund Undesignated Fund Balance to Information Technology division, account 11041640, for the following expenses related to leave payout of a retiring employee:

111	Salary	\$13,909
141	FICA	\$691

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

5/13/2014

DEPARTMENT: Finance/I. T.

AGENDA #

SUBJECT:

appropriate funds to cover payout of retired employee

SUMMARY:

The I.T. division needs additional funds appropriated to cover the expense of a retiring employee. A long-time, healthy employee retired in January 2014. Between his accumulated vacation and sick leave payout, he was paid over \$15,000 on his final check. This was an unbudgeted expense. And due to the small size of the department, there are not funds available to absorb the expense within the current budget.

RECOMMENDATION:

approval

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE NO. 01404-22

ORDINANCE APPROPRIATING \$70,000 FOR
A.C.E.S. REDLIGHT CAMERA SYSTEM

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$70,000 is hereby appropriated from account 110-34800, Red Light Ticket revenue to 11042124-259, Other Professional Services, for additional expenses due to increased activity, and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

5/13/2014

DEPARTMENT: Finance/I. T.

AGENDA #

SUBJECT:

appropriate funds to cover increased red light camera activity

SUMMARY:

Due to increased activity over and above the amount budgeted for red light camera tickets, the City needs to appropriate an additional \$70,000 for contractual obligations related to the camera ticket system. The increased activity also results in additional revenues collected over and above the original budget, as well.

RECOMMENDATION:

approval

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE APPROPRIATING \$3,606.70 FROM REVENUE RECEIVED FOR
INSURANCE RECOVERIES

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$3,606.70 is hereby appropriated from revenue received from Insurance Recoveries, account #110-36350, to Police Maintenance & Repairs Vehicles, account #11042110-261, to repair damaged patrol cars, and,

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:.

PASSED SECOND READING:.

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

5/13/2014

DEPARTMENT: Finance/I. T.

AGENDA #

SUBJECT:

appropriate funds received from insurance payments

SUMMARY:

appropriate funds received from various insurance companies for damages to city properties

RECOMMENDATION:

approval

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE APPROPRIATING \$9,392.50 FROM REVENUE RECEIVED
BY SALE OF SURPLUS PROPERTY

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$9,392.50 is hereby appropriated from the revenue received by the sale of surplus property and vehicles, from the general fund 110-36330 to account 110-42110-888, Vehicles, for the specific purpose of purchasing replacement vehicle(s), and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING: _____, 2014

PASSED SECOND READING: _____, 2014.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Sold Asset Report

Gallatin, TN

Debit range: From 00 to 99999999

Inventory ID	Description	Original	Buyer	Net Results	Department	Check #	Check Date	Make	Year
412	1997 Ford Taurus	11005000000000000000	Garrett Wiley	12,500.00	GPD	36528	1/22/14	Ford	1997
313	Used Tire		Garrett Wiley	1,125.00	Public - Streets	36528	1/22/14		
414	Used Tires		WILLIE L. NEWB	5,750.00	City Hall - Admin	36528	1/22/14		
316	POLICE (2000 BARS)		Garrett Wiley	5,120.00	Public - Streets	36528	1/22/14		
317	2001 Dodge Ram 1500 Reg. Cab Long Bed	11005000000000000000	Garrett Wiley	5,710.00	Public - Streets	36528	1/22/14	Dodge	2001
				35,105.00					

36528

GOVDEALS INC. A SUBSIDIARY OF LIQUIDITY SERVICES, INC.

Account

City of Gallatin

1/22/2014

Invoice Number	Invoice Date	Invoice Amount	Account	Balance	Payment	Rate	Net
412-01014-2625 GPD	1/21/2014	12,500.00	366402	12,500.00	90.00	312	\$2,500.00
313-01014-2625 PWK Streets	1/22/2014	1,125.00		512.50	50.00	314	\$17.50
414-01014-2625 City Hall	1/22/2014	5,750.00		5,750.00	50.00	314	\$287.50
316-01014-2625 PWK Streets	1/22/2014	5,120.00	police	5,120.00	50.00	316	\$256.00
317-01014-2625 PWK Streets	1/22/2014	5,710.00	366402	5,710.00	50.00	317	\$285.50

316 No

- 36330
- 36330
- 36330
- 36330

353
2,569.00
831.99
210.00

Comments

GPD
PWK Streets
City Hall Admin
PWK Streets

50 + 1340
51,190.41 21,734.47 50.00

51,190.41

36528

GovDeals

GOVDEALS INC
A SUBSIDIARY OF LIQUIDITY SERVICES, INC.
1920 L STREET N.W., 6TH FLOOR
WASHINGTON, DC 20036
800-713-0100 (T) & (202) 417-4800

Bank of America

ACCOUNT NUMBER
15-180548 00
324

1/22/2014

\$3,734.47

Three Thousand Seven Hundred Thirty Four Dollars and 47 Cents

DATE

AMOUNT

City of Gallatin
132 N. Main St.

Gallatin, TN 37066-0000
United States of Am

James E. Smith
CITY OF GALLATIN

Gallatin, TN
132 W Main St
Gallatin, TN 37066-3232

Bill of Sale Date: 04/01/2014
Asset ID: 327

Bill of Sale Number: 412014
Inventory ID: 127

Description of Property	Award Amount
VARIOUS CELL PHONES	716.00

Asset Information



Year:	Make/Brand:	Model:	VIN/Serial:
Meter:	Title Restriction:	N	

Sale Information

Actual Sold Amount:	\$716.00	Paid On: 04/02/2014 by PayPal
Other Amount:	\$0.00	Other Amount Description:
Buyer's Premium:	\$89.50	Tax Rate: 0.0000%
Tax Amount:	\$0.00	
Total Amount:	\$805.50	* Taxable Items

Raymond Scott
406 Sherman Dr (B)
Newark, DE 19711
USA
rs12800@yahoo.com
4106151260

Asset is sold as is, where is and without warranty. Once the asset is removed from the seller's premises there is no refund of monies previously paid.

Buyer Agent Signature: _____
Print Name: _____
Date: _____

Gallatin, TN
132 W Main St
Gallatin, TN 37066-3232

Bill of Sale Date: 04/18/2014
Asset ID: 330

Bill of Sale Number: 4182014
Inventory ID: 330

Description of Property
2006 Dodge Charger Base

Award Amount
\$225.00

Asset Information

 Year: 2006 Make/Brand: Dodge Model: Charger VIN/Serial: 2B3KA41G66H139094
Meter: 109566 Title Restriction: N

Sale Information

Actual Sold Amount:	\$5,225.00	Paid On: 04/23/2014 by Wire Transfer
Other Amount:	\$0.00	Other Amount Description:
Buyer's Premium:	\$653.12	Tax Rate: 0.0000%
Tax Amount:	\$0.00	
Total Amount:	\$5,878.12	* Taxable Item

Cory Henm
352 Belview Dr
Killen, AL 35645 USA
coryhenm2000@yahoo.com
2563945927

Asset is sold as is, where is and without warranty. Once the asset is removed from the seller's premises there is no refund of monies previously paid

Buyer/Agent Signature: _____
Print Name: _____
Date: _____

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

May 13, 2014

DEPARTMENT: POLICE

AGENDA # 9

SUBJECT:

Appropriation of Funds from Revenue Received by Sale of Surplus Property

SUMMARY:

The Gallatin Police Department is requesting use of \$9,392.50 from sale of surplus police vehicles and miscellaneous property to be used to purchase a vehicle(s). From 110-36330 to 110-42110-888.

RECOMMENDATION:

Approval

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE AUTHORIZING FUNDS IN THE AMOUNT OF \$172,415.00 TO PURCHASE PROPERTY LOCATED AT 170 WEST FRANKLIN STREET, GALLATIN, TENNESSEE, AND TO REPAIR AND RENOVATE THE STRUCTURE LOCATED THEREON

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the contract submitted by ReMax Choice Properties relative to the property located at 170 West Franklin Street, Gallatin, Tennessee and in the amount of \$133,000.00 is hereby accepted.

BE IT FURTHER ORDAINED, BY THE CITY OF GALLATIN, TENNESSEE, that the total funds in the amount of \$172,415.00 for the purchase, repair and renovation of said property is authorized and appropriated from the general fund.

BE IT FURTHER ORDAINED, BY THE CITY OF GALLATIN, TENNESSEE, that the Mayor is hereby authorized to execute all necessary contracts and agreements for said property.

BE IT FURTHER ORDAINED, BY THE CITY OF GALLATIN, TENNESSEE, that this ordinance shall take effect from and after its passage, the public welfare requiring it.

PASSED FIRST READING: MAY 6, 2014

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

RESOLUTION NO. R1405-19

RESOLUTION APPROVING THE USE OF CITY-OWNED RIGHT-OF-WAY LOCATED ALONG NOAH LANE, CHLOE DRIVE AND BROWNS LANE FOR THE INSTALLATION OF COMMUNITY IDENTIFICATION MARKERS, STREET TREES AND LANDSCAPING FOR THE FAIRVUE PLANTATION HOMEOWNERS ASSOCIATION

WHEREAS, the Fairvue Plantation Homeowners Association seeks approval from the Gallatin City Council to install community identification markers and landscaping in City-owned right-of-way located along Noah Lane, Chloe Drive and Browns Lane;

WHEREAS, the Fairvue Plantation Homeowners Association seeks approval from the Gallatin City Council to install street trees in city-owned right-of-way located along Noah Lane from south of the intersection of Potters Lane to south of the intersection of Plantation Boulevard;

WHEREAS, the Gallatin Municipal-Regional Planning Commission has reviewed and approved the Revised Final Master Development Plan at its April 28, 2014 meeting;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin City Council approves the use of City-owned right-of-way located along Noah Lane, Chloe Drive and Browns Lane for the installation of community identification markers, street trees and landscaping by the Fairvue Plantation Homeowners Association as approved by the City of Gallatin Planning Commission Resolution No. 2014-29. Said markers, trees and landscaping shall be maintained by the Fairvue Homeowners Association and all other city ordinances, rules and regulations shall be followed with respect to the installation and maintenance of the markers, trees and landscaping. Said markers, trees and landscaping shall also be subject to the terms of an Indemnity and Hold Harmless Agreement between the City and Fairvue Plantation Homeowners Association.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage, the public welfare requiring it.

IT IS SO ORDERED.

AYE:

NAY:

DATE: _____ 2014.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Item 2

STAFF REPORT TO COUNCIL



Indemnity and Hold Harmless Agreement for Fairvue Plantation, Phases 11 and 14, and The Last Plantation at Fairvue Mansion, Phase 2 – Community Identification Markers, Street Trees and Landscaping on Noah Lane, Chloe Drive and Browns Lane (PC0266-14)

Date: May 1, 2014

REQUEST: APPLICANT REQUESTS APPROVAL OF AN INDEMNITY AND HOLD HARMLESS AGREEMENT, TO INSTALL COMMUNITY IDENTIFICATION MARKERS, STREET TREES AND LANDSCAPING IN THE CITY OWNED RIGHT-OF-WAY, AT THREE (3) SUBDIVISION ENTRY POINTS, ALONG NOAH LANE, CHLOE DRIVE AND BROWNS LANE IN THE FAIRVUE PLANTATION, PHASES 11 AND 14, AND LAST PLANTATION AT FAIRVUE MANSION, PHASE 2, SUBDIVISIONS.

OWNER: CITY OF GALLATIN

APPLICANT: FAIRVUE PLANTATION HOA, JAMES CORBETT

STAFF RECOMMENDATION: APPROVAL

STAFF CONTACT: DENISE KNIGHT

PLANNING COMMISSION DATE: APRIL 28, 2014

CITY COUNCIL DATE: May 13, 2014

PROPERTY OVERVIEW: Applicant requests approval of an Indemnity and Hold Harmless Agreement, to install community identification markers, street trees and landscaping in the City owned right-of-way, at three (3) subdivision entry points, along Noah Lane, Chloe Drive and Browns Lane in the Fairvue Plantation, Phases 11 and 14, and Last Plantation at Fairvue Mansion, Phase 2, Subdivisions. The Planning Commission approved an amended PDMP and an Amended FMDP Revision allowing for the improvements at their April 28, 2014 meeting. The property is currently zoned Multiple Residential and Office (MRO). No portion of the property where the identification markers, street trees and landscaping will be planted is located within a special flood hazard area. (Attachment 2-1)

CASE BACKGROUND:

Previous Approvals

On November 28, 2011, the Planning Commission approved a revision to the FMDP (PC9901-11) to install street trees along Plantation Boulevard. On December 6, 2011, City Council approved Resolution No. R1112-58 for the installation of trees in the right-of-way, according to the FMDP.

On April 9, 2012, the Planning Commission recommended approval of the PMDP (PC9957-12) for Green Farms, Phase 1. The PMDP included the proposal for a seven (7) foot tall neighborhood entry sign for the portion of the subdivision currently known as, "The Enclave", to be constructed in the right-of-way along Noah Lane. On May 15, 2012, City Council approved Ordinance No. O12Ø3-27 for the PMDP, including the construction of the sign in the right-of-way.

On December 10, 2012, the Planning Commission approved a revision to the FMDP (PC0058-12) to install street trees along Plantation Boulevard, from Jacobs Landing to the end of the median. On January 15, 2013, City Council approved Resolution No. R13Ø1-1 for the installation of trees in the right-of-way according to the FMDP.

DISCUSSION:

Typically street trees, landscaping and signs are approved as part of the Preliminary and Final Master Development Plans for a development when it is originally approved by the Planning Commission and City Council. The Preliminary and Final Master Development Plans for Fairvue Plantation, Phases 11 and 14 and The Last Plantation at Fairvue Mansion, Phase 2 did not originally show street trees, landscaping or signs being installed within the public right-of-way along Noah Lane, Chloe Drive and Browns Lane. Noah Lane, Chloe Drive and Browns Lane have already been accepted by the City of Gallatin. Therefore, in addition to amending the PMDP and revising the FMDP, the applicant is required to obtain approval of the City Council to install the trees, landscape and signs within the public right-of-way.

Summary of Proposed Community Identification Markers, Landscaping and Street Trees

Several community identification markers and street trees have been approved for installation in the right-of-way within the Fairvue Plantation development. The proposed trees and landscaping included in this request are similar to previous approved plans and the identification markers will match existing entrance columns throughout the Fairvue Plantation community.

Location #1 - The applicant is proposing to install the following in the right-of-way along Noah Lane in Fairvue Plantation, Phase 11:

Community Identification Marker

- Two (2) – three (3) foot wide by seven (7) feet tall faux-stone columns with one (1) 24" x 24" bronze sign panel each; the maximum height of the columns will be eight (8) feet tall if the optional ornament is installed on the top; the columns will be located opposite of each other on both sides of Noah Lane, near the intersection of Potters Lane, adjacent to lots 507 and 508.

Street Trees

- Fourteen (14) - 3-inch caliper, 10'-12' tall trees; the type of tree will be selected by the Fairvue Plantation Homeowner's Association; current street trees used in Fairvue Plantation are "October Glory" Red Maple trees.
- The street trees will be placed along Noah Lane beginning south of Potter Lane and will extend to south of Plantation Boulevard.
- Street trees are to be installed in the grass strip between the sidewalk and the back of curb, approximately two (2) feet from back of curb. The exact location will be field adjusted to minimize utility and intersection sign conflicts.

Landscaping

- The proposed landscaping will include a mixture of seven (7) evergreen bushes, and 141 ornamental and ground cover plants as shown on sheet L2.1 on Attachment 2-1.

Location #2 - The applicant is proposing to install the following in the right-of-way along Chloe Drive in Fairvue Plantation, Phase 14:

Community Identification Marker

- Two (2) – three (3) feet wide by seven (7) feet tall faux-stone columns with one (1) 24" x 24" bronze sign panel each; the maximum height of the columns will be eight (8) feet tall if the optional ornament is installed on the top; the columns will be located opposite of each other on both sides of Chloe Drive adjacent to lots 557 and 588.
- In addition to the identification markers, four (4) - three (3) feet wide by six (6) feet tall columns will be installed in the open space located along the northwest boundaries of lots 557 and 588.

Landscaping

- The proposed landscaping will include 75 evergreen bushes that will create a hedge between the columns, and a mixture of 101 ornamental and ground cover plants as shown on sheet L3.1 on Attachment 2-1.

Location #3 - The applicant is proposing to install the following in the right-of-way on Browns Lane along the Golf Course Lot in The Last Plantation of Fairvue Mansion, Phase 2:

Community Identification Marker

- One (1) – three and one half (3.5) feet wide by seven (7) feet tall faux-stone column with one (1) 24" x 24" bronze sign panel; the maximum height of the column will be eight (8) feet tall if the optional ornament is installed on the top; the column will be located on the opposite side of the road from an existing identification marker on Browns Lane.

Landscaping

- The proposed landscaping will include a mixture of nine (9) evergreen bushes, and 294 ornamental and ground cover plants as shown on sheet L4.1 on Attachment 2-1.

Future modifications of the landscaping on the east side of Browns Lane may be necessary to accommodate a sidewalk between the stone sign column and the right-of-way line. (Sheets L4.0 and L4.1)

The applicant has added a note to the revised FMDP that indicates that the Fairvue Plantation Homeowners Association (HOA) will assume full responsibility for the long term care and maintenance of the trees planted within the city owned right-of-way. The replacement of plant material lost through normal attrition, or any other cause, will be made at the expense of the HOA. The note also states that the trees will be pruned on an annual basis to insure that branches do not pose any problem to the flow of traffic on the roadway consistent with Chapter 15, Article I, Sec. 15-4.

An adequate Certificate of Liability Insurance and a Hold Harmless Agreement, for the protection of the general public and to hold the City harmless from any damages resulting from the placement of signs and landscaping in the right-of-way, are currently on file in the City Attorney's office for the existing improvements. The applicant has also provided an agreement to cover the improvements for Fairvue Plantation Development. (Attachment 2-4)

The applicant has provided a drawing of water, sanitary sewer and natural gas lines in the areas affected by the plan.

Gallatin Public Utilities Comments

The Gallatin Public Utilities reviewed and commented on the revised FMDP. Most of the comments have been satisfied; however the applicant shall be aware of the comment indicated below:

No signs shall interfere with the ability to maintain utilities.

Engineering Division

The Engineering Division reviewed and commented on the revised FMDP. All of the comments have been satisfied.

Other Departmental Comments

Other departments reviewed the plans but did not have any comments.

Planning Department Comments

The Planning Department reviewed and commented on the revised FMDP. All of the comments have been satisfied.

PLANNING COMMISSION RECOMMENDATION:

After discussion, the Planning Commission recommended approval as indicated in GMRPC Resolution No. 2014-29 (Attachment 2-2) and the Action Notice (Attachment 2-3) as required by Article 12, Section 12.02.020, Gallatin Zoning Ordinance.

RECOMMENDATION:

The Planning Commission and staff recommend approval for acceptance of the Indemnity and Hold Harmless Agreement provided by the Fairvue Plantation Homeowner's Association dated April 11, 2014 with the following condition of approval:

1. No signs shall interfere with the ability to maintain utilities

- ATTACHMENTS**
- 2-1 Fairvue Plantation Revised FMDP, Community Identification Marker, Street Trees, Landscaping**
 - 2-2 GMRPC Resolution No. 2014-29**
 - 2-3 Planning Commission Action Notice**
 - 2-4 Signed Indemnity and Hold Harmless Agreement for Fairvue Plantation Homeowner's Association**

A RESOLUTION OF THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION APPROVING A MINOR AMENDMENT TO THE PRELIMINARY MASTER DEVELOPMENT PLAN AND MINOR AMENDMENT TO THE FINAL MASTER DEVELOPMENT PLAN REVISION FOR FAIRVUE PLANTATION, PHASES 11 AND 14, AND LAST PLANTATION AT FAIRVUE MANSION, PHASE 2, FOR THE INSTALLATION OF COMMUNITY IDENTIFICATION MARKERS, STREET TREES AND LANDSCAPING IN THE CITY OWNED RIGHT-OF-WAY, ALONG NOAH LANE, CHLOE DRIVE AND BROWNS LANE. (PC0266-14)

WHEREAS, The applicant has submitted an application for a minor amendment to the previously approved Fairvue Plantation, Phase 11 and Phase 14, and Last Plantation of Fairvue Mansion, Phase 2 Preliminary Master Development Plans consistent with Section 12.02.050 of the City of Gallatin Zoning Ordinance, and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the amended Preliminary Master Development Plan and the amended Final Master Development Plan revision submitted by the applicant, Fairvue Plantation Homeowner's Association, at its regular meeting on April 28, 2014; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff, in the Planning Commission Staff Report, in the amended Preliminary Master Development Plan/amended Final Master Development revision attached hereto as Exhibit "A", and the evidence and testimony presented during the meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to T.C.A. §13-3-310, §13-4-310, §13-7-201, and §13-7-202:

1. The amended Preliminary Master Development Plan/amended Final Master Development Plan revision is consistent with the intent and recommendations of the *Gallatin on the Move 2020 General Development and Transportation Plan* for the area, and in particular, the Suburban Neighborhood Established Character Area. The proposed project will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity. As designed, the proposed community identification markers, street trees and landscaping will not change the essential character of this area of Fairvue Plantation.

2. The amended Preliminary Master Development Plan/amended Final Master Development Plan revision for Fairvue Plantation is consistent with the purpose and intent of the Multiple Residential and Office (MRO) zoning district and the Preliminary Master Development Plan for Fairvue Plantation and will continue the existing design motif provided for in other phases of the subdivision.
3. The proposed changes shown in the amended Preliminary Master Development Plan/amended Final Master Development Plan revision do not constitute a major amendment to the approved Preliminary Master Development Plan as outlined in Section 12.02.050 of the Gallatin Zoning Ordinance.
4. The legal purposes for which zoning regulations exists have not been contravened.
5. The amended Preliminary Master Development Plan/amended Final Master Development Plan revision will not create adverse effects upon adjoining property owners or any such adverse effect can be mitigated by applying design and performance standards or is justified by the public good or welfare.
6. No one (1) property owner or small group of property owners will benefit materially from the approval to the detriment of the general public.
7. The amended Preliminary Master Development Plan/amended Final Master Development Plan revision complies with the Design and Performance Standards of the Gallatin Zoning Ordinance as described in Section 13.02.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby approves a minor amendment to the Preliminary Master Development Plan and the revised Final Master Development Plan for Fairvue Plantation Final Master Development Plan revision consisting of an eight (8) sheet plan, prepared by Gamble Design Collaborative, of Franklin, Tennessee, dated April 14, 2014 (Exhibit A), with the following conditions:

1. Correct “Golf” in Location #3 on Sheet L1.0
2. Correct “cause” in Note 5
3. Correct “the” and change to “Engineering Division” in Note 6
4. No signs shall interfere with the ability to maintain utilities
5. Submit three (3) corrected copies of the revised FMDP to the Planning Department

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.
PRESENT AND VOTING

AYE: 6

NAY: 0

DATED: 4/28/14


Dick Dempsey, Chairman


Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY



City of Gallatin, Tennessee

Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM -REVISED**

DATE: April 29, 2014

TO: Mr. James Corbett
Fairvue Plantation HOA
1167 Chloe Drive
Gallatin, TN 37066

FROM: Planning Department

RE: April 28, 2014, Gallatin Municipal-Regional Planning Commission Meeting
Fairvue Plantation Signs and Street Trees, Revised FMDP File: PC0266-14

At the above referenced meeting, the request for approval of a revised FMDP was:

- APPROVED
- APPROVED WITH CONDITIONS
- DENIED
- DEFERRED

Conditions of Approval:

1. Correct "Golf" in Location #3 on Sheet L1.0
2. Correct "cause" in Note 5
3. Correct "the" and change to "Engineering Division" in Note 6
4. No signs shall interfere with the ability to maintain utilities
5. Submit three (3) corrected copies of the revised FMDP to the Planning Department

Approval contains the following requirements:

- NONE
- BUILDING PERMIT/USE AND OCCUPANCY PERMIT
- ZONING PERMIT
- SIGN PERMIT
- LAND DISTURBANCE PERMIT
- SIGNAGE CHECK



City of Gallatin, Tennessee

Planning Department

- SITE SURETY
- SUBDIVISION SURETY
- LIST CONDITIONS OF APPROVAL ON RESUBMITTAL
- COUNCIL SUBMITTAL
- SUBMIT 3 CORRECTED COPIES
- OTHER:

cc: PC File PC0266-14
Mr. Gregory Gamble

For use with applications made pursuant to Gallatin Municipal Code § 15-3 & GMC § 15-6

INDEMNITY AND HOLD HARMLESS AGREEMENT

The undersigned property owner/s Fairvue Plantation Homeowner's Association hereinafter "Indemnitor" does hereby grant to the City of Gallatin, a Tennessee municipal corporation, hereinafter called the "City" on this 17th day of April, 2014, the following:

WHEREAS, Indemnitor desires to locate a/an signs, street trees and landscaping (hereinafter "structure") on or over the City right-of-way in accordance with the Municipal Code and/or Zoning Ordinance on property located at Fairvue Plantation Development, Gallatin, Tennessee and;

WHEREAS, Indemnitor agrees to indemnify and hold harmless the City, its agents, servants, and employees from any claims and liability which may be made against the City for permitting the structure to be located on or over the City right-of-way.

NOW THEREFORE, in consideration of the City permitting the Indemnitor to locate the structure on or over the City right-of-way, the Indemnitor hereby agrees:

Indemnitor undertakes to indemnify the City from any and all liability, loss, or damage the City may suffer as a result of the claims, demands, costs or judgments against and arising from the location of the Indemnitor's structure being on or over the City's right-of-way.

Indemnitor agrees to defend, at its own expense against any claims brought or actions filed against the City with respect to the subject of the indemnity contained herein, whether such claims or actions are rightfully or wrongfully brought or filed.

Indemnitor agrees to reimburse the City for any necessary expenses, attorney fees, or costs incurred in the enforcement of this Indemnity Agreement.

Indemnitor agrees to maintain in full force and effect a policy of comprehensive liability insurance in a minimum amount of one million dollars (\$1,000,000), said policy to name the City as an additional insured. A copy of the initial certificate of insurance shall be provided by the Indemnitor within ten (10) days of execution of this Agreement, and prior to placement of the structure on or over the City's right-of-way.

Indemnitor hereby agrees to abide by any local, state or federal law regulating the placement of the structure on or over the City's right-of-way. By signing this Agreement, Indemnitor acknowledges that the permission granted by the City herein may be revoked: 1) at any time in the interests of public health, safety & welfare; 2) in the event that it becomes necessary for the City to perform maintenance of any sort on the City's right-of-way; or 3) if the Indemnitor fails to perform any of its obligations under this Agreement. Said removal will be at the sole expense of the Indemnitor.

If after notice to remove given by the City pursuant to the paragraph above, the Indemnitor fails to remove the structure as requested by the City, the Indemnitor agrees and understands that the City will remove the structure and assess the costs of removal to the Indemnitor.

In witness hereof, the Indemnitor has/have executed this agreement on the date first written above.

Dawn M. Ingram

Agent Fairvue Plantation
PROPERTY OWNERS

STATE OF TENNESSEE
COUNTY OF SUMNER

I, Donna G. Thienel, Notary Public in and for said county in said state, hereby certify that Dawn M. Ingram, whose name(s) is/are signed to the foregoing instrument and who is/are known to me, acknowledged before me on this day that being informed of the contents of this Agreement, have executed the same on the date first written above.

Given under my hand and official seal on this the 11th day of April, 2014.

Donna G. Thienel
[Notary information per statute]



My Comm. Expires July 6, 2015

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

MAY 13, 2014

DEPARTMENT: PLANNING DEPARTMENT

AGENDA # 7

SUBJECT:

Resolution #R1405-19 approving the use of City owned right-of-way located along Noah Lane, Chloe Drive and Browns Lane for the installation of community identification markers, street trees and landscaping for the Fairvue Plantation Homeowner's Association.

SUMMARY:

Applicant requests approval of an Indemnity and Hold Harmless Agreement, to install community identification markers, street trees and landscaping in the City owned right-of-way, at three (3) subdivision entry points, along Noah Lane, Chloe Drive and Browns Lane in Fairvue Plantation, Phases 11 and 14, and The Last Plantation at Fairvue Mansion, Phase 2. The Gallatin Municipal-Regional Planning Commission recommended approval at the April 28, 2014 Planning Commission meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

RESOLUTION NO. R1405-20

RESOLUTION RECLASSIFYING RISK MANAGEMENT COORDINATOR

BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the position of Risk Management Coordinator is hereby reclassified from the Non-Classified exempt position to a Classified Pay Grade P (\$41,163-\$61,131), and that the incumbent, JamiAnn Hannah, continue her current hourly rate. Ms. Hannah's anniversary date shall remain July 1.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the job description for the classified position of Risk Management Coordinator in the City Attorney's office is attached hereto and is hereby approved and ordered implemented into the Personnel Classification System for the City of Gallatin, Tennessee.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED: _____ 2014.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON, CITY ATTORNEY

RISK MANAGEMENT COORDINATOR

GENERAL DEFINITION AND CONDITIONS OF WORK:

The purpose of this classification is to inspect city facilities to maintain a comprehensive and proactive safety program, while identifying and eliminating any risks that may result in property loss, injury, or legal liability to the City from employees or third-parties. Duties and responsibilities include conducting inspections of work sites, inspecting equipment and working conditions in city facilities, investigating accidents, interviewing employees, maintaining city property/casualty policies and property records, administering workers compensation insurance, developing and presenting safety training to employees, preparing documentation, and maintaining records. Work is performed under the supervision of the City Attorney. Work will also be performed in cooperation with Human Resources.

This is light to medium work requiring the exertion of 30 pounds of force occasionally, up to 10 pounds of force occasionally, and up to 5 pounds of force constantly to move objects; work requires climbing, balancing, stooping, reaching, standing, walking, fingering, grasping, and feeling; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, noise, hazards, and atmospheric conditions.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

Maintains City property and liability insurance policies; maintains current inventory of city real property holdings, vehicles, and equipment; adjusts insurance coverage as appropriate. Administers and handles all claims that fall within the City's deductibles. Administers, reports and coordinates the claims management effort with the city attorney and insurance companies on all claims filed against the City by employees and third-parties.

Responsible for the identification of all risk of loss to which the City's assets are exposed. Analyzes the risks of loss and determines the method by which they can be controlled, treated or transferred. Assists department heads in addressing and resolving site specific risk related concerns and problems.

Works closely with Personnel to ensure compliance with Occupational Safety & Health Act (OSHA), Tennessee Occupational Safety & Health Act (TOSHA), established safety procedures, and all other applicable codes, laws, rules, regulations, standards, policies and procedures; monitors work environment and use of safety equipment to ensure safety of employees and other individuals; initiates any actions necessary to correct deviations or violations.

Develops, implements, and maintains the components of a proactive accident prevention program by conducting trend analyses and providing recommendations for corrections or improvement; provides safety training for departments.

Assists Departments in conducting inspections of equipment and working conditions in buildings and on job sites for compliance with occupational health and safety regulations; inspects machines and equipment for accident prevention devices; inspects specified areas for fire prevention equipment and other safety/first-aid supplies; observes workers to determine use of prescribed safety equipment and adherence to established safety procedures.

Investigates accidents to ascertain causes; utilizes information in recommending preventive safety measures and in developing safety program.

Prepares reports of findings with recommendations for corrective action: sets time limits in which locations should comply with recommendations.

Receives requests from TOSHA to check up on complaints and report updates back to them; Responsible for taking TOSHA representatives on inspections of sites they select; Follows up with TOSHA on any violations or complaints found.

Prepares or completes various forms, reports, correspondence, inspection reports, recommendations, notices, citations, or other documents. Receives various forms, reports, correspondence, claims, invoices, incident reports, accident reports, laws, policies, procedures, manuals, reference materials, or other documentation; reviews, completes, processes, forwards or retains as appropriate.

Operates a computer to enter, retrieve, review or modify data; verifies accuracy of entered data and makes corrections; utilizes word processing, database, or other software programs; performs basic maintenance of computer system and office equipment, such as backing up data or replacing paper, ink, or toner; coordinates service/repair activities as needed.

Performs general/clerical tasks, which may include answering telephone calls, typing documents, making copies, sending/receiving faxes, filing documentation, or processing incoming/outgoing mail.

Communicates with supervisor, employees, other departments, insurance companies, medical providers, state/federal agencies, the public, and other individuals as needed to coordinate work activities, review status of work, exchange information, or resolve problems.

Performs other duties as assigned by the City Attorney.

Chairs City Safety Committee to accomplish above objectives.

KNOWLEDGE, SKILLS AND ABILITIES:

Risk Management principles and practices; Insurance principles and practices; Customer service principles; Financial analysis principles and practices; Investigative techniques; Negotiation methods; monitoring and evaluating employees; conducting investigations, adjustments and risk assessments; using a computer and related software; Communication, interpersonal skills as applied to interaction with subordinates, coworkers, supervisor, the general public, upper Management and Elected Officials.

EDUCATION AND EXPERIENCE:

Minimum of high school degree with preferably an Associates or Bachelor's Degree in a related field. Obtain the Certification of Risk Management for Public Entities (RMPE).

SPECIAL REQUIREMENTS:

Possession of an appropriate driver's license valid in the State of Tennessee.

**ORDINANCE TO PROVIDE REVENUE FOR THE CITY OF GALLATIN
TENNESSEE FOR MUNICIPAL PURPOSES FOR THE 2014 TAX YEAR AND THE
2015 FISCAL YEAR**

BE IT ORDAINED by the City of Gallatin, Tennessee, that:

SECTION I. PROPERTY TAX:

A. All property, real, personal or mixed within the corporate limits of said City shall be and is hereby assessed for taxation for municipal purposes for the tax year 2014, except as is exempt from taxation by the Constitution and the laws of the State of Tennessee.

B. The levy be and is hereby made:

- (1) to contribute to the general current expenses of said municipality that are paid from the General Fund; and
 - (2) to provide an amount, totaling \$1,981,000, to contribute to the retiring of the current year's principal and interest obligations;
- a tax of ninety-nine cents (\$0.99) per every one hundred dollars (\$100.00) of taxable property.

C. All collections of property taxes from levies of past years be collected entirely in, and become revenue of the General Fund and that any expenses incurred in collecting such delinquent taxes be entirely expenses of the General Fund.

D. The Tax Assessor for Sumner County, Tennessee, is hereby authorized to assess all the property lying within the Corporate Limits of the City of Gallatin, Tennessee, and the assessment is hereby adopted as the assessed or taxable value of said property for municipal purposes for the City of Gallatin, Tennessee, upon which shall be levied the tax rate as provided in this ordinance.

SECTION II. BUSINESS TAX: The privilege tax levied by the General Assembly of the State of Tennessee known as the "Business Tax Act" and as amended, be and the same is hereby levied for municipal purposes for the City of Gallatin, Tennessee, for the year 2014 and all arts, trades, callings, or occupations created and declared to be a privilege within the City of Gallatin, and for their exercises within the City of Gallatin, the same taxes are hereby levied and shall be collected for the municipal purposes as are now levied and collected for State purposes under and by virtue of said Act of the General Assembly of the State of Tennessee, as amended.

SECTION III. IN-LIEU TAX: Pursuant to, T.C.A. § 7-34-115, payments in lieu of *ad valorem* taxes shall be paid by municipal utility systems to the municipality in an amount not to exceed the amount of taxes payable on privately owned property of similar nature.

SECTION IV. EFFECTIVE DATE: All laws and ordinances in conflict with this ordinance, be and the same are repealed, and this ordinance shall be effective from and after its passage, the public welfare requiring it.

Passed first reading:

Passed second reading:

Passed third reading:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON, CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

5/13/2014

DEPARTMENT: Finance/I. T.

AGENDA #

SUBJECT:

tax rate ordinance for fiscal year 2015 and tax year 2014

SUMMARY:

Revenue and tax rate ordinance for fiscal year 2015 and tax year 2014

RECOMMENDATION:

approval

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE NO. 01405-34

**ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE,
ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING
JULY 1, 2014 THROUGH JUNE 30, 2015.**

Whereas, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds of the State of Tennessee and all its political subdivisions shall first be appropriated before being expended and that only funds that are available shall be appropriated; and

Whereas, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of the source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds; and

Whereas, the governing body has published the annual operating budget and budgetary comparisons of the proposed budget with the prior year (actual) and the current year (estimated) in a newspaper of general circulation not less than ten (10) days prior to the meeting where the governing body will consider final passage of the budget.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE AS FOLLOWS:

SECTION 1: That the governing body estimates anticipated revenues of the municipality from all sources to be as follows:

General Fund	FY 2013 Actual	FY 2014 Estimated	FY 2015 Proposed
Local Taxes	\$19,619,474	\$19,441,120	\$20,434,577
Intergovernmental Revenue	6,317,913	5,799,986	3,899,000
Fines and Forfeitures	674,901	2,175,250	677,000
Miscellaneous Revenue	2,137,766	1,989,648	2,205,716
Total Revenue	\$28,750,055	\$29,406,004	\$27,216,293
Fund Balance	\$9,503,936	9,840,741	7,043,546
Total Available Funds	\$38,253,991	\$39,246,745	\$34,259,839

Special Revenue Fund	FY 2013 Actual	FY 2014 Estimated	FY 2015 Proposed
Total Revenue	\$ 42,324	\$ 27,000	\$ 25,000
Fund Balance	\$ 19,340	\$ 8,525	\$ 8,525
Total Available Funds	\$ 61,664	\$ 35,525	\$ 33,525

Environmental Serv Fund	FY 2013 Actual	FY 2014 Estimated	FY 2015 Proposed
Total Revenue	\$ 1,645,699	\$ 1,872,450	\$ 1,811,000
Fund Balance	\$ 103,678	\$ 215,284	\$ 0
Total Available Funds	\$ 1,749,377	\$ 2,087,734	\$ 1,811,000

Drug Fund	FY 2013 Actual	FY 2014 Estimated	FY 2015 Proposed
Total Revenue	\$ 217,515	\$ 150,000	\$ 190,000
Fund Balance	\$ 73,397	\$ 153,238	\$ 146,588
Total Available Funds	\$ 290,912	\$ 303,238	\$ 336,588

Water/Sewer Fund	FY 2013 Actual	FY 2014 Estimated	FY 2015 Proposed
Total Revenue	\$ 12,862,493	\$ 13,651,810	\$ 13,700,750
Fund Balance	\$ 8,704,346	\$ 7,999,599	\$ 6,605,985
Total Available Funds	\$ 21,566,839	\$ 21,651,409	\$ 20,306,735

Gas Fund	FY 2013 Actual	FY 2014 Estimated	FY 2015 Proposed
Total Revenue	\$ 16,212,763	\$ 19,302,791	\$ 19,276,000
Fund Balance	\$ 10,426,802	\$ 12,168,568	\$ 10,459,841
Total Available Funds	\$ 26,639,565	\$ 31,471,359	\$ 29,735,841

SECTION 2: That the governing body appropriates from these anticipated revenues and unexpended and unencumbered funds as follows:

General Fund	FY 2013 Actual	FY 2014 Estimated	FY 2015 Proposed
Government Administration	\$ 6,903,115	\$ 8,924,448	\$ 6,945,091
Public Safety	\$ 10,987,823	\$ 12,028,165	\$ 12,025,236
Public Works	\$ 1,866,628	\$ 2,456,210	\$ 2,201,174
Parks and Recreation	\$ 4,227,382	\$ 4,476,816	\$ 4,453,518
Economic Development	\$ 417,508	\$ 554,845	\$ 283,564
Debt Service	\$ 1,267,651	\$ 1,274,408	\$ 1,981,000
Operating Transfers	\$ 2,743,143	\$ 2,488,307	\$ -
Total Appropriations	\$ 28,413,250	\$ 32,203,200	\$ 27,889,583

Special Revenue Fund	FY 2013 Actual	FY 2014 Estimated	FY 2015 Proposed
Public Safety	\$ 53,139	\$ 27,000	\$ 22,000
Total Appropriations	\$ 53,139	\$ 27,000	\$ 22,000

Environmental Serv Fund	FY 2013 Actual	FY 2014 Estimated	FY 2015 Proposed
Environmental Services	\$ 1,534,093	\$ 2,087,734	\$ 1,759,180
Total Appropriations	\$ 1,534,093	\$ 2,087,734	\$ 1,759,180

Drug Fund	FY 2013 Actual	FY 2014 Estimated	FY 2015 Proposed
Police	\$ 131,024	\$ 156,650	\$ 150,000
Total Appropriations	\$ 131,024	\$ 156,650	\$ 150,000

Water/Sewer Fund	FY 2013 Actual	FY 2014 Estimated	FY 2015 Proposed
Utilities	\$ 14,697,452	\$ 19,137,975	\$ 15,045,424
Total Appropriations	\$ 14,697,452	\$ 19,137,975	\$ 15,045,424

Gas Fund	FY 2013 Actual	FY 2014 Estimated	FY 2015 Proposed
Utilities	\$ 13,856,340	\$ 21,011,518	\$ 19,226,776
Total Appropriations	\$ 13,856,340	\$ 21,011,518	\$ 19,226,776

SECTION 3. At the end of the next fiscal year the governing body estimates balances/deficits as follows:

General Fund	\$ 6,370,256
Special Revenue Fund	\$ 11,525
Environmental Serv Fund	\$ 51,820
Drug Fund	\$ 186,588
Water/Sewer Fund	\$ 5,261,311
Gas Fund	\$ 10,509,065

SECTION 4. That the governing body recognizes that the municipality has bonded and other indebtedness as follows:

Bonded or Other Indebtedness	Debt Redemption	Interest Requirements	Debt Authorized and Unissued	Condition of Sinking Fund
Bonds - General fund	\$ 515,000	\$ 293,329	\$ -	within
Notes - General fund	\$ 380,000	\$ 89,106	\$ -	General fund
Bonds - Water/Sewer fund	\$ 1,325,000	\$ 1,399,004	\$ -	

SECTION 5. During the coming fiscal year the governing body has planned capital projects and proposed funding as follows:

Proposed Capital Projects	Proposed Amount Financed by Appropriations	Proposed Amount Financed by Debt
Water/Sewer lines	\$ 1,000,000.00	\$ -
Gas lines	\$ 1,000,000.00	\$ -
Equipment replacement and upgrades		\$ 1,121,000.00
Drainage projects		\$ 335,000.00
Service Center		\$ 750,000.00
Greenlea Blvd		\$ 2,500,000.00
Driver's Lane		\$ 1,400,000.00
Civic Center renovation & expansion		\$ 2,750,000.00

- SECTION 6. No appropriation listed above may be exceeded without an amendment of the budget ordinance as required by the Municipal Budget Law of 1982 T.C.A. Section 6-56-208. In addition, no appropriation may be made in excess of available funds except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the municipality and declared by a two-thirds (2/3) vote of at least a quorum of the governing body in accord with Section 6-56-205 of the *Tennessee Code Annotated*.
- SECTION 7. Money may be transferred from one appropriation to another in the same fund only by appropriate ordinance by the governing body, subject to such limitations and procedures as it may describe as allowed by Section 6-56-209 of the *Tennessee Code Annotated*.
- SECTION 8. A detailed financial plan will be attached to this budget and become part of this budget ordinance. In addition, the published operating budget and budgetary comparisons shown by fund with beginning and ending fund balances and the number of full time equivalent employees required by Section 6-56-206, *Tennessee Code Annotated* will be attached.
- SECTION 9. If for any reason a budget ordinance is not adopted prior to the beginning of the next fiscal year, the appropriations in this budget ordinance shall become the appropriations for the next fiscal year excluding capital until the adoption of the new budget ordinance in accordance with the Section 6-56-210, *Tennessee Code Annotated* provided sufficient revenues are being collected to support the continuing appropriations. Approval of the Director of the Office of State and Local Finance in the Comptroller of the Treasury for a continuation budget will be requested if any indebtedness is outstanding.
- SECTION 10. All unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances.
- SECTION 11. This ordinance shall take effect on July 1, 2014, the public welfare requiring it.

Passed First Reading:

Passed Second and Final Reading:

Mayor Jo Ann Graves

Approved as to Form: Joe Thompson, City Attorney

Attest: Connie Kittrell, City Recorder

General	
City Administration	1,174,408
Finance	512,761
City Recorder	477,725
Insurances	722,500
City Attorney	361,174
Information Technology	444,766
Human Resources	207,508
Engineering	1,539,502
Planning Commission	21,268
Planning	460,520
Government Buildings	429,765
Codes	593,196
Police Department	6,776,111
A.C.E.S. Program	200,000
Fire Department	4,927,756
Animal Control	121,370
Public Works Administration	325,005
Street Maintenance	1,399,589
Vehicle Maintenance	476,580
Community Enhancement	115,500
Community Services	194,258
Leisure Services	711,677
Civic Center	1,059,346
Golf Course	951,686
Parks	1,421,050
Economic Development	283,564
Bond Expenses	1,981,000
Operating Transfers	-
SOR	7,000
Police Special	15,000
Environmental Serv Admin	48,000
Waste Collections	1,711,180
Drug Fund Investigations	150,000
Water/Sewer	
Water Treatment and Pumping	1,396,833
Transmission & Distribution	2,405,567
Customer Accounting	553,904
Administration & General	1,374,582
Depreciation	3,428,184
Bond Expense	2,725,000
Paying Agent	750
Sewer Collection/Lines	1,088,972
Sewer System Rehabilitation	382,436
Sewer Treatment & Disposal	1,363,736

Sewer Admin & General	234,385
Sewer Pre-treatment Program	91,075

Gas	
Depreciation	800,000
Purchased Gas	15,000,000
Transmission & Distribution	2,252,431
Customer Accounting	433,138
Administration & General	741,207

City of Gallatin, Tennessee
 Summary of the City Budget
 For the Fiscal Year Ending June 30, 2015

	Actual 2012-13	Estimated 2013-14	Estimated 2014-15
GENERAL FUND			
REVENUES			
Local Taxes	19,619,474	19,441,120	20,434,577
State of Tennessee	4,641,583	5,781,896	3,899,000
Federal Government	1,676,330	18,090	-
Other Sources	2,812,668	4,164,898	2,882,716
Total Revenues	28,750,055	29,406,004	27,216,293
EXPENDITURES			
Salaries	16,686,657	18,099,042	18,756,756
Other Costs	11,726,592	14,104,158	9,132,827
Total Expenditures	28,413,250	32,203,200	27,889,583
Beginning Balances - July 1	9,503,936	9,840,741	7,043,546
Ending Balances - June 30	9,840,741	7,043,546	6,370,255
Employment	377	381	380
DEBT SERVICE FUND	within General Fund		
STREET FUND	within General Fund		

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

May 13, 2014

DEPARTMENT: Mayor Graves

AGENDA # 11

SUBJECT:
2014-15 Budget

SUMMARY:
The Mayor will present her proposed budget.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes: