

**CITY OF FAIRVIEW**  
**BOARD OF COMMISSIONERS**

**NOVEMBER 19, 2015**

**7:00 P.M.**

**AGENDA**

1. **Call to order by Mayor Carroll**
  - A. Prayer and Pledge
2. **Approval of the Agenda –**
3. **Citizen Comments – (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).**
4. **Awards and/or Recognitions –**
5. **Public Announcements –**
  - A. 2015 Audit Presentation by Patterson, Hardee & Ballentine, P.C.
6. **Staff Comments –**
7. **Approval of the Minutes – (only needed if removed from consent agenda)**
8. **Consent Agenda Consisting of Items as Follows:**
  - A. Approval of the Minutes from the November 5, 2015 Board of Commissioners meeting
9. **Old Business**
10. **New Business**
  - A. Discuss and/or Take Action on Acceptance of 2015 Audit – Daugherty
  - B. Discuss and/or Take Action on Approval of Resurfacing Bid – Hall
  - C. Discuss and/or Take Action on Annual Vacation Accrual - Daugherty
  - D. Discuss and/or Take Action on Bill #2015-44, Ordinance No. 909, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Proper TAN Accounting) – Daugherty
  - E. Discuss and/or Take Action on Bill #2015-45, Ordinance No. 910, An Ordinance To Change The Zoning Of Certain Property In The City Of Fairview, Tennessee, Located Off Tiger Trail, Owned By Benny Sullivan, As Shown On, Williamson County, Tax Map 042, Parcel 28.00, From RS – 40 (Residential), To R-20 PUD Overlay (Residential/Planned Unit Development), 15.49 Acres – Sutton
  - F. Discuss and/or Take Action on Resolution No. 32-15, A Resolution To Set A Public Hearing For The Purpose Of Obtaining Public Comment On Changing The Zoning Of Certain Property In The City Of Fairview, Tennessee, Located Off Tiger Trail, Owned By Benny Sullivan, As Shown On, Williamson County, Tax Map 042, Parcel 28.00, From RS – 40 (Residential), To R-20 PUD Overlay (Residential/Planned Unit Development), 15.49 Acres - Sutton
  - G. Discuss and/or Take Action on Recommendation from Planning Commission on Rezoning Application for Property Located on Cumberland Drive, Map 047, Parcel 66.04, 113.92 Acres, Owned by Kenneth Green, From RS-40 to RPUD with a Mixed Base Density of RS-15 and R-20 - Sutton
  - H. Discuss and/or Take Action on Bill #2015-42, Ordinance No. 907, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 14, "Zoning & Land Use Control," Chapter 2, "Zoning Ordinance," Section 14-204, "Schedule of Fees" – Sutton
  - I. Discuss and/or Take Action on Bill #2015-43, Ordinance No. 908, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 14, "Zoning & Land Use Control," Chapter 2, "Zoning Ordinance," Section 14-205, "Professional Consultant Review Fee Deposits" – Sutton

- J. Discuss and/or Take Action on Nepotism Policy – Crutcher
- K. Discuss and/or Take Action on Agenda Item Sponsorship – Crutcher
- L. Discuss and/or Take Action on Approved Projects and Time Line for Completion – Crutcher
- M. Discuss and/or Take Action on Impact Fee – Sutton

**11. City Manager Items for Discussion –**

- A. Miscellaneous Updates –
- B. City Attorney Comments -

**12. Communications from the Mayor and Commissioners –**

**13. Adjournment.**

10B

CITY OF FAIRVIEW  
RESURFACING  
Bid Requirements

Resurfacing Bid: New Hope Road, New Hope Pass & Dice Lampley Roads (refer to map)

- Roads to be leveled with 50 lbs. per sq. yard CW mix and surfaced with 165 lbs. per sq. yard CW mix. Bid to include clipping of shoulders, sweeping and tack coat. Cost of this work to be included in the cost of CW mix and all other items needed to be included in the cost of mix per ton. Quantity may be lowered to meet budget.
- Please include the following pricing break-down in your bid:  
CW mix 1200 tons 59.40 per ton \$ 71,280.00 total

Return sealed bid marked "Resurfacing" to:

Brandy Johnson, City Recorder  
7100 City Center Way  
Fairview, TN 37062

Bids must be received no later than 9:00 a.m. on Monday, November 9, 2015

Bids will be opened November 9, 2015, at 9:00 a.m.

The City of Fairview reserves the right to reject any and all bids.

TENNESSEE VALLEY PAVING CO. INC.

135 OLD CARTERS CREEK PIKE

FRANKLIN, TN 37064

Lic. # 6437

UNLIMITED

Exp. 10/31/2016

By: Don Eubank

10C

Agenda item: Discuss and/or take action annual vacation accrual.

Policy change: Allow 80 hours of annual vacation accrual rollover for all city employees.

Reasons for change:

1. New Hire Compatibility

It is difficult for new hire employees, especially ones hired in the 4<sup>th</sup> quarter, to take vacation time before the roll over. It seems inequitable not allow for accrual when the new employee is focused on training and does not wish to take off during probation.

2. Summer vacations.

Under current policy, the City is to accrue vacation "annually". No specification of calendar or fiscal year is noted. It is recommended that the City accrue on a fiscal basis to allow for the least amount of liability at the end of the fiscal year. Under the new fiscal system, employees with less than 10 years service may have issues accruing enough time off for family summer vacations.

3. Simple Calculation.

Years of service taken out of calculation decreasing chances of error because everyone has a flat accrual maximum.

100

Bill # 2015-44

ORDINANCE NO. 909

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

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

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Budget for Fiscal Year 2015 - 2016 (beginning July 1, 2015 and running through June 30, 2016) should be amended to reflect the final expenditures for the Fiscal Year, and:

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

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

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

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

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

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

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

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

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

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

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY RECORDER**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**

**Passed First Reading** \_\_\_\_\_

**Passed Second Reading** \_\_\_\_\_

Bill # 2015-45



ORDINANCE NO. 910

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

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

WHEREAS, it appears to the Board of Commissioners of the City of Fairview, Tennessee that the owner **Benny Sullivan**, has requested a changing of the Zoning Classification relative to the property below described and that the said request is well taken and,

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

THE ZONING CLASSIFICATION FOR ALL THE BELOW DESCRIBED PROPERTY IS DESIGNATED AS AND CHANGED FROM ITS PRESENT ZONING DESIGNATION RS – 40, TO R – 20, PUD OVERLAY. THE PROPERTY FOR WHICH THE ZONING CHANGE IS MADE AND OR ADOPTED IS DESCRIBED AS FOLLOWS:

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

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

**Page 430, Tract 2, and a portion of the property recorded in Deed Book 317, Page 944, Less and excluding the portion of the property sold to the Williamson County Board of Education, Recorded in Deed Book 1952, Page 248 as corrected by instrument recorded in Deed Book 2093, Page 793, all in the Williamson County Register's office. The descriptions are hereby incorporated into and made a part of this Ordinance by reference as fully as if copied into this Ordinance verbatim.**

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

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY RECORDER**

**Approved as to form:**

\_\_\_\_\_  
**City Attorney**

**Passed first reading:** \_\_\_\_\_

**Passed second reading:** \_\_\_\_\_

**Public Hearing Held on:** \_\_\_\_\_



# City of Fairview

7100 CITY CENTER WAY  
FAIRVIEW, TN. 37062



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

## RECOMMENDATIONS

2015 – 7

**DATE: OCTOBER 13, 2015**

**TO: FAIRVIEW BOARD OF COMMISSIONERS**

**FROM: FAIRVIEW MUNICIPAL PLANNING COMMISSION**

\*\*\*\*\*

**On OCTOBER 13, 2015 the following items were voted on by the Fairview Municipal Planning Commission with a recommendation to be forwarded to the Board of Commissioners for consideration.**

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

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

# City of Fairview

7100 City Center Way  
Fairview, TN 37062-0069



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

## REZONING REQUEST APPLICATION

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

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

Request No. \_\_\_\_\_ Date Submitted 6-9-2015

### SECTION 1 – Applicant Information

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

Property Owner       Purchaser of Property       Engineer Trustee

Architect       Other \_\_\_\_\_

Name: Brandon Robertson Phone: \_\_\_\_\_

Business: A-1 Restoration, Inc. E-mail: \_\_\_\_\_

Address: 256 Seaboard Ln. St. 6-10<sup>3</sup> Best Way to Contact: Phone  
(Mail, E-mail, Phone)

City: Franklin State: TN Zip: 37067

### SECTION 2 – Property Information for the Rezoning Request

Project Name: Spring Station

Project Address: Tiger Trail

Existing Land Use: RS-40

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

Total Acreage of Project/Rezoning: 15

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

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

The rezoning process takes approximately three to four months depending on when the application is received by the City. The request must go to the Planning Commission where it receives a recommendation to go to the Board of Commissioners. The Board of Commissioners must approve a Rezoning Ordinance on two readings and hold a Public Hearing before the rezoning request is considered approved.

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

Applicant's Signature:  Date: 6/9/15

**FOR OFFICE USE ONLY**

APPLICATION RECEIVED AND FILING FEE PAID 6-9-15

DATE OF APPROVAL BY PLANNING COMMISSION 10-13-15

DATE OF FINAL APPROVAL BY BOARD OF COMMISSIONERS \_\_\_\_\_



To whom it may concern:

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

Thanks,

A handwritten signature in blue ink, appearing to read "Benny Sullivan". The signature is fluid and cursive, with the first name "Benny" written in a larger, more prominent script than the last name "Sullivan".

Benny Sullivan

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

To Whom It May Concern:

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

Thank you,

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

Brandon Robertson, pres.

A-1 Restoration, Inc.

CITY OF FAIRVIEW, TENNESSEE

10F

RESOLUTION NO. 34-15

**A RESOLUTION TO SET A PUBLIC HEARING FOR THE PURPOSE OF OBTAINING PUBLIC COMMENT ON CHANGING THE ZONING OF CERTAIN PROPERTY IN THE CITY OF FAIRVIEW, TENNESSEE, LOCATED OFF TIGER TRAIL, OWNED BY BENNY SULLIVAN, AS SHOWN ON, WILLIAMSON COUNTY, TAX MAP 042, PARCEL 28.03, FROM RS – 40 TO R – 20, PUD OVERLAY**

**WHEREAS**, The City of Fairview, Tennessee is in the process of changing the Zoning Classification of Certain Property herein described and the Statutes of the State of Tennessee require that a public hearing be held for the purpose of obtaining the public's comments regarding the proposed Zoning Classification Change and,

**WHEREAS**, the Board of Commissioners for the City of Fairview, Tennessee have determined that December 17, 2015 is an acceptable date for the conduct of such a public hearing.

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

1. That a public hearing for the purpose of obtaining the comments of the public regarding the change in the Zoning Classification of the below described property located in the Corporate Limits of the City of Fairview, Tennessee is scheduled and will be held at 7:00 O'Clock P.M., December 17, 2015, in the City Hall of the City of Fairview, Tennessee.

The Property for which the Zoning Change is requested and for which public comment is sought is described as follows:

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

Being part of the same property conveyed to **Benny Sullivan** by deed of record in **Book 322, Page 430, Tract 2**, and a portion of the property

recorded in Deed Book 317, Page 944, Less and excluding the portion of the property sold to the Williamson County Board of Education, Recorded in Deed Book 1952, Page 248 as corrected by instrument recorded in Deed Book 2093, Page 793, all in the Williamson County Register's office. The descriptions are hereby incorporated into and made a part of this Ordinance by reference as fully as if copied into this Ordinance verbatim.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

APPROVED AS TO FORM

\_\_\_\_\_  
LARRY D. CANTRELL  
CITY ATTORNEY  
FAIRVIEW, TENNESSEE



7100 CITY CENTER WAY

FAIRVIEW, TN. 37062



Phone: 615-799-1585

Email: codes@fairview-tn.org

## RECOMMENDATIONS

2015 – 8

**DATE: NOVEMBER 10, 2015**

**TO: FAIRVIEW BOARD OF COMMISSIONERS**

**FROM: FAIRVIEW MUNICIPAL PLANNING COMMISSION**

\*\*\*\*\*

**On NOVEMBER 10, 2015 the following items were voted on by the Fairview Municipal Planning Commission with a recommendation to be forwarded to the Board of Commissioners for consideration.**

8.2 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION FOR PROPERTIES LOCATED ON CUMBERLAND DRIVE. MAP 47, PARCEL 66.04, 113.92 ACRES. FROM RS-40 TO RPUD WITH A MIXED BASE DENSITY OF RS-15 & R-20. KENNETH GREEN, OWNER

Mangrum made a motion for approval contingent of 1-11 of Engineers report and all the lots that front Cumberland Drive to be at least 1 acre and must have side entry garages with an adequate turn around, also lots 104, 105 113 & 114 no driveways on Cumberland must access from new proposed road. Butler Seconded. Beata amended the motion to include a detailed landscape plan and a larger setback on the lots that front Cumberland. Butler Seconded. Vote was taken on motion. All were in favor. Vote was taken on amended motion. All in Favor.

\*



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## REZONING REQUEST APPLICATION

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

Request No. \_\_\_\_\_ Date Submitted 10/20/15

### SECTION 1 – Applicant Information

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

- Property Owner       Purchaser of Property       Engineer Trustee  
 Architect       Other \_\_\_\_\_

Name: John D. Floyd (contact person Jason Beavers)  
Phone: \_\_\_\_\_

Business: Old South Properties Inc E-mail: \_\_\_\_\_

Address: 262 Robert Rose Dr Suite 300 Best Way to Contact: email or phone  
(Mail, E-mail, Phone)  
City: Murfreesboro State: TN Zip: 37129

### SECTION 2 – Property Information for the Rezoning Request

Project Name: Greenland Estates

Project Address: Cumberland Drive

Existing Land Use: RS-40

Proposed Land Use: RPUD with a mixed base density of RS-15

Total Acreage of Project/Rezoning: 113.92 ± acres and R-20

TAX MAP	PARCEL(S)	CURRENT ZONING DISTRICT	REQUESTED ZONING DISTRICT	# OF ACRES	PROPERTY OWNER
47	Leb.04			113.92	Kenneth B. Green

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

The rezoning process takes approximately three to four months depending on when the application is received by the City. The request must go to the Planning Commission where it receives a recommendation to go to the Board of Commissioners. The Board of Commissioners must approve a Rezoning Ordinance on two readings and hold a Public Hearing before the rezoning request is considered approved.

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

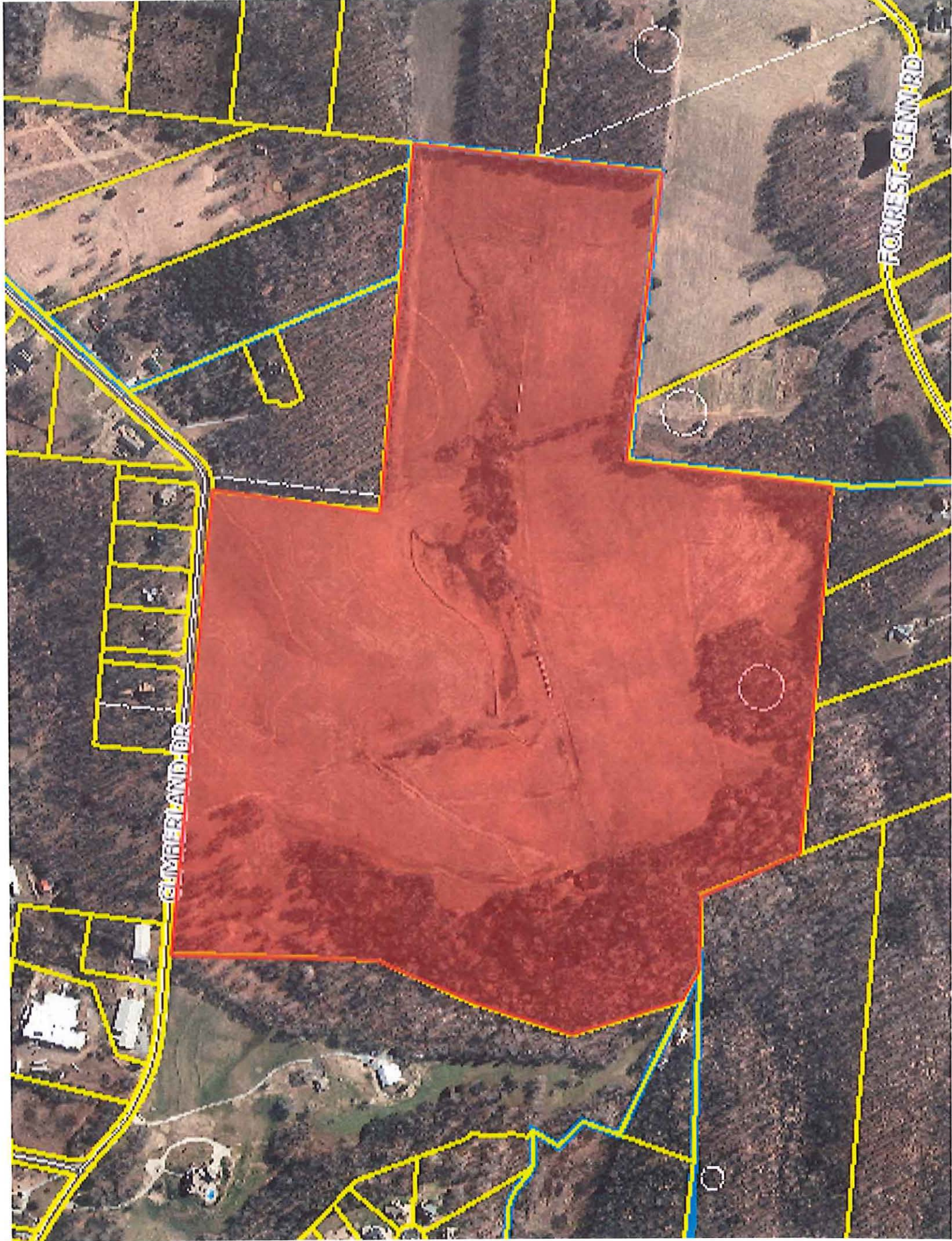
Applicant's Signature: [Signature] Date: 10/20/15

**FOR OFFICE USE ONLY**

APPLICATION RECEIVED AND FILING FEE PAID 10/23/2015

DATE OF APPROVAL BY PLANNING COMMISSION \_\_\_\_\_

DATE OF FINAL APPROVAL BY BOARD OF COMMISSIONERS \_\_\_\_\_



## 8. NEW BUSINESS

### ITEM 8.1 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION FOR PROPERTIES LOCATED ON CUMBERLAND DRIVE. MAP 47, PARCEL 66.04, 113.92 ACRES. FROM RS-40 TO RPUD WITH A MIXED BASE DENSITY OF RS-15 & R-20. KENNETH GREEN, OWNER.

- 1) All outside perimeter lots are to be a minimum of 15,000 square feet.
- 2) The road cross-section that is shown should have a 5.5' green strip between the sidewalk and the back of curb and the required street trees need to be shown on the plan.
- 3) Per the Subdivision Regulations (Section 4-11.1), in general the developer should set aside not less than 10% of the area within a residential development for open space recreational purposes (the plan currently indicates 5% open space). Per the Zoning Ordinance (Section 8-207.5.4.a), a minimum of 5% of the gross area of every residential PUD shall be devoted to improved recreational open space.
- 4) All electric power is to be underground, not just the service lines to the houses as alluded to in a note on page 4 of the submittal packet.
- 5) A traffic study will be required for this development. The developer will be responsible for any necessary improvements that are identified in the traffic study.
- 6) The Proposed Land Use Map identifies this parcel as RM – Medium Density Residential. The proposed mixed density base of RS-15 and R-20 are both identified as medium density in the zoning ordinance and are considered to be in compliance with the Proposed Land Use Map.
- 7) The proposed decentralized wastewater system (STEP System) must be approved by WADC and TDEC prior to final construction plan approval from the City.
- 8) A comprehensive storm water analysis shall be performed and submitted to the City with final construction plan submittals.
- 9) The last note in the table shown in the lower right corner indicates this is a preliminary plat. Please revise to reflect that this is a Preliminary Master Development Plan
- 10) Under the "Land Use Data" label in the table located in the lower right corner, please include the density formula shown at the bottom of Page 1 of the supplemental information packet that was included as a part of the rezoning submittal request.
- 11) In accordance with Section 5-103.3(3)(c), no RS-15 Zone may be located closer than one (1) mile of another RS-15 District at any point. There is an existing RS-15 district located approximately 60' to the northeast of the subject parcel.

### ITEM 8.2 ~~DISCUSS AND/OR TAKE ACTION ON DRAINAGE IMPROVEMENTS ON LOT 37 WESTERN WOODS.~~

#### Submittal Explanation:

~~The actions that are proposed with this submittal is an effort by the current property owner of Lot 37 and the original developer to address a drainage concern between Lots 6 and 37 of Western Woods. The applicant desires to install an area drain on the common property boundary line of Lots 36 and 37. This area drain will be connected to an existing curb inlet structure located in the public R.O.W. of Nathaniel Woods Blvd. Since the applicant desires to connect to existing public storm water infrastructure, City staff determined the proposed action should be considered by the Planning Commission.~~

#### Staff Review Comments:

- ~~1) Please specify the type of catch basin that is proposed for the area drain.~~
- ~~2) City personnel are to be present for observation of all work that is conducted in the public R.O.W.~~
- ~~3) The proposed work will be covered under the bond that is currently held by the City.~~

### ITEM 8.3 DISCUSS AND/OR TAKE ACTION ON PROPOSED FAIRVIEW PLANNING COMMISSION SUBMITTAL AND REVIEW SCHEDULE FOR 2016.

No Staff Comments

10H

Bill # 2015-42

ORDINANCE NO. 907

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

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Municipal Code of the City of Fairview, Tennessee should be revised and that the best interest and welfare of all the citizens of the City of Fairview, Tennessee, will be served by amending the Fairview, Tennessee, Municipal Code, Title 14, Chapter 2, Section 14-204 as follows:

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

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

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

(1) Subdivisions, including re-approvals.

(a) Preliminary plat \$100 + @20 per acre + \$5 per lot

(b) Final Plat \$25 + \$ 5 per lot (major and minor)

(c) Re-approval \$25

2 Planned unit developments:

(a) Preliminary approval \$300 \$25/ acre for the Portion proposed for Residential use, plus \$500.00 + \$100/acre for the

portion proposed for nonresidential use

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

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

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

(Or. #453, Feb. 1999)

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

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

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

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

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

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

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

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY RECORDER**

**APPROVED AS TO FORM:**

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**CITY ATTORNEY**

**Passed First Reading**

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**Passed Second Reading**

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Bill # 2015-43

ORDINANCE NO. 908

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

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Municipal Code of the City of Fairview, Tennessee should be revised and that the best interest and welfare of all the citizens of the City of Fairview, Tennessee, will be served by amending the Fairview, Tennessee, Municipal Code, Title 14, Chapter 2, Section 14-205 as follows:

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

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

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

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

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

(Ord. #453, Feb. 1999)

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

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

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

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

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

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

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

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

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**MAYOR**

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CITY RECORDER

**APPROVED AS TO FORM:**

\_\_\_\_\_  
CITY ATTORNEY

**Passed First Reading** \_\_\_\_\_

**Passed Second Reading** \_\_\_\_\_