A. CALL TO ORDER

B. ROLL CALL

C. Consider approval of the November 20, 2018 Board of Zoning Appeals meeting minutes.

   General Announcement – The procedural rules for public comment will be as follows: The items will be taken in the order of the agenda. Audience members wishing to speak must be recognized by the Chairman and will have five minutes to address the Board of Zoning Appeals. No rebuttal remarks will be allowed.

1. **BZA 630-2018:** Submitted by Civil Engineering Services for the development known as Tommy’s Car Wash. The property is located on the southern portion of Lot 4B of Crossings North subdivision and contains approximately 1.25 acres. The applicant is requesting a special use consideration to operate a car wash in the C-4 district under the new Unified Development Code. Requested by Ray Flake.

2. **BZA 631-2018:** Submitted by WES Engineers & Surveyors for the development known as Sawgrass West (Kings Creek, Phase 2). The property is zoned R-2 PUD, and contains approximately 26.1 acres. The applicant is requesting a variance to the 750 square foot yard requirement included in Article X, Section 3-3.7 of the Zoning Ordinance dated June 10, 2008. Requested by Allen O’Leary

D. PUBLIC COMMENT

E. ADJOURN
Chairman Terry Cantrell called the meeting to order at 5:54 PM.

Members present were: Terry Cantrell, Rob Roten and Jim Hagaman. Members Susan Zemek and Brandon McCulloch were not present. Staff present were: Planning Director, Steve Foote and Planning Assistant, Austin Page.

Member Hagaman made a motion to approve the October 16, 2018 BOZA Meeting Minutes. Motion seconded by Rob Roten. Motion passed 3/0.

**General Announcement** – The procedural rules for public comment will be as follows: The items will be taken in order of the agenda. Audience members wishing to speak must be recognized by the Chairman and will have five minutes to address the Board of Zoning Appeals. No rebuttal remarks will be allowed.

**NEW BUSINESS:**

1. **BZA 613-2018**: Submitted by Gresham Smith for 2016 Crossings Blvd., Lot 7. The property is zoned C-5 and contains .97 acre. The applicant requests a variance for a side yard buffer & reduction of plant material.

   Jim Hagaman made a motion to approve **BZA 613-2018** with three (3) staff conditions. Motion seconded by Rob Roten. Motion to approve passed 3/0.

2. **2019 Board of Zoning Appeals Calendar**

   Jim Hagaman made a motion to approve **2019 Board of Zoning Appeals Calendar**. Motion seconded by Rob Roten. Motion to approve passed 3/0.

**PUBLIC COMMENT:**

No Public Comment.

**ADJOURN:**

Jim Hagaman made a motion to adjourn. Motion seconded by Rob Roten. Motion passed 3/0.

Meeting adjourned at 6:10 PM.
Spring Hill Board of Zoning Appeals

BZA 631-2018: Submitted by Civil Engineering Services for the development known as Tommy's Car Wash. The property consists of the southern portion of lot 4B of the Crossings North subdivision and contains approximately 1.25 acres. The applicant is requesting a Special Use consideration to operate a car wash in the C-4 district under the new Unified Development Code.

Property Description and History: This property is interior to the Crossings North development and is eastward and across from the Arby's out-parcel. The applicant recently submitted a special use application for a site on Main Street at the north end of town. That application was denied by the Board of Zoning Appeals. A subdivision plat is required to create this site.

Findings: The application has been found to be incomplete regarding the requirement to mail written notices to property owners within 1000 feet of the subject property. The application is noncompliant with the Unified Development Code section 13.1 (B) (3) (a). Staff will be working with the applicant to address this deficiency.

Recommendation: Based on the deficiencies noted above, staff recommends that the Board defer the application from the January 22 meeting to the next regular scheduled meeting of February 19, 2019.
Although all information furnished regarding property for sale, rental, or financing is from sources deemed reliable, no information has not been verified and no warranty or representation is made nor is any to be implied, as to the accuracy.
TO: Spring Hill Board of Zoning Appeals  
FROM: Steve Foote, Planning Director  Logan Elliott, Associate Planner  
MEETING: January 22, 2019  
SUBJECT: BZA 631-2018 (Kings Creek PUD, Phase 2 - Sawgrass West)

**BZA 631-2018**: Submitted by WES Engineers & Surveyors for the development known as Sawgrass West (Kings Creek, Phase 2). The property is zoned R-2 PUD, and contains approximately 26.1 acres. The applicant is requesting a variance to the 750 square foot yard requirement included in Article X, Section 3-3.7 of the Zoning Ordinance dated June 10, 2008.

**Property Description and History**: This property is located on the interior of the Kings Creek PUD and is fully surrounded by the Kings Creek golf course. The property is now being marketed as a western extension of the Sawgrass PUD, although the zoning is still part of the Kings Creek PUD.

The applicant recently came to the Planning Commission with application ADM 603-2018 to request an amendment to the Kings Creek PUD to modify the form and unit type allocation for the phase. The result of the amendment was to provide for 196 townhome units as one development and to modify the access point to the property to be located on the eastern boundary in lieu of its previously approved southern access from Phase 1.

During the review of the amendment, staff presented that the PUD regulations in the former zoning ordinance required a set amount of open space per townhome unit. However, this requirement was not previously required on this site. The Planning Commission approved application ADM 603-2018 with the condition that “The applicant shall provide 750 square feet of secluded open space for each townhouse dwelling unit as required in Article X, Planned Unit Development, of the Zoning Ordinance, unless modified or reduced by the Board of Zoning Appeals.”

The applicant is now requesting a waiver of the required 750 square feet of secluded open space for each townhouse dwelling unit.

**Proposed Site Design**: The proposed site plan has 196 townhouse units in groupings of four to five units per building and is divided into four phases. The site is served by two eastern boundary access points; one being the primary entrance and the second serving as emergency ingress/egress. The site also has several connections to the Kings Creek golf course existing cart path. The site consists of 467 parking spaces which represents 108.6% of the required parking. The site contains the required bike racks and are adjacent to the guest parking areas and common areas. The units are served by individual driveways on the front side of the units. The development has common areas which include a club house, swimming pool, grass play area, and playground.

**Spring Hill Rising: 2040**: This location is identified as a Residential Neighborhood Area in the comprehensive plan and represents a transition between natural and rural settings and more intense environments such as mixed use, city neighborhoods and community commerce areas.

**Zoning Ordinance**: The subject property is zoned R-2 PUD and is entirely surrounded by a property zoned R-2 PUD.

**Summary**: The adjacent R-2 PUD (Kings Creek, Phase 1), includes two different townhome areas, neither of which provided the 750 sq. ft. of secluded open space required in a PUD. Staff has determined that this requirement was not consistently applied to developments over the years. Additionally, the new Unified Development Code did not preserve the requirement for this open space. The open space requirement for townhome developments in the UDC is only for 100 sq. ft. per unit. The amenities provided in Phase 2 more than exceed this current requirement.
Findings: Based on the inconsistent application of the open space requirement to formerly approved developments, including Kings Creek and the fact that the new UDC did not seek to carry this requirement forward for new developments, and due to the fact that Phase 2 exceeds current requirements for open space and amenities for townhome developments, staff finds that the request meets the intent and requirements for a variance as required in Section 13.4 of the Unified Development Code. The Approval Criteria are as follows:

1. Where, by reason of exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the enactment of this Code, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property it is not able to comply with the regulations as required under this Code. That the site plan was approved with townhome units and that this approval accepted a plan without the required open space per unit, and that revising such plan at this time would create a hardship on the development that creates an extraordinary and exceptional situation.

2. The strict application of any provision enacted under this Code would result in peculiar and exceptional practical difficulties to or exception or place undue hardship upon the owner of such property. Staff finds that the application of this open space requirement would be inconsistent with the approval of other townhome sites and other approvals within Kings Creek and that the strict application of the provisions of the code would place and undue hardship upon the owner of the property.

3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this Code. The waiver of this requirements will in no way be detrimental to the public interest and would be consistent with the current Unified Development Code.

Recommendation: Based on the findings of fact listed above, staff recommends that the Board accept staff’s findings of fact and recommends the Board of Zoning Appeals approve BZA 472-2018, a variance to the open space requirement mention in Article X, Section 3-3.7 of the zoning ordinance approved by Ordinance 86-47, as amended. Approval will waive this requirement for Kings Creek Phase 2 (Sawgrass West). Staff recommends the approval be conditioned on the following.

1. All Open Space areas and amenities approved and shown on the amended plans (ADM 603-2018) shall be provided.