SPRING HILL MUNICIPAL BOARD OF ZONING APPEALS

Terry Cantrell, Chairman
Rob Roten, Vice Chairman
Steve Foote
Logan Elliot

Jim Hagaman
Brandon McCulloch
Susan Zemek

City of Spring Hill
199 Town Center Parkway
Spring Hill, TN. 37174

Agenda
February 19, 2019
5:30 PM

A. CALL TO ORDER

B. ROLL CALL

C. Consider approval of the January 22, 2019 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 624-2018: Submitted by Penni Bolt for 3025 Dogwood Trail. The property is zoned R-2, PUD, and contains approximately 0.156 acres. The applicant requests a variance from the rear setback requirements of the R-2, PUD, zoning district to extend an existing patio and enclose the entire area with a permanent roof and screening. Request by Penni Bolt.

2. BZA 630-2018: Submitted by Civil Engineering Services for the development known as Tommy’s Car Wash. The property is zoned C-4, 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. This item was deferred at the 1-22-19 BOZA Meeting. Requested by James and Debbi Whitlock.

3. BZA 641-2019: Submitted by CKP Development for Harvest Point. The property is zoned R-2, PUD and contains approximately 473 acres. The applicant is requesting a variance to reduce the required townhouse open space square footage per lot from 750’ to 100’ in Section 5. The applicant is also requesting that the rear setback of front-loaded lots in Section 4 be changed from 30’ to 20’. Requested by Kelly Beasley.

D. PUBLIC COMMENT

E. ADJOURN
Chairman Terry Cantrell called the meeting to order at 5:30 PM.

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

Member Hagaman made a motion to approve the November 20, 2018 BOZA Meeting Minutes. Motion seconded by Rob Roten. Motion passed 4/0.

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 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.

   Jim Hagaman made a motion to defer BZA 630-2018. Motion seconded by Rob Roten. Motion to defer passed 4/0.

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.

   **Staff conditions:**
   1. All open space areas and amenities approved and shown on the amended plans (ADM 603-2018) shall be provided.

   Brandon McCullough made a motion to approve BZA 631-2018 with one (1) staff condition. Motion seconded by Rob Roten. Motion to approve passed 3/1 with Jim Hagaman dissenting.
PUBLIC COMMENT:
Tommy Dudley, a property owner in Spring Hill, received a letter regarding BZA 630-2018 and was there to learn more information.

ADJOURN:
Jim Hagaman made a motion to adjourn. Motion seconded by Rob Roten. Motion passed 4/0.

Meeting adjourned at 6:02 PM.

Terry Cantrell, Chairman
BZA 624-2018: Submitted by Penni Bolt for 3025 Dogwood Trail. The property is zoned R-2, PUD, and contains approximately 0.156 acres. The applicant requests a variance from the rear setback requirements of the R-2, PUD, zoning district to extend an existing patio and enclose the entire area with a permanent roof and screening.

Property Description and History: 3025 Dogwood Trail is in The Laurels subdivision. The property is zoned R-2, PUD, and surrounding properties are also zoned R-2, PUD. The Board of Zoning Appeals has heard and approved similar requests for covered porches and screened-in porches, for other properties, on Dogwood Trail in the recent past. The applicant met with planning staff on two occasions to discuss the proposal and ensure a complete application submittal.

Request: The applicant desires to construct a 14’2”x15’ screened-in patio off the rear of the existing residence. In the desired location, there is an existing 17’7”x18’5” deck, on top of a similar sized concrete slab. The rear of the residence is very near the 20’ rear building setback and the majority of the existing slab and deck encroach the setback. The applicant wishes to keep the existing slab and construct the new smaller deck and screened in porch on top of the slab. The proposed deck, which is smaller, would still encroach into the setback. The rear of this property also contains a 10’ wide public utility and drainage easement (PUDE). The current slab and deck encroach into this PUDE. The existing slab would remain in the PUDE but the new screened in patio would not encroach into this PUDE.

A roofed area, that is attached to the primary structure, is part of that primary structure for building setback purposes. As the requested covered porch will be attached to the primary structure (the house), it is not considered an accessory structure and therefore requires the applicant apply for this variance.

Findings of Fact: The applicant has met UDC requirements regarding the certified mailing of notices to all of those property owners within 250 feet of 3025 Dogwood Trail and at least ten days in advance of the first scheduled action. The findings listed below are staff’s response to the approval standards required in the UDC, to be considered by the Board of Zoning Appeals prior to approving a variance.

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. *Staff finds that the existing concrete slab and the shallowness of the lot create a situation where the applicant is not able to comply with the regulations of the code.*

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. *Denying a reasonable sized rear patio and cover could present a practical difficulty to a property owner and deny them reasonable use 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. *Staff finds that the proposal will not have a detrimental impact on the public good or surrounding property.*
4. Staff further finds that the variance will be consistent with the general community character of the neighborhood, and;

5. This variance will not allow a use prohibited in the base zoning district, nor vary the provisions of the Zoning Ordinance, Comprehensive Plan or Major Thoroughfare Plan.

Recommendation: Staff recommends the Board of Zoning Appeals adopt the findings of fact found in this report and approve BZA 624-2018, a building setback variance request for construction of a covered patio, subject to consistency with the submitted plans and the following condition:

1. The screened-in patio shall not be enclosed with any material other than screening.
2. Per Section 13.4G of the Unified Development Code, an approved variance will expire one year from the date of approval unless a site plan review application has been submitted or, where site plan review is not required, a building permit is obtained. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.
The builder is solely responsible for compliance to all zoning regulations including but not limited to building setbacks, easements and other building, improvement, and property restrictions as well as any codes contained as set forth or issued by the state or other local, state, and federal agencies and ordinances that may apply to the subject property. This plot plan was generated from the foundation plan as pictured by others. The builder is responsible for verifying all building restrictions shown and shall report any discrepancies to H & H Land Surveying prior to beginning construction. Future expansion or construction may cause change due to lot conditions or other matters that may affect the subject property. All lot and utility information shown is for plot. The location of the house and improvements shown remain as indicated and directed by the builder/contractor. The subject property and improvements shown herein are subject to such state or federal law as the building permit only. This plan is not to be used for a general property survey, mortgage loan inspection, or a foundation inspection since no improvements exist at this time.

OWNER: DOGWOOD HOUSES
ADDRESS: 3021 DOGWOOD TRAIL
CITY: SPRING HILL, TENNESSEE
LOT #: 83, SOUTH, SECTION TWO, REVISION ONE

THE LAURELS AT TWIN CENTER
RECORD: PLAT BOOK 19 PAGE 399
SCHEDULE: 10AM DATE: JUNE 20, 2014
FILE: 2014-0417
PAGE: 27

H & H LAND SURVEYING INC.
612 A FITZHUGH BLVD.
SMYRNA, TENNESSEE 37167
PHONE: 615-355-6905 EMAIL: hlandhland@bellsouth.net
JOB: 2014-0417 DRAINED BY RAW
Wall layout

- Chimney
- Ridge Line
- New Screen Porch
- Screen Door
- Old Deck
- 4 x 4 Studs
- Existing deck 10' from end of house

14' 11"
Typical Wall Detail

- 2"x4 corner posts
- Double 2"x4 studs
- 2"x4 plates
- 8"x12 header
To: Homeowner  
Address  
Town and Zip  

Re: Spring Hill Board of Zoning and Appeals  
Meeting scheduled for February 19, 2019  
5:30 PM  
City Hall, Spring Hill  

This letter is to notify you that  

Penni Sue Bolt, 3025 Dogwood Trail, Spring Hill  

is requesting a variance to have a screen porch built in her yard. The existing deck will be removed.
BZA 630-2018: 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 and Fastrack gas and convenience market out-parcels. 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.

Proposed Site and Building Design: The applicant is proposing to construct an automated car wash tunnel with three automobile lanes at the entrance of the tunnel to queue cars. The applicant is also providing 15 self-serve vacuums with partially covered parking stalls to the east of the north-south oriented car wash tunnel. The site provides one handicap parking space and 6 regular parking spaces to the east of the self-serve stalls. The building is designed with varying panel colors, a parapet, and flat roof sections with an opaque curved roof over the car wash tunnel.

Spring Hill Rising 2040: This property's future land use designation is “Downtown/City Center”. Primary future land use includes appropriate mixtures of residential, professional offices, eating places, place of worship, small-scale retail, entertainment, cultural uses, community recreational uses, and municipal services. The Downtown Center designation emphasizes uses that generate a high level of activity and staff finds the use of the site as a car wash would provide a high level of activity. The Downtown Center designation also emphasizes that developments are not designed to accommodate the automobile and related services. While this use does accommodate the automobile, it is located in a commercial center with other recently constructed automobile-oriented uses such as a gas station and a drive through restaurant. In balancing all of this, staff finds that the proposed use, a car wash, is consistent with the comprehensive plan.

Spring Hill Unified Development Code: The City's Unified Development Code offers the following regarding special uses:

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Code. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The decision of the Board of Zoning Appeals must make findings to support each of the following conclusions:

1. The consistency of the proposed special use with the Comprehensive Plan and any adopted land use policies.
2. The special use in the specific location proposed is consistent with the spirit and intent of this Code.
3. The proposed special use will not endanger the public health, safety, or welfare.
4. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
5. The special use in the specific location has sufficient public infrastructure and services to support the use.
Findings: Staff finds the application to meet all of the above criteria of approval for special uses and has listed the findings for the Board of Zoning Appeals below.

This lot is interior to an expanded highly trafficked auto-oriented commercial development and is a good location for a car wash use. The site is one block off of Main Street minimizing impacts from traffic and visibility. The use is compatible with the adjacent auto-oriented commercial uses and has the adequate public infrastructure to support this use. The transportation infrastructure around this site will adequately support the high level of activity related to this use. The multi-family development to the east of this site will need special consideration at the time of site plan review.

Findings:
1. The use is consistent with the Comprehensive Plan and adopted land use policies.
2. The use of a car wash on the subject site is consistent with the spirit and intent of this Code.
3. The proposed special use will not endanger the public health, safety, or welfare.
4. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
5. The special use in the specific location has sufficient public infrastructure and services to support the use.

Recommendation: Based on the findings noted above, staff recommends that the Board approve application BZA 630-2018, Tommy's Car Wash, with the following conditions:

1. An approved special use will expire one year from the date of approval according to the provisions of Article 13.3.G of the UDC.
2. Development shall be reasonably consistent with the site plan submitted to BOZA, subject to changes requested by the Planning Commission.
3. Approval is further contingent upon site plan approval by the Planning Commission and shall comply with requests of the Planning Commission; including, but not limited to, hours of operation, right-in/right-out driveway on Main Street, buffering considerations, and noise limitations.
Disclaimer:
Although all information furnished regarding property for sale, rental, or financing is from sources deemed reliable, such information has not been verified and no express representation is made nor is any to be implied as to the accuracy thereof and it is submitted subject to errors, omissions, change of price, rental or other conditions, prior sale, lease or financing, or withdrawal without notice and to any special conditions imposed by our principal.
Site Plan

130' Tunnel | 15 Vacuums | 3 Pay Lanes
January 28, 2019

Dear Property Owner,

The property at Lot 4B of Crossings North, Spring Hill, TN requires a “special use” approval for a certain businesses to be built on the property.

Great White Express, LLC would like to build a car wash in this location. There is a meeting on February 19, 2019 at 5:30 PM at City Hall (199 Town Center Parkway, Spring Hill, TN) for the Board of Zoning Appeals to approve our request.

Thank you for your time and attention.

James and Debbi Whitlock
TO: Spring Hill Board of Zoning Appeals
FROM: Steve Foote, Planning Director
Logan Elliott, Associate Planner
MEETING: February 19, 2019
SUBJECT: BZA 641-2019 (Harvest Point PUD, Phase 4 & 5)

BZA 641-2019: Submitted by CKP Development for the development known as Harvest Point. The property is zoned R-2 PUD, and contains approximately 473 acres. The applicant is requesting variances to: 1) reduce the 750 square foot yard requirement included in Article X, Section 3-3.7 of the Zoning Ordinance dated June 10, 2008 and 2) to reduce the rear yard setback on front access lots within Phase 4.

Property Description and History: This property is located southwest of the intersection of Beechcroft Road and Cleburne Road. The property is a very large PUD approved in 2016. Several amendments to the PUD have been approved in the past, including setback modifications.

I. Request to reduce secluded open space. It was recently discovered that some of the city’s older PUD’s did not apply the former private open space requirement to the townhome areas. Recently the BOZA approved a variance request for Kings Creek PUD, Phase 2 to waive the open space requirement.

The present request concerns Phase 5 of the development. This phase is the live-work townhome area. Final plats have been approved for Phase 5, sections a, b, and c. Phase 5a was constructed with the 750 sq. ft. of area per lot by using a different product style. The applicant is proposing to switch to a different product and that produce will provide for a range of private open space on each lot. The minimum would be 149 sq. ft. In some cases, the open space would be several hundred sq. ft. (see plans attached). Phase 5a and b are directly adjacent to the central open space for the entire Harvest Point PUD. Phase 5c is less than a block away. This open space area provides a tot lot, swimming pool and large open fields for recreation.

II. Request to reduce the rear yard setback for front access lots in Phase 4 from 30 to 20 feet. Several setbacks for Harvest Point were previously approved as a minor amendment through the Planning Commission. Based on new information, additional setback modifications are being processed through the variance process. In 2018, all alley loaded lots received a setback modification to require either a five-foot build to setback or a minimum of 20’. Non-alley lots were not affected.

Due to the configuration of Phase 4 none of the subject lots is contiguous to or abuts another residential lot. varying amounts of open space and buffers separate Phase 4 from other phases. With this design a reduction of the rear yard setback will not have an adverse impact on the surrounding neighborhoods. The request to approve a reduction in the rear yard setback is consistent with prior actions by the city.

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

Zoning Ordinance: The subject property is zoned R-2 PUD.

Summary:
Secluded Open Space. The adoption of the UDC deleted the PUD requirement for 750 sq. ft. of secluded open space on a
townhome lot. and replaced it with a new requirement of only for 100 sq. ft. per unit. The applicant has provided plot
plan drawings indicating the amount of secluded open space that will be provided with each unit type. These numbers
range from a low of 149 sq. ft. (which is not all secluded) to a maximum of over 600 sq. ft. The average would appear to
be in the 300 to 400 sq. ft. range. As mentioned previously, Phase 5 surrounds the principal open space area within
Harvest Point, placing an abundance of open space and amenities within easy walking distance of these townhomes.

Rear Yard Setback Reduction. The request to modify the rear yard setbacks for front access units in Phase 4 is a continuing
process of the primary developer’s effort to respond to market conditions and builders within the community. Harvest
Point has a high level of quality built into the development and this quality will not be sacrificed by the proposed change.
Looking at the plan map for Harvest Point it is apparent that none of the lots in Phase 4 abut another lot to the rear. For
that reason, the reduction of the rear yard setback will not have an impact on other residential lots.

Findings of Fact and Conclusions of Law:
Secluded Open Space. Based on the inconsistent application of the open space requirement to formerly approved
developments, including Kings Creek PUD and others, and the fact that the new UDC did not carry this requirement
forward for new 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.

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 and
layout 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. The lots were designed without
consideration for the open space as the city did not apply this requirement during the PUD approval process.

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 approved under the
previous PUD requirements 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. The townhome lots in
Phase 5 are immediately adjacent to the principal open space for all of Harvest Point. That and the quantity of open
space proposed will more than meet the needs of future residents.

Rear Yard Setback Reduction. This request is consistent with requests previously approved by the City for Harvest Point.
The process has changed due to recent considerations and discussions, to require Board of Zoning Appeals review rather
than Planning Commission review of these requests. Based on the location of the property within the Harvest Point
development and the surrounding uses and open spaces, staff finds that the request meets the intent and requirements
for a variance as required in Section 13.4 of the Unified Development Code.

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. The shape and location of Phase 4 and how it is situated within the overall plan for Harvest Point
renders the requested setback modification minimal. Quality of the site and development will not be impacted by the
minor change.

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. The application of the 30-foot
rear setback will have a negative impact on the quality of product that can be offered on the subject lots. The proposed change is consistent with previous adjustments approved by the city.

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. Because of extensive open space surrounding the subject site, Phase 4, the reduction of the rear yard setbacks will not adversely impact any adjacent property owner. 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 concludes that a proper action would be for the Board to accept staff’s findings of fact noted above and approve BZA 641-2019, a variance to reduce the open space requirement mentioned in Article X, Section 3-3.7 of the zoning ordinance approved by Ordinance 86-47, as amended for Phase 5, and the rear yard setbacks for front access lots in Phase 4. Staff recommends the approval be conditioned on the following.

1. Open Space areas as shown on the attached exhibits provided by the applicant shall be followed.
2. Amenities approved and shown for the central open space in Harvest Point shall be provided.
RE: Board of Zoning Appeals Application – Harvest Point

Board of Zoning Appeals,

The Applicant wants to sincerely thank the City of Spring Hill for its patience and assistance working with Harvest Point as we continue to improve our community to be the best it can be for the Homeowners, our Builder Team, and the City of Spring Hill. In an effort to encourage the most successful and popular floor plans that enhance curb appeal and promote connectivity, interaction within the community, and use of outdoor space, the Applicant hereby requests the following for consideration of a Variance:

1. Central Townhouses in Section 5 (“Live/Work” Area) open space square footage to reduce from 750’ minimum to 350’ – 100’ minimum as one contiguous open space in rear yard. Additional green space would exist in townhouse front yard areas. This promotes “master-down” floor plans as well as the most popular layout for Live Work units.

2. Rear setback of front-loaded lots to change from 30’ to 20’ in Section 4 only, thus allowing deeper house plans with porch/patio space in the back yard. This also encourages more master-down floor plans.

Attached are the Application, a more detailed written narrative outlining reasoning for this request, a Vicinity Map, Overall Master Plan Exhibit with aforementioned areas highlighted, Proof of Ownership Documents, Fee Check, and CD containing all required submittal documents in PDF format.

CKP Development requests that this item be placed on the upcoming February 19th, 2019 agenda for City of Spring Hill Board of Zoning Appeals approval. Should you have any questions or comments pertaining to this request, please contact Kelly Beasley at kb@chapter2investments.com or (706) 410-5588. We appreciate the City staff’s assistance with our master planned community!

Sincerely,

Kelly Beasley
Applicant Representative
CKP Development
To elaborate on the two Variance requests outlined in the Application Letter of Request for Harvest Point, please see the following information:

**750SF Townhouse Courtyard Reduced to 350SF 100SF:**

The Harvest Point Master Plan was created to accommodate a generic product to best conform with City Standards. A builder was not procured until after the Master Plan and Final PUD were approved. This particular builder wants to utilize a product that has been tested and successful in the Spring Hill Market. Specifically, Regent Homes wants to cater to a master-down market for the townhouse product, and also wants to utilize the most successful floor plans for the Live Work product. Both of Regent’s existing master-down and Live Work homes will not fit on the lots adhering to the 750 square foot requirement. Honing in on each product:

- The master-down townhouse plan helps the community attract active adult home buyers as well as families. This will generate a variety of homeowner prospects that may have different preferences from master-up product. Prospects will also differ from the single-family product, as the townhouses will be more affordable and have smaller spaces to manage.

- Harvest Point was approved to have up to 25,000 square feet of Live Work use. The Live Work concept is not widely found or utilized in the Spring Hill area at this time. Harvest Point wants to help set the new expectations for a successful Live Work community that will add this missing element to our mixed-use community. The 1,200 square foot per floor layout has been successful based on an optimal layout for work use in Lenox Village, Berry Farms, and Carothers Farms. Harvest Point is a brand new community introducing relatively new concepts to the area; the Applicant wants to launch the product that has the best chance of success for the most vibrant community possible based on proven track records in neighboring markets.

- The Zoning Ordinance and Subdivision Regulations Harvest Point received approval from requires 750 square feet of space per unit. The new Unified Development Code (UDC) only requires 100 square feet of which does not have to actually be within the person’s individual
ownership. Technically, the townhouses and Live Work units in Harvest Point would qualify for all requirements listed in the UDC Article 8 K 1 c. Since the city has already changed the standard that is now being applied, understanding that 750 square feet is potentially an unreasonably large area, the Applicant asks to receive a reduction from 750 square feet to 350 100 square feet— that would still vastly exceed the current requirements while still remaining consistent with the original, approved plan having private yard space.

**Rear Setback from 30' to 20':**

Regent Homes has delivered several successful, desirable single-family communities in the area. The product that has sold most effectively for them has emphasized outdoor living in the back yard as seen in Burkitt Village and Petra Commons. Harvest Point heavily promotes a “coming back to nature” theme with emphasis on outdoor exercise, neighborly activities, and connectivity to school / living / working / recreating. Like the above townhouse products, Regent has a proven product that will encourage a healthy and expeditious rate of sales. The deeper building envelope will promote more master-down floor plans as well. The Applicant requests a Variance only for Section 4 of Harvest Point for a reduction of the rear setback from 30’ to 20’.

The Harvest Point Development and Builder Teams sincerely thanks the City for its help in becoming the best community possible. Our goal is to create a sense of place, community pride, and become a destination for those in the area. Your help on these matters is tremendously appreciated.

Sincerely,

Kelly Beasley
Applicant Representative
CKP Development
1. The Harvest Point master plan was made before builders were able to purchase and plan lots to fit their product. The townhouse area was approved to have up to 25,000 square feet of light retail, and the engineer and developer did not have a prototype to go off of before the builder. Once Regent Homes was selected, several floor plan prototypes were preferred to go into Harvest Point that had been proven successful at other properties. To best fit the master down and Live/Work product, 750 square feet is a huge amount of space that homeowners and businesses would potentially rather see within the building. Unless we change the entire master plan, this product will not fit in compliance with the Code. This is an exceptional situation, as the other residential townhouse pod is not offering these same types of plans and was able to fit within the existing lots.

2. If all courtyards are required to remain 750 square feet, Regent would have to redesign new product that may not be received well by the public; it will not be tested for success. If they are unable to sell houses, it could place undue hardship on the builder to move forward in our 1200 home community. If the builder is not successful, it will hurt the developer and land ownership team. Harvest Point wanted to launch Live/Work with every mechanism to sell quickly and prosper. Not even Tollgate has tested the waters in this product. By allowing this reduction, it will promote the best chance for Spring Hill to offer this product.

3. It would seem the purpose of having courtyard space would be to benefit homeowners in a private space. Based on proven sales, it is in our opinion that homeowners would rather have the option for a master down home or have a maximally pleasant place to live and work in the same area. No public harm would come from shifting this around, and we believe it would promote the public good. Additionally, Harvest Point has close to 5 miles of walking trails, a swimming pool, playground, pond, community garden, dog park, and 30% green space requirement. There is more than enough open space for owners to recreate. Seeing as the new UDC has 100 square feet or less that does not have to be within the owner’s private yard, one would infer that the City may agree with this as well.
Section 4 30’ to 20’ Setback Reduction

1. The Harvest Point master plan was made before builders were able to purchase and plan lots to fit their product. Section 4 does have more sloping topography, and it is in an area that backs up to lots of open green space. Regent Homes has product that has been tested and proven in other markets that would not fit on the lots with the current setback requirements. These floor plans promote master down and focus on the outdoor space as a top amenity/attraction of the home. Specifically targeting empty nesters and young families, this plan encourages folks to spend time outside and is enhanced by the natural features that surround this section. As a developer, it is a top priority to have different product types in communities with multiple builders. Allowing a variance for this section would allow Regent to have product differentiation, which would aid the speed of our community attracting more homeowners. It would also not cannibalize the current builders from moving forward with their existing products.

2. Not only does Section 4 have the most topography, but it is the last section to begin construction with our single family builder team. They must have an edge for the product they offer. We hope to have the outdoor area and proven floor plans to help them succeed, which impacts the success of the development moving forward.

3. The setbacks should cause no noticeable changes to the public. The spirit of our Master Planned Community is to promote nature, community, well being, and a destination. We believe having the flexibility for these floor plans will fit in well with the spirit of the zoning map, Code, and our master plan.
Phase E, A, B, C
Open Space adjacent to Phase 5