

**ORDINANCE 15-15**

**AN ORDINANCE TO AMEND ORDINANCE NO. 86-47, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRING HILL, BY REZONING A PORTION OF PROPERTY BEING TAX MAP 024, PARCEL 017.06 FROM AG (AGRICULTURAL) TO B-3 (INTERMEDIATE BUSINESS)**

BE IT ORDAINED BY THE CITY OF SPRING HILL, TENNESSEE BOARD OF MAYOR AND ALDERMEN:

Section 1: That the City of Spring Hill Zoning Ordinance, the same being Ordinance No. 86-47, and the zoning maps therein adopted be, and the same are hereby amended by rezoning the property herein described as Maury County Tax Map 024, Parcel 017.06 from AG (Agricultural) to B-3 (Intermediate Business).

Section 2: Said portion of property to be rezoned from AG to B-3 is located within the corporate limits of the City of Spring Hill. Attached hereto showing the proposed rezoning location as Exhibit "A".

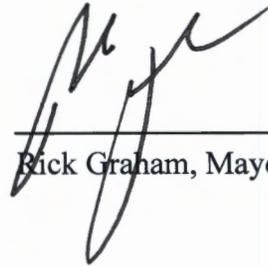
Section 3: This Ordinance was approved by the Spring Hill Municipal Planning Commission on June 8, 2015, with notice of said hearing being given fifteen (15) days or more before said approval.

Section 4: This Ordinance shall take effect from and after its adoption, the Public welfare requiring it.

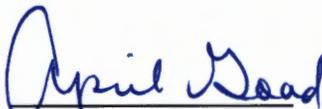
Section 5: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED BY THE CITY OF SPRING HILL BOARD OF MAYOR AND ALDERMEN THE CONDITION OF REZONING: Approval is granted contingent on City Building Codes Director receiving engineer's statement verifying structural stability.

PASSED AND ADOPTED BY THE BOARD OF MAYOR AND ALDERMEN OF  
THE CITY OF SPRING HILL, TENNESSEE, this, the 17 day of August, 2015.

  
Rick Graham, Mayor

ATTEST:

  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
Patrick Carter, City Attorney

Passed on First Reading: June 15, 2015

Passed on Second Reading: August 17, 2015



# Spring Hill Planning Commission Regular Meeting



TO: Spring Hill Planning Commission  
FROM: Dara Sanders, City Planner  
MEETING: June 8, 2015  
SUBJECT: RZN 15-647 (863 Beechcroft Road)

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**RZN 15-647:** Submitted by Brad Tatum for property located at 863 Beechcroft. The property is zoned AG, Agricultural, and contains approximately 4.77 acres. The applicant requests approval to rezone a portion of the property from AG to M-1, Light Industrial.

**Property description and history:** The subject property is located west of the intersection of Cleburne Road and Beechcroft Road. The majority of the surrounding properties are agricultural and rural residential. Walden Creek traverses the east side of the property. The property is currently developed for two single-family dwellings and 5,000 sq. ft. building that was originally constructed as a pole barn. Sewer service is not available at this location.

The surrounding properties are primarily rural and agricultural. Surrounding zoning designations are as follows:

- North – AG, Agricultural
- East – M-1, Light Industrial, and B-4, Central Business
- South – R-1, Low Density Residential
- West – AG, Agricultural

In March of 2015, the Codes Enforcement Officer received a complaint concerning the illegal conduct of a commercial business, Upholstery 360, operating on the subject property. Further investigation found the following:

1. A sign has been installed on the property without a permit
2. A second business is operating on the property
3. Both businesses are operating without a business license
4. The pole barn has been enclosed and improved for commercial and industrial use without a building permit
5. The businesses are operating on a property utilizing a residential water meter and without nonresidential solid waste service

The property owner and business owner met with staff to discuss the businesses operating on the property and solutions to resolving the numerous violations on the property. Based on this discussion, staff found that the upholstery business is considered light industrial and the second business is considered warehousing and brings truck traffic to the site daily. Staff's determination is based on the following:

1. An upholstery business is classified under Section 1.1(9) of the M-1 zoning district – “enclosed industrial uses such as the **manufacture and/or cleaning of textiles** and apparel, fabrication and assembly of small machinery and parts, **accessories and equipment for transportation equipment including automobiles**, and other products of metal, wood or other materials, baker, carpenter’s shop, machine shop, printing, bottling works, and similar uses.”
2. Automobile sales and service is defined as “the principal activity of sales, general maintenance and/or services of vehicles such as sales with or without **incidental vehicle restoration services**, rental or leasing facilities, also lubrication, tires sales and mounting, and alignment.” The automobile-related services provided by 360 Custom Upholstery are not incidental vehicle restoration services, as the sale of vehicles, general maintenance, and/or services are not being provided; therefore, staff finds that this is not the appropriate definition to accurately describe the use.
3. Automobile restoration is defined as “the principal activity of **returning motor vehicles to a former condition and/or** removing, installing, or painting a vehicle structure. The activity **includes such uses as** vehicle painting facilities and vehicle body shops.” The automobile-related services provided by 360 Custom Upholstery is

returning the interior of a motor vehicle, whether that motor vehicle is an automobile or watercraft, to its former condition. It's staff's determination that the work being performed on vehicles and boats is returning them to a former interior condition. Additionally, this definition states that automobile restoration includes painting and body shops, but it doesn't limit the activities to only those; therefore, it is for these reasons that staff find this to be the most appropriate definition to accurately describe the use.

Because these are not permitted uses on the property by right or on appeal, these uses are considered a violation. In order to resolve these violations, the property must be rezoned and improved for nonresidential use or the illegal conduct of business must cease.

**Request:** The applicant requests to rezone a portion of the subject property from Ag, Agricultural, to M-1, Light Industrial, to allow for the continued operation of the illegal businesses and to allow for future industrial use of the property under the permitted uses of the M-1 zoning district. The permitted uses for the M-1 zoning district are attached to this staff report.

**Future land use designation:** Pursuant to Article XIV, Section 1.1(4), of the Zoning Ordinance, which requires Planning Commission consideration of an amendment to the Future Land Use Plan prior to a rezoning request that is in conflict with the existing Future Land Use Plan, the applicant has submitted a request to change the future land use designation (ADM 15-678) of the subject property from Suburban Corridor to Employment District.

**Discussion:** Staff is not in favor of rezoning the property to M-1, Light Industrial, finding that the introduction of industrial uses permitted within the requested district are not consistent with the City's planning policies and principles of the Comprehensive Plan or with best land use practices. Although the property has been used illegally for industrial-type uses in the past, the surrounding properties west of the creek are used for agricultural and low-density single-family purposes. A reoccurring policy in the City's comprehensive plan is the preservation of our rural integrity and natural environment. While significant land area to the east is zoned for industrial use, it is not recommended for industrial use in the Comprehensive Plan, and further encroachment of industrial property into the existing rural environment at this location is counterproductive to the preservation of our rural integrity.

Should the Planning Commission be in favor of a nonresidential zoning district at this location, staff would recommend the consideration of the B-3 zoning district, which is identified as a compatible zoning district in the Suburban Corridor future land use designation. Rezoning the property to B-3 would allow for Board of Zoning Appeals (BZA) consideration of the continued warehousing use of the property and could allow for the continued industrial use (the upholstery business) of the property if the BZA determines it to be a use complying with the intent of the district.

However, it is staff's determination that, based on the current definitions of "Automobile Sales and Services" and "Automobile Restoration" and the classification of the upholstery businesses as an industrial use in the M-1 zoning district, the upholstery business would not meet the intent of the B-3 zoning district.

**Recommendation:** Based on the findings herein, staff recommends forwarding the request to the Board of Mayor and Alderman with a recommendation for denial of the M-1 zoning district but approval of the B-3 zoning district.



### Legend

- WaterMains
- Sewer\_Facilities
- MANHOLES
- Force\_Mains
- SewerLines
- 303D\_Streams

### zoning

#### ZType

- AG
- B-1
- B-2
- B-3
- B-4
- F-1
- M-1
- M-2
- PUD-Commer
- R-1
- R-2
- R-2 PUD
- R-4
- R-5
- R-6
- City\_Limits

