

RESOLUTION 16-71

**A RESOLUTION TO APPROVE TO EXTEND
THE PERFORMANCE BONDS FOR WALMART**

WHEREAS, Performance Bonds are currently in place for said development in the amounts of \$65,000.00 to construct 100' of right turn lane on Main Street at Campbell Station and \$22,000.00 to construct a 30' access road to the Publix property; and

WHEREAS, the City of Spring Hill has received notice from Walmart that they are instructing the issuing bank to not renew the bonds past the current expiry date of June 30, 2016 as the bonds were originally set to expire June 30, 2014 or within one year of the store opening ; and

WHEREAS, to date, the improvements have not been completed; and

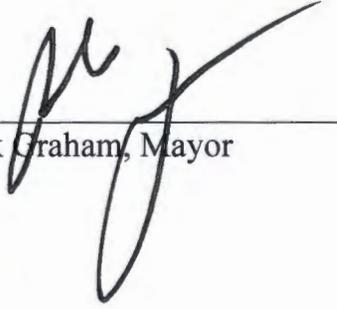
WHEREAS, City staff is recommending to extend the bond for \$65,000.00 for a period of one year during which time the City will obtain the easement for the installation of the right turn lane; and

WHEREAS, City staff is recommending Walmart make payment to the City of \$65,000 after the easement has been obtained to apply towards the City's cost to install the right turn lane as part of the redesign and reconstruction of US 31; and

WHEREAS, City staff is recommending to extend the bond for \$22,000.00 for a period of one year for construction of the access road.

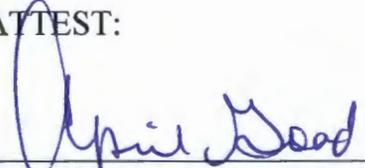
NOW, THEREFORE, BE IT RESOLVED, that the City of Spring Hill, Board of Mayor and Aldermen hereby approve to extend the Performance Bond in the amount of \$65,000.00 for a period of one year and to extend the Performance Bond in the amount of \$22,000.00 for a period of one year.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 20th day of June, 2016.



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

**SPRING HILL
MUNICIPAL PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, SEPTEMBER 12, 2011
5:27 P.M.**

Chairman Schwartz called the Public Hearing to order.

Members present were: Dick Vaughn; Jonathan Schwartz; and Mayor Dinwiddie. Members absent were: Jim Cichoracki and Jonathan Duda. Also present were: Tim Underwood; Jerome Dempsey; Brad Thompson; and Sue Glenn.

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 Planning Commission. No rebuttal remarks are permitted.

Concerned Citizens: Matthew, 2003 Autumn Ridge Way, stated that he thinks the Copperstone Development is a good idea and is something every city should have.

Bruce McNeilage, 3008 Helfrich Court, stated he does not think we need an apartment complex.

Steve Kutchback, 3017 Burnley Court, spoke concerning the apartment complex. He thinks schools should be a strong consideration and that traffic will be an issue. He asked that the Planning Commission not move forward on this issue.

Nick Harris, 5004 Paddy Trace, asked that the Planning Commission do a traffic study.

Beverly Yurovak, 3002 Burnley Court, stated that she thinks the apartments would lower the value of her home.

Walker Cavalcanti, 1036 St. Hubbins Drive, stated that he has nothing against growth but wants the Planning Commission to take it seriously when making this decision.

Richard Yurovak, 3002 Burnley Court, stated that the apartment building does not fit in with his neighborhood.

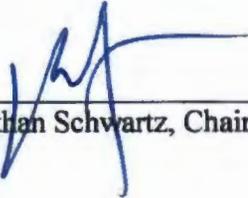
Charlie Schoenbrodt, 2007 Spring Meadows Circle, explained that traffic is bad in the area where the apartments are proposed and not sure what they would do for the area.

Nancy Gregg, 2921 Stewart Campbell Point, stated that she thinks the Planning Commission should not be catering to the builder.

Item for Public Hearing

1. Consider rezone request of 12.12 acres from R-4 (Residential High Density) to R-5 (Residential Apartments). Parcel found on Williamson County Tax Map 167, Portion of Parcel 4.22. Copperstone East Preliminary Development Plan submitted as required.

Chairman Schwartz moved to adjourn the Public Hearing. Motion seconded by Mr. Vaughn. Public Hearing adjourned at 6:00 p.m.



Jonathan Schwartz, Chairman



Michael Dinwiddie, Secretary

**SPRING HILL
MUNICIPAL PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, SEPTEMBER 12, 2011
6:00 P.M.**

Chairman Schwartz called the meeting to order.

Members present were: Dick Vaughn; Jonathan Schwartz; and Mayor Dinwiddie. Members absent were: Jim Cichoracki and Jonathan Duda. Also present were: Tim Underwood; Jerome Dempsey; Brad Thompson; and Sue Glenn.

Consider approval of the August 8, 2011 Planning Commission meeting minutes. Mr. Vaughn moved to approve the minutes. Motion seconded by Mayor Dinwiddie. Minutes approved 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 Planning Commission. No rebuttal remarks are permitted.

Concerned Citizens: Matthew, 2003 Autumn Ridge Way, spoke about the Wal-Mart site plan. He thinks it will create more jobs and is going to help the city, but traffic will be a problem.

Lori Fisk, 1700 Witt Hill Drive, stated that she thinks we should not build an apartment complex if Wal-Mart is approved. She felt the citizens would never get out of their subdivision in that area.

Steve Kutchback, 3017 Burnley Court, spoke regarding the rezoning coupled with the Wal-Mart area. We will be looking at much more of a traffic flow and urged the Planning Commission to do a traffic study before moving forward.

Debbie Hoover, 1706 Dublin Court, asked the Commission to please vote against the location for Wal-Mart.

Tommy Dudley, Kedron Road, stated that the City needs all types of business.

Field, 1913 Amacher Drive, asked that they consider Wal-Mart for another location. He wants a wall between him and Wal-Mart.

Walker Cavalcanti, 1036 St. Hubbins Drive, stated that he felt Wal-Mart should not be put in around single family homes.

Charlie Schoenbrodt, 2007 Spring Meadows Circle, stated that where you have a community you are going to have traffic.

Bob, 1871 O'Reilly Circle, requested that the Planning Commission demand Wal-Mart put a screening of some type between the store and the Shannon Glen subdivision.

A citizen spoke regarding Wal-Mart. He asked that it be tabled so that it would get a 100% of the votes since not all members were present.

Eliot Mitchell, 2823 Tweed Place, stated that Item #5 does not meet city codes concerning the water shed and buffer zones. He stated that the developer had been told that he was grandfathered in, but there is not any grandfathered clause within the City Codes. He stated that the site plan should be brought up to codes before they approve the Final Plat.

Andrew Zirschky, 1749 Witt Way Drive, stated that he was representing the citizens for a better Spring Hill regarding Copperstone Development and Wal-Mart. He stated that the question is "how does the government and citizens regulate growth to the City."

Chairman Schwartz stated that he would like to pull Item #5 off of the Consent Agenda and put on Items to be considered.

Mr. Vaughn made a motion to approve the Agenda. Motion seconded by Mayor Dinwiddie. Motion passed 3/0.

CONSENT AGENDA

1. Consider P.C. Resolution 11-24 to reduce the existing Performance Bond for Royalton Woods Subdivision Section One. Final Plat recorded 12-28-06.
2. Consider P.C. Resolution 11-26 to release the existing Letter of Credit for Glenmont Subdivision. Final Plat recorded 2-2-07.
3. Consider Minor Subdivision Plat of B-4 zoned parcel to create 3 commercial parcels located at 3766 Jim Warren Road. Parcel found on Maury County Tax Map 27, Parcel 025.
4. Consider Minor Subdivision Plat of B-4 zoned parcel to create 2 commercial parcels located at 4646 Derryberry Lane, on the corner of Port Royal Road and Derryberry Lane. Parcel found on Maury County Tax Map 44, Parcel 028.01.
5. Consider Sketch Plan for Copperstone Residential Development. Plan subdivides 57.07 acres into 210 single family lots. Parcel found on Williamson County Tax map 167, portion of Parcel 4.22. Parcel zoned R-4.

Chairman Schwartz moved to approve the Consent Agenda. Motion seconded by Mr. Vaughn. Motion passed, 3/0.

ITEMS TO BE CONSIDERED

Item #1

Consider Final Plat of Cherry Grove Addition Phase Four, Section Two. Plan creates 13 residential lots on 4.33 acres.

Mayor Dinwiddie made a motion to approve. Motion seconded by Chairman Schwartz. Discussion: Jerome explained about the storm water buffer zone. He stated that this phase was approved prior to the City implementing the storm water quality buffer zone and that is where the term "grandfathered" comes in. The second item addressed was a permit for encroaching on the stream bank to install two storm water drainage pipes. He stated that they did meet with the developer on site and he did go ahead and show a storm water quality buffer zone on the plat even though they feel like they are not required to. Jerome stated that all of his concerns had been addressed and that the City Stormwater Coordinator is satisfied with what the developer has done. Motion passed, 3/0.

Item #2

Consider Site Plan for Wal-Mart Supercenter #3017-00 at 4959 Main Street.

Chairman Schwartz made a motion to approve. Motion seconded by Mr. Vaughn. Discussion: Chairman Schwartz stated that there were some items from last week that were not addressed and that they were provided a letter from the attorney and have three motions he would like to see attached to this item. Mr. Underwood explained the different issues: 1) Making a public easement through the development that would be available for public use. 2) A connection with Publix. 3) Improvements beside Walgreens for the turn lane. 4) Letters of credit. He stated that the letter received from the attorney would be attached to the minutes also.

Chairman Schwartz made a motion to amend to conditionally approve Item #1 stating that: 1) Wal-Mart will construct the 30' Public Access Easement Road as a part of the construction of the parking lot of the Wal-Mart retail store as shown on the attached "Exhibit A" to the point as described in the attached "Exhibit B". 2) Wal-Mart will complete construction as shown on attached "Exhibit C" to the north boundary and connection with the existing 30' access road on the Publix property within a commercially reasonable time after further easement rights are obtained or existing rights are enforced. 3) Wal-Mart will also establish an irrevocable Letter of Credit of \$22,000 the City may call in if construction is not completed by Wal-Mart. The letter of credit will expire on 6/30/2014 or within one year after the store opens, whichever occurs first. Amendment #1 passed, 3/0.

Amendment #2 – Wal-Mart will issue a letter of credit to the City of Spring Hill in the amount of \$65,000.00 to secure Wal-Mart's agreement to construct approximately 100' of right turn lane for a right turn lane on Main Street at Campbell Station once the City of Spring Hill obtains the necessary construction easement agreement from the owner of the Walgreen's property. The letter of credit will expire 6/30/2014 or within one year after the store opens, whichever occurs first. Motion passed, 3/0.

P. C. Minutes 9-12-11

Amendment #3 – At the closing of the purchase of the Wal-Mart property, Wal-Mart will cause to be recorded a public access easement agreement to be approved by the City of Spring Hill, whereby Wal-Mart agrees that the 30' Public Access Easement Road will remain open continually for public use for vehicular ingress and ingress from the Publix property, across the Wal-Mart property to the property located to the south of the Wal-Mart property, as shown on "Exhibit A". Motion passed 3/0.

Discussion: Jerome stated that there should be another amendment outlining improvements to Hwy 31 that Wal-Mart agreed to construct and is shown on their site plan. Mayor asked if these plans would have to be submitted to the State. Jerome stated that was correct but that staff has always had the opportunity to review it before it is sent to the State for review and approval. Amendment #4: Wal-Mart agrees to construct improvements to Highway 31 as shown on the site plan for review by the City prior to being submitted to TDOT. Furthermore, Wal-Mart is responsible for the timing, synchronization, and installation of the traffic signal. Amendment passed, 3/0.

Jerome stated that there is some stream location that they need to get proper approval on with TDEC and that also needs to be a condition of approval. Mayor Dinwiddie asked if that condition was necessary. Jerome responded that he would feel more comfortable if it was. Mayor Dinwiddie made a motion for amendment #5: Approval from TDEC. Motion passed, 3/0.

Mayor Dinwiddie asked if there had been any discussion on any type of wall to go behind Wal-Mart. He stated that Wal-Mart had agreed to put up a fence around the rear curb line of the Wal-Mart drive, on the west side of the curb line between the top back of the creek and the curb line itself. Mayor Dinwiddie made a motion to amend. Motion seconded by Mr. Vaughn. Amendment #6: Wal-Mart agrees to construct a 6ft black vinyl coated fence. Motion passed, 3/0.

Item #2 passed with amendments 1-6, 3/0.

Item #3

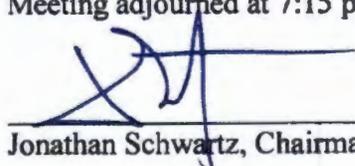
Consider rezone request of 12.12 acres from R-4 (Residential High Density) to R-5 (Residential Apartments). Parcel found on Williamson County Tax Map 167, Portion of Parcel 4.22. Copperstone East Preliminary Development Plan submitted as required.

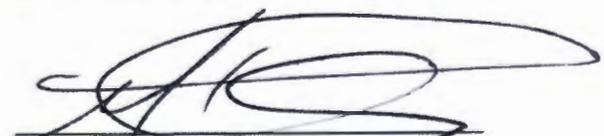
Chairman Schwartz moved to approve Item #3. Motion seconded by Mayor Dinwiddie.

Motion passed, 3/0 to recommend the rezone to the BOMA.

There were no concerned citizens.

Chairman Schwartz made a motion to adjourn the meeting. Motion seconded by Mayor Dinwiddie. Meeting adjourned at 7:15 p.m.


Jonathan Schwartz, Chairman


Michael Dinwiddie, Secretary

P. C. Minutes 9-12-11

Item 1 Walmart

1st Motion to amend Item 1 to conditionally approve

- Wal-Mart will construct the 30' Public Access Easement Road as a part of the construction of the parking lot of the Wal-Mart retail store as shown on the attached "Exhibit A" to the point as described in the attached "Exhibit B".
- Wal-Mart will complete construction as shown on attached "Exhibit C" to the north boundary and connecting with the existing 30' access road on the Publix property within a commercially reasonable time after further easement rights are obtained or existing rights are enforced.
- Wal-Mart will also establish an irrevocable Letter of Credit of \$22,000 the City may call in if construction is not completed by Wal-Mart.

The letter of credit will expire on 6/30/2014 or within one year after the store opens, whichever occurs first.

2nd Motion to amend Item 1 to conditionally approve

Wal-Mart will issue a letter of credit to the City of Spring Hill in the amount of \$65,000.00 to secure Wal-Mart's agreement to construct approximately 100' of right turn lane for a right turn lane on Main Street at Campbell Station once the City of Spring Hill obtains the necessary construction easement agreement from the owner of the Walgreen's property.

The letter of credit will expire on 6/30/2014 or within one year after the store opens, whichever occurs first.

3rd Motion to amend Item 1 to conditionally approve

At the closing of the purchase of the Wal-Mart property, Wal-Mart will cause to be recorded a public access easement agreement to be approved by the City of Spring Hill, whereby Wal-Mart agrees that the 30' Public Access Easement Road will remain open continually for public use for vehicular ingress and ingress from the Publix property, across the Wal-Mart property to the property located to the south of the Wal-Mart property, as shown on "Exhibit A".

4th Motion to amend Item 1 to conditionally approve

Wal-Mart agrees to construct improvements to Highway 31 as shown on the site plan for review by the city prior to being submitted to TDOT. Furthermore, Wal-Mart is responsible for the timing, synchronization, and installation of the traffic signal.

5th Motion to amend Item 1 to conditionally approve

Approval from TDEC

6th Motion to amend Item 1 to conditionally approve

Wal-Mart agrees to construct a 6ft black vinyl coated fence.



Lexington Financial Center
250 West Main Street, Suite 1600
Lexington, Kentucky 40507-1746
859.233.2012
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Richard M. Hoppood
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September 12, 2011

Mr. Timothy P. Underwood
Spring Hill City Attorney
City of Spring Hill Planning Commission
119 S. First Street
P.O. Box 458
Pulaski, TN 38478

Re: Wal-Mart Real Estate Business Trust

Dear Mr. Underwood:

As counsel for Wal-Mart Real Estate Business Trust ("Wal-Mart"), I have reviewed the proposed site plan for a proposed Wal-Mart Supercenter at 4959 Main Street, Spring Hill, Tennessee, and I have also reviewed the Spring Hill Planning Staff recommendation of approval of site plan with conditions.

With respect to the 30' Public Access Easement, Wal-Mart will construct the 30' Public Access Easement Road as a part of the construction of the parking lot of the Wal-Mart retail store as shown on the attached Exhibit A, subject to limitations on Wal-Mart's ability to complete the portion of the 30' Public Access Easement Road on the north side of the Wal-Mart property as shown on Exhibit A resulting from the need for further easement rights from the owner of the Publix property or enforcement of existing easement or development rights by the City of Spring Hill against the owner of the Publix property. The attached Exhibit B shows the point to which Wal-Mart can reasonably construct the 30' Public Access Road toward the north boundary of the Wal-Mart property pending further easement rights. I have attached an Exhibit C that shows the remaining portion of the 30' Public Access Easement Road that will be constructed by Wal-Mart to connect the 30' Public Access Easement Road to the 30' access road on the Publix Property when the necessary easements obtained over the Publix property are enforced.

Wal-Mart will complete construction of the 30' Public Access Easement Road to the north boundary and connecting with the existing 30' access road on the Publix property within a commercially reasonable time after further easement rights are obtained or existing rights are enforced. In order to secure Wal-Mart's agreement to complete the unconstructed north portion of the 30' Public Access Easement Road, Wal-Mart shall cause to be issued in favor of the City of Spring

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Louisville, KY 40202-2898
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101 West Spring Street, Suite 500
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Mr. Timothy P. Underwood
September 12, 2011
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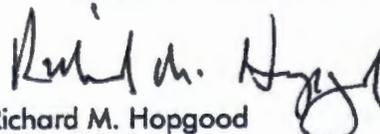
Hill, Tennessee, an irrevocable letter of credit in the amount of \$22,000.00 which may be called by the City of Spring Hill, Tennessee, if Wal-Mart does not complete the north portion of the 30' Public Access Easement Road as agreed to after the City of Spring Hill has obtained the necessary easement rights. Wal-Mart will also issue a letter of credit to the City of Spring Hill in the amount of \$65,000.00 to secure Wal-Mart's agreement to construct approximately 100' of right turn lane for a right turn lane on Main Street at Campbell Station once the City of Spring Hill obtains the necessary construction easement agreement from the owner of the Walgreen's property. Wal-Mart will keep these letters of credit in force until the earlier of one year after the Wal-Mart store opens or June 30, 2014.

At the closing of the purchase of the Wal-Mart property from Ben and Burnetta H. Gary, Wal-Mart will cause to be recorded a public access easement agreement to be approved by the City of Spring Hill, whereby Wal-Mart agrees that the 30' Public Access Easement Road will remain open continually for public use for vehicular ingress and ingress from the Publix property, across the Wal-Mart property to the property located to the south of the Wal-Mart property, as shown on Exhibit A. Periodic maintenance and repair may require temporary closure of the 30' Public Access Easement Road, but such closure shall only be for the period of time necessary to complete such repairs or maintenance.

Please let me know if you have any questions.

Very truly yours,

WYATT, TARRANT & COMBS, LLP


Richard M. Hopgood

RMH/akf

Attachments

cc: Casey Wilder, Carlson Consulting Engineers
Adele E. Lucas, Wal-Mart Associate General Counsel
Roger Thompson, Wal-Mart Senior Director
Shawn R. Henry

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EXHIBIT "A"

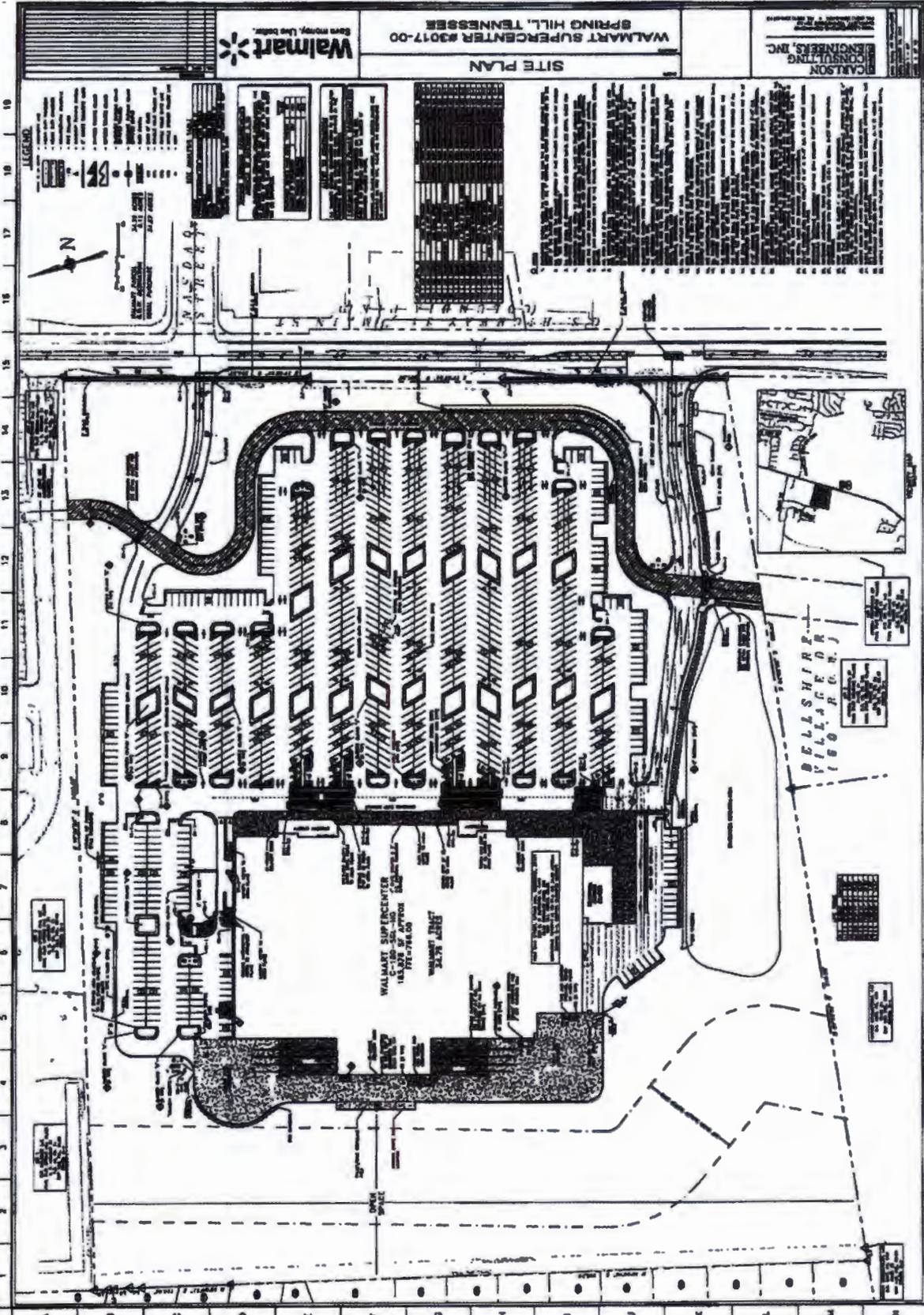
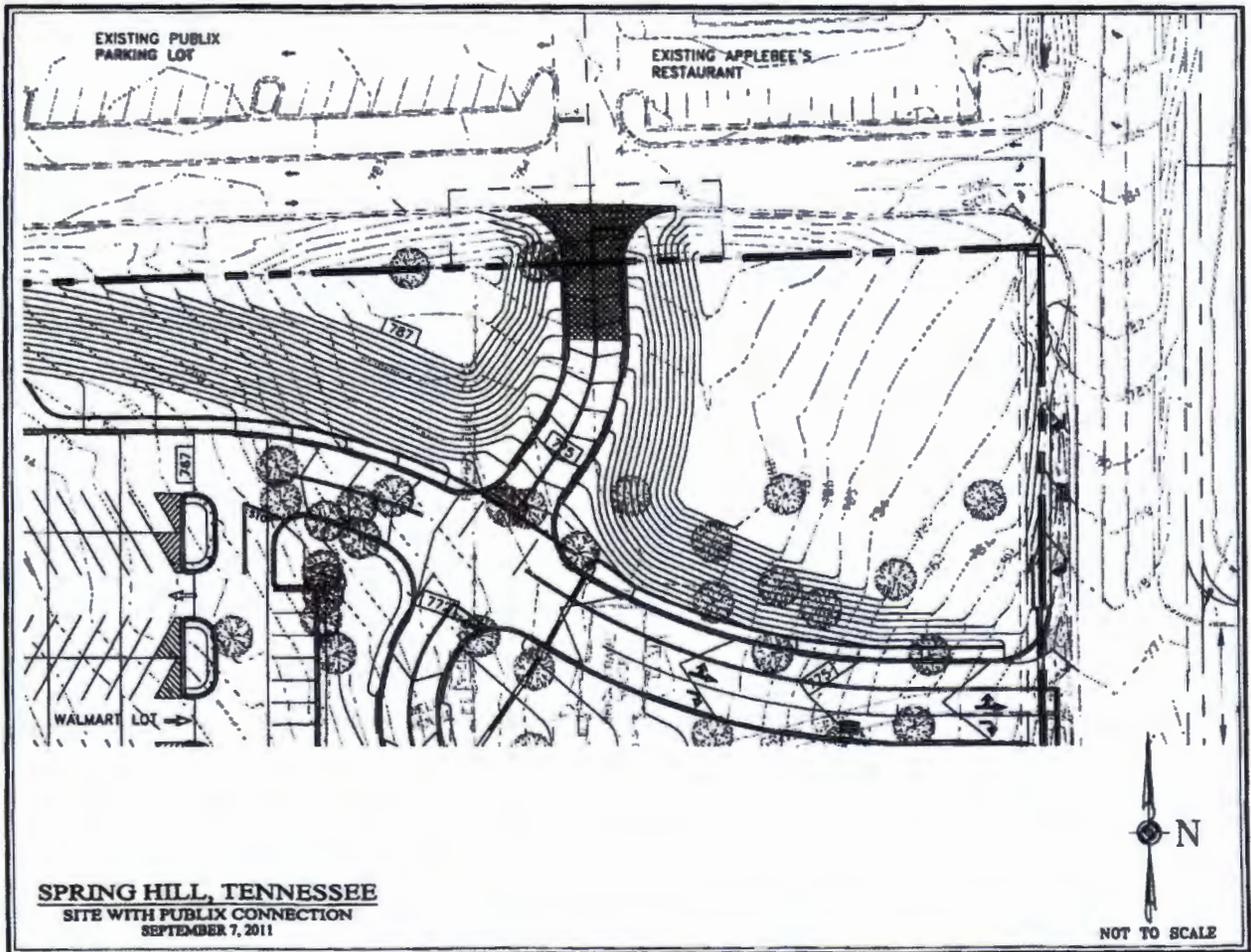


EXHIBIT "C"



**SPRING HILL
MUNICIPAL PLANNING COMMISSION
SPECIAL CALLED MEETING MINUTES
THURSDAY, DECEMBER 29, 2011
6:05 P.M.**

Chairman Schwartz called the meeting to order.

Members present were: Jonathan Schwartz; Jonathan Duda; Jim Cichoracki; Jim Webb; and Mayor Dinwiddie. Also present were: Sue Glenn.

No Chairman comments.

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 Planning Commission. No rebuttal remarks are permitted.

ITEMS TO BE CONSIDERED

Item #1

Consider revision to Wal-Mart Site Plan. (Staff comments attached)

Mr. Duda moved to approve Item #1. Motion seconded by Mr. Cichoracki. Discussion: Casey Wilder stated that there were no problems with Jerome's comments. He spoke about sidewalks and parking spaces. He stated that there will be a total of 744 usable parking spaces. Mr. Duda made a motion to approve with the following conditions: 1) Add sidewalks to site plan as recommended by staff; 2) Must coordinate with City Engineer and MS4 for stream buffer; 3) Must submit revised photometric plan; 4) Submit revised elevations showing garden and open shopping area on north side of building vice south side. Motion seconded by Mr. Cichoracki. Motion passed 4/1.

Chairman Schwartz moved to adjourn the meeting. Motion seconded by Mr. Duda. Meeting adjourned at 6:20 p.m.



Jonathan Schwartz, Chairman



Michael Dinwiddie, Mayor

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Spring Hill Planning Commission
Special Called Meeting
December 29, 2011

To Be Considered
Item #1

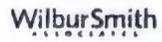
Consider revision to Walmart Site Plan.

Project Name	Site Plan Revision
Map #	167
Parcel #	03.00
Requested By	Carlson Consulting Engineers
Staff Recommendation	<i>Approve with conditions</i>
<hr/>	
APPLICANT REQUEST	Applicant requests approval of site plan revision

Existing Zoning	B-4 Permitted Uses: Any uses permitted in B-1, B-2, and B-3 districts. Places of amusement and assembly, hotels, public garages or other motor vehicle services. Mini-warehouse storage units limited to indoor storage only. Any retail or wholesale business or service. The making of articles to be sold at retail on the premises, provided, however, that any manufacturing shall be restricted to light manufacturing incidental to a retail business or service where the products are sold principally on the premises by the producer to the consumer and where not more than five (5) operatives are employed in such manufacture. Any accessory use or building customarily incidental to the above permitted uses. Apartments, in accordance with Article VII, Subsection 2.1(1). Restaurants.
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FUTURE LAND USE PLAN **Suburban-Center**

Future Land Use Additional Information	The FLUP calls for Suburban-Center on this property. Suburban-Center is characterized by commercial and residential development at the intersection of major transportation corridors. Areas to the east, north and south are designated as Suburban-Center and areas to the west are designated as Suburban-Neighborhood.
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Spring Hill Planning Commission
Special Called Meeting
December 29, 2011

To Be Considered
Item #1

**ENGINEERING AND CITY STAFF
COMMENTS**

1. Label all storm drainage components for material and size on the Grading Plan.
2. Have Utility Plans been revised? If so, submit all sheets with revisions.
3. Have Elevations been revised?
4. Thermoplastic traffic markings are required on the public access road.

*North
South*

CONDITIONS/COMMENTS

1. Staff recognizes that many proposed parking spaces are proposed for the sides of the building, but this will be both functional and aesthetically pleasing.
 2. Add sidewalk along the northern end for pedestrian access and extend sidewalk on the southern end.
 3. Was variance granted to allow 9.5' x 18' parking spaces?
 4. Adjust parking table to show that 780 total spaces are provided.
 5. Proposed trees on landscaping plans shall have a minimum three inch caliper.
-



DEMPSEY, DILLING
& ASSOCIATES, P.C.
ENGINEERING CONSULTANTS

WilburSmith
ASSOCIATES

**Spring Hill Planning Commission
Special Called Meeting
December 29, 2011**

**To Be Considered
Item #1**

PLAN DETAILS

The purpose of this Site Plan revision is to revise the Walmart Supercenter parking lot layout and to move the building closer to US 31.

**MAJOR THOROUGHFARE PLAN
RECOMMENDATION**

Project 3, SR 6 (US 31), widen to a four lane, median divided roadway, from Miles Johnson Parkway to Buckner Road.

STAFF RECOMMENDATION

Staff recommends approval of this site plan with conditions.



**DEMPSEY, DILLING
& ASSOCIATES, P.C.**
CERTIFIED PROFESSIONAL ENGINEERS

WilburSmith
ASSOCIATES

