

RESOLUTION 16-145

A RESOLUTION UPHOLDING THE PLANNING COMMISSION DECISION AND ASSOCIATED CONDITIONS OF APPROVAL FOR PPL 230-2016

WHEREAS, a neighborhood concept plan (NPC 190-2016) was reviewed and approved by the Planning Commission with conditions of approval that were subsequently amended by the Board of Mayor and Aldermen (Resolution 16-105); and

WHEREAS, the applicant submitted a preliminary plat application for Planning Commission consideration in accordance with Article IV of the Zoning Ordinance; and

WHEREAS, the Planning Commission is responsible for enforcing the decisions of the Board of Mayor and Aldermen and exercising the full extent of the powers granted to it pursuant to Section 14.03 of the Spring Hill Municipal Code and Chapter 13 of the Tennessee Code Annotated; and

WHEREAS, Resolution 16-105 requires that sidewalk be constructed on one side of all local and collector streets; and

WHEREAS, on September 13, 2016, the Planning Commission voted to approve PPL 230-2016 with conditions in accordance with Resolution 16-105 and with the powers granted to them by the Spring Hill Subdivision Regulations, Spring Hill Zoning Ordinance, Spring Hill Municipal Code, Tennessee Code Annotated; and

WHEREAS, the Board of Mayor and Aldermen deems it in the best interest of the City of Spring Hill that the Planning Commission's conditions of approval remain for PPL 230-2016.

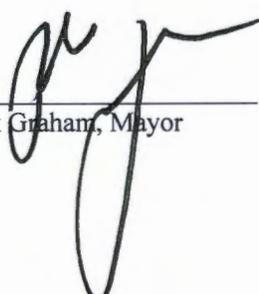
NOW, THEREFORE BE IT RESOLVED, by the City of Spring Hill Board of Mayor and Aldermen upholds the Planning Commission's decision, subject to the following:

1. *Prior to the submittal of a final plat application, the developer/owner shall complete the land dedication process for the 32.89 acres associated with Resolution 16-119.*
2. *Development and use of the dedicated land shall be at the discretion of the City of Spring Hill.*
3. *Lighting of the dedicated land shall not include sports and stadium lighting. Any lighting installed on the property shall be full cutoff fixtures pointed downward.*
4. *Stormwater management facilities for private development shall not be permitted within the land to be dedicated.*
5. *By dedicating the property to the City, the developer/owner is not responsible for construction of any greenways or bicycle paths that would otherwise be required.*
6. *By dedicating the land, the City will allow the developer to construct, bond, or make a cash in-lieu of payment for road improvements required by the development to include, at a minimum, milling and overlay of pavement along the property's frontage on Tom Lunn Road.*
7. *Should the developer/owner decide not complete land dedication process, the project will be considered substantially changed and will require Planning Commission approval of a new neighborhood concept plan, at which time the property will be subject to all requirements of the*

zoning ordinance, subdivision regulations, Bicycle and Greenway Plan, Major Thoroughfare Plan, and any other Planning Commission conditions of approval, including but not limited to open space, sidewalk construction, street improvements, pedestrian and bicycle facilities, interconnectivity, and emergency access.

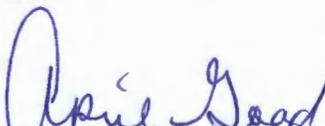
8. *Right-of-way dedication along the property's frontage onto Tom Lunn Road shall reflect the minimum right-of-way requirements for a Collector street in the City's Major Thoroughfare Plan.*
9. *By dedicating the land, the developer/owner is allowed to construct sidewalk on only one side of the new streets through the development. A five-foot sidewalk shall be installed on one side of both local streets and collector streets, including Tom Lunn Road. The five-foot sidewalk on Tom Lunn Road shall be completed with the first phase of the development.*
10. *Cross section with curbs extruded shall measure 22 feet plus shoulders for local roads.*
11. *Preliminary Plat approval shall remain valid for a period of two (2) years, during which time the applicant shall obtain Planning Commission approval of a final plat application.*
12. *Modification to the plat may require Planning Commission approval prior to submittal of a final plat application.*

Passed and adopted this 17th day of October, 2016.



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

SUBJECT: RES 16-145 (Appeal of the Planning Commission's Decision for PPL 230-2016)

DATE: October 17, 2016

ATTENTION: Board of Mayor and Aldermen (BOMA)

DEPARTMENT HEAD: Dara Sanders, Planning Director



STAFF MEMORANDUM

Request: On September 13, 2016, the Planning Commission approved a preliminary plat application for the subject property (4355 Tom Lunn Road) with conditions of their approval supporting the conditions of approval required by the Planning Commission with NCP 190-2016 and the Board of Mayor and Aldermen with Resolution 16-105. Both are attached to this memo.

The applicant/developer has appealed the Planning Commission's condition of approval requiring construction of a five-foot sidewalk along Tom Lunn Road in accordance with the requirements of the Subdivision Regulations and Resolution 16-105.

The following outlines the relief already granted to the applicant for the subject property:

- 1. Major Thoroughfare Plan.** The applicant/developer has received Planning Commission approval of relief from the planned street connections shown in the Major Thoroughfare Plan. Tom Lunn is designated as a Local Street in the City's Major Thoroughfare Plan, and a new Collector Street is identified along the western boundary of the subject property. The applicant/developer requested relief from the requirement to build a roadway to Collector Street standards. Instead, the Planning Commission agreed that Tom Lunn should be considered a Collector Street and that right-of-way in the amount of 37.5 feet from centerline (Collector standards) be dedicated. The estimated cost of this relief is \$337,144.84.
- 2. Street improvements.** The applicant/developer has received Planning Commission and BOMA approval of relief from street improvements to Tom Lunn Road required by the City's Subdivision Regulations. While the existing street was designated as a Local Street and determined by the Planning Commission to serve as a Collector in place of a new roadway, Tom Lunn Road is not constructed to either Local Street or Collector Street standards, and the applicant/developer is required to mill and overlay the existing roadway along the property's frontage. The estimated cost of relief from the requirement to reconstruct Tom Lunn Road to Local Street standards along the property's frontage is \$28,128.
- 3. Sidewalk construction.** The applicant/developer has received BOMA approval of relief from sidewalk construction required by the City's Subdivision Regulations. The Planning Commission required that the applicant construct sidewalks on both sides of the new streets, in accordance with the Subdivision Regulations. That requirement was appealed to the Board of Mayor and Aldermen and overturned with Resolution 16-105. Condition approval #7 of Resolution 16-105 states that "sidewalks shall be installed on one side of both local streets and collector streets". The estimated cost of this relief is \$136,125.00.
- 4. Bicycle and Greenway Plan.** The applicant/developer has received Planning Commission and BOMA approval of relief from the Bicycle and Greenway Plan. Tom Lunn is designated as a bike lane route, and the southern portion of the property is designated as a greenway route to provide access to Port Royal Park to the south. The

City of Spring Hill, Tenn.

199 Town Center Parkway | Spring Hill, TN 37174 | (931) 486-2252

applicant/developer requested relief from the requirement to construct these facilities in exchange for dedication of land encumbered by floodway and floodplain to the City of Spring Hill for the purpose of expanding Port Royal Park. The estimated cost of this relief is \$196,853.75.

The applicant/developer now requests relief from the BOMA's Resolution 16-105 condition of approval #7 to eliminate the requirement for sidewalk construction along Tom Lunn Road. The estimated cost of this relief is \$55,000.

The total estimated costs associated with the relief from the City's infrastructure improvement requirements as requested by the applicant/developer is \$725,150.97. Approximately \$332,987.75 of this relief is associated with the dedication of land, as discussed above. Based on staff's calculations, the remaining estimated cost associated with the requested relief from infrastructure improvements is approximately \$392,172.22 (including this request to be relieved of the Tom Lunn sidewalk requirement).

Recommendation: Staff recommends upholding the conditions of approval for Resolution 6-105 and PPL 230-2016.



Spring Hill Planning Commission

TO: Spring Hill Planning Commission
FROM: Dara Sanders, Planning Director
MEETING: June 13, 2016
SUBJECT: NPC 190-2016 (The Cove)

NCP 190-2016: Submitted by Ragan-Smith for The Cove located at 4355 Tom Lunn Rd. The property is zoned R-2, Medium Density District and contains approximately 91.20 acres. The applicant requests Neighborhood Concept Plan approval for 94 single family residential lots.

Property description and history: This undeveloped property is located northwest of the intersection of Tom Lunn Road and Port Royal Road. A creek traverses along the southern property line. The majority of the surrounding properties are developed for low-density single-family residences or are used for agricultural purposes, with exception of Port Royal Park located south of the subject property.

Request: The applicant requests neighborhood concept plan approval for 94 single-family dwellings.

Bulk and area requirements: The applicant has not submitted sufficient information indicating that the proposed 94 lots meet the minimum bulk and area requirements identified on the plat. Approval of the neighborhood concept plan does not relieve the applicant/developer of the zoning ordinance requirements. At the time of site plan application, the applicant will be required to verify compliance with all zoning ordinance requirements.

Streets and sidewalk: Tom Lunn Road is designated as Local street in the Major Thoroughfare Plan, which requires a minimum of 50 feet of right-of-way. Pursuant to the requirements of the City's zoning ordinance for a neighborhood concept plan, the applicant is required to identify and delineate all existing conditions of the property's frontage along the public street. **Prior to the submittal of a preliminary plat application, the neighborhood concept plan shall be updated to delineate the existing and Major Thoroughfare Plan rights-of-way from centerline.**

The Major Thoroughfare Plan identifies a new Collector street in the area. New streets identified in the Major Thoroughfare Plan are intended to be general locations, not exact locations. Based on discussions between the Planning Director, Infrastructure Director, and the applicant, consideration of upgrading Tom Lunn Road to a Collector is recommended due to existing surrounding conditions, including a significant TVA easement, substantial floodplain area, and the creek location and configuration.

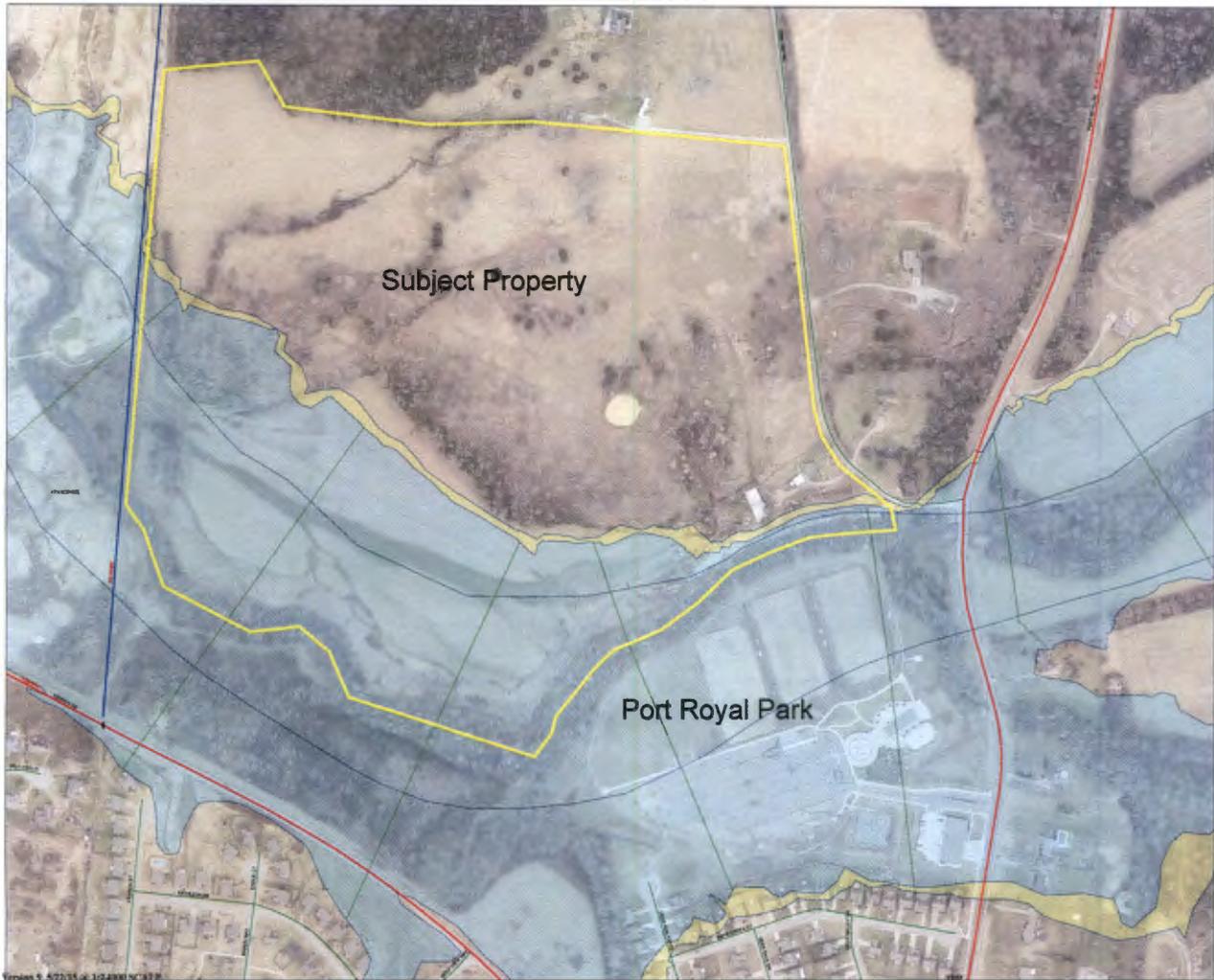
The applicant proposes to provide one street connection to Tom Lunn Road. No other street connections are proposed.

Bicycle and Greenway Plan: Tom Lunn Road is designated as a bike lane route. Again, the Bicycle and Greenway Plan is intended to identify the general location of bicycle and pedestrian facilities, and the exact location must be worked out at the time of development or City's construction of facilities. Since the Planning Commission work session, the applicant has submitted a request to the Board of Mayor and Aldermen (BOMA) to dedicate 32.89 acres of floodplain and floodway to the City in-lieu of construction or participation in the bicycle and pedestrian facilities recommended by the Bicycle and Greenway Plan. Staff has recommended a condition addressing this proposal and an alternative should the BOMA not approve the request.

Recommendation: Staff recommends approval of the request, subject to the following conditions of approval:

1. Neighborhood concept plan approval shall remain valid for a period of three (3) years, during which time a preliminary plat application shall be submitted in accordance with the approved plan and all associated conditions.

2. Modification to the neighborhood concept plan may require Planning Commission approval prior to submittal of a preliminary plat application.
3. At the time of preliminary plat application, the applicant shall be assessed a fee in-lieu of street improvements to Tom Lunn Road to include the cost of milling and overlay.
4. Right-of-way dedication along the property's frontage onto Tom Lunn Road shall reflect the minimum right-of-way requirements for a Collector street in the City's Major Thoroughfare Plan.
5. Prior to the submittal of a preliminary plat application, the applicant shall complete the park land dedication process. Should the Board of Mayor and Aldermen decide not to accept the proposed park land dedication, the Planning Commission may require construction of a pedestrian bridge and/or other facilities in accordance with the City's Bicycle and Greenway Plan.
6. Prior to the submittal of a preliminary plat application, the neighborhood concept plan shall be updated with a purpose note and to delineate the existing and Major Thoroughfare Plan rights-of-way from centerline



- Legend**
- Proposed_Plan CLASS**
- ARTERIAL
 - COLLECTOR
 - LOCAL
 - SH_Roads
 - S_BFE
 - S_Fld_Haz_Ln
 - S_FIRM_Pen
 - S_Fld_Haz_Ar
- FLD_ZONE**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - A
 - AE
 - X

Subject Property

Port Royal Park



Shaw Enterprises
113 Nashville Highway
Columbia, TN 38401
931-381-3881

9-22-16

Board of Mayor and Alderman
City of Springhill, Tennessee
199 Town Center Parkway
P.O. Box 789
Spring Hill, TN 37174

Pursuant to Article XVII, Section 3 of The Zoning Ordinance of the City of Spring Hill, Tennessee, Shaw Enterprises, LLC ("Shaw Enterprises"), the developer for The Cove at Spring Hill subdivision, hereby appeals the September 12, 2016, decision of the Planning Commission to condition approval of Shaw Enterprises' request for preliminary plat approval (PPL 230-2016) upon the construction of "a 5-foot-wide sidewalk" on the west side of Tom Lunn Road.

The condition imposed by the Planning Commission conflicts with, and is therefore in violation of, the Board of Mayor and Aldermen's August 15, 2016, Resolution 16-119, which accepted the dedication of 32.89 acres of land from Shaw Enterprises and expressly addressed the issue of sidewalks. The Resolution provided that "[t]he developer is allowed to construct sidewalks on only one side of the new streets through the development." (See Resolution 16-119.)

Shaw Enterprises proposed the dedication to the City of Spring Hill as a mutually beneficial exchange. Shaw Enterprises proposed dedication of the land to the City of Spring Hill for the expansion of Port Royal Park. In return, the obligation of Shaw Enterprises to construct new sidewalks was limited to construction of sidewalks "on only one side of the new streets through the development."

By seeking to condition preliminary plat approval upon the construction of "a 5-foot-wide sidewalk" on the west side of Tom Lunn Road, the Planning Commission has acted contrary to Resolution 16-119. The Commission's imposition of such condition should therefore be reversed. Shaw Enterprises would like to move forward with the land dedication to the city but will be forced to withdraw the land dedication offer to the city if this board does not reverse this condition of approval.

Thank you in advance for your prompt consideration of this appeal.

Very truly yours:

A handwritten signature in black ink that reads "Randall Shaw". The signature is written in a cursive style with a large, sweeping flourish over the name.

Randall Shaw

RESOLUTION 16-105

A RESOLUTION TO MODIFY THE PLANNING COMMISSION DECISION AND ASSOCIATED CONDITIONS OF APPROVAL FOR NCP 190-2016

WHEREAS, the applicant submitted a neighborhood concept plan for Planning Commission consideration in accordance with Article IV of the Zoning Ordinance; and

WHEREAS, the Planning Commission is required to exercise the full extent of the powers granted to it pursuant to Section 14.03 of the Spring Hill Municipal Code and Chapter 13 of the Tennessee Code Annotated; and

WHEREAS, Section 8 of the Spring Hill Zoning Ordinance authorizes the Planning Commission to approve applications with conditions; and

WHEREAS, the Spring Hill Subdivision Regulations require Planning Commission consideration and determination of sidewalk location and street design for residential subdivisions; and

WHEREAS, on June 13, 2016, the Planning Commission voted to approve NCP 190-2016 with conditions in accordance with the powers granted to them by the Spring Hill Subdivision Regulations, Spring Hill Zoning Ordinance, Spring Hill Municipal Code, Tennessee Code Annotated; and

WHEREAS, the Board of Mayor and Aldermen deems it in the best interest of the City of Spring Hill that the Planning Commission's conditions of approval be modified for NCP 190-2016.

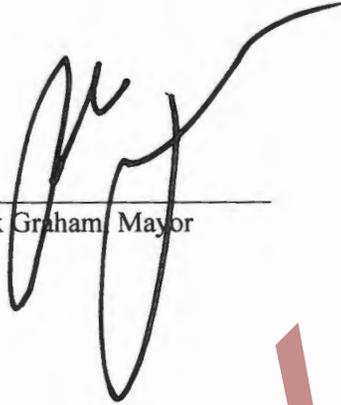
NOW, THEREFORE BE IT RESOLVED, by the City of Spring Hill Board of Mayor and Aldermen determine the conditions of approval for NCP-2016 shall be as follows:

- 1. Neighborhood concept plan approval shall remain valid for a period of three (3) years, during which time a preliminary plat application shall be submitted in accordance with the approved plan and all associated conditions.*
- 2. Modification to the neighborhood concept plan may require Planning Commission approval prior to submittal of a preliminary plat application.*
- 3. At the time of preliminary plat application, the applicant shall be assessed a fee in-lieu of street improvements to Tom Lunn Road to include the cost of milling and overlay.*
- 4. Right-of-way dedication along the property's frontage onto Tom Lunn Road shall reflect the minimum right-of-way requirements for a Collector street in the City's Major Thoroughfare Plan.*
- 5. Prior to the submittal of a preliminary plat application, the applicant shall complete the park land dedication process. Should the Board of Mayor and Aldermen decide not to accept the proposed park land dedication, the Planning Commission may require construction of a pedestrian bridge and/or other facilities in accordance with the City's Bicycle and Greenway Plan.*
- 6. Prior to the submittal of a preliminary plat application, the neighborhood concept plan shall be updated with a purpose note and to delineate the existing and Major Thoroughfare Plan*

rights-of-way from centerline.

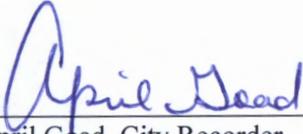
7. *Sidewalks shall be installed on one side of both local streets and collector streets.*
8. *Cross section with curbs extruded shall measure 22 feet plus shoulders for local roads.*

Passed and adopted this 18th day of July, 2016.



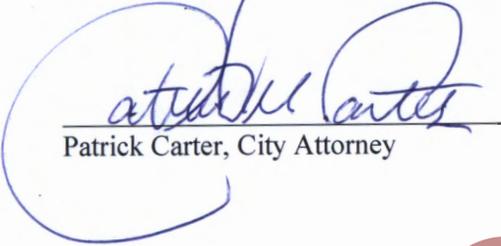
Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

COPY

**AMENDMENT BY ALDERMAN FITTERER
ON RESOLUTION 16-105**

WHEREAS, the Board of Mayor and Aldermen deems it in the best interest of the City of Spring Hill that the Planning Commission's conditions of approval be modified for NCP 190-2016

NOW, THEREFORE BE IT RESOLVED, by the City of Spring Hill Board of Mayor and Aldermen determine the conditions of approval for NCP-2016 shall be as follows;

1. Neighborhood concept plan approval shall remain valid for a period of three (3) years, during which time a preliminary plat application shall be submitted in accordance with the approved plan and all associated conditions.
2. Modification to the neighborhood concept plan may require Planning Commission approval prior to submittal of a preliminary plat application.
3. At the time of preliminary plat application, the applicant shall be assessed a fee in-lieu of street improvements to Tom Lunn Road to include the cost of milling and overlay.
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5. Prior to the submittal of a preliminary plat application, the applicant shall complete the park land dedication process. Should the Board of Mayor and Aldermen decide not to accept the proposed park land dedication, the Planning Commission may require construction of a pedestrian bridge and/or other facilities in accordance with the City's Bicycle and Greenway Plan.
6. Prior to the submittal of a preliminary plat application, the neighborhood concept plan shall be updated with a purpose note and to delineate the existing and Major Thoroughfare Plan rights-of-way from centerline
7. Sidewalks shall be install on one side of both local streets and collector streets.
8. Cross section with curbs extruded shall measure 22 feet plus shoulders for local roads.