

RESOLUTION 20-188B

A RESOLUTION TO APPROVE AN APPEAL OF A PLANNING COMMISSION DECISION TO DENY PDM 879-2020 AN AMENDMENT TO MODIFY OPEN SPACE AMENITIES IN THE CHERRY GROVE ADDITION PUD

WHEREAS, Ordinance 86-47, the same being the zoning ordinance of the City of Spring Hill, in Article X governs the creation and modification of planned unit developments; and

WHEREAS, Article X, Section 2.11(2.4) provides a procedure for amending the use of common open space within a PUD; and

WHEREAS, the developer of the Cherry Grove Addition PUD desires to be released from the requirement to provide a tennis court as part of the amenity package for the PUD; and

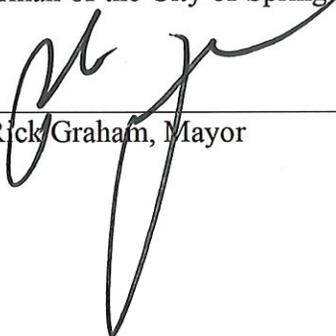
WHEREAS, the Planning Commission denied PDm 879-2020 during their meeting of October 12, 2020; and

WHEREAS, the developer requests an appeal of PDm 879-2020 as provided in Article XVII of Ordinance 86-47, the former zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF SPRING HILL, TENNESSEE, AS FOLLOWS:

SECTION 1: The appeal of the Planning Commission decision to deny PDm 879-2020, an amendment to the Cherry Grove Addition PUD, to remove "tennis court" from the Master Development Plan and to adopt the revised Master Development Plan dated December 21, 2020 and attached hereto as Exhibit A, is hereby approved.

Passed and adopted by the Board of Mayor and Alderman of the City of Spring Hill, Tennessee, on this 7th day of December, 2020.

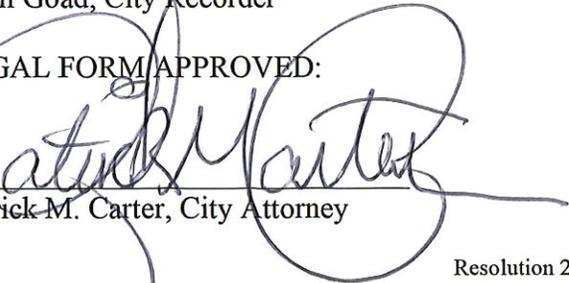


Rick Graham, Mayor

ATTEST:

April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick M. Carter, City Attorney

Resolution 20-188B
Page 1 of 1



Board of Mayor and Aldermen - Appeal

TO: Board of Mayor and Aldermen
FROM: Steve Foote, AICP, Planning Director
MEETING: December 7, 2020
SUBJECT: Appeal of Planning Commission action to deny PDM 879-2020 (Cherry Grove PUD)

PDM 879-2020: The attached appeal was submitted by Tom White of Tune, Entekin & White, P.C. Property is zoned R-2 PUD and contains approximately 144 acres. The applicant requests Board of Mayor and Alderman consideration of the Planning Commission action to deny a PUD modification to remove the required amenity of a tennis court from the Master Development Plan for Cherry Grove Addition on October 12, 2020.

The Cherry Grove PUD Addition was approved in 2002 under the provisions of the former zoning ordinance. Article XVII, Appeals, provides the authority and process for appealing decisions of the Planning Commission. The application was timely and received by the City Recorder within the required ten (10) day time period. The Board of Mayor and Aldermen are called upon to render a decision to approve, approve with conditions, or deny the appeal (PUD amendment). This package contains information presented to the Planning Commission on October 12, 2020 and other information related to this request. The appeal will be heard "de novo" or as a new request based on the merits of the code.

Property Description and History: This property is located on Buckner Lane and zoned R-2, PUD. Property to the east is either located in Williamson County or part of the Buckner Lane Planned Zoning District. Properties to the north, south, and west are zoned for single family residential uses.

The applicant recently processed a preliminary plat for Cherry Grove Addition, Phase 3. This is the last remaining undeveloped area within the PUD and fronts directly on Buckner Lane. During the review of this item it was noted that the Master Development Plan for Cherry Grove Addition, which was approved in 2002 (attached), included a note (#6) specifying the required open space amenities. A tennis court was listed and has not been constructed. Other amenities have been constructed.

During the discussion of this subject with the Planning Commission, the Commission appeared to support the removal of the tennis court requirement, but requested that proper notice be provided to the Cherry Grove HOA. Staff informed the Planning Commission that the code provided for the removal of the requirement for the tennis court through a PUD amendment. Article X, planned unit development, includes a process for amending the PUD that would permit the list of original amenities to be amended by Planning Commission action. This request is made under the provisions contained in the former zoning ordinance and subdivision regulations.

Spring Hill Rising: 2040 Comprehensive Plan: This location is identified as a Residential Neighborhood Area in the City's comprehensive plan. The request does not impact the comprehensive plan.

Discussion: Section 2.11(2.4) of Article X of the former zoning ordinance addresses changes in the "use of common open space" (below). The Planning Commission is authorized to approve these changes. Through the appeal process, the Board of Mayor and Alderman are authorized to approve the requested change.

2.11(2.4) Changes in the use of common open space may be authorized by an amendment to the final development plan provided that no amendment approved hereunder may act to abrogate or annul any covenant which provides for the use, operation, or continuance of the common open space.

The proposed change effectively modifies Note #6 on the Sketch Plan and Master Development Plan for Cherry Grove Addition by removing the reference to "Tennis Court". Members of the Planning Commission during the review of the Cherry Grove Addition, Phase 3 preliminary plat expressed a desire to have the applicant obtain a letter from the Cherry

Grove HOA stating that they supported the removal of the tennis court requirement. This request was later modified to require notice being provided to the HOA by the applicant. A copy of the letter sent to the HOA via Ghertner & Company on October 5, 2020 is attached. This letter was forwarded by Ghertner to the HOA Board and residents in Cherry Grove. An official response from the HOA was not received. Following receipt of this appeal Ghertner & Company was re-notified of the Board of Mayor and Alderman dates for considering this request. No new comments have been received by the Planning Department.

When staff was initially looking into the question of the tennis court and trying to assemble history related to this requirement the following was determined.

1. The Cherry Grove Addition PUD was approved in 2002.
2. The clubhouse and swimming pool in the amenity area of Cherry Grove was constructed between March 2006 and January 2007.
3. No records or minutes were found to establish that the Planning Commission approved a site plan for the amenity center or that the 'city' granted a waiver to the construction of the tennis court. During the time period in question most amenity plans were approved by the Building Official, Ferrell White.
4. No explanation has been found or determined that would explain: a) why the developer did not propose the tennis court with the other amenities at the time of construction, or b) why the development was able to progress through numerous phases without consideration of the tennis court requirement.
5. A review of aerial photography and final plats for the PUD were reviewed to determine what locations were available to accommodate the tennis court. Three potential areas were identified, including: a) the entrance frontage near Buckner Lane and Campbell Station Parkway, b) the present amenity site, and c) an undeveloped area on Wallaby Drive.
6. These areas were each reviewed to determine if room for a recreational tennis court was available. It was later determined that the site on Wallaby Drive was an environmentally protected site and could not be used. Although the present amenity center is large enough to accommodate the court, it would place the court up against the rear yards of several single-family homes. The entrance to the PUD was less desirable due to aesthetic reasons.

Public Comments: Staff has received no public comment via the BOMAPublicComment@springhilltn.org email address. An email received via the PCPublicComment@springhilltn.org email address attached to this memo. This email from Heather Blaylock requests denial of the request.

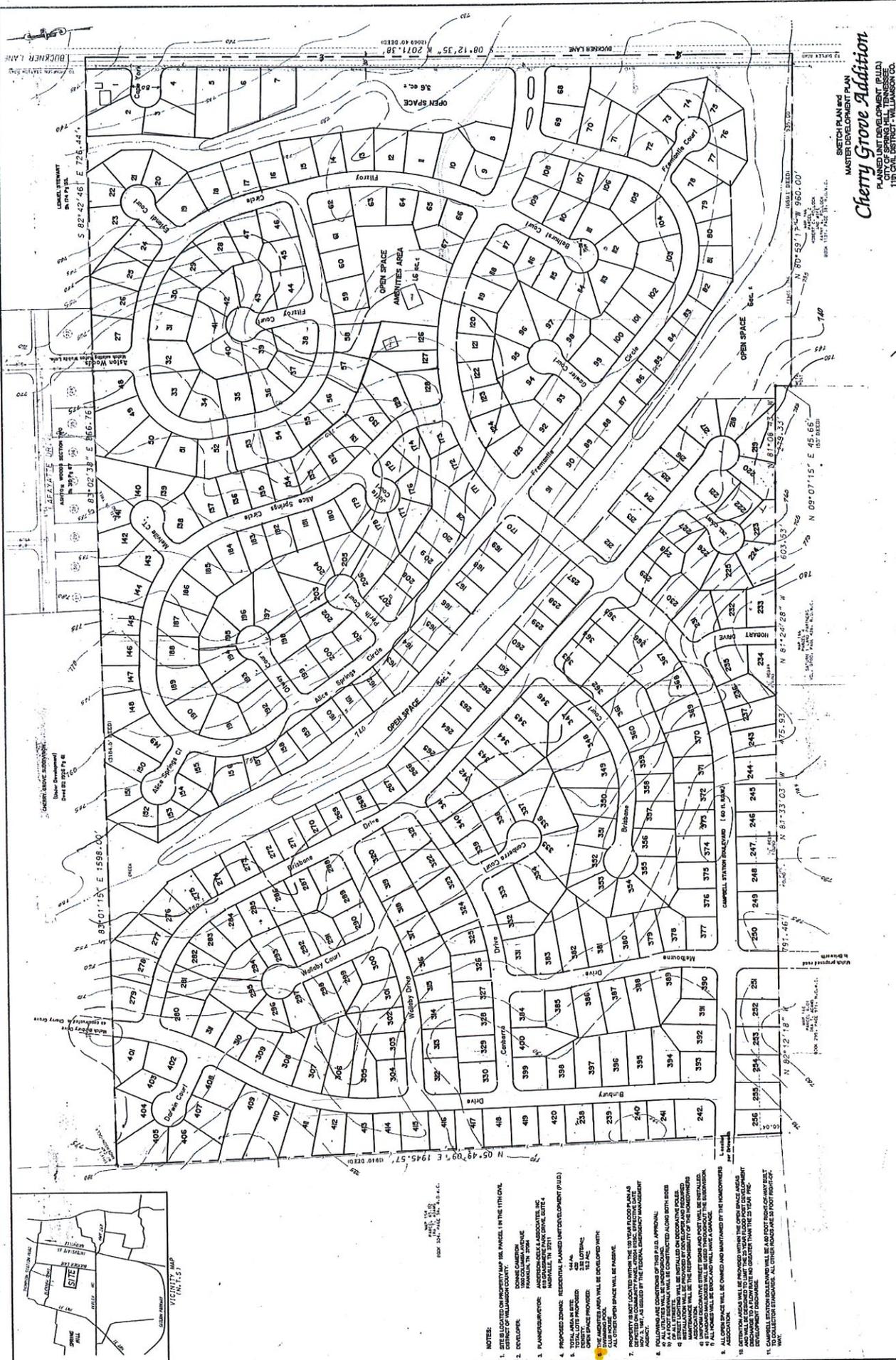
SUMMARY: The applicant requests approval of the PUD amendment to remove the requirement to construct a tennis court in the Cherry Grove Addition PUD. The question before the Board of Mayor and Alderman is whether the removal of the tennis court from the PUD Master Plan is a reasonable request or will have an adverse impact on the residents of Cherry Grove. The requirement contained in Article X, Section 2.11(2.4) is that although the "use" of common open space may be changing, the amendment may not annul any covenant that provides for the continued use of the open space. Open space areas are not being reduced in size or converted to a use not supportive of the HOA and residents of Cherry Grove.

The modification of the PUD is provided for in Article X and the amendment is acceptable subject to the discretion of the Board of Mayor and Alderman following input from residents of Cherry Grove and/or the public.

Recommendation: If the Board of Mayor and Alderman, following input from staff, the applicant, Cherry Grove HOA/residents, and public, finds the request to be reasonable and justified, staff recommends that they approve Resolution 20-188 approving PDM 879-2020 adopting a revised Cherry Grove Addition Master Plan and modifying Note #6 to remove "tennis court".

Optional Motions:

- 1) Move to approve the Appeal and adopt Resolution 20-188B, adopting a revised Cherry Grove Master Plan dated December 21, 2020, removing "tennis court" from Note #6.
- 2) Move to deny the Appeal and reject Resolution 20-188A, leaving intact the requirement for the applicant to construct a tennis court within the Cherry Grove Addition PUD.



SKETCH PLAN and
MASTER DEVELOPMENT PLAN
Cherry Grove Addition
PLANNED SUBDIVISION, WILMINGTON, MISSISSIPPI
11th CIVIL DISTRICT, WILMINGTON, MS.

DATE: 11-19-20
ADDRESS: DUE & Associates, Inc.
1100 N. 11th Street, Suite 100
Wilmington, Mississippi 39204
PHONE: 601-833-1100

EXHIBIT A
Revised: December 21, 2020

RELAY STATIONS REQUESTED & ESTIMATED FOR THIS PLAN

STATION	LOT	EST. COST
STATION 1	101	250
STATION 2	102	250
STATION 3	103	250
STATION 4	104	250
STATION 5	105	250
STATION 6	106	250
STATION 7	107	250
STATION 8	108	250
STATION 9	109	250
STATION 10	110	250
STATION 11	111	250
STATION 12	112	250
STATION 13	113	250
STATION 14	114	250
STATION 15	115	250
STATION 16	116	250
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STATION 94	194	250
STATION 95	195	250
STATION 96	196	250
STATION 97	197	250
STATION 98	198	250
STATION 99	199	250
STATION 100	200	250

- NOTES:
1. SITE LOCATED ON PROPERTY MAP AND PARCEL 1 IN THE 11TH CIVIL DISTRICT OF WILMINGTON COUNTY.
 2. DEVELOPER: DUE & ASSOCIATES, INC.
 3. PLANNED DEVELOPMENT: RESIDENTIAL, UNIMPLEATED DEVELOPMENT (PUD).
 4. PROPOSED ZONING: RESIDENTIAL, UNIMPLEATED DEVELOPMENT (PUD).
 5. TOTAL LOTS PROPOSED: 200
 6. TOTAL LOTS PROPOSED: 200
 7. ALL OPEN SPACE WILL BE CONSIDERED AS OPEN SPACE BY THE HOMEOWNERS.
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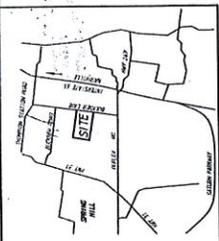


EXHIBIT "B"



EXHIBIT PLAN AND MASTER DEVELOPMENT PLAN
Cherry Grove Addition
 PLANNED UNIT DEVELOPMENT (PUD)
 118 CIVIL DISTRICT - WILLIAMSBURG, VA
 Common Properties
 11800 COMMON PROPERTIES DRIVE
 ADDRESS: DATE: & ASSOCIATES INC.
 11800 COMMON PROPERTIES DRIVE
 WILLIAMSBURG, VA 23186
 DATE: 11-13-02

Original PUD Master Plan

ALL EASEMENTS INCORPORATED & ESTABLISHED FOR THE PUD

BLK/TM	LOT# 1-62	LOT# 63-102
1	1-10	1-10
2	11-20	11-20
3	21-30	21-30
4	31-40	31-40
5	41-50	41-50
6	51-60	51-60
7	61-70	61-70
8	71-80	71-80
9	81-90	81-90
10	91-100	91-100
11	101-110	101-110
12	111-120	111-120
13	121-130	121-130
14	131-140	131-140
15	141-150	141-150
16	151-160	151-160
17	161-170	161-170
18	171-180	171-180
19	181-190	181-190
20	191-200	191-200
21	201-210	201-210
22	211-220	211-220
23	221-230	221-230
24	231-240	231-240
25	241-250	241-250
26	251-260	251-260
27	261-270	261-270
28	271-280	271-280
29	281-290	281-290
30	291-300	291-300
31	301-310	301-310
32	311-320	311-320
33	321-330	321-330
34	331-340	331-340
35	341-350	341-350
36	351-360	351-360
37	361-370	361-370
38	371-380	371-380
39	381-390	381-390
40	391-400	391-400
41	401-410	401-410
42	411-420	411-420



- NOTES:**
1. SITE IS LOCATED ON PROPERTY MAP 58, PARCEL 1 IN THE 11TH CIVIL DISTRICT OF WILLIAMSBURG COUNTY.
 2. DEVELOPER: COMMON PROPERTIES, 11800 COMMON PROPERTIES DRIVE, WILLIAMSBURG, VA 23186.
 3. PLANNING/ENGINEER: ADDRESS/SCALE & ASSOCIATES INC., 11800 COMMON PROPERTIES DRIVE, WILLIAMSBURG, VA 23186.
 4. PROPOSED ZONING: RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD).
 5. TOTAL AREA: 118 ACRES.
 6. TOTAL OPEN SPACE: 16 ACRES.
 7. THE AMPLITUDE AND VILLAGE DEVELOPMENT WILL BE DEVELOPED WITH THE FOLLOWING CONDITIONS:
 8. FOLLOWING ARE CONDITIONS OF THE PUD APPROVAL:
 - a. ALL OPEN SPACE SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
 - b. ALL OPEN SPACE SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
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LOT DATA

LOT NO.	AREA (S.F.)	AREA (AC.)
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Bulk Standards for Section 2 of Phase 1

ITEM	STANDARD
1. MINIMUM LOT WIDTH	30 FT.
2. MINIMUM FRONT YARD SETBACK	20 FT.
3. MINIMUM SIDE YARD SETBACK	5 FT.
4. MINIMUM REAR YARD SETBACK	20 FT.
5. MINIMUM OPEN SPACE AREA	1,355 S.F.

CURVE DATA

STATION	CHORD BEG.	CHORD END	CHORD DIST.	CHORD BEG. TO CURVE	CHORD END TO CURVE	CHORD BEG. TO POINT OF TANGENCY	CHORD END TO POINT OF TANGENCY
1+00	1+00	1+00	0.00	0.00	0.00	0.00	0.00
1+10	1+10	1+10	0.00	0.00	0.00	0.00	0.00
1+20	1+20	1+20	0.00	0.00	0.00	0.00	0.00
1+30	1+30	1+30	0.00	0.00	0.00	0.00	0.00
1+40	1+40	1+40	0.00	0.00	0.00	0.00	0.00
1+50	1+50	1+50	0.00	0.00	0.00	0.00	0.00
1+60	1+60	1+60	0.00	0.00	0.00	0.00	0.00
1+70	1+70	1+70	0.00	0.00	0.00	0.00	0.00
1+80	1+80	1+80	0.00	0.00	0.00	0.00	0.00
1+90	1+90	1+90	0.00	0.00	0.00	0.00	0.00
2+00	2+00	2+00	0.00	0.00	0.00	0.00	0.00
2+10	2+10	2+10	0.00	0.00	0.00	0.00	0.00
2+20	2+20	2+20	0.00	0.00	0.00	0.00	0.00
2+30	2+30	2+30	0.00	0.00	0.00	0.00	0.00
2+40	2+40	2+40	0.00	0.00	0.00	0.00	0.00
2+50	2+50	2+50	0.00	0.00	0.00	0.00	0.00
2+60	2+60	2+60	0.00	0.00	0.00	0.00	0.00
2+70	2+70	2+70	0.00	0.00	0.00	0.00	0.00
2+80	2+80	2+80	0.00	0.00	0.00	0.00	0.00
2+90	2+90	2+90	0.00	0.00	0.00	0.00	0.00
3+00	3+00	3+00	0.00	0.00	0.00	0.00	0.00
3+10	3+10	3+10	0.00	0.00	0.00	0.00	0.00
3+20	3+20	3+20	0.00	0.00	0.00	0.00	0.00
3+30	3+30	3+30	0.00	0.00	0.00	0.00	0.00
3+40	3+40	3+40	0.00	0.00	0.00	0.00	0.00
3+50	3+50	3+50	0.00	0.00	0.00	0.00	0.00
3+60	3+60	3+60	0.00	0.00	0.00	0.00	0.00
3+70	3+70	3+70	0.00	0.00	0.00	0.00	0.00
3+80	3+80	3+80	0.00	0.00	0.00	0.00	0.00
3+90	3+90	3+90	0.00	0.00	0.00	0.00	0.00
4+00	4+00	4+00	0.00	0.00	0.00	0.00	0.00
4+10	4+10	4+10	0.00	0.00	0.00	0.00	0.00
4+20	4+20	4+20	0.00	0.00	0.00	0.00	0.00
4+30	4+30	4+30	0.00	0.00	0.00	0.00	0.00
4+40	4+40	4+40	0.00	0.00	0.00	0.00	0.00
4+50	4+50	4+50	0.00	0.00	0.00	0.00	0.00
4+60	4+60	4+60	0.00	0.00	0.00	0.00	0.00
4+70	4+70	4+70	0.00	0.00	0.00	0.00	0.00
4+80	4+80	4+80	0.00	0.00	0.00	0.00	0.00
4+90	4+90	4+90	0.00	0.00	0.00	0.00	0.00
5+00	5+00	5+00	0.00	0.00	0.00	0.00	0.00
5+10	5+10	5+10	0.00	0.00	0.00	0.00	0.00
5+20	5+20	5+20	0.00	0.00	0.00	0.00	0.00
5+30	5+30	5+30	0.00	0.00	0.00	0.00	0.00
5+40	5+40	5+40	0.00	0.00	0.00	0.00	0.00
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5+70	5+70	5+70	0.00	0.00	0.00	0.00	0.00
5+80	5+80	5+80	0.00	0.00	0.00	0.00	0.00
5+90	5+90	5+90	0.00	0.00	0.00	0.00	0.00
6+00	6+00	6+00	0.00	0.00	0.00	0.00	0.00
6+10	6+10	6+10	0.00	0.00	0.00	0.00	0.00
6+20	6+20	6+20	0.00	0.00	0.00	0.00	0.00
6+30	6+30	6+30	0.00	0.00	0.00	0.00	0.00
6+40	6+40	6+40	0.00	0.00	0.00	0.00	0.00
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6+80	6+80	6+80	0.00	0.00	0.00	0.00	0.00
6+90	6+90	6+90	0.00	0.00	0.00	0.00	0.00
7+00	7+00	7+00	0.00	0.00	0.00	0.00	0.00
7+10	7+10	7+10	0.00	0.00	0.00	0.00	0.00
7+20	7+20	7+20	0.00	0.00	0.00	0.00	0.00
7+30	7+30	7+30	0.00	0.00	0.00	0.00	0.00
7+40	7+40	7+40	0.00	0.00	0.00	0.00	0.00
7+50	7+50	7+50	0.00	0.00	0.00	0.00	0.00
7+60	7+60	7+60	0.00	0.00	0.00	0.00	0.00
7+70	7+70	7+70	0.00	0.00	0.00	0.00	0.00
7+80	7+80	7+80	0.00	0.00	0.00	0.00	0.00
7+90	7+90	7+90	0.00	0.00	0.00	0.00	0.00
8+00	8+00	8+00	0.00	0.00	0.00	0.00	0.00
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8+50	8+50	8+50	0.00	0.00	0.00	0.00	0.00
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9+70	9+70	9+70	0.00	0.00	0.00	0.00	0.00
9+80	9+80	9+80	0.00	0.00	0.00	0.00	0.00
9+90	9+90	9+90	0.00	0.00	0.00	0.00	0.00
10+00	10+00	10+00	0.00	0.00	0.00	0.00	0.00

EXHIBIT "D"

NOTES

1. THIS PLAN IS A PART OF THE SUBDIVISION MAP FOR THE CHERRY GROVE ADDITION, PHASE ONE, SECTION TWO, TOWNSHIP 12N, RANGE 10E, MERIDIAN 10W, COUNTY OF SHERBURNE, ILLINOIS.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF THE PUBLIC UTILITY SYSTEMS AND THE RESPONSIBILITY OF THE HOMEOWNER ASSOCIATION.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF THE PUBLIC UTILITY SYSTEMS AND THE RESPONSIBILITY OF THE HOMEOWNER ASSOCIATION.
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10. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF THE PUBLIC UTILITY SYSTEMS AND THE RESPONSIBILITY OF THE HOMEOWNER ASSOCIATION.

AMENITY AREA

OPEN SPACE "A"
ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "B"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "C"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "D"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "E"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "F"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "G"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "H"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "I"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "J"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "K"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "L"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "M"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "N"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "O"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S.F.

OPEN SPACE "P"

ALL LOTS SHALL BE A MINIMUM OF 1,355 S

November 6, 2020

Thomas V. White
315 Deaderick Street
Nashville, TN 37238



Re: Cherry Grove Addition

Dear Mr. White,

The City of Spring Hill is in receipt of your email of November 4, 2020 and letter attached thereto. Senior staff met today and discussed the request regarding Cherry Grove Addition and the PUD Master Plan requirement for open space amenities; i.e. specifically a tennis court. As you know, the original PUD plan from 2002 included a tennis court as part of the Cherry Grove community amenities (Note #6 on Exhibit B).

The property owner recently submitted a PUD amendment request (PDM 879-2020) for the purpose of amending the Cherry Grove Addition Master Plan to modify Note #6 on Exhibit B by removing any reference to "tennis court." The request was processed as an amendment to the PUD as permitted in Article X, Section 2.11(2), Subsection 2.11(2.4), subject to Planning Commission review and approval. The application was considered by the Planning Commission on October 12, 2020 and a motion to approve the request failed by a 2-4 vote.

The Cherry Grove PUD was approved under zoning ordinances in effect prior to the adoption of the Unified Development Code (UDC). As such, the UDC is not applicable to the questions you have raised and has no impact on the resolution of this issue. Also, nowhere in the former zoning ordinance is there a procedure whereby the applicant may request "reconsideration" of application PDM 879-2020 by the Planning Commission. Based on a thorough review of the code, there is no provision for administrative relief for this request.

If your client desires to seek a resolution of the required amenity the options for doing so include:

- a) Submittal of a new PUD modification request for consideration by the Planning Commission, or
- b) Revise your November 4, 2020 letter to request an appeal from the decision of the Planning Commission, as provided in Article XVII, Appeals. Such appeals are subject to

Planning Department
5000 Northfield Lane, Suite 520
Spring Hill, TN 37174

Phone: (931) 486-2252 Ext. 232
Fax: (931) 486-3596
www.springhilltn.org

review and consideration by the Board of Mayor and Alderman. Requests must be submitted within 10 working days of final action taken which is considered the date minutes of the meeting are approved (scheduled for November 9, 2020).

Please let me know if you have any questions or require assistance with a future submittal.

Sincerely,



Steve Foote, AICP
Planning Director
City of Spring Hill, TN
O: 931-499-7219
C: 615-861-0858

cc: Board of Mayor and Alderman
Patrick Carter, City Attorney
Victor Lay, City Administrator
Chuck Downham, Asst. City Administrator

Planning Department
5000 Northfield Lane, Suite 520
Spring Hill, TN 37174

Cherry Grove Addn TW

Phone: (931) 486-2252 Ext. 232
Fax: (931) 486-3596
www.springhilltn.org

TUNE, ENTREKIN & WHITE, P.C.

THOMAS V. WHITE
JOHN W. NELLEY, JR.
THOMAS C. SCOTT
PETER J. STRIANSE
HUGH W. ENTREKIN
JOHN P. WILLIAMS *
ROBERT L. DELANEY
GEORGE A. DEAN
LESA HARTLEY SKONEY
JOSEPH P. RUSNAK
SHAWN R. HENRY
T. CHAD WHITE
BRANDT M. MCMILLAN *
TIMOTHY N. O'CONNOR
SAMUEL J. BLANTON

ATTORNEYS AT LAW

SUITE 1700
315 DEADERICK STREET
NASHVILLE, TENNESSEE 37238

TEL (615) 244-2770 FAX (615) 244-2778

JOHN C. TUNE
1931-1983

ERVIN M. ENTREKIN
1927-1990

**Rule 31 listed General Civil Mediator*

November 11, 2020

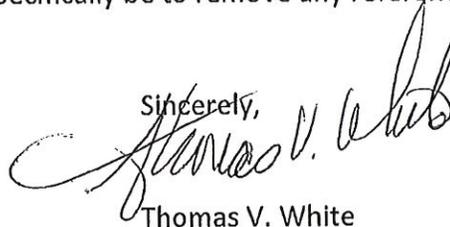
Steve Foote, AICP
Planning Director
City of Spring Hill, TN
5000 Northfield Lane, Suite 520
Spring Hill, TN 37174

Re: Cherry Grove Addition

Dear Steve:

I am responding to your communication of November 6, 2020. I have revised the November 4, 2020 letter to request an appeal from the decision of the Planning Commission, as provided in Article XVII, Appeals. Such appeals are subject to the review and consideration by the Board of Mayor and Alderman. This request is timely submitted, therefore on behalf of my client, I am requesting that this matter will be heard by the Board of Mayor and Alderman at the earliest convenience. Our request will specifically be to remove any references or requirements for a tennis court for this development.

Sincerely,



Thomas V. White

Xc: Patrick Carter
Victor Lay
Chuck Downham

TUNE, ENTREKIN & WHITE, P.C.

THOMAS V. WHITE
JOHN W. NELLEY, JR.
THOMAS C. SCOTT
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November 11, 2020

Patrick Carter, Spring Hill City Attorney
pcarter@tgwlawfirm.com

Steve Foote, Director of Planning
sfoote@springhilltn.org

Rick Graham
Mayor of Spring Hill
rgraham@springhilltn.org

Victor Lay, City Administrator
vlay@springhilltn.org

City of Spring Hill Board of Mayor and
Aldermen
BOMA@springhilltn.org

Joe Epps, Anderson, Delk, Epps
anddelk@bellsouth.net

Re: Cherry Grove Addition Subdivision Master Plan Revision

Dear Patrick,

I represent Donnie Cameron of Cameron Properties, the developer and builder of the Cherry Grove addition subdivision. On September 4, 2020, Joe Epps with Anderson, Delk, Epps & Associates, the project engineer for the subdivision, submitted a request to modify the Cherry Grove Addition Master Plan by removing the tennis court requirement from the "Amenities Area" description. I have attached a copy of the suggested revised Master Develop Plan as part of Section II of Phase One of Cherry Grove addition subdivision as **Exhibit A**. My client urges you to approve this modification and agree to refrain from impeding the normal development and building of homes on the remaining seven lots within the subdivision.

The original Master Plan, which is attached as **Exhibit B**, initially referenced an "Amenities Area" with a swimming pool, club house, and tennis court. However, it stated that all amenities were to be developed within the specified "Amenities Area" and that all other open space was to be "passive." My client constructed the swimming pool and club house as noted in the Master Plan as part of Phase One. However, no member of the Planning Commission nor staff with the city of Spring Hill required him to build a tennis court at that time and approved Phase One without the inclusion of a tennis court. Previous administrations and staff of the Spring Hill Planning Commission relieved the initial tennis court requirement by issuing building permits for the clubhouse and swimming pool within the "Amenities Area" and by approving all subsequent

TUNE, ENTREKIN & WHITE, P.C.

Phases through the initial approval of Phase 3 on July 25, 2020. On this date, the City of Spring Hill Planning Commission sent my client a letter approving his application for PPL 842-2020, Cherry Grove Addition Phase Three, which is attached as **Exhibit C**. The approval letter imposed several conditions upon the approval regarding sidewalks, road alignments, specifications regarding alley entrance, maintenance, and naming, obtainment of permits and approvals. This approval letter made no mention of the potential construction of a tennis court. However, during the review phase of Phase Three, Planning Commission staff inquired about the tennis court referenced in the original Master Plan.

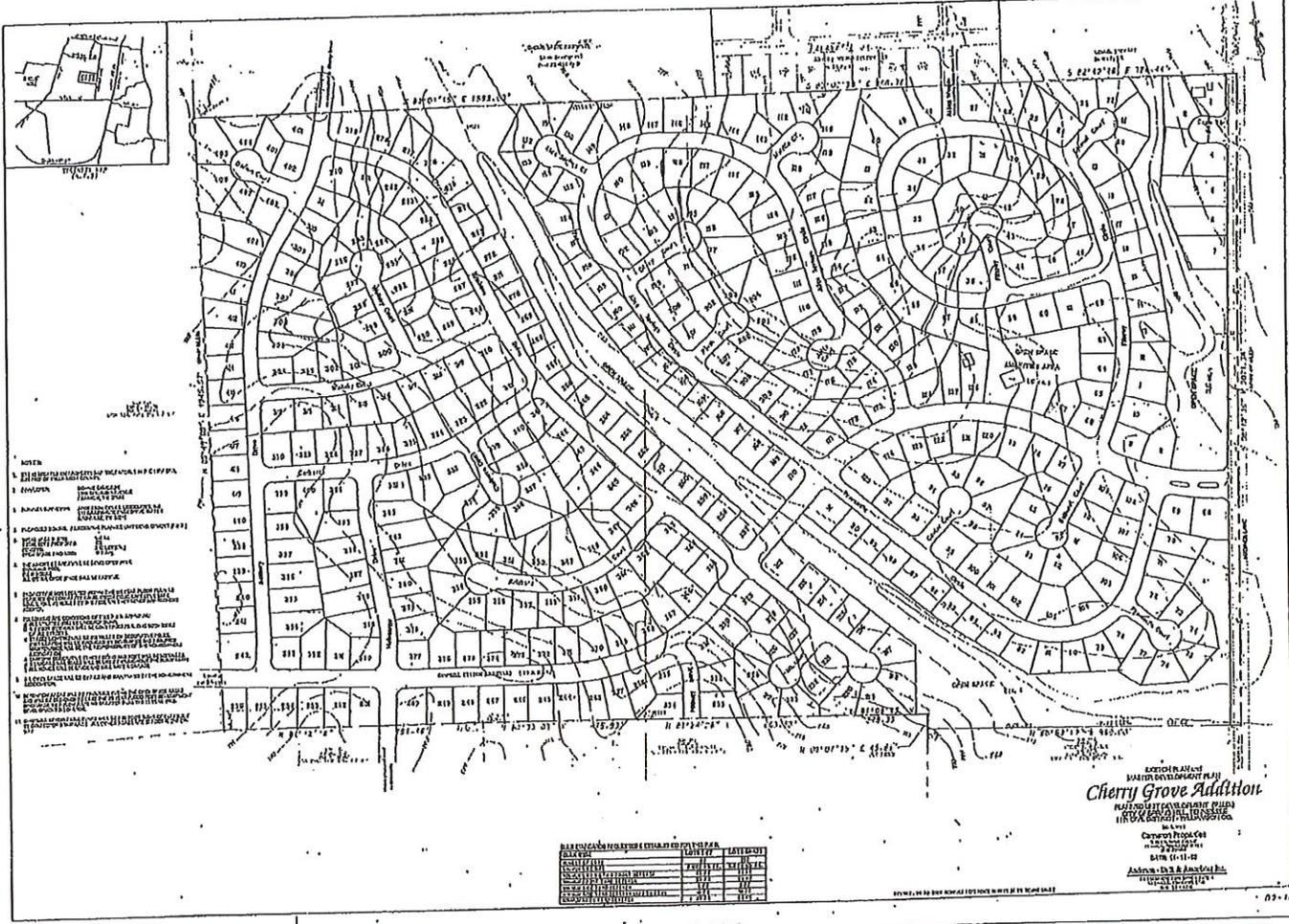
It is practically impossible for my client to construct a tennis court within the Cherry Grove addition subdivision at this final stage of building and development. Current Planning Commission staff assert that there are two locations that could accommodate a tennis court: The Open Space Amenities Area or an undeveloped area off of Wallaby Drive. However, both areas are unfeasible locations for a tennis court due to recorded easements (including a public utility and drainage easement) and topographic conditions. A dispute over the construction of a tennis court during the final stages of the Cherry Grove addition subdivision would needlessly complicate and impede the construction of the final seven lots of the development after previous administrations and staff of the Spring Hill Planning Commission relieved the initial tennis court requirement throughout all earlier phases of the project. Therefore, my client urges you to approve the suggested changes to the Master Plan which remove references to a tennis court requirement to prevent any further unnecessary disputes and delays.

Per my letter of this same date, I am requesting that this matter be heard by the Board of Mayor and Alderman at the earliest convenience. Please let me know when this will be heard.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas V. White". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

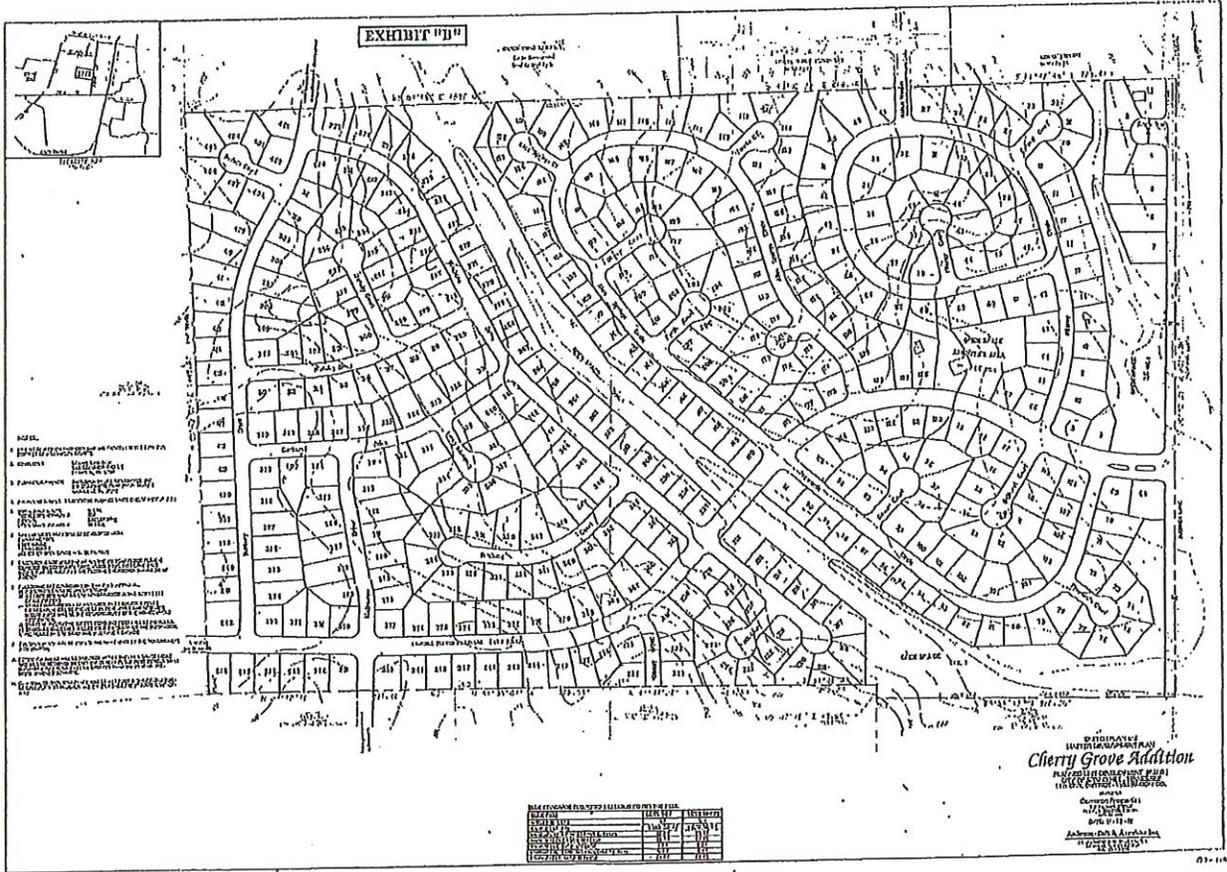
Thomas V. White



- NOTES
1. THE LOTS SHOWN ON THIS PLAN ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE DEEDS RECORDING IN THE PUBLIC RECORDS OF THE COUNTY OF LOS ANGELES, CALIFORNIA.
 2. THE LOTS SHOWN ON THIS PLAN ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE DEEDS RECORDING IN THE PUBLIC RECORDS OF THE COUNTY OF LOS ANGELES, CALIFORNIA.
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DATE	DESCRIPTION	BY	DATE
11/15/11	PREPARED	J. J. JONES	11/15/11
11/15/11	REVISION	J. J. JONES	11/15/11
11/15/11	REVISION	J. J. JONES	11/15/11
11/15/11	REVISION	J. J. JONES	11/15/11
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11/15/11	REVISION	J. J. JONES	11/15/11
11/15/11	REVISION	J. J. JONES	11/15/11

LICENSED LAND SURVEYOR
Cherry Grove Addition
 PLANNED DEVELOPMENT PLAN
 IN THE COUNTY OF LOS ANGELES, CALIFORNIA
 PROJECT NO. 1111111111
 DATE: 11-15-11
 ADDRESS: 1111111111
 1111111111



07/30/20
Mr. Dennis G...



July 29, 2020

Anderson, Delf, Epps & Associates, INC.
Attn: Joe Epps
618 Grassmere Park Drive, Suite 4
Nashville, TN 37211

RE: PPL 842-2020 (Cherry Grove Addition Phase 3)

Dear Mr. Epps:

I am pleased to inform you that your application **PPL 842-2020** was approved by the Spring Hill Planning Commission on July 13, 2020 with the following condition(s):

1. The applicant shall be required to install a 5-foot sidewalk along all residential lots fronting upon Buckner Lane. In consideration of the future Buckner Lane widening project and the construction of a 10-foot wide multiuse trail on the western side of Buckner Lane as part of the future widening project being constructed by the City, the applicant shall pay a fee in lieu of public improvement for the installation of the 5-foot sidewalk along the frontage of all lots fronting upon Buckner Lane so as to avoid future demolition or destruction of such work with the understanding the fee in lieu of improvement paid by the applicant shall be applied toward the construction of 10-foot multiuse trail on the west side of Buckner Lane. Paying the fee in lieu will relieve the applicant of their responsibility to install the 5-foot sidewalk upon construction of dwellings. The valuation of the fee in lieu of public improvement shall be determined by the developer's engineer, submitted to and confirmed by the City Engineer, and approved by the Planning Commission. Fee shall be paid prior to the recording of the final plat.
2. The applicant shall work with the City's engineering consultant for the Buckner Lane widening project to adjust alignments as much as practical to reduce or eliminate the offset condition at the southern alley entrance driveway opposite Twin Lakes Drive to ensure safe east-west traffic movement through the intersection.
3. The northernmost alley entrance will be right-in/right-out only. Applicant to remove reference to City providing a median cut referenced on preliminary plat and other plan documentation accordingly.
4. Revise Note #12 to read as follows: "Lots 1-7 shall have no vehicular access to Buckner Lane. All access will be to the Private Alley. Lots 1-7 will have joint responsibility for the maintenance of the Private Alley."
5. Alley name to be approved by the Williamson County E-911 office prior to final plat approval.
6. Preliminary plat approval shall remain valid for a period of three (3) years, during which time the applicant/developer shall obtain all necessary permits, complete all applicable improvements, and submit final plat applications for review and approval.
7. Modifications to the preliminary plat may require Planning Commission approval prior to submittal of a final plat application.

Please contact the Planning Department if you have any questions or require further assistance at 931-486-2252 ext. 232.

Sincerely,

City of Spring Hill Planning Commission



ANDERSON, DELK, EPPS & ASSOCIATES, INC.

Engineering • Land Planning • Surveying

618 GRASSMERE PARK DRIVE • SUITE 4

NASHVILLE, TENNESSEE 37211

Telephone 331-0809

Fax 331-0110

October 5, 2020

Ms. Elecia Beard

Community Association Manager

Ghertner & Company

via e-mail: Elecia.Beard@ghertner.com

Re: Cherry Grove Addition

Dear Ms. Beard,

The Developer of Cherry Grove Addition has recently received approval of Phase 3, the last and final phase of the development. During the review process of this phase, the current Planning Staff requested information on the tennis court referenced on the original Master Plan for the subdivision. The Developer has indicated that he has met the "Amenities Area" requirement of the Master Plan when he built the clubhouse and swimming pool. At the time of their construction, he was not required to build a tennis court in the area indicated as the "Amenities Area" on the Approved Master Plan.

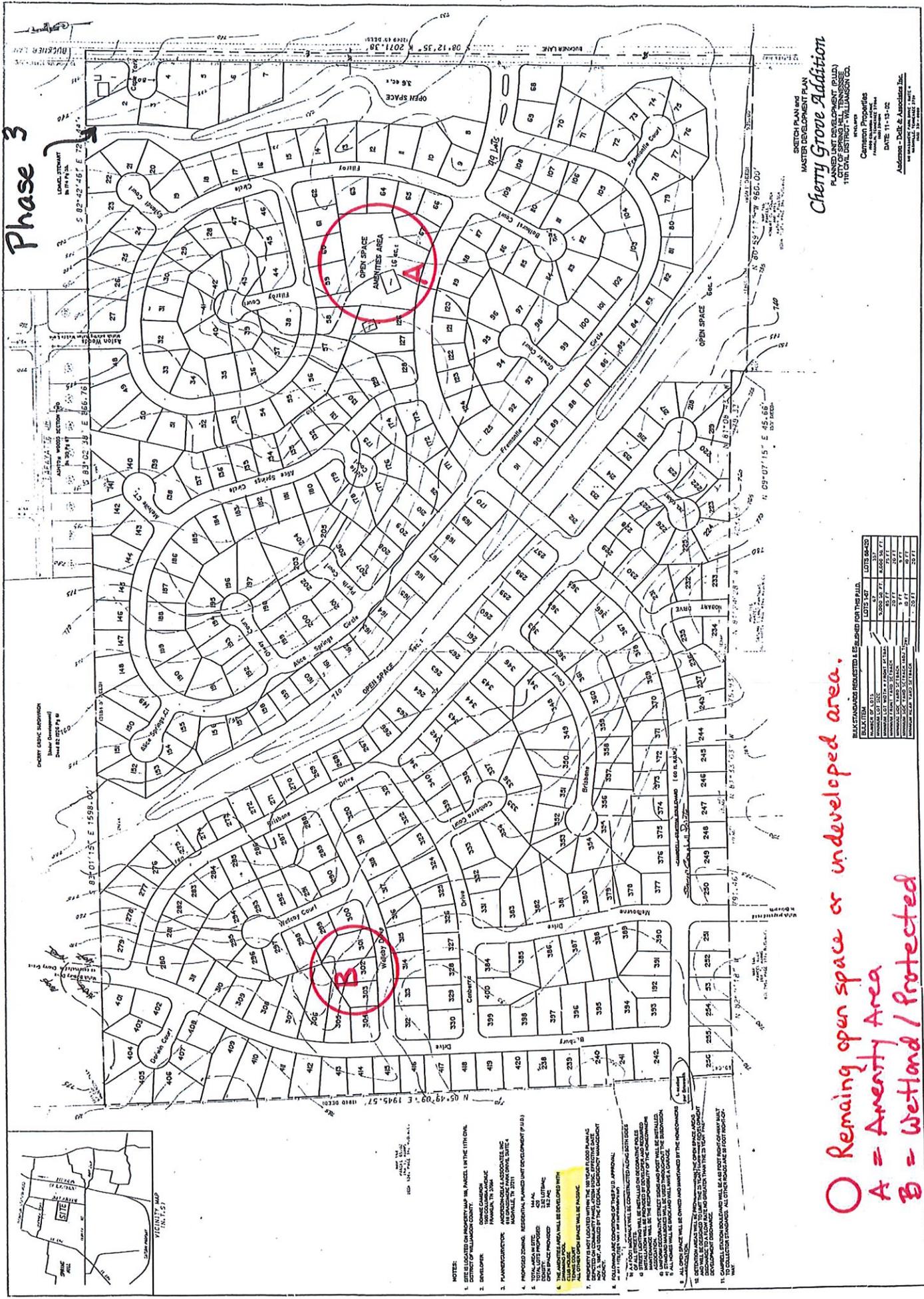
The current Planning Staff and Planning Commission have requested that we resubmit the Master Plan with the removal of the tennis court reference. They have also requested that we notify the HOA regarding the removal of the tennis court, which previous Staffs and Administrations have not required to be installed.

As Representative of the Cherry Grove Addition's HOA, please inform them of the above stated request. Thank you for your time and consideration.

Sincerely,


Joe Epps, P.E.

Phase 3



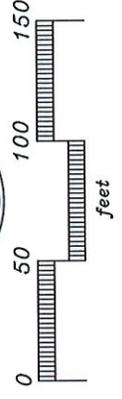
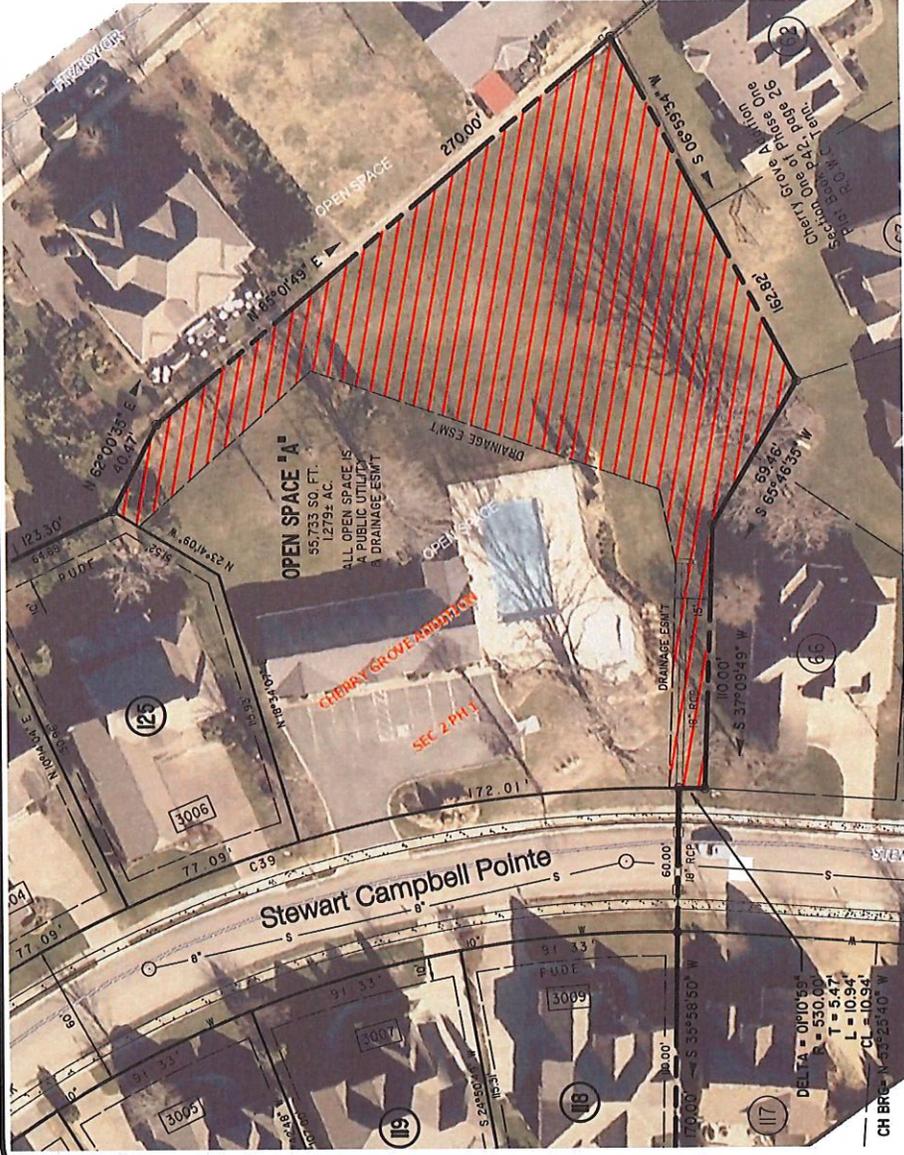
SKETCH PLAN AND MASTER DEVELOPMENT PLAN
Cherry Grove Addition
 PLANNED UNIT DEVELOPMENT (PUD)
 CITY OF SPRING HILL, TENNESSEE
 178 CIVIL DISTRICT, WILLIAMSON CO.
 Cushman Properties
 10000 Highway 100
 Nashville, TN 37203
 DATE: 11-13-02
 Anderson, Duke & Associates, Inc.
 10000 Highway 100
 Nashville, TN 37203

Remaining open space or undeveloped area.
A = Amenity Area
B = Wetland / Protected

BLK #	BLK AREA	LOTS	LOT AREA
1	1.00	10	1.00
2	2.00	20	2.00
3	3.00	30	3.00
4	4.00	40	4.00
5	5.00	50	5.00
6	6.00	60	6.00
7	7.00	70	7.00
8	8.00	80	8.00
9	9.00	90	9.00
10	10.00	100	10.00
11	11.00	110	11.00
12	12.00	120	12.00
13	13.00	130	13.00
14	14.00	140	14.00
15	15.00	150	15.00
16	16.00	160	16.00
17	17.00	170	17.00
18	18.00	180	18.00
19	19.00	190	19.00
20	20.00	200	20.00
21	21.00	210	21.00
22	22.00	220	22.00
23	23.00	230	23.00
24	24.00	240	24.00
25	25.00	250	25.00
26	26.00	260	26.00
27	27.00	270	27.00
28	28.00	280	28.00
29	29.00	290	29.00
30	30.00	300	30.00
31	31.00	310	31.00
32	32.00	320	32.00
33	33.00	330	33.00
34	34.00	340	34.00
35	35.00	350	35.00
36	36.00	360	36.00
37	37.00	370	37.00
38	38.00	380	38.00
39	39.00	390	39.00
40	40.00	400	40.00
41	41.00	410	41.00
42	42.00	420	42.00
43	43.00	430	43.00
44	44.00	440	44.00
45	45.00	450	45.00
46	46.00	460	46.00
47	47.00	470	47.00
48	48.00	480	48.00
49	49.00	490	49.00
50	50.00	500	50.00
51	51.00	510	51.00
52	52.00	520	52.00
53	53.00	530	53.00
54	54.00	540	54.00
55	55.00	550	55.00
56	56.00	560	56.00
57	57.00	570	57.00
58	58.00	580	58.00
59	59.00	590	59.00
60	60.00	600	60.00
61	61.00	610	61.00
62	62.00	620	62.00
63	63.00	630	63.00
64	64.00	640	64.00
65	65.00	650	65.00
66	66.00	660	66.00
67	67.00	670	67.00
68	68.00	680	68.00
69	69.00	690	69.00
70	70.00	700	70.00
71	71.00	710	71.00
72	72.00	720	72.00
73	73.00	730	73.00
74	74.00	740	74.00
75	75.00	750	75.00
76	76.00	760	76.00
77	77.00	770	77.00
78	78.00	780	78.00
79	79.00	790	79.00
80	80.00	800	80.00
81	81.00	810	81.00
82	82.00	820	82.00
83	83.00	830	83.00
84	84.00	840	84.00
85	85.00	850	85.00
86	86.00	860	86.00
87	87.00	870	87.00
88	88.00	880	88.00
89	89.00	890	89.00
90	90.00	900	90.00
91	91.00	910	91.00
92	92.00	920	92.00
93	93.00	930	93.00
94	94.00	940	94.00
95	95.00	950	95.00
96	96.00	960	96.00
97	97.00	970	97.00
98	98.00	980	98.00
99	99.00	990	99.00
100	100.00	1000	100.00

- NOTES:
1. BASED ON PROPERTY MAP IN PARCEL IN THE CITY OF SPRING HILL, TENNESSEE.
 2. DEVELOPER: CUMHURAN PROPERTIES, INC.
 3. PLANNING/ENGINEER: ANDERSON, DUKE & ASSOCIATES, INC. 10000 HIGHWAY 100, NASHVILLE, TN 37203
 4. PROPOSED ZONING: RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD)
 5. TOTAL AREA: 100.00 ACRES
 6. TOTAL AREA: 100.00 ACRES
 7. PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE FLOOD HAZARD MAP.
 8. ALL OPEN SPACE WILL BE OWNED AND MAINTAINED BY THE HOMEOWNER.
 9. ALL OPEN SPACE WILL BE OWNED AND MAINTAINED BY THE HOMEOWNER.
 10. ALL OPEN SPACE WILL BE OWNED AND MAINTAINED BY THE HOMEOWNER.
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 15. ALL OPEN SPACE WILL BE OWNED AND MAINTAINED BY THE HOMEOWNER.
 16. ALL OPEN SPACE WILL BE OWNED AND MAINTAINED BY THE HOMEOWNER.
 17. ALL OPEN SPACE WILL BE OWNED AND MAINTAINED BY THE HOMEOWNER.
 18. ALL OPEN SPACE WILL BE OWNED AND MAINTAINED BY THE HOMEOWNER.
 19. ALL OPEN SPACE WILL BE OWNED AND MAINTAINED BY THE HOMEOWNER.
 20. ALL OPEN SPACE WILL BE OWNED AND MAINTAINED BY THE HOMEOWNER.

EXHIBIT "A"



= Indicates Amenities Area within a recorded Drainage Easement

Cherry Grove Addition

**Williamson County Aerial Photograph overlaid on the
Section Two of Phase One Cherry Grove Addition Recorded Final Plat**

09 / 02 / 20 ; Scale: 1" = 50'

PREPARED BY:
Anderson, Delk, Epps & Associates, Inc.
618 Grassmere Park Drive, Suite 4
Nashville, Tennessee 37211
(615) 331-0809



1054

1052
1540 B 02400 00011166B

Total: 113.1 ft

166B A 02900 00011166B
1007

Total: 114.2 ft

166B B 03000 00011166B

166B A 03000 00011166B

166B A 03300 00011166B

3008

STEWART CAMPS

City of
SPRING HILL
TENNESSEE
est. 1809
Amenity Center



www.interactiveGIS.com

Printed 06/24/2020



154P-J 00300 00011154P
6005

154P-J 00200 00011154P

154P-J 00100 00011154P
6001

166A L 01400 00011154P

166A L 01500 00011154P

154P-J 01400 00011154P

166A L 02300 00011154P

166A L 01600 00011154P
1566

Total: 113.5 ft

Total: 55.7 ft

Total: 54.1 ft

B

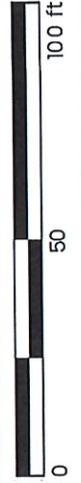
Wetland

WALLABY

WALLABY

Wallaby Drive

City of
SPRING HILL
TENNESSEE
est. 1809



Steve Foote

From: Heather Blaylock <hkblay75@yahoo.com>
Sent: Monday, October 12, 2020 11:12 AM
To: Steve Foote
Subject: [External] Cherry Grove Addition

****External Email****

I hope this email is being sent to the correct address in regards to today's agenda.

I am a resident in Cherry Grove Addition and want to address the neighborhood developer's request that the originally planned tennis courts be scrapped for other plans. I am against this happening because our neighborhood needs recreational options like tennis and swimming. Our pool is small and the neighborhood has quickly outgrown it. So we certainly do not need to forgo a tennis court for yet another home. If the developer is not going to honor the original neighborhood plans then what other recreational options is he willing to offer?

Please do not let the developer shortchange the residents of this neighborhood. We pay our mortgages and HOA dues and expect to receive what we originally were told we would get.

Thank you for your time!

Heather Blaylock
1575 Bunbury Drive

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This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>