



City of

SPRING HILL

TENNESSEE

est. 1809

AGENDA PACKET
Board of Zoning Appeals

Board of Zoning Appeals

January 17, 2023

05:30 pm

CITY OF SPRING HILL



**BOARD OF ZONING APPEALS
BOARD OF ZONING APPEALS**

**January 17, 2023
05:30 pm**

A. CALL TO ORDER

B. ROLL CALL

C. GENERAL ANNOUNCEMENT

The procedural rules for public comment will be as follows: The items will be taken in the order of the agenda. Audience members wishing to speak in regards to an agenda item must be recognized by the Chairman and will have five minutes to address the Board of Zoning Appeals. No rebuttal remarks will be allowed. Public Comment has also been provided through the BOZAPublicComment@springhilltn.org email address.

D. PUBLIC COMMENT (NON-AGENDA ITEMS)

E. APPROVAL OF THE DECEMBER 20, 2022 BOARD OF ZONING APPEALS MEETING MINUTES.

Attachment: [BZA Meeting Minutes 12-20-22.pdf](#)

F. OLD BUSINESS

G. NEW BUSINESS

1. BZA 1334-2022

Submitted by Chris Johnson, Inc for 4926 Port Royal Rd, Suite D-E. The property is located at the Port Royal Business Center Plaza. It is zoned C-3, and contains approximately 3,258 square feet. The applicant is requesting a special use permit for a Reception Facility for private and public events. Requested by Drew Stokes.

Attachment: [BZA 1334-2023_Royal events_Social_.pdf](#)

H. OTHER BUSINESS

I. ADJOURN

**SPRING HILL
MUNICIPAL BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
TUESDAY, DECEMBER 20, 2022
5:30 PM**

A. CALL TO ORDER

Chairman Terry Cantrell called the meeting to order at 5:32 PM.

B. ROLL CALL

Members present for the Meeting were: Chairman – Terry Cantrell, Mayor - Jim Hagan, Board Member Matthew Mezzatesta and Board Member Brandon McCulloch. Vice Chairman - Rob Roten was absent.

Staff present: City Attorney - Patrick Carter, Associate Planner - Jake McQueen, Sr Planner – Peter Hughes and Planning Tech – Lucretia Sappington.

C. GENERAL ANNOUNCEMENT - *The procedural rules for public comment will be as follows: The items will be taken in the order of the agenda. Audience members wishing to speak in regards to an agenda item must be recognized by the Chairman and will have five minutes to address the Board of Zoning Appeals. No rebuttal remarks will be allowed. Public Comment has also been provided through the BOZAPublicComment@springhilltn.org email address.*

D. PUBLIC COMMENT (NON-AGENDA ITEMS)

E. APPROVAL OF THE NOVEMBER 15, 2022 BOARD OF ZONING APPEALS MEETING MINUTES

Mayor Jim Hagan made a motion to approve the November 15, 2022 Meeting Minutes as written. Motion seconded by Matthew Mezzatesta. Motion to approve the November 15, 2022, Meeting Minutes passed 4-0.

F. OLD BUSINESS

G. NEW BUSINESS

1. **BZA 1328-2022:** Submitted by CEC, Inc for Tom Lunn & Port Royal Warehouse. The property is located at the southwest corner of Tom Lunn Road and Port Royal Road. It is zoned I-1, and contains approximately 10.77 acres. The applicant is requesting a variance for driveway spacing. Requested by Drew Stokes.

Mayor Jim Hagan made a motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 1328-2022 with the four (4) associated conditions of approval:

1. *The site plan application must be substantially consistent with the plans submitted.*
 2. *The applicant must comply with TIS requirements.*
 3. *Per Section 13.4G of the Unified Development Code, an approved variance will expire one year from the date of approval unless a site plan review application has been submitted or, where site plan review is not required, a building permit is obtained. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time before the date of expiration. No public hearing is required for approval of such extension of time.*
 4. *Should the applicant propose a dimensional change in design, the applicant must again come before the Board of Zoning Appeals for a final determination.*
- Motion seconded by Matthew Mezzatesta. Motion to approve BZA 1328-2022 passed 4-0.*

2. **BZA 1330-2022:** Submitted by CEC, Inc for Gerber Collision Expansion. The property is located 3787 Old Port Royal Rd N, is zoned I-1, and contains approximately 1.25 acres. The applicant is requesting a variance to the parking lot, perimeter landscaping, bike lane, curb and gutter, and sidewalk. Requested by Bert Morton.

Mayor Jim Hagaman made a motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 1330-2022 with the six (6) associated conditions of approval:

1. *The site plan application must be substantially consistent with the plans submitted.*
2. *The site plan is permitted to have an Impervious Surface Coverage Maximum of 86%.*
3. *The site plan is permitted to be approved by the planning commission without the required landscaping established by Article 11.6 and 11.7 of the UDC.*
4. *The site plan is not granted relief or variance from the public improvements of a bike lane, sidewalk, and curb and gutter.*
5. *Per Section 13.4G of the Unified Development Code, an approved variance will expire one year from the date of approval unless a site plan review application has been submitted or, where site plan review is not required, a building permit is obtained. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time before the date of expiration. No public hearing is required for approval of such extension of time.*
6. *Should the applicant propose a dimensional change in design, the applicant must again come before the Board of Zoning Appeals for a final determination.*

Motion seconded by Brandon McCulloch. Motion to approve BZA 1330-2022 passed 4-0.

H. OTHER BUSINESS

ADJOURN

Matthew Mezzatesta made a motion to adjourn. Motion seconded by Mayor Hagaman. Motion to adjourn the December 20, 2022 Board of Zoning Appeals meeting passed 4-0. Meeting adjourned at 6:07 PM.

Terry Cantrell, Chairman

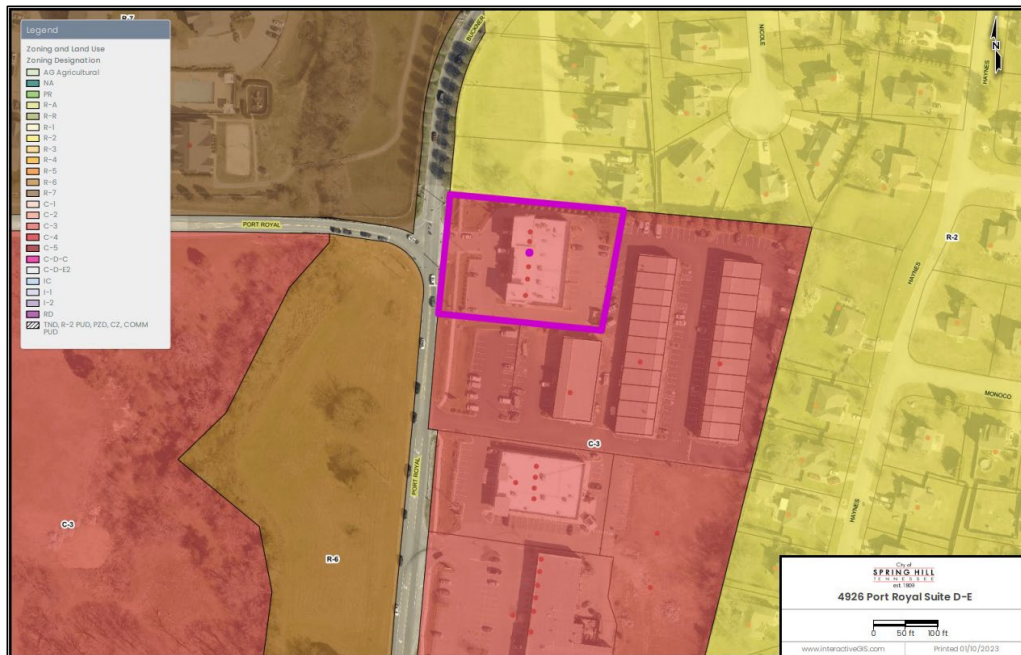
Spring Hill Board of Zoning Appeals



TO: Spring Hill Board of Zoning Appeals
 FROM: Jake McQueen, Interim Senior Planner
 Peter Hughes, Development Director
 MEETING: January 17, 2023
 SUBJECT: BZA 1334-2023 (Royal Events & Social - SPECIAL USE)

BZA 1334-2023: Submitted by Chris Johnson for Royal Events & Social. The property is located at 4926 Port Royal Road, and is zoned C-3. The site contains approximately 1.122 acres, however, the storefront space is 3,258 SF. The applicant is requesting a special use permit to allow for multiple uses, including a reception facility for public and private events, an arts space, as well as a co-working facility.

Property Description and History: This storefront is located within a shopping mall, with daylight donuts to the north and Veterinary Wellness Clinic and Ace Cleaners to the south. This was the former location of Coach's Corner. North of the property is Haynes Crossing Subdivision, and to the south and east is Port Royal Business Park. Across the street to the west is an undeveloped lot. Prior to applying for building permits, the applicant was requested to apply for special use permits, as the proposed uses require this according to the Unified Development Code, article 8, table 8-1.



If the special use is approved by the Board of Zoning Appeals, the applicant would be required to obtain the applicable building permits from the Building and Codes Department. City Staff will review the proposal to ensure consistency with the floor plans and the BZA approval. The Board of Zoning Appeals is able to provide site and design-related comments, but approval or denial of the application shall be solely based on the requirements for a special use in Article 13.3 of the UDC. Information regarding Article 13.3 is provided on page two of this staff report.

Spring Hill Rising 2040: This property's future land use designation is "Community Commerce Area". The Community Commerce Areas provide regional commercial services for Spring Hill and our neighboring communities. The general development pattern is centered at, or in close proximity to, the major intersection with single use commercial, office, transportation, professional, and entertainment services.

Primary future land uses include professional and regional offices, eating places, large-scale retail, municipal services, community centers, automobile-related services, and large-scale entertainment.

The Spring Hill Rising 2040 plan is a guide used to help the city in making determinations on land use decisions. These decisions include special use and rezoning applications. The actual development of a site is governed by the zoning and development regulations of the City of Spring Hill. Having considered the various applicable sections of the 2040 Plan, staff believes a drive-thru pertaining to a bank is consistent with the 2040 Plan.

Proposed Site and Building Design: Spring Hill does not receive many special use requests, besides that of drive-thru facilities. That being said, special use requests are often found permissible based on the specific characteristics of the site and its surrounds.

As stated above, the applicant is requesting a special use permit to allow for multiple uses, including a reception facility for public and private events, an arts space, as well as a co-working facility. The applicant has provided a floor plan which provides a general layout for the proposed facilities, which include; a lobby, a service bar, a kitchen, a 'luxé VIP suite', an office, restroom facilities, as well as a main space with moveable tables and seating. Additionally, a movable stage is proposed for live performances or entertainment.

Initially, staff had concerns about traffic flow and parking facilities due to the potential parking demand resulting from dining or entertainment events. In response, the applicant has provided a shared parking diagram, based on a shared parking agreement with the property owner to the south. This agreement will need to be produced in writing prior to the issuance of building permits and certificates of occupancy.

In article 8.3.R, the UDC makes the following statement about a reception facility: *"A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities."*

Staff does not have a concern about noise, so long as noise ordinances are being followed, and mandated operating hours are followed.

According to article 8.2 table 8-1, "live entertainment – secondary use" is also a use that requires a special use permit in the C-3 zone. In article 8.5, this use is defined as follows: *"A live performance performed live by one or more persons including, but not limited to, musical acts, including disc jockeys (DJs), theatrical plays, performance art, stand-up comedy, and magic, included as part of the operation of a bar, restaurant, amusement facility, or similar use. As a secondary use, the other principal use operating on the site must be open to public during hours when no performance is scheduled. Live entertainment - secondary use is approved separately as a principal use. Live entertainment - secondary use does not include:*

- 1. Sexually-oriented business.*
- 2. Live performance venue.*
- 3. Periodic performances or entertainment at educational facilities, places of worship, cultural facilities, reception facilities, and performances at weddings and similar events.*
- 4. Incidental entertainment, which is defined as background music provided at a bar or restaurant."*

Given this definition, staff does not find that the applicant needs a special use permit for this use, as periodic performances at reception facilities are not included, as stated above. Additionally, the use "live performance venue" is a permitted use in the C-3 zones, if events were to occur daily.

There is not currently a co-working office use defined in the UDC, and the current definition of office would not allow the use, “An establishment that engages in the processing, manipulation, or application of business information or Article 8. Uses City of Spring Hill August 20, 2018 8–38 Unified Development Code professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institution, government office/facility, or industrial design.” Therefore, staff would recommend utilizing the use of either ‘Personal Service Establishment’ or ‘Arts Studio’. Definitions can be found below from article 8.5. Both uses are permitted in the C-3 zone.

“Personal Service Establishment. An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors. Establishments that offer lessons and private classes are considered art and fitness studios.”

“Arts Studio. An establishment where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga. An arts studio also includes private exercise studios for private sessions with trainers and/or private classes.”

Based on the findings above, staff would recommend that a special use permit is needed only for a reception facility.

Findings of Fact: The applicant has met UDC requirements regarding the U.S.P.S. First Class mailing of notices to all adjacent property owners of 4926 Port Royal and at least ten days in advance of the first scheduled action. City staff has placed a notice in the newspaper and a sign on the subject property. No public comments were received via the BOZAPublicComment@springhilltn.org email address regarding this request. The findings listed below represent staff’s response to the approval standards required in Section 13.3 of the UDC, to be considered by the Board of Zoning Appeals prior to approving a variance and a review of the applicant’s justification statements.

Spring Hill Unified Development Code: Article 13.3 of the City’s Unified Development Code lays out the approval process for uses identified as a Special Use in Table 8-1, Use Matrix. Because certain uses have unique characteristics that may prevent them from being compatible with neighboring land uses throughout the community they may be permitted by special use or “use on appeal” in the former zoning ordinance. This process allows for the uses to be considered on a case-by-case basis and site-specific. Article 13.3 offers the following regarding special uses and the specific Approval Standards to be considered by the Board of Zoning Appeals:

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

1. *The consistency of the proposed special use with the Comprehensive Plan and any adopted land use policies.*

Staff’s findings: Staff believes that the proposed special use is consistent with the Comprehensive Plan, as it has been identified as a “Community Commerce Area” which includes professional and regional offices, eating places, large-scale retail, municipal services, community centers, automobile-related services, and large-scale entertainment, and the applicant is proposing a reception facility to include dining and entertainment.

2. *The special use in the specific location proposed is consistent with the spirit and intent of this Code.*

Staff’s findings: The proposed use, while subject to approval as a special use, is consistent with the purpose statements in Article 5.1 for the Corridor Commercial District: “The C-3 District is intended to

3/5

address the commercial corridors that are primarily oriented toward a mix of retail, personal service, and office uses along the arterials and collectors in the City. Both mixed-use development and auto-oriented uses can be accommodated in these areas.”

3. *The proposed special use will not endanger the public health, safety, or welfare.*

Staff's findings: Staff is not aware of any concerns which may present a hazard to public health, safety, or welfare, so long as appropriate operating hours are determined and noise ordinances are adhered to. Additionally, a shared parking agreement needs to be provided before issuance of building permits or certificates of occupancy.

4. *The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.*

Staff's findings: According to the Spring Hill Rising 2040 Plan, the property is surrounded on three sides by the same future land use of “Community Commerce Area”. Additionally, this site is currently bordered on the south and east by C-3. The only property which raises concern is the Hayne’s Crossing Subdivision, which is to the north of the site.

5. *Public infrastructure and services to support the use is sufficient in the location of this special use.*

Staff's findings: Staff finds that the public infrastructure and services to support the use are sufficient, however, the applicant will be required to provide the shared parking agreement in writing prior to issuance of building permits or certificates of Occupancy.

Findings: Based on the above findings, Staff concludes that the application meets the Approval Standards of Article 13.3.E listed above for the approval of a special use.

Recommendation: If the Board of Zoning Appeals agrees with staff’s findings and determines that the request meets the requirements for a special use, staff recommends that the Board of Zoning Appeals adopt staff’s findings of fact and conclusions of law found in this report and **approve** BZA 1334-2023. Approval is subject to the conditions listed in the Motion below.

Possible Motion: Motion to adopt the finding of facts and conclusions of law provided in this report and to approve special use application BZA 1334-2023 to permit a reception facility with the following conditions:

1. An approved special use will expire one year from the date of approval according to the provisions of Article 13.3.G of the UDC. Permits must be obtained prior to the expiration of this special use.
2. The development must be reasonably consistent with the special use request submitted to the BOZA, subject to changes and conditions imposed by the Planning Commission.
3. The applicant must provide a signed shared parking agreement prior to the issuance of buildings permits and/or certificates of occupancy.
4. The applicant must provide standard operating hours prior to the issuance of buildings permits and/or certificates of occupancy.

Possible Motion: Motion to **deny** special use application BZA 1334-2023 to permit a reception facility with the following conditions:

1. *The proposed use is not consistent with the comprehensive plan and land use policies of the city of Spring Hill.*
2. *The proposed use in this location is not consistent with the intent of the Unified Development Code.*
3. *The proposed use will be an endangerment to the health, safety, and welfare of the public.*

4/5

4. *The proposed use is not compatible with the general land use of adjacent properties, which is evident due to the surrounding zonings to the site and the size of the lots.*
5. *The special use of the site in question does not have sufficient public infrastructure and services to support the use.*