

ORDINANCE 23-07

AN ORDINANCE TO AMEND ORDINANCE NO. 18-21, THE SAME BEING THE ZONING ORDINANCE AND OFFICIAL ZONING MAP OF THE CITY OF SPRING HILL, BY REZONING APPROXIMATELY 3.47 ACRES KNOWN AS MAURY COUNTY TAX MAP 28, PARCEL 004.00 FROM R-1 (Residential to C-4 (Commercial))

RZN 1351-2023 945 OLD KEDRON ROAD (MAURY COUNTY PARCEL NUMBER 060028 00400)

WHEREAS, the City of Spring Hill Ordinance No. 18-21, the same being the official Zoning Map of Spring Hill is hereby amended by the rezoning of 3.47 acres of property described herein, and known as, Maury County tax map 28, parcel 004.00 (945 Old Kedron Road) From R-1 residential zoning to C-4 commercial zoning; and;

WHEREAS, said portion of property to be rezoned from R-1 to C-4, is located within the corporate limits of the City of Spring Hill; and

WHEREAS, the request has been found to meet the Approval Standards of Section 13.5.E.4.e of the Unified Development Code and included the following attached Exhibits:

1. EXHIBITS:

- a. EXHIBIT A – Letter of Request
- b. EXHIBIT B – Proximity Map
- c. EXHIBIT C – Zoning Map
- d. EXHIBIT D – Water Sewer Capacity Memo
- e. EXHIBIT E – Planning Commission Resolution
- f. EXHIBIT F – Planning Commission Staff Report

WHEREAS, the Spring Hill Municipal Planning Commission forwarded the request to the Board of Mayor and Aldermen on May 8, 2023 to be recommended for approval in accordance with Exhibit E as provided; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SPRING HILL, TENNESSEE, BOARD OF MAYOR AND ALDERMEN, WHILE IN REGULAR SESSION on July 17, 2023, to amend Ordinance No. 18-21, the same being the official Zoning Map of Spring Hill is hereby amended by the rezoning of 3.47 acres of property described herein, and known as, Maury County tax map 28, parcel 004.00 (945 Old Kedron Road) From R-1 residential zoning to C-4 commercial zoning; and;

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SPRING HILL, TENNESSEE, BOARD OF MAYOR AND ALDERMEN, that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.


Jim Hagaman, Mayor

ATTEST:

*Ordinance 23-07
July 17, 2023
Page 1 of 2*

Guil David by Guil Walter

April Goad, City Recorder

LEGAL FORM APPROVED:

Patrick Carter

Patrick Carter, City Attorney

Passed on First Reading: June 6, 2023

Passed on Second Reading: July 17, 2023

MEMORANDUM

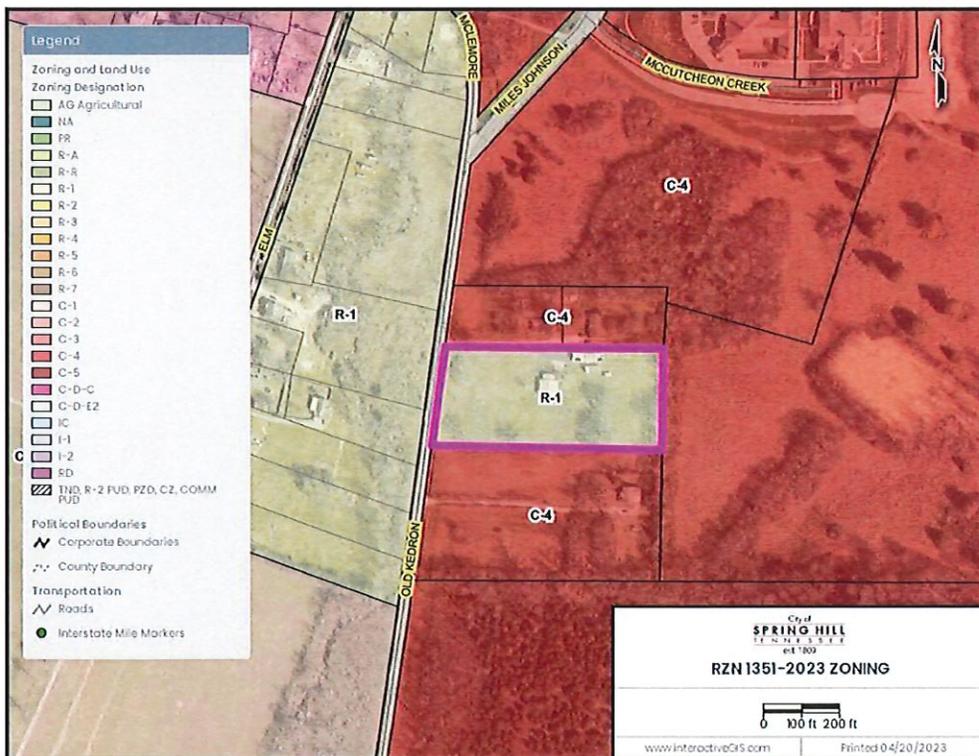


DATE: May 15, 2023
TO: Board of Mayor and Aldermen (BOMA)
FROM: Pete Hughes, Development Director
 Austin Brass, City Planner
 Pam Caskie, City Administrator
SUBJECT: Ordinance 23-07 (RZN 1351-2023)

Request: Submitted by Daniel L. Wischhof on behalf of Miles Johnson for the rezoning of 3.47 +/- acres from R-1 to C-4. The property is located at 945 Old Kedron Road (Tax Map 028, Parcel 004.00).

Property Description and History: This property is located on the east side of Old Kedron Road and 500 ft south of the Old Kedron Road and Miles Johnson Parkway split. The current use of the property consists of a single-family dwelling constructed in 1990 and associated accessory structures. The frontage portion of the property to be rezoned lies within an AE Flood Zone. At the time of proposed redevelopment, this property will require a possible CLOMR and LOMR process to be conducted with the City of Spring Hill in coordination with FEMA. The Spring Hill Major Thoroughfare Plan identifies Old Kedron Road as an Arterial Road per the plan.

Existing Districts/ Land Use:	Adjacent Zoning	Zoning	Land Use
	North:	C-4 (General Commercial)	Single-Family Residential
	South:	C-4 (General Commercial)	Single-Family Residential
	East:	C-4 (General Commercial)	Vacant Land
	West:	R-1 (Single-Family District)	Single-Family Residential



Spring Hill Rising: 2040:

The Spring Hill Rising: 2040 comprehensive plan shows the (FLUM) Future Land Use Classification for this property as an "Innovation Area" designation which describes the purpose of the area as follows:

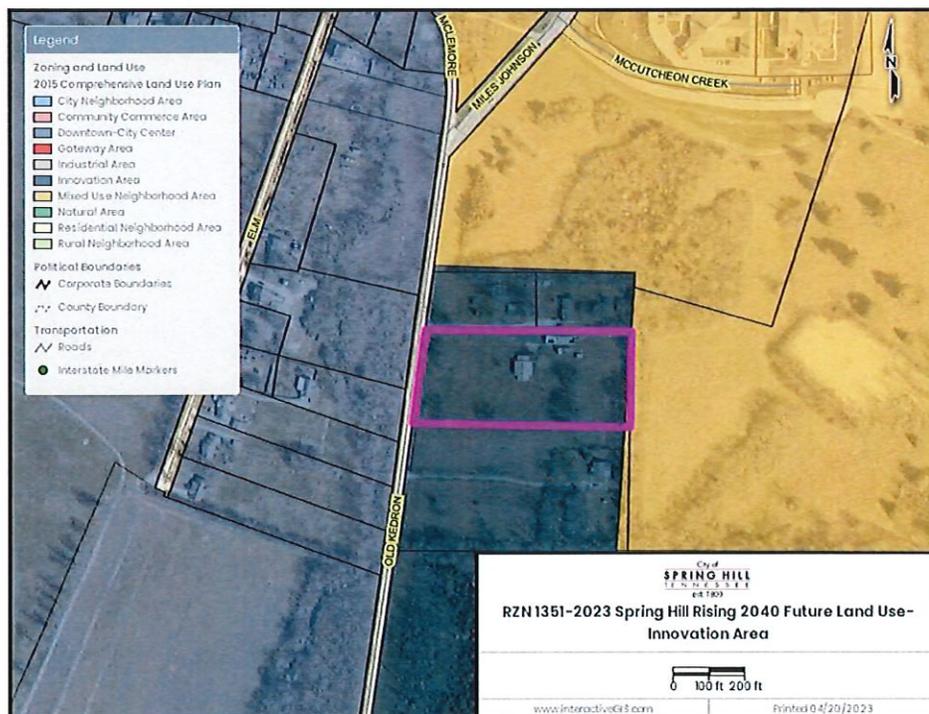
Innovation Areas accommodate a concentration of regional medical, technology, and research facilities and ancillary uses. This area incorporates transit-oriented development principles and design. Building development should be variable to promote the specific needs of an area that accommodates a variety of scales and building design that supports the goal of encouraging a walkable development form, and mixed-use opportunities are encouraged.

Appropriate landscaping and open space between buildings and adjacent land uses should be provided to enhance the appearance of the area and buffer negative visual and noise impacts of activity within these areas on surrounding areas. Open space should be retained, and landscaping incorporated into site design and parking areas. Front-yard parking should be discouraged.

Future development should reflect unified development pattern that includes connectivity between uses, controlled signage (height, size, type) to prevent "visual clutter" and supporting commercial uses to serve workers and patrons of these developments. The area should include an extensive pedestrian circulation system that makes walking convenient. It should also accommodate housing that would benefit from proximity to innovative areas.

Primary future land uses include technology and research centers, hospitals, clinics, specialized medical offices, professional offices, restaurants, lodging, and municipal services.

The Spring Hill Rising Plan would support a rezoning of the property as C-4 based on the *Spring Hill Rising 2040* Comprehensive Plan designation as an "Innovation Area". A C-4 Zoning designation supports the varied uses that would be compatible with this future land classification such as medical offices, restaurants, and lodging as described.



Zoning Map Amendments: Staff has placed public notification signs on the property and published notice as required by the Unified Development Code. The applicant provided staff with copies of the mailed notices and proof of mailings. The mailed notification letters are sent to surrounding landowners within 500'. The UDC requires all notices to be mailed at least 10 days prior to the first scheduled action (April 24th, 2023, Planning Commission Work Session).

Approval standards for zoning map amendments, as found in the Unified Development Code, article 13, are below:

E. Approval Standards

The Board of Mayor and Aldermen decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Planning Commission and the Board of Mayor and Aldermen must consider the following standards. The approval of amendments is based on a balancing of these standards. Staff's response to the approval standards are listed after each section.

1. Approval Standards for Map Amendments

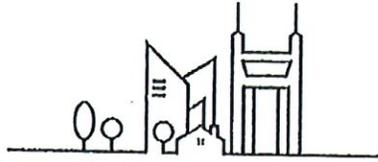
- a. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.*
 - The proposed rezoning from R-1 to C-4 is consistent with the City of Spring Hill Comprehensive Plan as the Future Land Use for the subject property is classified as being within an "Innovation Area". A C-4 zoning designation as proposed permits uses such as medical offices, restaurants, and lodging that have been identified as allowable uses within this future land use designation.*
- b. The compatibility with the existing use and zoning of nearby property.*
 - Adjacent zoning districts to the north, south, and east of the subject property are the same as the requested zoning designation. This request brings the subject property into compatibility with adjacent properties.*
- c. The extent to which the proposed amendment creates nonconformities.*
 - The proposed amendment would not create a nonconformity in lot size dimensions as the current parcel exceeds the lot area minimum of 10,000 SF and minimum lot width of 60' for a C-4 zoning dimensional lot standard. The extent of creating a nonconformity would be limited to use of an existing single-family dwelling if it were to remain when the subject property is zoned to C-4.*
- d. The trend of development, if any, in the general area of the property in question.*
 - Spring Hill Rising 2040 has indicated the Future Land Use for this property as "innovation area" and would be compatible with a future land use and adjacent properties zoned similarly as C-4. It has been indicated that sanitary and water services are available to the site along arterial roadway that may support a commercial use in C-4.*
- e. That there are no adverse impacts on public health, safety, and welfare.*
 - Technical comments received have indicated that the rezoning of this property from R-1 to C-4 would have no adverse impacts on public health, safety, and welfare. It shall be noted that any development proposal for this property would require a flood study in coordination with the City of Spring Hill and FEMA as a portion of the property is located within an AE flood zone.*

- f. *Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to or concurrent with the development of the site, which would be permitted on the subject property if the amendment were adopted.*
- *This request was shared with other City Departments and indicated the request could be served by the multiple entities with no comments being made indicating that the proposed rezoning would have an adverse impact on city services at this time.*

Planning Commission Action: *Alderman Matt Fitterer made a motion and Alderman Trent Linville seconded to favorably recommend RZN 1351-2023 to the BOMA for approval. The motion to favorably recommend RZN 1351-2023 to the Board of Mayor and Aldermen with the Staff associated conditions of approval passed by a vote of 6-0.*

Staff Recommendation: Staff is recommending approval of the Ordinance 23-10 to modify ordinance 18-21. However, the BOMA must determine if the request is consistent with the standards of approval (as noted above), if the request is consistent with the comp plan, and if the request is consistent with the surrounding land uses and zoning (to avoid spot zoning).

EXHIBIT A



Residential & Commercial Title
Daniel L. Wischhof, Attorney

December 15, 2022

City of Spring Hill Planning Department
5000 Northfield Lane, Ste. 520
Spring Hill, Tennessee 37174



RE: 945 Old Kedron Road
Miles B. Johnson Property
Rezone Request

Gentlemen:

I am the trustee for Mr. and Mrs. Miles Johnson, to whom I am related by marriage.

Attached please find a request to rezone the Johnsons' homeplace at 945 Old Kedron Road from R-1 to C-4. Their 3.45 acre parcel is the only one on the East side of Old Kedron that is not already zoned C-4, and the water and sewer that serve the rest of those C-4 parcels pass through the frontage of his property. There are no current plans for the property, but this season of life has taken them into assisted living, and the property needs to be sold. It is our thought that by bringing it into zoning compliance with the surrounding properties we can maximize its value.

With the application, I attach the following:

1. Quitclaim Deed of record in Book R2612, Page 264 of the Register's Office for Maury County, showing the current vesting of the property. Mr. Johnson has owned it since 1966, but has since quitclaimed it to the "Miles B. Johnson Family Trust dated February 4, 2020".
2. Certification of Trust of record in Book R2879, Page 1469, showing that I am the current Trustee and hold the authority to transact in the property.

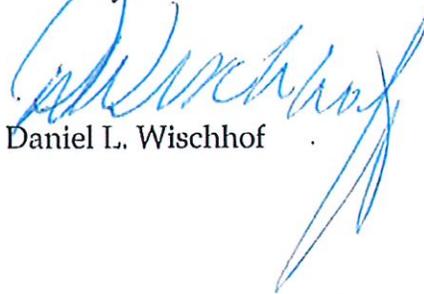
EXHIBIT A

Spring Hill Planning Department
December 15, 2022
Page Two

3. Copy of the current zoning map demonstrating the Johnson property, which as I said is the only parcel on the east side of Old Kedron that is not already in C-4 zoning.
4. Email of November 7, 2022 from engineer Jerome Dempsey confirming onsite access of this parcel to the same water and sewer lines that service the surrounding C-4 area.
5. Notice List and map showing the parcels within 500 feet whose owners will be notified.
6. Specimen notice letter. The dates in this draft were provided informally by Mr. Hughes, and will be confirmed and edited as necessary.

Please confirm the submission fee, and anything else that you need in order to complete and submit this application, and we will immediately provide it so that this can go into process in January. Thank you for your assistance, and with best Christmas wishes, I am

Sincerely,



Daniel L. Wischhof

DLW/dtm

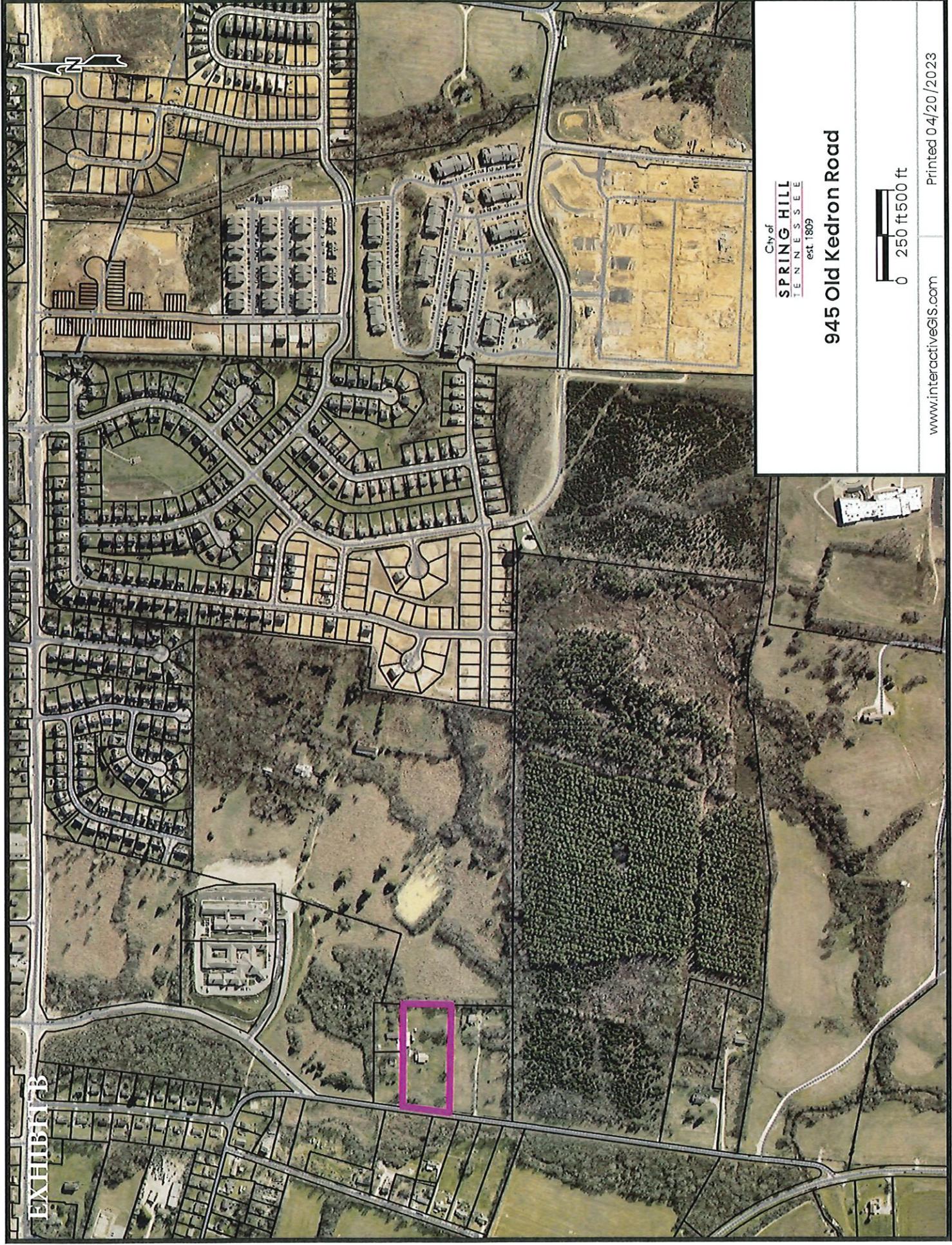


EXHIBIT B

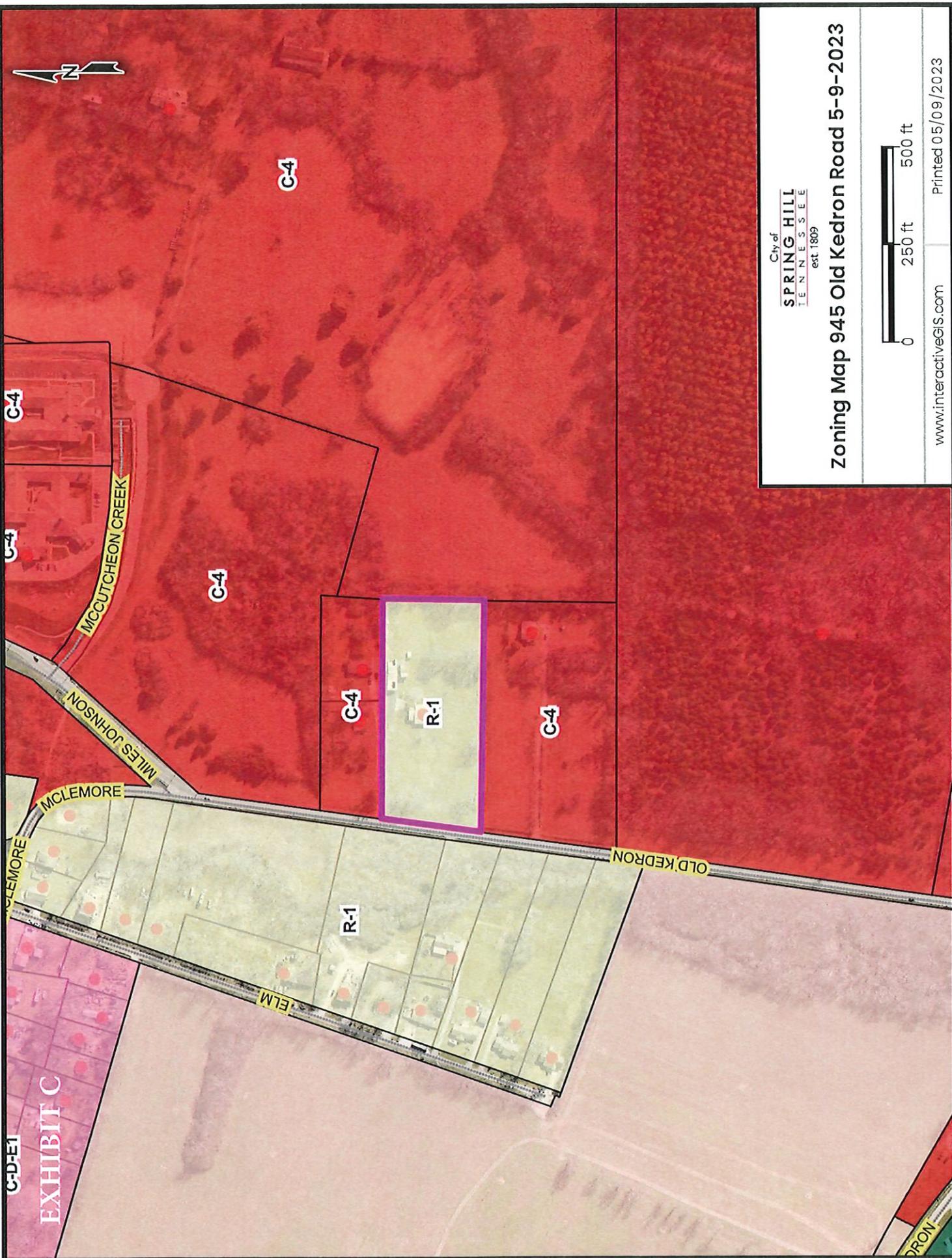
City of
SPRING HILL
TENNESSEE
est. 1809

945 Old Kedron Road



www.interactiveGIS.com

Printed 04/20/2023



City of
SPRING HILL
T E N N E S S E E
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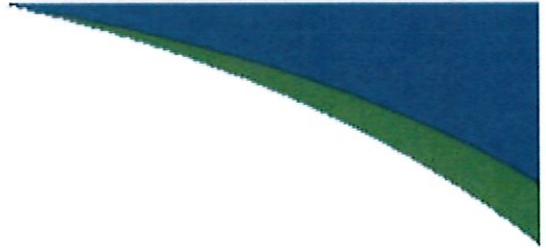
Zoning Map 945 Old Kedron Road 5-9-2023



www.interactiveGIS.com

Printed 05/09/2023

EXHIBIT D



MEMORANDUM

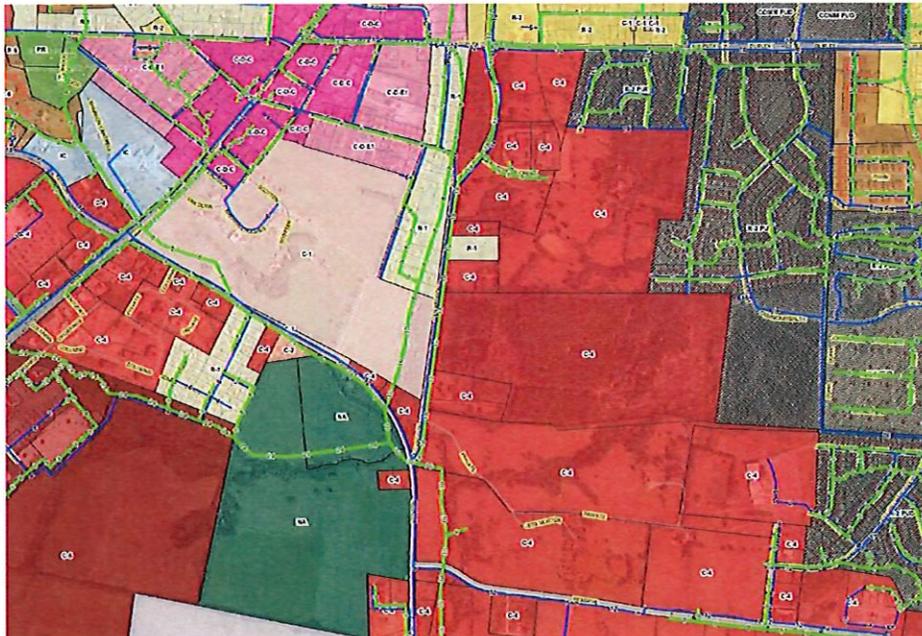
TO: Peter Hughes, Development Services Director
FROM: Dan Allen, Assistant City Administrator
DATE: March 15, 2023
RE: Water & Sewer Capacity Analysis for 945 Old Kedron Road

PURPOSE:

To review and provide recommendations on the water & sewer capacity for rezoning 945 Old Kedron Road from R-2 to C-4.

BACKGROUND:

The subject property is 945 Old Kedron Road (see location below).



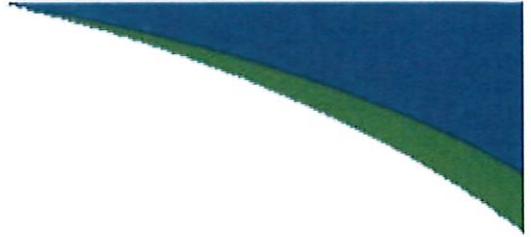
CITY OF SPRING HILL

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EXHIBIT D



All properties on the east side of Old Kedron have been rezoned to C-4. Additionally, this property is only 3.378 acres. The property has an 18 inch gravity sewer line and 12 inch water line along the frontage.

With the current zoning available on the property, it is reasonable to assume that 5 homes could be constructed under R-2 zoning. With current sewer demand of 84 gallons per day per capita, that would be expected to generate approximately 1,260 gallons per day.

In the 2018 Water and Sewer Capacity study, future non-residential uses were modeled at 20% building coverage of the overall acreage of a site. Using the same methodology, a building with approximately 29,500 square feet could be placed on the property. The expected gallons per day generated by a non-residential use for this property is expected to be approximately 3,000 gallons per day.

The net difference between the residential and non-residential uses is approximately 1,740 gallons per day.

STAFF RECOMMENDATION:

Staff recommends that water and sewer capacity is available to serve 945 Old Kedron Road should the Planning Commission and Board of Mayor and Aldermen choose to approve rezoning the property from R-2 to C-4.



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EXHIBIT E

**RESOLUTION 23-52
OF THE PLANNING COMMISSION
OF THE CITY OF SPRING HILL, TENNESSEE**

**A RESOLUTION TO RECOMMEND APPLICATION RZN 1351-2023
(R-1 to C-4) TO THE BOARD OF MAYOR AND ALDERMAN**

WHEREAS, pursuant to TCA 13-4-103, authority is granted to the Municipal Planning Commission to make recommendations relating to the plan and development of the municipality to public officials; and

WHEREAS, the Planning Commission had a regular meeting on the 8th day of May, 2023 and heard public testimony and input regarding application RZN 1351-2023; and

WHEREAS, the Planning Commission considered the materials submitted by the applicant and the reports written by City Staff;

NOW, THEREFORE BE IT RESOLVED, that the Spring Hill Planning Commission forwards the recommendation for application RZN 1351-2023 to the Board of Mayor and Alderman as follows.

APPROVAL OF RZN 1351-2023

Passed and adopted this 8th day of May, 2023.

Elizabeth Droke, Chairman

Peter Hughes, Secretary

EXHIBIT F

Spring Hill Planning Commission Regular Meeting



TO: Spring Hill Planning Commission
 FROM: Austin Brass, AICP, City Planner
abrass@springhilltn.org
 MEETING: May 8, 2023
 SUBJECT: RZN 1351-2023 (R-1 to C-4)

RZN 1351-2023: Submitted by Daniel L. Wischhof on behalf of Miles Johnson for the rezoning of 3.47 +/- acres from R-1 to C-4. The property is located at 945 Old Kedron Road (Tax Map 028, Parcel 004.00).

Request: The applicant has requested to rezone a 3.47 +/- acre parcel from R-1 (Single-Family District) to C-4 (General Commercial District). This request was previously deferred from a February 13, 2023, meeting to due to lack of water and sewer capacity analysis as required for a proposed zoning map amendment and highlighted in section 13.2.E.1 of the City of Spring Hill Unified Development Code.

Property Description and History: This property is located on the east side of Old Kedron Road and 500 ft south of the Old Kedron Road and Miles Johnson Parkway split. The current use of the property consists of a single-family dwelling constructed in 1990 and associated accessory structures. The frontage portion of the property to be rezoned lies within an AE Flood Zone. At the time of proposed redevelopment, this property will require a possible CLOMR and LOMR process to be conducted with the City of Spring Hill in coordination with FEMA. The Spring Hill Major Thoroughfare Plan identifies Old Kedron Road as an Arterial Road per the plan.

Existing Adjacent Zoning Districts/
 Land Use:

	Zoning	Land Use
North:	C-4 (General Commercial)	Single-Family Residential
South:	C-4 (General Commercial)	Single-Family Residential
East:	C-4 (General Commercial)	Vacant Land
West:	R-1 (Single-Family District)	Single-Family Residential

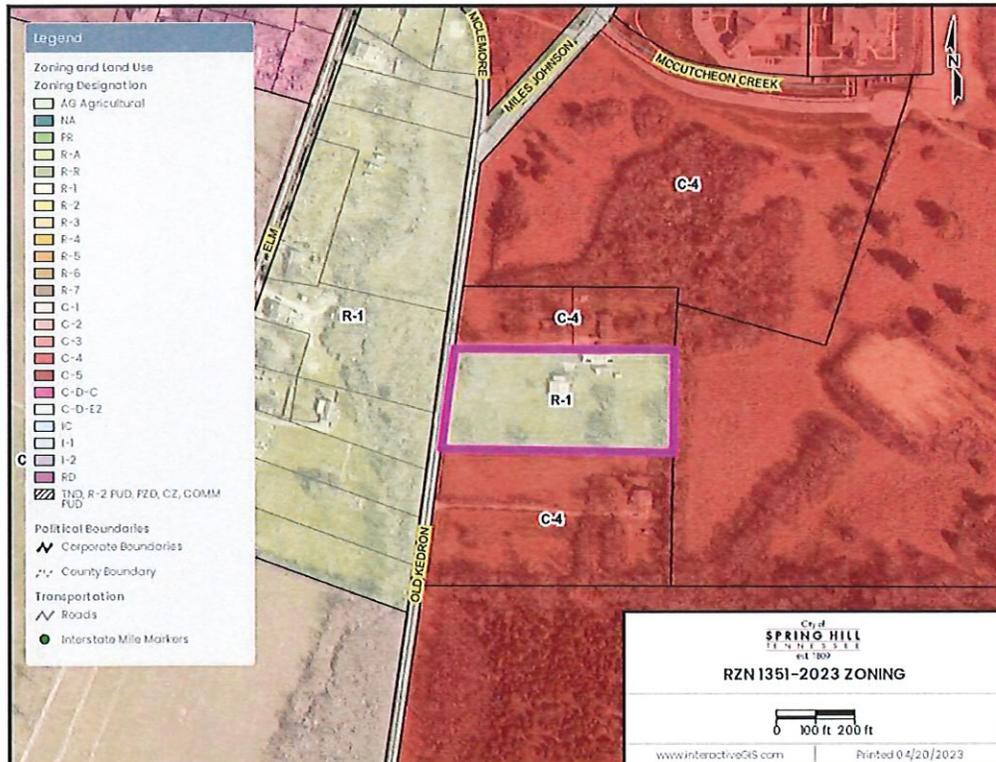


EXHIBIT F

Spring Hill Rising: 2040:

The Spring Hill Rising: 2040 comprehensive plan shows the (FLUM) Future Land Use Classification for this property as an "Innovation Area" designation which describes the purpose of the area as follows:

Innovation Areas accommodate a concentration of regional medical, technology, and research facilities and ancillary uses. This area incorporates transit-oriented development principles and design. Building development should be variable to promote the specific needs of an area that accommodates a variety of scales and building design that supports the goal of encouraging a walkable development form, and mixed-use opportunities are encouraged.

Appropriate landscaping and open space between buildings and adjacent land uses should be provided to enhance the appearance of the area and buffer negative visual and noise impacts of activity within these areas on surrounding areas. Open space should be retained, and landscaping incorporated into site design and parking areas. Front-yard parking should be discouraged.

Future development should reflect unified development pattern that includes connectivity between uses, controlled signage (height, size, type) to prevent "visual clutter" and supporting commercial uses to serve workers and patrons of these developments. The area should include an extensive pedestrian circulation system that makes walking convenient. It should also accommodate housing that would benefit from proximity to innovative areas.

Primary future land uses include technology and research centers, hospitals, clinics, specialized medical offices, professional offices, restaurants, lodging, and municipal services.

The Spring Hill Rising Plan would support a rezoning of the property as C-4 based on the *Spring Hill Rising 2040* Comprehensive Plan designation as an "Innovation Area". A C-4 Zoning designation supports the varied uses that would be compatible with this future land classification such as medical offices, restaurants, and lodging as described.

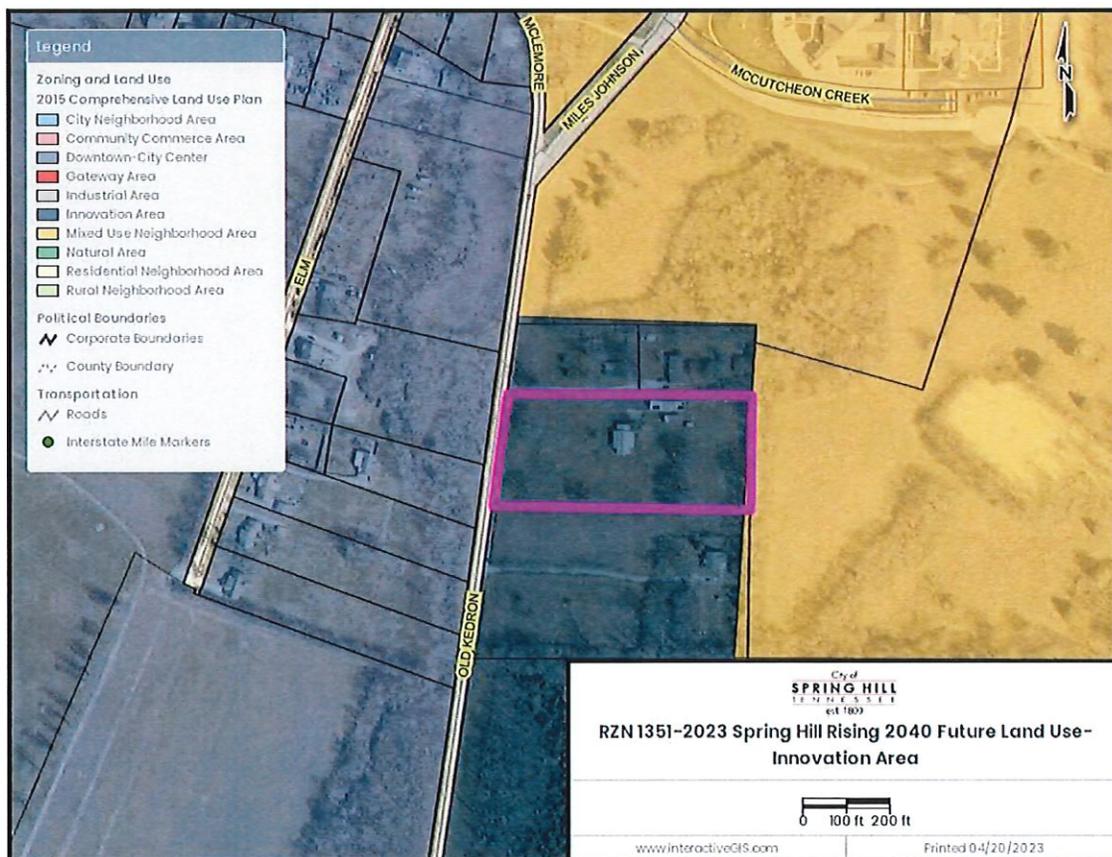


EXHIBIT F

Surrounding Property/Zoning: This property is currently adjacent to the existing C-4 zoning on the eastern side of Old Kedron Road. This request to rezone this property from R-1 to C-4 would allow for greater compatibility among adjacent zoning designations, and specifically eliminating a spot zone of R-1 when zoning the property to C-4. Overall, this rezoning meets the goals, policies, and objectives of the Future Land Use Classification of "Innovation Area" as designated for the subject property.

Access, Streets and Sidewalks: Vehicular access to the property would be located from Old Kedron Road, an arterial road as highlighted in the Spring Hill Rising 2040 plan. If the rezoning is approved by the Board of Mayor and Alderman; access, streets and sidewalks will be addressed at the time of site plan/development review. A Traffic impact study will be required for any proposed development associated with the site.

Building and Site Design: A concept plan was not submitted at time of rezoning. If BOMA approves this rezoning request, any proposed site plan will be required to follow all standards of a C-4 district as highlighted in the Unified Development Code at time of site plan review.

Utilities: The applicant has completed a water and sewer capacity analysis for the rezoning of the subject property that has determined that water and sewer is available to the site.

Water: The site has current access to a 12-inch water line along the frontage of Old Kedron Road at the subject site.

Sewer: According to the sewer analysis there is an 18-inch sewer line available to this property fronting Old Kedron Road. As cited from the City of Spring Hill 2018 Water and Sewer Capacity study, non-residential uses were modeled at 20 percent coverage of the overall acreage of a site. Per the sewer capacity analysis, it would be assumed that a 29,500 SF building could be constructed utilizing 3,000 gallons per day when 20 percent coverage is utilized for a 3.378-acre site.

Zoning Map Amendments: Staff will place public notification signs on the property and published notice as required by the Unified Development Code. The applicant provided staff with copies of the mailed notices and proof of mailings. The mailed notification letters are sent to surrounding landowners within 500'. The UDC requires all notices to be mailed at least 10 days prior to the first scheduled action (April 24th, 2023, Planning Commission Work Session).

Approval standards for zoning map amendments, as found in the Unified Development Code, article 13, are below:

E. Approval Standards

The Board of Mayor and Aldermen decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Planning Commission and the Board of Mayor and Aldermen must consider the following standards. The approval of amendments is based on a balancing of these standards. Staff's response to the approval standards are listed after each section.

1. Approval Standards for Map Amendments

- a. *The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.*
 - *The proposed rezoning from R-1 to C-4 is consistent with the City of Spring Hill Comprehensive Plan as the Future Land Use for the subject property is classified as being within an "Innovation Area". A C-4 zoning designation as proposed permits uses such as medical offices, restaurants, and lodging that have been identified as allowable uses within this future land use designation.*
- b. *The compatibility with the existing use and zoning of nearby property.*

EXHIBIT F

- *Adjacent zoning districts to the north, south, and east of the subject property are the same as the requested zoning designation. This request brings the subject property into compatibility with adjacent properties.*

- c. *The extent to which the proposed amendment creates nonconformities.*
 - *The proposed amendment would not create a nonconformity in lot size dimensions as the current parcel exceeds the lot area minimum of 10,000 SF and minimum lot width of 60' for a C-4 zoning dimensional lot standard. The extent of creating a nonconformity would be limited to use of an existing single-family dwelling if it were to remain when the subject property is zoned to C-4.*

- d. *The trend of development, if any, in the general area of the property in question.*
 - *Spring Hill Rising 2040 has indicated the Future Land Use for this property as "innovation area" and would be compatible with a future land use and adjacent properties zoned similarly as C-4. It has been indicated that sanitary and water services are available to the site along arterial roadway that may support a commercial use in C-4.*

- e. *That there are no adverse impacts on public health, safety, and welfare.*
 - *Technical comments received have indicated that the rezoning of this property from R-1 to C-4 would have no adverse impacts on public health, safety, and welfare. It shall be noted that any development proposal for this property would require a flood study in coordination with the City of Spring Hill and FEMA as a portion of the property is located within an AE flood zone.*

- f. *Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to or concurrent with the development of the site, which would be permitted on the subject property if the amendment were adopted.*
 - *This request was shared with other City Departments and indicated the request could be served by the multiple entities with no comments being made indicating that the proposed rezoning would have an adverse impact on city services at this time.*

Planning – Pete Hughes: No comments currently.

Codes – Chris Brooks: No comments.

Parks and Recreation – Kayce Williams: No comments currently.

Fire Marshall – Tony Wallace: No comments currently.

Public Works – Tyler Scroggins & Chris Dugan: No comments currently.

Water – T.C. Norman & Jeremy Vanderford: No comments currently.

Sewer – Jim Vrdoljak: No comments currently.

Engineering – Lawrence Holdorf & Gracie Aldridge: No comments currently.

RZN 1351-2023 R-1 to C-4

EXHIBIT F

Traffic Engineer Consultant – Corradino Group – Gerald Bolden: No comments currently.

Water/Sewer Capacity Consultant – Thomas & Hutton – Ryan Chamblee: No comments currently.

Findings: Staff has provided our response to the required findings listed above from Section 13.2.E of the UDC. The Planning Commission and Board of Mayor and Alderman will need to decide as to whether the request is consistent with the six criteria listed above.

Public Comments: Staff has received no public comment via the PCPublicComment@springhilltn.org email address.