

ORDINANCE 15-06

AN ORDINANCE TO AMEND ORDINANCE NO. 86-47, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRING HILL, BY REZONING PROPERTY BEING TAX MAP 028A, PARCEL 015.00 FROM R-1 (RESIDENTIAL LOW DENSITY) TO B-2 (NEIGHBORHOOD SHOPPING DISTRICT)

BE IT ORDAINED BY THE CITY OF SPRING HILL, TENNESSEE BOARD OF MAYOR AND ALDERMEN:

Section 1: That the City of Spring Hill Zoning Ordinance, the same being Ordinance No. 86-47, and the zoning maps therein adopted be, and the same are hereby amended by rezoning the property herein described as Maury County Tax Map 028A, Parcel 015.00 from R-1 (Residential Low Density) to B-2 (Neighborhood Shopping District).

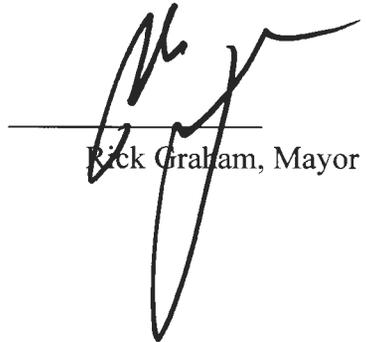
Section 2: Said property to be rezoned from R-1 to B-2 is located within the corporate limits of the City of Spring Hill. Attached hereto showing the proposed rezoning location as Exhibit "A".

Section 3: This Ordinance was approved by the Spring Hill Municipal Planning Commission on the 8th day of December, 2014, with notice of said hearing being given fifteen (15) days or more before said approval.

Section 4: This Ordinance shall take effect from and after its adoption, the Public welfare requiring it.

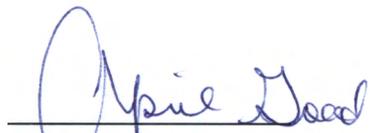
Section 5: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

PASSED AND ADOPTED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE, this, the 20th day of APRIL 2015.



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

Passed on First Reading: March 16, 2015

Passed on Second Reading: April 20, 2015

Spring Hill Planning Commission Regular Meeting



TO: Spring Hill Planning Commission
FROM: Dara Sanders, City Planner
MEETING: February 9, 2015
SUBJECT: RZN 15-43 (Spring Hill Realty)

RZN 15-43: Submitted by Spring Hill Realty for property located at 5339 Main Street. The property is zoned R-1, Low Density Residential, and contains approximately 0.12 acre. The applicant requests to rezone the property to B-2, Neighborhood Shopping District.

Property description and history: The subject property was originally developed and used for a single-family home in the R-1, Low Density Residential, zoning district. The applicant has explained that the property has been used for nonresidential purposes for the past several years. Based on the City's records, a retail business was issued a business license to operate on the subject property between March of 2000 and April of 2009. Staff finds that this business license was issued in error, as it violates the restrictions of the underlying zoning district, and staff was unable to find further documentation that recent nonresidential uses have been permitted to operate. Surrounding zoning designations are as follows:

- North – B-2, Neighborhood Shopping District, and B-4, Central Business District
- East – B-4, Central Business District
- South – R-1, Low Density Residential District
- West – B-4, Central Business District

Request: The applicant requests to rezone the subject property from R-1 to B-2 to allow for the continued nonresidential use of the existing structure.

Future land use designation: The future land use designation is District Downtown, which is intended to encourage a true live, work, play environment that includes a mixture of the government facilities, new commercial and residential, historic buildings, and long-term services that can create vitality and reinforce the area's role. The requested B-2 zoning district is identified as the only compatible nonresidential zoning district for the District Downtown land use designation.

Historic property buffer: This property is located within the historic buffer of Ferguson Hall, listed on the National Register of Historic Places. This item was heard by the Historic Commission during their regular meeting scheduled on Tuesday, February 3rd, and made a recommendation to the Planning Commission for approval.

Discussion: The requested B-2 zoning district would allow for the property owner to continue to utilize the converted single-family dwelling for nonresidential purposes. The size of the subject property, approximately 0.12 acre (5,292 square feet), significantly limits the uses that could be accommodated on the site due to parking requirements, green and open space requirements, and access needs for larger commercial operations.

However, due to the existing commercial zoning designations of the adjacent properties, it is possible for a future developer to acquire additional property to redevelop this area for a permitted use in the B-2 zoning district, such as a gas station, strip shopping center, or movie theater. These uses have the potential to have an adverse impact on the existing infrastructure and the intended form of the surrounding area described in the future land use designation, which has already been altered significantly with past development of property designed to accommodate primarily the automobile and without consideration of the historic character of the surrounding properties. While staff identifies this as a concern with the potential redevelopment of the property, staff finds that this concern is a direct result of the structure of the B-2 zoning district, which is also the only nonresidential zoning district identified as compatible with the future land use designation.

Recommendation: Staff recommends forwarding RZN 15-43 to the Board of Mayor and Aldermen with a recommendation for approval.

Date: February 3, 2015

To: Spring Hill Municipal Planning Commission
Spring Hill Board of Mayor and Aldermen
c/o Ms. Dara Sanders, City of Spring Hill Planner
PO Box 789
Spring Hill, TN 37174

From: Jonathan Duda – Chairman, City of Spring Hill Historic Commission
c/o City of Spring Hill
PO Box 789
Spring Hill, TN 37174

Re: Review Comments and Recommendations for RZN 15-43, a request to rezone 0.12 acre to B-2, Neighborhood Shopping District

To whom it may concern:

On February 3, 2015 the Spring Hill Historic Commission reviewed the Rezoning Request “RZN 15-43”, for property located at 5339 Main Street. The property is zoned R-1, Low Density Residential, and contains approximately 0.12 acre. The applicant requests to rezone the property to B-2, Neighborhood Shopping District.

The subject property is located within 300 feet¹ of the following site that the City of Spring Hill Board of Mayor and Aldermen has designated as being a Historically Significant Site:

Ferguson Hall (*Resolution 08-43*) located at 804 Branham Hughes Cir
Spring Hill Presbyterian Church (*Resolution 08-44*) located at 5344 Main St

The Subdivision Regulations of the City of Spring Hill (§5.1.7 Development Near or Contiguous to Homes of Historical Significance) states in part (*with emphasis added*):

5.1.7 Development Near or Contiguous to Homes of Historical Significance

Development near or contiguous to National Register or Historic Sites, (as identified in the book of “National Register Properties 1995” with subsequent amendments and/or as determined by the City of Spring Hill Planning Commission to have Historical Value to the City, community, or neighborhood), shall be developed in accordance with the approval requirements of the City of Spring Hill Planning Commission.

¹ Title 2, Chapter 4, Section 2-408 of the Municipal Code of the City of Spring Hill

Title 2, Chapter 4, Section 2-408 of the Municipal Code of the City of Spring Hill states in part *(with emphasis added)*:

An application for a subdivision of property, site development plan and/or zoning district amendment shall identify all significant historic and archeological features and structures (as designated by the Board of Mayor and Aldermen) that are located on the affected property or within 300 feet of the boundary of the affected property. Any proposed development plan for the affected tract shall be guided by city zoning and subdivision regulations and the principles and standards contained within the publication, "Saving the Farmstead" (a publication of the Heritage Foundation of Franklin and Williamson County dated December 1996). The development plan shall be configured in a manner that protects the historic and archeological features on the property to the greatest extent feasible and practical. The plan shall be subject to review and comments by a qualified historic preservation consultant retained by the city and the recommendations of the Spring Hill Historic Commission...

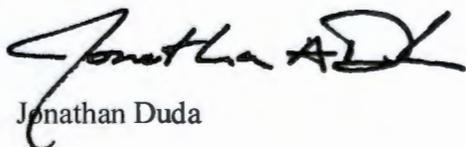
In accordance with the Subdivision Regulations and Municipal Code of the City of Spring Hill, and the request of the Planning Commission, the Historic Commission provided the following Review Comments and Recommendations for the aforementioned request:

1. It was noted by the Historic Commission that there does not appear to be documented evidence that the current structure is historic in nature.
2. In regards to direct impact of recognized Historic Significant Sites in the vicinity, the Spring Hill Historic Commission found that the proposed rezoning request is consistent with the character of the District-Downtown and does not negatively impact Historic Significant Sites located in the vicinity.
3. The Spring Hill Historic Commission endorses the rezoning request to B-2 (Neighborhood Shopping District) by the applicant.

Members of the Historic Commission present on February 3, 2015 included Chairman Jonathan Duda, Vice-Chairman Derek Merrill, Commissioner Bill Alsup, Commissioner Deanne Collins and Commissioner Susan Zemek. ***All members present voted without objection to the recommendations and findings above.***

Please do not hesitate to contact me at 615.557.8400 or Jonathan.Duda@charter.net with any questions.

Sincerely,



Jonathan Duda

Chairman, City of Spring Hill Historic Commission
City of Spring Hill Alderman
City of Spring Hill Planning Commission

Encl.

Cc: City of Spring Hill Historic Commission Members
Mr. Victor Lay, City of Spring Hill City Administrator
Mr. Dan Allen, City of Spring Hill Infrastructure Director
Ms. Dara Sanders, City of Spring Hill Planner