

RESOLUTION 12-81

A RESOLUTION AFFIRMING THE ACTION TAKEN BY THE SPRING HILL BOARD OF MAYOR AND ALDERMEN TO DENY A PRELIMINARY DEVELOPMENT PLAN FOR A CREMATORY AT 5239 MAIN STREET, SPRING HILL, TN AND TO FIND ACTION TAKEN BY THE SPRING HILL MUNICIPAL PLANNING COMMISSION TO APPROVE SUCH CREMATORY HAS INTERFERED WITH THE SPRING HILL BOARD OF MAYOR AND ALDERMEN'S ABILITY TO MEET ITS STATUTORY OBLIGATION

WHEREAS, Ordinance 89-21 established B-4 Planned Unit Development Zoning for 5239 Main Street and Prior to Development a Site Plan must be approved; and

WHEREAS, the property of Spring Hill Funeral Home located at 5239 Main Street, Spring Hill, TN, has prior improvements including a “funeral home and cemetery” that were constructed according to an approved Site Plan consisting of “the building, the cemetery, all landscaping, as well as maintenance building” as noted by the City in a letter to the property owner on November 8, 1999; and

WHEREAS, an additional use to include a Crematory was requested by the property owner at 5239 Main Street, Spring Hill, TN; and

WHEREAS, the Spring Hill Municipal Planning Commission recommended a Preliminary Development Plan which included a Crematory to the Spring Hill Board of Mayor and Aldermen on August 8, 2011; and

WHEREAS, on November 21, 2011, by a vote of 1 for, 8 against, the Spring Hill Board of Mayor and Aldermen denied the approval of Ordinance 11-17, an Ordinance which included the caption “An Ordinance to Approve a Preliminary Development Plan for a Crematory at the Spring Hill Funeral Home Located at 5239 Main Street, Spring Hill, TN, as Recommended by the Spring Hill Municipal Commission”; and

WHEREAS, contrary to the clear and decisive action taken by the Spring Hill Board of Mayor and Aldermen to deny a Crematory proposed at 5239 Main Street, Spring Hill, TN, the Spring Hill Municipal Planning Commission considered and approved a Site Plan on July 9, 2012 that included a Crematory at the Spring Hill Funeral Home located at 5239 Main Street, Spring Hill, TN; and

WHEREAS, contrary to Chapter 2, Title XI of the Spring Hill Municipal Code, “The Zoning Ordinance of the City of Spring Hill, Tennessee”, the Site Plan approved by the Spring Hill Municipal Planning Commission did not provide for additional parking for the 2,090 Sq. Ft. Crematory building, and as a standalone Site Plan, would, in fact, not have met the minimum requirements for parking, constituting a change that requires Board of Mayor and Aldermen approval.

FAILED AUGUST 20, 2012

NOW, THEREFORE BE IT RESOLVED, the Spring Hill Board of Mayor and Aldermen hereby affirms its own decision on November 21, 2011 to deny a Crematory at the Spring Hill Funeral Home located at 5239 Main Street, Spring Hill, TN; and

BE IT FURTHER RESOLVED, the Spring Hill Board of Mayor and Aldermen expresses disapproval of the Spring Hill Municipal Planning Commission's action on a Site Plan for a Crematory at the Spring Hill Funeral Home located at 5239 Main Street, Spring Hill, TN, action which is contrary to the clear and decisive action taken by the Board of Mayor and Aldermen on November 21, 2011; and

BE IT FURTHER RESOLVED, the Spring Hill Board of Mayor and Aldermen finds that such action taken by the Spring Hill Municipal Planning Commission has interfered with the Board of Mayor and Aldermen's ability to meet its statutory obligation to promote the public health, safety, order, prosperity, and general welfare of the community through the application of "The Zoning Ordinance of the City of Spring Hill, Tennessee" to ensure particular suitability for particular uses and the most appropriate use of land throughout the city.

~~Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 20th day of August, 2012, the public welfare requiring it.~~

Michael Dinwiddie, Mayor

ATTEST:

April Goad, City Recorder

APPROVED AS TO FORM:

Timothy P. Underwood, City Attorney