

## **RESOLUTION 16-105**

### **A RESOLUTION TO MODIFY THE PLANNING COMMISSION DECISION AND ASSOCIATED CONDITIONS OF APPROVAL FOR NCP 190-2016**

**WHEREAS**, the applicant submitted a neighborhood concept plan for Planning Commission consideration in accordance with Article IV of the Zoning Ordinance; and

**WHEREAS**, the Planning Commission is required to exercise the full extent of the powers granted to it pursuant to Section 14.03 of the Spring Hill Municipal Code and Chapter 13 of the Tennessee Code Annotated; and

**WHEREAS**, Section 8 of the Spring Hill Zoning Ordinance authorizes the Planning Commission to approve applications with conditions; and

**WHEREAS**, the Spring Hill Subdivision Regulations require Planning Commission consideration and determination of sidewalk location and street design for residential subdivisions; and

**WHEREAS**, on June 13, 2016, the Planning Commission voted to approve NCP 190-2016 with conditions in accordance with the powers granted to them by the Spring Hill Subdivision Regulations, Spring Hill Zoning Ordinance, Spring Hill Municipal Code, Tennessee Code Annotated; and

**WHEREAS**, the Board of Mayor and Aldermen deems it in the best interest of the City of Spring Hill that the Planning Commission's conditions of approval be modified for NCP 190-2016.

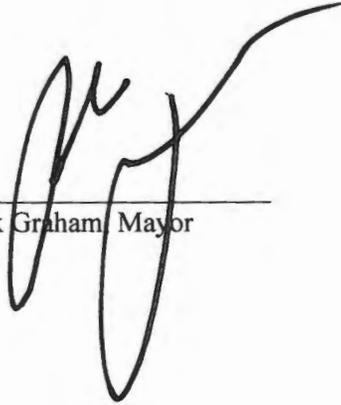
**NOW, THEREFORE BE IT RESOLVED**, by the City of Spring Hill Board of Mayor and Aldermen determine the conditions of approval for NCP-2016 shall be as follows:

- 1. Neighborhood concept plan approval shall remain valid for a period of three (3) years, during which time a preliminary plat application shall be submitted in accordance with the approved plan and all associated conditions.*
- 2. Modification to the neighborhood concept plan may require Planning Commission approval prior to submittal of a preliminary plat application.*
- 3. At the time of preliminary plat application, the applicant shall be assessed a fee in-lieu of street improvements to Tom Lunn Road to include the cost of milling and overlay.*
- 4. Right-of-way dedication along the property's frontage onto Tom Lunn Road shall reflect the minimum right-of-way requirements for a Collector street in the City's Major Thoroughfare Plan.*
- 5. Prior to the submittal of a preliminary plat application, the applicant shall complete the park land dedication process. Should the Board of Mayor and Aldermen decide not to accept the proposed park land dedication, the Planning Commission may require construction of a pedestrian bridge and/or other facilities in accordance with the City's Bicycle and Greenway Plan.*
- 6. Prior to the submittal of a preliminary plat application, the neighborhood concept plan shall be updated with a purpose note and to delineate the existing and Major Thoroughfare Plan*

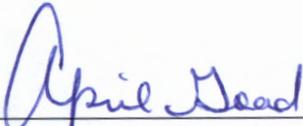
*rights-of-way from centerline.*

7. *Sidewalks shall be installed on one side of both local streets and collector streets.*
8. *Cross section with curbs extruded shall measure 22 feet plus shoulders for local roads.*

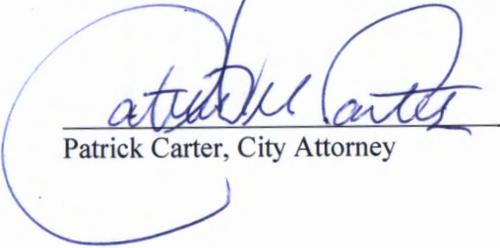
Passed and adopted this 18<sup>th</sup> day of July, 2016.

  
Rick Graham, Mayor

ATTEST:

  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
Patrick Carter, City Attorney

**AMENDMENT BY ALDERMAN FITTERER  
ON RESOLUTION 16-105**

**WHEREAS**, the Board of Mayor and Aldermen deems it in the best interest of the City of Spring Hill that the Planning Commission's conditions of approval be modified for NCP 190-2016

**NOW, THEREFORE BE IT RESOLVED**, by the City of Spring Hill Board of Mayor and Aldermen determine the conditions of approval for NCP-2016 shall be as follows;

1. Neighborhood concept plan approval shall remain valid for a period of three (3) years, during which time a preliminary plat application shall be submitted in accordance with the approved plan and all associated conditions.
2. Modification to the neighborhood concept plan may require Planning Commission approval prior to submittal of a preliminary plat application.
3. At the time of preliminary plat application, the applicant shall be assessed a fee in-lieu of street improvements to Tom Lunn Road to include the cost of milling and overlay.
4. Right-of-way dedication along the property's frontage onto Tom Lunn Road shall reflect the minimum right-of way requirements for a Collector street in the City's Major Thoroughfare Plan.
5. Prior to the submittal of a preliminary plat application, the applicant shall complete the park land dedication process. Should the Board of Mayor and Aldermen decide not to accept the proposed park land dedication, the Planning Commission may require construction of a pedestrian bridge and/or other facilities in accordance with the City's Bicycle and Greenway Plan.
6. Prior to the submittal of a preliminary plat application, the neighborhood concept plan shall be updated with a purpose note and to delineate the existing and Major Thoroughfare Plan rights-of-way from centerline
7. Sidewalks shall be install on one side of both local streets and collector streets.
8. Cross section with curbs extruded shall measure 22 feet plus shoulders for local roads.

**SUBJECT:** Appeal for 4355 Tom Lunn Road (NCP 190-2016)

**DATE:** July 5, 2016

**ATTENTION:** Board of Mayor and Aldermen (BOMA)

**DEPARTMENT HEAD:** Dara Sanders, Planning Director



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**STAFF MEMORANDUM**

**Request:** On June 13, 2016, the Planning Commission approved a neighborhood concept plan application for the subject property (4355 Tom Lunn Road) with conditions of their approval requiring revisions to be incorporated at the time of preliminary plat application.

Attached to this memo are the staff report, the submitted neighborhood concept plan, the draft meeting minutes (based on the meeting recording), and the City's subdivision regulations pertaining the Planning Commission requirements being appealed.

SHAW ENTERPRISES LLC  
PO BOX 8081  
COLUMBIA, TN 38402  
931-381-3881  
6/22/2016

Spring Hill Board of Mayor and Alderman  
199 Town Center Parkway  
Spring Hill, TN 37174

This letter is being sent to formally start the appeal process for the Planning Commission ruling for The Cove @ Spring Hill subdivision on June 13, 2016 Agenda Item NCP190-2016.

At this meeting the Planning Commission voted to approve NCP190-2016 with the following conditions:

1. All streets would be 24 feet wide vs 22 feet wide, which is 2 feet wider than the normal requirement for ALL other subdivisions.
2. The Planning Commission also voted to require sidewalks on both sides of the street. In all previous meetings with Staff and at Planning Commission work session, we had presented sidewalks on one side only with no remarks to the contrary.

We feel the extremely low density we are proposing (1.03 units per acre) with home sites 95 feet wide, that sidewalks on one side are more than sufficient for the upscale, all brick neighborhood we are developing. Given the terrain of this project, we feel that this much additional concrete is actually a detriment to the overall appearance of the neighborhood.

Both of the items outlined above will add tremendous costs to this project, at a point in time where we were negotiating our intention to potentially dedicate 32 acres to the City of Spring Hill for park expansion.

We feel the actions of the Planning Commission on 6-13-16 were capricious and arbitrary. We also ask for your consideration to revise their decision to coincide with original Staff Recommendations to have 22 feet of pavement and sidewalks on one side only.

Thank you, in advance, for your prompt consideration of this appeal.



Randall Shaw

# Spring Hill Planning Commission



TO: Spring Hill Planning Commission  
FROM: Dara Sanders, Planning Director  
MEETING: June 13, 2016  
SUBJECT: NPC 190-2016 (The Cove)

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**NCP 190-2016:** Submitted by Ragan-Smith for The Cove located at 4355 Tom Lunn Rd. The property is zoned R-2, Medium Density District and contains approximately 91.20 acres. The applicant requests Neighborhood Concept Plan approval for 94 single family residential lots.

**Property description and history:** This undeveloped property is located northwest of the intersection of Tom Lunn Road and Port Royal Road. A creek traverses along the southern property line. The majority of the surrounding properties are developed for low-density single-family residences or are used for agricultural purposes, with exception of Port Royal Park located south of the subject property.

**Request:** The applicant requests neighborhood concept plan approval for 94 single-family dwellings.

**Bulk and area requirements:** The applicant has not submitted sufficient information indicating that the proposed 94 lots meet the minimum bulk and area requirements identified on the plat. Approval of the neighborhood concept plan does not relieve the applicant/developer of the zoning ordinance requirements. At the time of site plan application, the applicant will be required to verify compliance with all zoning ordinance requirements.

**Streets and sidewalk:** Tom Lunn Road is designated as Local street in the Major Thoroughfare Plan, which requires a minimum of 50 feet of right-of-way. Pursuant to the requirements of the City's zoning ordinance for a neighborhood concept plan, the applicant is required to identify and delineate all existing conditions of the property's frontage along the public street. **Prior to the submittal of a preliminary plat application, the neighborhood concept plan shall be updated to delineate the existing and Major Thoroughfare Plan rights-of-way from centerline.**

The Major Thoroughfare Plan identifies a new Collector street in the area. New streets identified in the Major Thoroughfare Plan are intended to be general locations, not exact locations. Based on discussions between the Planning Director, Infrastructure Director, and the applicant, consideration of upgrading Tom Lunn Road to a Collector is recommended due to existing surrounding conditions, including a significant TVA easement, substantial floodplain area, and the creek location and configuration.

The applicant proposes to provide one street connection to Tom Lunn Road. No other street connections are proposed.

**Bicycle and Greenway Plan:** Tom Lunn Road is designated as a bike lane route. Again, the Bicycle and Greenway Plan is intended to identify the general location of bicycle and pedestrian facilities, and the exact location must be worked out at the time of development or City's construction of facilities. Since the Planning Commission work session, the applicant has submitted a request to the Board of Mayor and Aldermen (BOMA) to dedicate 32.89 acres of floodplain and floodway to the City in-lieu of construction or participation in the bicycle and pedestrian facilities recommended by the Bicycle and Greenway Plan. Staff has recommended a condition addressing this proposal and an alternative should the BOMA not approve the request.

**Recommendation:** Staff recommends approval of the request, subject to the following conditions of approval:

1. Neighborhood concept plan approval shall remain valid for a period of three (3) years, during which time a preliminary plat application shall be submitted in accordance with the approved plan and all associated conditions.

2. Modification to the neighborhood concept plan may require Planning Commission approval prior to submittal of a preliminary plat application.
3. At the time of preliminary plat application, the applicant shall be assessed a fee in-lieu of street improvements to Tom Lunn Road to include the cost of milling and overlay.
4. Right-of-way dedication along the property's frontage onto Tom Lunn Road shall reflect the minimum right-of-way requirements for a Collector street in the City's Major Thoroughfare Plan.
5. Prior to the submittal of a preliminary plat application, the applicant shall complete the park land dedication process. Should the Board of Mayor and Aldermen decide not to accept the proposed park land dedication, the Planning Commission may require construction of a pedestrian bridge and/or other facilities in accordance with the City's Bicycle and Greenway Plan.
6. Prior to the submittal of a preliminary plat application, the neighborhood concept plan shall be updated with a purpose note and to delineate the existing and Major Thoroughfare Plan rights-of-way from centerline

10. **NCP 190-2016:** Submitted by Ragan-Smith for The Cove located at 4355 Tom Lunn Rd. The property is zoned R-2, Medium Density District and contains approximately 91.20 acres. The applicant requests Neighborhood Concept Plan approval for 94 single family residential lots.

Staff Conditions:

1. Neighborhood concept plan approval shall remain valid for a period of three (3) years, during which time a preliminary plat application shall be submitted in accordance with the approved plan and all associated conditions.
2. Modification to the neighborhood concept plan may require Planning Commission approval prior to submittal of a preliminary plat application.
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6. Prior to the submittal of a preliminary plat application, the neighborhood concept plan shall be updated with a purpose note and to delineate the existing and Major Thoroughfare Plan rights-of-way from centerline
7. Sidewalks will be install on both local streets and collector streets.

Brent Smith, Ragan-Smith, Associates, stated he was in agreement will all conditions.

Alderman Duda made a motion to amend NCP 190-2016 item #5 on the staff conditions to replace submittal with approval and add condition #7 the addition of sidewalks on both sides of the street. Motion seconded by Commissioner Hairston. Motion passed 5/1

Tom Wolf, City Engineer, commented that a lot of our subdivision do extruded curb, the client's details shows an integral curb and gutter section. Mr. Smith stated they were doing extruded and they would follow the sub regulation on that. Mr. Wolf also asked that Mr. Smith adjust the cross section detail. Mr. Smith agreed to that.

Alderman Duda made clear that the minimum requirement is extruded and that poured and placed is acceptable. Mr. Wolf stated that it is acceptable but most of the subdivision now are going in with the extruded.

Alderman Duda stated we are permitting a lesser standard. Mr. Wolf stated that the one thing he would like to see is that our cross section shows 11 foot of pavement and a 2 foot curb and gutter with basically gives you an 18 inch driving surface. The extruded curb is about 12 inches front to back.

What Mr. Wolf would like to see, if they use the extruded in lieu of the integral curb and gutter, to go with a 12 foot driving range so that you put your back of curb, you back yard extruded at the back of the curb and gutter section bring it out and then it would give it an extra 1 foot of pavement on either side.

Mr. Smith stated, so 12 foot driving range extruded curb face to face of 24 feet. On the entrance where it is 30 feet, can we still keep that at 30 feet face to face. Mr. Wolf stated he would like to see that expanded too. He would prefer to see it go an extra foot on each side.

Alderman Duda made a motion to amend NCP 190-2016 with staff conditions adding condition 8, Cross section with curbs extruded and add a foot of asphalt pavement on either side of it. Motion seconded by Commissioner Hairston. Motion passed 6/0.

Commissioner Schoenbrodt made a motion to strike condition #7. Motion seconded by Alderman Fitterer. Motion failed 4/2.



## LENGTH OF CUL-DE-SAC

	<u>RESIDENTIAL PUBLIC WAY</u>	<u>NON-RESIDENTIAL PUBLIC AND PRIVATE WAY</u>
<b>Permanent</b>	Serving no more than 14 dwelling units, and not exceeding 700 feet in length	
<b>Pavement Diameter</b>	Serving no more than 26 dwelling units and not exceeding 1,000 feet in length.	

## Minimum Width of Roadway or Paved Area (in feet) Not Including Parking Requirements

	<u>RESIDENTIAL PUBLIC WAY</u>	<u>NON-RESIDENTIAL PUBLIC AND PRIVATE WAY</u>
	Ditch Section/Curb & Gutter/Extruded Curbs	Ditch Section/Curb & Gutter
<b>MINOR/LOCAL (Urban and Rural)</b>	22 (plus shoulders)	24 (plus shoulders)
<b>COLLECTOR</b>		
Urban 2 lane (with bike lane)	34	As determined by appropriate governmental representative
Urban 2 lane (without bike lane)	26	
Rural 2 lane	26 (plus bike lanes)	
Urban 3 lane	36	
Urban with median	40	
<b>ARTERIAL</b>		
Urban	36	As determined by appropriate governmental representative
Rural	36 (plus bike lanes)	

### **Pavement Crown**

The paved surface shall slope downward from the centerline of the street outward to the edge of the paved surface on each side 2/5ths of an inch per foot.

## 5.9 Pedestrian and Alternative Ways

### 5.9.1 Sidewalk Requirements

Sidewalks shall be included within the dedicated, non-pavement right-of-way of all public ways classified as an arterial, collector, or minor public way as shown on the Official Spring Hill Major Thoroughfare Plan or as determined by the Planning Commission during the conceptual planning stage. Concrete curb and gutters or extruded concrete curbs are required for all public ways where sidewalks are to be constructed. Sidewalks shall be completed within all developments and subdivisions as approved by the Planning Commission, within five (5) years of the recording of the final plat for that particular phase/section of the development.

Sidewalks shall generally be required on both sides of a street, but the Planning Commission may waive requirements for sidewalks on one side of the minor streets based on densities of development, anticipated traffic volumes and street lengths and connections. Sidewalks shall also be installed along private roadways and developments as to allow the general public access to these sites and developments unless otherwise exempted by the Planning Commission on a case by case basis. Sidewalks shall be constructed of concrete or other masonry material (brick, stone, etc.) approved by the Planning Commission.

Sidewalk location, width and material shall be delineated on both the preliminary plat and the final plat. Wherever sidewalks are provided, the design guidelines, that follow, shall govern; additional construction details are provided in these regulations.

The minimum width of any sidewalk shall be 5-feet and shall meet all other Americans with Disabilities Act (ADA) standards including properly constructed handicap ramps with installation of truncated/bubble tread plate brick inserts constructed as part of the ramp. Concrete curbing widths will not be allowed to be considered part of the sidewalk width requirement. The curb of a curb and gutter section shall contain an expansion joint between the curb and the sidewalk. The expansion joint shall not be considered part of the sidewalk's required width.

<b><u>Class of Street Sidewalk Width</u></b>	<b><u>Residential Public Way</u></b>	<b><u>Non-Residential Public/Private Way</u></b>
<b>Minor Public Way</b>	5 feet wide	6 feet wide
<b>Collector Public Way</b>		
<b>Arterial Public Way</b>		