

**ORDINANCE 19-08**

**AN ORDINANCE TO AMEND ORDINANCE NO. 18-21, THE SAME BEING THE ZONING MAP OF THE CITY OF SPRING HILL, BY REZONING 17 ACRES OF PROPERTY, BEING WILLIAMSON COUNTY TAX MAP 153, PARCEL 25.07, FROM R-2, SINGLE-FAMILY DISTRICT, TO R-5, SINGLE-FAMILY AND TWO-FAMILY DISTRICT.**

**RZN 634-2019 (BUCKNER ROAD REZONING)**

**WHEREAS**, the City of Spring Hill Ordinance No. 18-21, the same being the Official Zoning Map of Spring Hill is hereby amended by rezoning the property herein described as 17 acres of property, being Williamson County tax map 153, parcel 25.07, from R-2, Single-Family District, to R-5, Single-Family and Two-Family District; and

**WHEREAS**, said portion of property to be rezoned from R-2 to R-5 is located within the corporate limits of the City of Spring Hill; and

**WHEREAS**, the Spring Hill Municipal Planning Commission forwarded the request to the Board of Mayor and Aldermen on February 11, 2019 with a recommendation for approval with a request that the Board of Mayor and Alderman consider including the sketch plan, dated 1-31-2019, as a condition of approval; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SPRING HILL, TENNESSEE, BOARD OF MAYOR AND ALDERMEN**, to amend Ordinance No. 18-21, the same being the Zoning Ordinance and Zoning Map of the City of Spring Hill, by rezoning 17 acres of property, being Williamson County tax map 153, parcel 25.07, from R-2, Single-Family District, to R-5, Single-Family and Two-Family District, the public welfare requiring it.

**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TENNESSEE, BOARD OF MAYOR AND ALDERMEN**, that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

  
\_\_\_\_\_  
Rick Graham, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
\_\_\_\_\_  
Patrick Carter, City Attorney

Passed on First Reading:

Passed on Second Reading:

## MEMORANDUM



**DATE:** April 15, 2019  
**TO:** Board of Mayor and Aldermen (BOMA)  
**FROM:** Steve Foote, AICP, Planning Director  
Logan Elliott, Associate Planner  
**SUBJECT:** ORD 19-08 (Buckner Road Rezoning Request)  
RZN 634-2019

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**RZN 634-2019:** Submitted by Anderson, Delk, Epps & Associates, Inc. for a property rezone along Buckner Road. The property is zoned R-2 and contains approximately 17.00 acres. The applicant requests a rezone, under the provisions of the UDC, from R-2 to R-5. Requested by Joe Epps.

**Property Description and History:** This property is located on the north side of Buckner Road and is east of the Faith Lutheran Church and west of Pickets Ridge. It is a mostly square property with the property increasing in elevation towards the rear. The property is undeveloped and has approximately 900 feet of frontage on Buckner Road, an arterial street.

Following the work session of January 28, 2019, the applicant expanded their submittal with the addition of a conceptual plan for the development of the site. The applicant has also modified their request to be from the R-6 to the R-5 zoning district. The R-5 district is undergoing an amendment consideration. If approved, the amendment will introduce townhomes into the R-5 district. Other uses permitted in this district would include single family, duplex, and triplex residential structures. Since the R-5 district does not currently permit townhome proposed use of the property is not consistent with the R-5 district.

**Spring Hill Rising: 2040:** The future land use classification for this site is Residential Neighborhood area. The comprehensive plan identifies the development pattern of the Residential Neighborhood area as: *"varies from a low to moderate density with clusters of similar one and two-story residential dwellings in both conventional subdivision development and traditional neighborhood form. New development should integrate different housing types of appropriate scale and context and increase the connections between neighborhoods and other areas."*

The next higher intensity land use category is "Mixed Use Neighborhood Area". This designation includes many of the uses and design principles stated in the Residential Neighborhood Area and introduces for the first time specific references to "multi-family buildings" into the description.

The 2040 Plan includes multiple land use classifications that are used to describe, generally, the type of development that is anticipated within these classifications. In general, density and intensity of use increases as you go from the Natural to Gateway Area. Neither of the first three categories; Natural, Rural or Residential "areas" make any specific mention of multi-family housing. It is first mentioned in the Mixed-Use Neighborhood Area, which implies that such uses are first permitted in that designation. This approach would be consistent with the application of the table of permitted uses in the zoning ordinance, where uses not listed are prohibited.

None of the land use classifications provide specific guidance on the permitted density for residential development; i.e. "units per acre". Rather, generalized descriptions such as "low, moderate, and high" are used. Both the Residential Neighborhood and Mixed-Use areas include a reference to "moderate" densities. Based on the proposed conceptual plan and the amount of land identified as 'undisturbed' the proposed density is listed as 3.6 du/ac. As a number, this density fits within the general description of low to moderate. The question to consider regarding the 2040 Plan would be whether townhomes, being a form of multi-family housing, are permitted in the Residential Neighborhood Area classification. Staff's determination is that multi-family housing is not permitted.

City of Spring Hill, Tenn.

199 Town Center Parkway | Spring Hill, TN 37174 | (931) 486-2252

**Zoning Map Amendments:** Staff has placed a public notification sign on the property. The applicant has mailed notification letters to surrounding land owners.

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.*

**1. Approval Standards for Map Amendments**

- a. *The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.*
- b. *The compatibility with the existing use and zoning of nearby property.*
- c. *The extent to which the proposed amendment creates nonconformities.*
- d. *The trend of development, if any, in the general area of the property in question.*
- e. *That there are no adverse impacts on public health, safety, and welfare.*
- 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.*

In review of the standards above, staff does not believe the application meets standards; a, b, or d. Although the applicant states that the proposed use of the property is for townhomes, the requested rezone to R-5 does not currently allow for townhome developments. A request for the R-5 district is premature since the code changes has not been acted on. Until such time as the code is changed the Board of Mayor and Alderman should only consider this request consistent with the provisions of the existing Unified Development Code.

If successfully modified to permit townhomes, the requested R-5 rezoning would allow a use and denser style of single-family (and multi-family) development than the existing R-2 designation would allow. The introduction of townhomes into the Residential Neighborhood Area would still, however, be inconsistent. The surrounding area has a low-density character, with larger lots, than what a R-5 designation would allow, even for single family homes.

Within this area of Buckner Road, the following activities have, or are, taking place.

- To the west of this site is a 45-acre property (with the city water tower) that is currently zoned R-6 and recently withdrew a sketch plan application for approximately 163 townhome units.
- A small R-6 site to the east has been denied sketch plan (townhomes) approval by the Planning Commission twice.

**Concept Plan:** The applicant has provided a concept plan to show a potential site plan for the property. The concept plan shows townhomes, although this type of residential development is not currently permitted in the R-5 zoning district. The concept plan is purely supplemental and intended to show a potential use of the property but in this case the potential use would not be allowed by today's code.

**Summary:** During the Planning Commission work session access to the 32 acres site to the north, owned by John Maher Builders, was discussed. The only point of access to the property appears to be through the subject site. Based on this restriction and the use of private streets within the townhome development, it would be unlikely that a single-family development would be achieved on the 32 acres. Consideration should be given to the impact that the present rezoning could have on the future use/zoning of surrounding property.

Based on staff's analysis above, a rezoning to the R-6 zoning district fails to satisfy criteria (a), (b), and (d) above. The requested rezoning is also inconsistent with the comprehensive plan. Because the Spring Hill Rising: 2040 Future Land Use Plan was adopted by the Board of Mayor and Alderman, the rezoning would first require an amendment to the Spring Hill Rising: 2040 Future Land Use Plan to allow multi-family housing. Staff has also determined that rezoning the land for townhomes would not be consistent with the existing use and zoning of adjacent properties.

**Recommendation:** The Planning Commission voted to recommend approval of RZN 634-2019 to the Board of Mayor and Alderman during their February 11, 2019 meeting by a vote of 5-1 (Chairman Downing voting no). Staff does not concur with this recommendation.



MAP 153  
 PARCEL 25.00  
 BUCKNER ROAD TOWNHOMES LLC  
 DEED BOOK 7423, PAGE 643, R.O.W.C.  
 EXISTING ZONING  
 RP - MULTIFAMILY RESIDENTIAL  
 PROPOSED DENSITY - 3.82 UNITS/AC

CHURCH  
 MAP 153 P  
 FAITH LUTHERAN CHURCH  
 DEED BOOK 4957, PAGE 622, R.O.W.C.  
 EXISTING ZONING  
 R2 - SINGLEFAMILY RESIDENTIAL

MAP 153  
 PARCEL 25.08  
 JOHN M. CARTER, INC.  
 DEED BOOK 2957, PAGE 469, R.O.W.C.  
 EXISTING ZONING  
 R2 - SINGLEFAMILY RESIDENTIAL



PROPOSED DENSITY - 3.80 UNITS/AC

AREA TO REMAIN UNDISTURBED

CHURCHILL FARMS  
 EXISTING ZONING  
 R2 - SINGLEFAMILY RESIDENTIAL  
 EXISTING DENSITY - 2.48 UNITS/AC

CHERRY GLEN CONDOS  
 EXISTING ZONING  
 RP - MULTIFAMILY RESIDENTIAL  
 EXISTING DENSITY - 6.58 UNITS/AC

LOOPERS LANDING  
 EXISTING ZONING  
 R2 - SINGLEFAMILY RESIDENTIAL  
 EXISTING DENSITY - 3.18 UNITS/AC

PICKETTS RIDGE  
 EXISTING ZONING  
 R2 PUD - PLANNED UNIT DEVELOPMENT  
 EXISTING DENSITY - 2.07 UNITS/AC

**GENERAL NOTES**

1. SITE IS LOCATED ON PROPERTY MAP 153, PARCEL 25.07, A.S.R.C. MAP 153, COUNTY OF WILLIAMSON COUNTY, TENNESSEE.
2. OWNER / DEVELOPER: JOHN M. CARTER, INC. DEED BOOK 2957, PAGE 469, R.O.W.C.
3. PLANNED/OWNER: JOHN M. CARTER, INC. DEED BOOK 2957, PAGE 469, R.O.W.C.
4. ZONING: R2 - SINGLEFAMILY RESIDENTIAL
5. TOTAL AREA: 15.34 ACRES
6. TOTAL NUMBER OF UNITS PROPOSED: 56 TOWNHOME UNITS
7. PROPOSED DENSITY: 3.60 UNITS/ACRE
8. BOUNDARY INFORMATION BASED ON BOUNDARY SURVEY BY CHANCE SURVEYING, INC. DATED 01/11/19. ANY CHANGES TO BOUNDARY INFORMATION SHALL BE MADE UPON BOUNDARY SURVEY FOR FINAL RECORDATION TO CHANGE.
9. EXISTING CONTOURS TAKEN FROM USGS NATIONAL ELEVATION DATABASE.

# Sketch Exhibit Buckner Road

Map 153, Parcel 25.07 - Williamson Co.  
 Spring Hill, Tennessee

Developer  
 Don R. Carter, III  
 DATE: 01 - 31 - 19

Anderson, Deik, Epps & Associates, Inc.  
 60 GRASSMERE PARK DRIVE - SUITE 4  
 NASHVILLE, TENNESSEE 37215  
 (615) 231-0033