

STAFF REPORT CONTACT INFORMATION

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DOCKET/CASE/APPLICATION NUMBER
22-0098

APPLICANT/PROPERTY OWNER
Allison Baldwin for T-Squared Engineering/Tamarack Land

PUBLIC HEARING DATE
N/A

PROPERTY ADDRESS/LOCATION
2818 Carter's Creek Station Road/Tax Map 42 Parcel 3.13

SUMMARY OF REQUEST: Final Plat (Ridge at Carter's Station 1B)

This request is for a **final plat** approval of Phase 1B of Ridge at Carter's Station consisting of 12.36 acres subdivided into 34 single-family lots and 2 open space lots. The Plat also depicts dedication of public rights of way as well as public utility and drainage easements



MAP SOURCE: City GIS

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS PROPOSED	SIZE OF PROPERTY
R-10 Cluster (Low-Density Residential)	Vacant	R-10/R-6/ Unincorporated Single Family/Vacant	Single-Family Homes	12.36 Acres +/-

COMPATIBILITY with the COMPREHENSIVE PLAN:

Suburban Neighborhood:

The future land use character area of the subject property is Suburban Neighborhood. The future land use is characterized by residential neighborhoods with limited, intermixed, and compatible civic uses. The proposed use is consistent with the Comprehensive Plan.

PROPERTY HISTORY:

This Final Plat is for Phase 1B of a larger 132-lot cluster subdivision. This phase consists of 34 single family lots and 2 open space parcels. Planning Commission approved a Preliminary Plat for the larger subdivision on a 4-2 vote in November 2020. In December of 2021, Planning Commission approved a Final Plat of Phase 1A on a vote 6-0. Construction in that phase is ongoing.

COMPATIBILITY with the ZONING ORDINANCE:

The Ridge at Carter's Creek utilizes the alternative development standards of Section 6.3.9 of the City of Columbia Zoning Ordinance. The cluster provisions are intended to provide flexibility in lot size and configuration yielding an equivalent density through the dedication of open space. While the standards of the base zone (R-10) require a minimum lot size of 10,000 square feet, the clustering provisions permit lots as small as 5,000 square feet when the subdivision includes open spaces equal to or greater than the aggregate reduction in total lot area (Section 6.3.9). Ownership and management of open spaces is ultimately transferred to a land trust, government, or homeowners' association. Legally binding restrictions on the use of open spaces implement the intent of the ordinance to provide equivalent intensity of development with increased amenities (Section 12.7.5). The Ordinance further ensures the quality and size of the open spaces by reducing the creditable portion of spaces which are constrained by steep slopes or utilized for stormwater facilities (Section 12.7.2).

The applicant submitted an initial request for Final Plat approval in February of 2022, which would have appeared on the April 2022 Planning Commission agenda. However, due to weather related delays, the applicant was not able to install curb and binder. Consequently, the applicant deferred and then withdrew the item. In April 2022, the applicant submitted a new request which is the subject of this review.

City staff and other public service providers furnished technical comments to the applicant on May 10, 2022. Most technical comments were from Planning and pertained to the clustering and open space provisions of Zoning Ordinance. In addition, the Fire Marshall requested a fire flow determination. Maury County E911 requested clarification of a street name, and the City Engineer requested a modification pertaining to the location of a sidewalk. On May 16, 2022 the applicant provided a revised Final Plat with responses to technical comments. The revised Final Plat generally conforms to the standards of the Subdivision Regulations (2-9.3), the Zoning Ordinance (Sections 3.5.4 and 6.3.9, 12.7), and the approved Preliminary Plat (Planning Case #20-0210).

On May 16, 2022 the applicant responded to staff's technical comments and provided an updated Final Plat for review by the Planning Commission. The revisions are responsive to staff comments. The applicant provided a fire flow calculation as well as an exhibit showing how it open spaces throughout all phases of the development comply with Sections 6.3.9 and 12.7.2. However, in response to Planning's comment regarding the required program for maintenance of open spaces, the applicant referenced the Long Term Maintenance Plan and Developer's Agreement. These documents pertain to public rights of way and stormwater facilities; they do not fully satisfy the requirements of Section 12.7.5. Presumably, the remaining open spaces will be dedicated to a homeowners' association (HOA) with responsibility for long-term maintenance and preservation. That would conform to Section 12.7.5.B.4 of the Zoning Ordinance. However, the Final Plat does not note dedication of open spaces to the HOA. The applicant should confirm that an HOA will take responsibility for the open spaces as required by the Ordinance. Approval should be contingent upon the satisfaction of the remaining technical comments.



Zoning Ordinance Referenced: 12.7.5 Ownership and Management of Open Space

- A. *“Prior to approval of a final plat, a program for continued maintenance of all open space areas shall be submitted. The submission shall include agreements, contracts, deed restrictions, sureties, or other legal instruments approved by the City Attorney, as appropriate, to guarantee the provision and continued maintenance of such common areas and facilities.*

- B. *The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:*
 - 1. *A permanent conservation easement in favor of either:*
 - a. *A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements (the organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions). If the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement; or*
 - b. *A governmental entity with an interest in pursuing goals compatible with the purposes of this section acceptable to the City, as appropriate.*
 - 2. *A permanent restrictive covenant for conservation purposes in favor of a governmental entity.*
 - 3. *An equivalent legal tool that provides permanent protection, if approved by the City, as appropriate.*
 - 4. *Dedication of the land to an established homeowner’s association (with legal standing in the property) that accepts permanent maintenance responsibility.*

- C. *The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this Article, as well as any further restrictions the applicant chooses to place on the use of the open space.*

ATTACHMENTS (CIRCLE)

SUBMITTED PLANS

CITY MAPS

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS



CITY OF COLUMBIA TENNESSEE
PLANNING COMMISSION
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OTHER (DESCRIBE) :
Zoning Ordinance
3.5.4, 3.20 and 7.3