
[External] Scannell Properties SHIP Project - Cleburn Rd

From Tom McCary <tomm@scannellproperties.com>

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To Dan Allen <dan.allen@springhilltn.org>; Will Brasfield <wbrasfield@springhilltn.org>; Ryan LaMunyon <rlamunyon@springhilltn.org>; Patrick Carter <pcarter@mtlawgroup.net>

Cc Jon Michael <jon.michael@thompsonburton.com>; Ben Bradford <ben@thompsonburton.com>

All,

I am writing to discuss our proposed project off Cleburne Rd (Parcel 029 002.12). Last year, we received Site Plan Approval for our project from the Planning Commission. However, due to the recent sewer capacity issues and the resulting moratorium on new sewer-dependent developments, we have had to reassess our project. We now propose to use an onsite septic solution temporarily, until the city sewer capacity is restored, at which time we would transition from septic to the city sewer system. To proceed with this plan, we need several new approvals: revising the Site Plan Approval (SPA) to include the septic design, establishing a Memorandum of Understanding (MOU) with the city for design standards and governance, and obtaining a permit from TDEC for constructing the septic system. To date, we have received varied feedback from the city regarding the necessary order of these steps. Given that each approval is critical to our construction plan and since the results of some can influence others, we believe a logical sequence is necessary to avoid recurrence. The purpose of this letter is to outline the sequence that we feel is the most logical, given the requirements and results of each approval process, and to request confirmation from the city that this would be an acceptable approach.

The location of the septic field is a critical detail that will heavily influence the larger site plan and the design of the system itself, so we need to confidently determine where it will be located prior to beginning any other efforts. Because soils conditions have a huge impact on viability for a septic field, and because disturbed soils cannot be utilized, we need to identify a portion of the site that will be both outside the limits of disturbance (LOD) for our project and has suitable soils for septic. Several months ago, we asked a soil scientist to review the site and opine on location viability. He determined that there was only one area at the site that satisfied both these conditions: the very rear of the site. However, the rear of the site is subject to a pre-existing zoning condition that prohibits anything but landscaping in that area. We'd like to try working through a zoning amendment to add underground septic as an allowed improvement in that area. We feel this is a modest request because we feel this would still conform with the spirit of the original zoning condition (to keep industrial development at least 150' from the property line and establishing a green buffer space in between the industrial development and the neighboring residential properties). Because the septic field is underground, this zoning amendment wouldn't result in any visible changes in the protected area, which would remain green and include additional landscape buffering. Furthermore, a septic field is conceptually landscape-adjacent, as they're effectively just fancy irrigation/fertilization systems. Therefore, we'd like to request that we be allowed to pursue the Zoning Amendment first, as that will directly influence feasibility for our project and determine which area we should focus all our septic entitlement efforts on (if we're unable to get the Zoning Amendment, we'll need to dramatically redesign the entire site plan at significant cost).

After determining the location of our septic field, we feel that the MOU should occur next because that will establish the design standards and governance for the system, both of which seem foundational to the entire site layout and septic design, making it a logical predecessor to the SPA process. The SPA process will take the design one step further by requiring us to update our civil plan set to incorporate the septic and conform with the MOU. Once we have Amended Site Plan Approval, we would then proceed with fully designing the system in compliance with those approvals and go through the required permitting process with TDEC.

In conclusion, we're requesting that the city agree to allow us to proceed with the entitlement effort for our project in the following order: Zoning Amendment, MOU, SPA, and finally TDEC permitting. Each of these phases are highly influential to the next and going in an alternative sequence risks having to go back again (e.g. If we get SPA first, the MOU may determine that certain design standards or access requirements, or other details require that the SPA be tweaked, which could require another SPA amendment to conform with). Please let me know if you have any questions or concerns. I look forward to hearing back. Thank you.

Best,

Tom McCary

Director of Development

O: [+1 763 251 6300](tel:+17632516300) | C: [+1 952 220 1601](tel:+19522201601)

tomm@scannellproperties.com



294 Grove Lane Suite 140

Wayzata, MN 55391

www.scannellproperties.com | [LinkedIn](#)

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