



Agenda
Gallatin Municipal Board of Zoning Appeals

Thursday, June 30, 2016
DR. J. DEOTHA MALONE COUNCIL CHAMBERS

Municipal Board of Zoning Appeals - 5:30 p.m.
CITY HALL

- **Call to Order**
- **Invocation**
- **Pledge of Allegiance**
- **Roll Call**
- **Approve Prior Minutes: June 30, 2016 Gallatin Municipal Board of Zoning Appeals**

REGULAR AGENDA

- 1. GMBZA RESOLUTION NO. 2016-11 B-1982-16**
BLAKEMORE DUPLEXES; VARIANCE
STEVE MARTIN

PUBLIC HEARING

THE OWNER AND APPLICANT REQUEST APPROVAL OF A VARIANCE OF FOUR (4) FEET FROM THE REQUIRED 10 FOOT SIDEYARD REQUIREMENT, PER SECTION 06.08.040.B OF THE GALLATIN ZONING ORDINANCE, ON PROPERTY ZONED RESIDENTIAL-6 (R6), LOCATED ON NORTH BLAKEMORE AVENUE, SOUTH OF SMALL STREET (S.B.E. TAX MAP 1130/H/017.00, 1130/H/018.00, AND 1130/H/019.00).

- 2. GMBZA RESOLUTION NO 2016-10 B-1999-16**
GRACE POINT CHURCH; CONDITIONAL USE PERMIT
MATCHETT & ASSOCIATES

PUBLIC HEARING

THE OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR A PLACE OF WORSHIP FACILITY FOR GRACE POINT CHURCH, PER SECTION 08.02.010.D. OF THE GALLATIN ZONING ORDINANCE, ON A 3.4 (+/-) ACRE PARCEL, ZONED COMMERCIAL SERVICES (CS), LOCATED AT 522 WEST MAIN STREET (S.B.E. TAX MAP #126G/A/012.00).

- 3. OTHER BUSINESS**
- 4. MOVE TO ADJOURN**

MINUTES OF THE GALLATIN
MUNICIPAL BOARD OF ZONING APPEALS
MEETING

May 26, 2016

Members Present

Jimmy Moore, Chair
Eddie Wyatt, Vice Chair
Homer Vaughn, Secretary
John Puryear

Staff Present

Bill McCord, Director of Planning
Robert Kalisz, Assistant Director of Planning
Kevin Chastine, Planner II
Marianne Mudrak, Board Secretary

Absent

Jeannie Gregory

Others Present

Mayor Paige Brown

The Gallatin Municipal Board of Zoning Appeals met in a regular meeting on Thursday, May 26, 2016 at 5:30 p.m., in the Dr. J. Deotha Malone Council Chambers of Gallatin City Hall. Mr. Jimmy Moore, Chair, called the meeting to order. A copy of the meeting agenda is attached to these minutes as Exhibit A.

Chair Moore led the opening prayer and the pledge of allegiance. Ms. Mudrak called roll.

Approve Prior Minutes

Chair Moore presented the minutes of the March 31, 2016 and the April 28, 2016 Municipal Board of Zoning Appeals meeting for approval. Mr. Puryear motioned to approve the minutes as submitted. Mr. Wyatt seconded the motion and the motion passed 4 ayes, 0 nays.

1. GMBZA Resolution No. 2016-09 TNT Watersports Cable Park – Conditional Use Permit – Lose & Associates – (B-1808-16) - The owner and applicant request approval of a Conditional Use Permit for an Extensive Impact Community Facility for TNT Watersports Cable Park, on a 21.45 (+/-) acre parcel zoned Industrial Restrictive (R), located north of the CSX Railroad, east of North Belvedere Drive, south of Long Hollow Pike and west of Highway 109.

Mr. Robert Kalisz, Assistant Director of Planning, said the parcel is vacant land and includes a small pond on the southern boundary along the CSX Railroad. The property was annexed in 1965 and was zoned for light industrial (now zoned Industrial Restrictive). An Extensive Impact Community Facility, including the proposed water sports and cable park, is any activity that could significantly impact area properties due to traffic, parking and land requirements. A large volume of traffic is not expected to be generated by this facility or its accessory uses. The proposed watersports and cable park proposed includes three (3) structures including a club house, boat storage, and boat dealership. An 8 ¼ acre lake is proposed for patron activities. The boat storage is a permitted use and the clubhouse and boat dealership is an accessory use to the water sports cable park. If approved, a site plan will be submitted to the Planning Commission at a later date.

the existing church and would create a better flow. Commercial General (CG) zone requires a 10,000 square foot lot and this lot is 9,200 square foot lot, adding to the hardship. The required 50 foot setback presents a hardship to construct the proposed addition. Staff discussed removing the excessive setback requirement because some of the older lots in this district cannot accommodate a building to meet the 50 foot setback. Therefore, the hardship is created by the Gallatin Zoning Ordinance.

Mr. Chastine said staff recommends approval Resolution 2016-08 with the conditions listed in the staff report.

Pastor Anthony Thomas, representing the owner, said the church is on a major thoroughfare and the addition would help provide existing services by the church, such as the food pantry. The church has been a partner in the community and would like to continue.

Chair Moore opened public hearing.

Mr. Arthur Goodrich said he is a long time member of this church and has been looking forward to this addition for many years. He said the members would appreciate approval of the variance so the activities that help the community may continue.

Mr. Robert Hicks said he has been a member of the church for 30 years and would ask approval of the variance to help the church grow and do more for the residents of the City.

Ms. Barbara Jackson, a new member of the church, said there are many functions such as fish fries, food pantry, etc., that feeds all members of the community, including the Fire Department and Sheriff's Department. The addition will help the church to reach the young people of the community as well as extend the many outreach programs provided by the church.

No one else came forward to speak; therefore, Chair Moore closed public hearing.

Mr. Puryear asked if there would be enough room for additional parking. Pastor Thomas said there would be enough parking space.

Mr. Puryear motioned to approve Resolution 2016-08 with the following conditions:

1. The variance shall be substantially consistent with the one (1) sheet plan prepared by Anthony L. Thomas, Sr. of Gallatin, Tennessee, date stamped April 25, 2016.
2. The applicant and owner shall submit a site plan for review and consideration by the Gallatin Planning Department prior to beginning construction on any site improvements at 355 Blythe Avenue.

2. Other Business

There was no other business to discuss.



Agenda
Gallatin Municipal Board of Zoning Appeals

Thursday, May 26, 2016
DR. J. DEOTHA MALONE COUNCIL CHAMBERS

Municipal Board of Zoning Appeals - 5:30 p.m.
CITY HALL

- **Call to Order**
- **Invocation**
- **Pledge of Allegiance**
- **Roll Call**
- **Approve Prior Minutes: March 31, 2016 and April 28, 2016 Gallatin Municipal Board of Zoning Appeals**

REGULAR AGENDA

- 1. GMBZA RESOLUTION NO. 2016-09 B-1808-16**
TNT WATERSPORTS CABLE PARK; CONDITIONAL USE PERMIT
LOSE & ASSOCIATES

THE OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR AN EXTENSIVE IMPACT COMMUNITY FACILITY FOR TNT WATER SPORTS-CABLE PARK, ON A 21.45 (+/-) ACRE PORTION OF A 50.466 (+/-) ACRE PARCEL ZONED INDUSTRIAL RESTRICTIVE (IR), LOCATED NORTH OF THE CSX RAILROAD, EAST OF NORTH BELVEDERE DRIVE, SOUTH OF LONG HOLLOW PIKE AND WEST OF HIGHWAY 109.

- 2. GMBZA RESOLUTION NO 2016-08 B-1809-16**
ST. LUKE A.M.E; VARIANCE
ST. LUKE CHURCH A.M.E.

THE OWNER AND APPLICANT REQUEST A VARIANCE OF 25 (+/-) FEET FROM THE REQUIRED 50 FOOT MINIMUM BUILDING SETBACK LINE REQUIREMENT, PER SECTION 08.03.020 OF THE GALLATIN ZONING ORDINANCE, ON A .47 (+/-) ACRE PARCEL ZONED COMMERCIAL GENERAL (CG), LOCATED AT 355 BLYTHE AVENUE

- 3. OTHER BUSINESS**
- 4. MOVE TO ADJOURN**

EXHIBIT A

ITEM 1

GMBZA Resolution No. 2016-11

RESOLUTION OF THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS APPROVING A VARIANCE FROM SECTION 06.08.040.B OF THE ZONING ORDINANCE OF GALLATIN, TENNESSEE FOR PARCELS 1130/H/017.00, 1130/H/018.00, AND 1130/H/019.00, LOCATED ON NORTH BLAKEMORE AVENUE – (B-1982-16)

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered the request for a four (4) (+/-) foot variance from the required 10 foot side yard on Tax Map 1130, Group H, and Parcels 17.00, 18.00, and 19.00, to permit the construction of three (3) Two-Family Detached Dwellings, at its regular meeting on June 30, 2016; and

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Municipal Board of Zoning Appeals Staff Report, and evidence and testimony presented during the meeting; and

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS is required in its deliberations, pursuant to Gallatin Zoning Ordinance Section 15.04.028.E, to indicate the specific section of the Zoning Ordinance of Gallatin, Tennessee under which the variance is being considered and state specific findings and specifically identify the hardships warranting such action by the Board; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS makes the following findings pursuant to T.C.A. Section 13-7-206; Section 13-7-207(3); and Section 15.05.030 of the Gallatin Zoning Ordinance:

Section 1. The request for a variance of four (4), from the required 10 foot side yard per Section 06.08.040.B, to permit the construction of two-family detached dwellings on parcels 1130/H/017.00, 1130/H/018.00, and 1130/H/019.00, meets all nine (9) of the Standards for a Variance as described in the body of the Staff Report and as set forth in Gallatin Zoning Ordinance, Section 15.05.030:

- A. The particular physical surroundings, shape, topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated;
- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
- C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance;
- D. Financial returns only shall not be considered as a basis for granting a variance;

- E. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance;
- F. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district;
- G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- H. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
- I. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

Section 2. Action – The Gallatin Municipal Board of Zoning Appeals hereby approves a variance of four (4) feet, from the required 10 foot side yard setback per Section 06.08.040.B, to permit the construction of two-family detached dwellings units on tax parcels 113O/H/017.00, 113O/H/018.00, and 113O/H/019.00, with the following conditions:

1. The variance shall be substantially consistent with the one (1) sheet plan prepared by Steve Martin of Bethpage, TN, stamp-dated June 16, 2016.
2. The applicant and owner shall submit a plot plan, per Gallatin Zoning Ordinance Section 15.03.020.C, for each duplex for review and consideration by the Gallatin Planning Department Staff prior to the issuance of a building permit.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED: 06/30/2016

Jimmy Moore, Chair

Jeannie Gregory, Secretary

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

ITEM 1



**PLANNING DEPARTMENT STAFF REPORT
Blakemore Duplexes - Variance Request – B-1982-16
Located on North Blakemore Avenue, South of Small Street
Date: June 30, 2016**

REQUEST: THE OWNER AND APPLICANT IS REQUESTING A VARIANCE OF FOUR (4) FEET FROM THE REQUIRED 10 FOOT SIDEYARD REQUIREMENTS, PER SECTION 06.08.040.B OF THE GALLATIN ZONING ORDINANCE, FOR TAX PARCELS 1130/H/017.00, 1130/H/018.00, AND 1130/H/019.00, ZONED RESIDENTIAL-6 (R6), LOCATED ON NORTH BLAKEMORE AVENUE, SOUTH OF SMALL STREET. (PC FILE# B-1982-16)

OWNER: JAMES OLDHAM
APPLICANT: JAMES OLDHAM
STAFF RECOMMENDATION: GMBZA RESOLUTION NO. 2016-11
STAFF CONTACT: KEVIN CHASTINE, AICP
MBZA MEETING DATE: JUNE 30, 2016

PROPERTY OVERVIEW:

The owner and applicant is requesting a variance of four (4) feet from the required 10 foot sideyard requirements, per section 06.08.040.B of the Gallatin Zoning Ordinance, for tax parcels 1130/H/017.00, 1130/H/018.00, and 1130/H/019.00, zoned Residential-6 (R6), located on North Blakemore Avenue, south of Small Street. The three (3) lots are vacant. The owner proposes to establish a Dwelling, Two-Family Detached (Duplex) use, which is a permitted use in the R6 zone district. (Attachment 1-1)

Requested Variance

The owner and applicant requests a four (4) foot side yard variance, per Section 06.08.040.B of the Gallatin Zoning Ordinance, to permit the construction of a duplex on each of the three (3) tax parcels (Tax Map 1130 Group H Parcel 17, 18, and 19). This variance would reduce the required 10 foot side yard to a six (6) foot side yard on all three (3) parcels. The parcels are located on North Blakemore Avenue, south of the intersection with Small Street.

If this variance request is approved, the owner shall submit a plot plan for each parcel, per Gallatin Zoning Ordinance Section 15.03.020.C, for review by Staff.

CASE BACKGROUND:

Property History and Previous Approvals

On October 6, 1945, the Final Plat for Vertrees Terrace subdivision was recorded in Plat Book 1, Page 25. (Attachment 1-2) The plat contains a total of 190 lots within five (5) blocks (A, B, C, D, and E). Block ‘A’ contains 54 lots. Each lot in Block ‘A’ is 25 feet wide and varies in depth from 97.7 feet to 99.4 feet. There are no other projects or files associated with Parcels 113O/H/017.00, 018.00, and 019.00.

The three (3) tax parcels under consideration for a variance are comprised of two (2) platted lots each and are considered a zoned lot. The pre-existing lots are considered legal non-conforming lots and do not require a variance for lot size. The lots contain just over 4,900 square feet each, which is less than the required 6,000 square feet per lot required by the R6 zoning. The platted lots and associated parcels are listed in the table below.

VERTREES TERRACE – FINAL PLAT – P.B. 1 Page 25		
TAX MAP AND PARCEL	PLATTED LOT NUMBERS	SIZE
113O/H/017.00	45 and 46	4,917.5 sq feet
113O/H/018.00	47 and 48	4,912.5 sq feet
113O/H/019.00	49 and 50	4,907.5 sq feet

The width and undersized nature of the parcels is the basis for the variance request. The undersized lots cause a duplex to not meet the maximum density requirement of 15 units per acre. If the lots contained the required 6,000 square feet, the proposed duplexes would meet the density requirement and would most likely not need to request the four (4) foot sideyard setback variance. To meet the required sideyard setbacks, each lot requires a building envelope that is no more than 30 feet wide and 48 feet deep. To build a duplex compliant with the side yard requirements, each unit of the duplex would contain approximately 720 square feet, unless a second story was added. The applicant desires to construct a 38 foot wide duplex (each 19 feet wide) on each of the three (3) parcels. If the variance is granted, a one-story unit size would increase to approximately 912 square feet. If a single family house were proposed on the parcels only an eight (8) foot sideyard would be required.

Due to all three (3) parcels being under the same ownership, the Gallatin Zoning Ordinance provides the option to consider these three (3) parcels as one (1) zoned lot. A zoned lot would provide greater width and thereby permitting the development to meet the sideyard setbacks. Considering the three (3) parcels as a zone lot, the development would contain .338 (+/-) acres. Proposing three (3) duplexes on .338 (+/-) acres would create a density of 17.75 units per acre which exceeds the maximum density of 15 units per acre stated in G.Z.O. Section 06.08.030.D. If the owner wishes to not utilize the zone lot provision, a single duplex on one (1) of the parcels would also exceed the required density.

The R6 zone district requires a minimum of 2,200 square feet of land area per dwelling unit, which the duplexes satisfy. The 2,200 square feet of land area per unit equates to just over 19 units per acre, but the maximum density permitted in Section 06.08.030.D is 15 units per acre.

If the three (3) parcels were not undersized, the duplexes would meet the density requirement.

The three (3) parcels are designated within the Town Neighborhood Revitalization Character Area based on the Gallatin on the Move 2020 General Development Plan. This Character Area designation lists *Development Strategies* as, 1.) Accommodating a variety of housing types., 2.) Locate duplexes, . . . at key intersections and where full services, public facilities, and routes or public transportation are available, and 3.) Accommodate infill development that respects the scale, setback and style of existing adjacent homes. The proposed duplex projects would satisfy the development strategies of the Gallatin on the Move 2020 plan because it is an infill project on vacant parcels that are serviced by existing utilities, it is located at the intersection of Blakemore and Small Street, just two (2) blocks away from the Shalom Zone. Also, it will increase the variety of housing types in this area.

Applicable definitions and sections from the Gallatin Zoning Ordinance that apply to this case are listed below.

APPLICABLE G.Z.O. DEFINITIONS

02.02 Definitions

Required Yard – That portion of a zone lot that is required by the specific district regulations to be open from the ground to the sky and may contain only explicitly listed obstructions.

Yard – That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent to a depth or width set forth in the applicable regulations.

Yard, Side - A yard extending along a side lot line from the required front yard to the required rear yard. In the case of a corner lot, any yard which abuts a street line and which is not designated a front yard shall be considered a side yard. In the case of a through lot, side yards shall extend between the required front yards, except when such corner lots are required by these regulations specifically to have more than one front yard. A side yard abutting a street shall be twice the required minimum side yard.

APPLICABLE G.Z.O. SECTIONS

06.08.010 Purpose of the R6 - High Density Residential District

The R-6 District is intended to provide locations for higher density, multiple family housing in the approximate range of 7 to 15 dwelling units per gross acre of site area. It is not the intent of this Ordinance, however, to restrict in number the dwelling units thereon. Generally, this district will be characterized by residential structures each containing a multiple number of dwelling units. The R-6 District applies to areas in which a mix of single-family and multiple-family housing is appropriate to create a unified urban neighborhood; transitional areas between lower and higher intensity uses; developing area of multiple-family housing where sufficient urban facilities are available or where such facilities will be available prior to development. This district is intended also to permit community facilities and public utility installations which are necessary to service specifically the residents of this district, or which are benefited by and compatible with a residential environment.

06.08.030 Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements, extensions or conversions located in any R6 District.

- A. Minimum Required Lot Area - Within the R6 Districts, the minimum required lot area shall be 6,000 square feet.
- B. Minimum Development Area Per Dwelling Unit - Within R6 Districts, no dwelling unit shall be permitted on a zone lot with a total development area of less than 2,200 square feet per dwelling unit.
- C. Maximum Floor Area Ratio - Within R6 Districts, the maximum floor area ratio shall be 1.0.
- D. Maximum Overall Density (Site) – In all R6 Districts, the maximum overall site density shall be 15.0 units per gross acre.
- E. Minimum Lot Width - In all R6 Districts, the minimum lot width at the building line shall be forty-five (45) feet.

06.08.040 Yard Requirements

B. Basic Provisions - The basic yard regulations appearing below apply to all zone lots located within R6 Districts.

Required Yard	Single Family Detached	Single Family Attached	All Other Uses
1. Front Yard	20	20	25
2. Interior Side Yard	5*	10 feet on yard opposite common wall	10
3. Street Side Yard	8*	10	10
4. Rear Yard	20	20	25

* The total sum of all required side yards shall be a minimum of sixteen (16) feet.

15.05 Zoning Variances

The Board of Zoning Appeals may grant variances where it makes findings of fact based upon the standards prescribed in this section.

15.05.030 Standards for Variances

Section 15.05.030 of the Gallatin Zoning Ordinance states the Board of Zoning Appeals shall not grant a variance unless it makes findings based upon evidence presented to it as described in nine (9) specific criteria that are listed below. The applicant responded to these standards in writing (Attachment 1-3). The Board shall determine if this variance request meets all nine (9) of the following standards for a variance as required by the Gallatin Zoning Ordinance as described below.

The variance request for a four (4) foot reduction in the required 10 foot sideyard setbacks meets the nine (9) standards for a variance as follows. As proposed, the three (3) duplexes on three (3) lots exceed the maximum density of 15 units per acre stated in G.Z.O. Section 06.08.030.D. If the parcels were not undersized and meet the 6,000 square foot minimum lot size of the R6 zoning then the duplexes would meet the density requirements.

- A. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated.
 - The shape and topographic features of the parcel do not create a hardship, but all three (3) parcels are undersized by approximately 1,093 square feet each. The undersized nature of the all three (3) parcels reduces the owner's ability to construct anything but a single family house on the lot. The undersized lots cause the duplexes to not meet the density requirement of 15.0 units per acre. The duplexes would be compliant with all other Bulk Regulations of the R6 zoning as found in Section 06.08.030 of the Gallatin Zoning Ordinance.
- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
 - This variance request is subject to this property only. No other properties would be entitled to a variance if the Board agreed to grant this variance.
- C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance.
 - This variance will not authorize any use or activity that is currently not permitted in the Residential-6.
- D. Financial returns only shall not be considered as a basis for granting a variance.
 - If granted, the variance would permit the owner to construct a duplex on each of the three (3) lots. The Dwelling-Two Family Detached use is a permitted use in the R6 zone district. Since the lots are currently vacant then an increase in property value will occur as with any new development, but that is not the basis for requesting variance request. The owner wishes to provide a higher quality duplex product that can better accommodate a family.
- E. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance.
 - The requested variance is based on the fact that all three (3) 'zoned lots' were created after being platted in 1945 and are undersized for the Residential-6 (R6) zone district. Each lot is undersized by approximately 1,093 square feet. The undersized nature of the lot restricts a duplex from being constructed because a duplex would exceed the maximum permitted density of 15 units per acre. If the lots satisfied the 6,000 square foot lot requirement of the R6 zone district, then the duplexes would meet the maximum density requirement. Also, if the lots were 6,000 square feet the proposed duplexes could potentially be constructed within the requested sideyard setback variance.
- F. That granting the variance requested would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 - If granted, this variance would not confer on the owner any special privilege that is currently denied by the Gallatin Zoning Ordinance to any other property or building within the R6

zone district. The variance will allow the owner to construct duplexes with reasonably sized units.

- G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- The requested variance of four (4) feet is the minimum variance necessary for the proposed 38 foot wide duplexes to be constructed on the undersized lots.
- H. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
- All surrounding properties are zoned Residential-6 (R6). The variance, if granted, will meet the intent of the Gallatin on the Move 2020 plan by providing a variety of housing types through an infill type development near the intersection of Blakemore and Small Street, just two (2) blocks from the Shalom Zone. Each duplex will have a 12 foot separation from the adjacent duplex, which is acceptable to the Gallatin Building Codes Department. The existing residence on tax parcel 113O/H/016.00 would have a 23 foot separation from the duplex proposed on tax parcel 113O/H/017.00.
- I. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
- If granted, the variance and subsequent construction of the duplexes will provide adequate separation between the residences as well as any existing residences adjacent to these three (3) lots. The separation will not impair the supply of light and air to adjacent properties nor increase the danger of fire. The total of six (6) units will not substantially increase the congestion and the development will utilize currently vacant lots, which will not diminish or impair property values within the area.

15.05.040 Non-conformity Does Not Constitute Grounds for Granting of a Variance

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

15.05.050 Prohibition of Use Variances

Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

15.05.060 Conditions and Restrictions by the Board

The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section 15.05.030 to reduce or minimize the injurious effect to such variation; upon surrounding property and better carry out the general intent of this Ordinance. The Board may establish expiration dates as a condition or as a part of the variances.

If this variance request is approved, the owner shall submit a plot plan for each parcel, per Gallatin Zoning Ordinance Section 15.03.020.C, for review by Staff.

ENGINEERING DEPARTMENT COMMENTS

The Engineering Division reviewed the variance request and had no comments.

OTHER DEPARTMENTAL REVIEW COMMENTS

Other City Departments reviewed the variance request and had no comments.

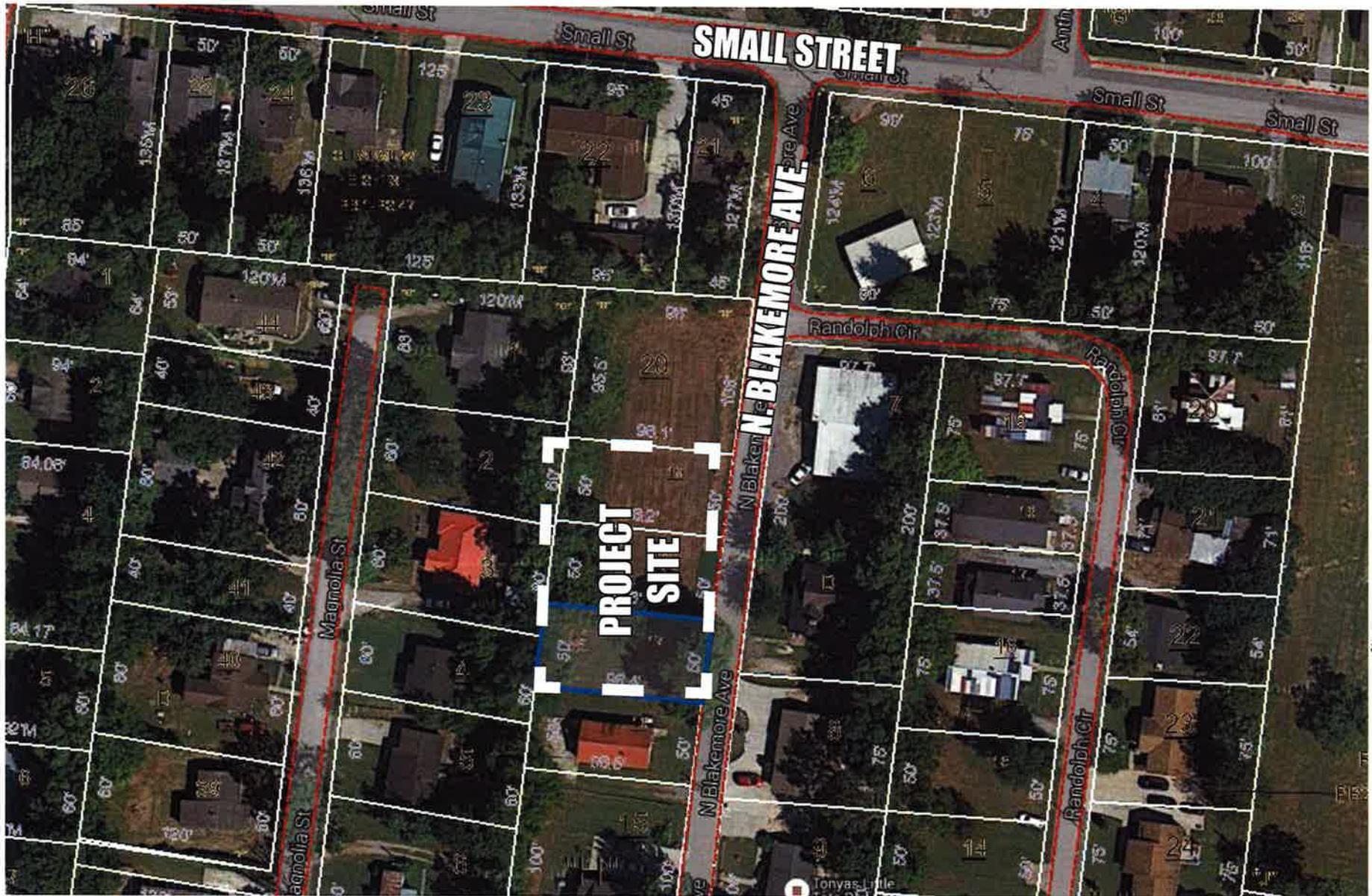
RECOMMENDATION

Staff recommends that the Gallatin Municipal Board of Zoning Appeals approve GMBZA Resolution No. 2016-11 granting a variance of four (4) feet from the 10 foot side yard required by G.Z.O. Section 06.08.040.B, on tax parcels 113O/H/017.00, 113O/H/018.00, and 113O/H/019.00, as shown on a one (1) sheet plan, prepared by Steve Martin of Bethpage, TN, stamp-dated June 16, 2016, with the following conditions of approval:

1. The variance shall be substantially consistent with the one (1) sheet plan prepared by Steve Martin of Bethpage, TN, stamp-dated June 16, 2016.
2. The applicant and owner shall submit a plot plan, per Gallatin Zoning Ordinance Section 15.03.020.C, for each duplex for review and consideration by the Gallatin Planning Department Staff prior to the issuance of a building permit.

ATTACHMENTS

Attachment	1-1	Location Map
Attachment	1-2	Vertrees Terrace – Final Plat (P.B. 1 Pg 25)
Attachment	1-3	Applicants response to the Standards for Variance
Attachment	1-4	Architectural Elevations
Attachment	1-5	Variance Exhibit

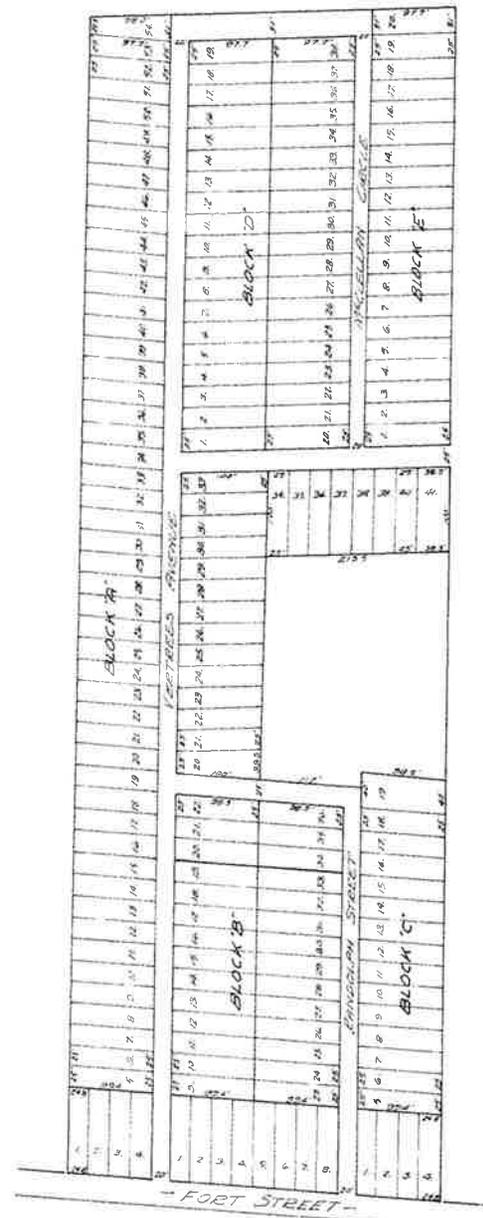


Prepared By: Kevin Chastine, AICP
Prepared On: June 28, 2016

Location Map
Blakemore Duplexes - Variance
Tax Map 1130/H/017.00, 18.00, and 019.00
PC File# B-1982-16



ATTACHMENT 1-2



BLOCK	UNITS
A	54
B	36
C	42
D	38
E	20
Total	190

VERTREES TERRACE
- ADDITION TO -
Gallatin Tennessee
SCALE 1 INCH = 100 FEET

PLAT OF
VERTREES TERRACE
SUBDIVISION
CIVIL DISTRICT OF SUMNER COUNTY, TENNESSEE

OWNER _____
DEVELOPER _____
SURVEYOR E.H. GARRETT SR.

SCALE 1 INCH = 100 FEET

APPROVED BY:
SUMNER COUNTY PLANNING COMMISSION

SIGNER _____

SUMNER COUNTY TENNESSEE
FILED FOR RECORD THE 6th DAY
OF Oct. 19 45 1:00 PM

5-19-14

ATTACHMENT 1-3

VARIANCE CHECKLIST

Project Name: Blakemore Duplex's	Map #: 11304 Group: 0209 Parcel #: 20,19,18,17
Contact Person: Steve Martin 863-447-6064	PC File Number: B-1982-16

The Variance checklist is designed to assist applicants with identifying the information that must be included on all Boards of Zoning Appeals (BZA) applications. Initial submittals must include a completed BZA Application Form, a completed Variance checklist, and nine (9) folded copies of the Variance documents by 4:30 PM on the submittal deadline.

The Municipal and Regional Boards of Zoning Appeals may grant variances where it makes findings of fact based upon the standards outlined below. Please provide a **written description** that explains how the variance being requested addresses the following nine standards for variances:

The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated; **NONE**

The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district; **NONE**

The variance will not authorize activities in a zone district other than those permitted by this Ordinance; **Yes**

Financial returns only shall not be considered as a basis for granting a variance;
NO, The Owners objective is to Improve property conditions and Increase Property Value's for a owners of Property

The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance;
True



B-1982-16

VARIANCE CHECKLIST

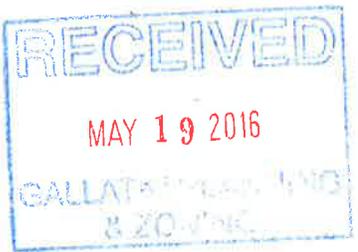
Project Name: <i>Blakemore Duplex's</i>	Map #: <i>1150 H</i> Group: <i>024.00</i> Parcel #: <i>20, 19, 18, 17</i>
Contact Person: <i>Steve Martin</i> <i>863-447-6064</i>	PC File Number:

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts; *True*

The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; *True, The Existing Lot's are only 50' wide with 10' Sideyard requirements, We are requesting a minimal variance to Apply a reasonable building size for the proposed R6 usage.*

The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and *NO, This will Increase Conditions and property Value's*

The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
No, The Proposal is in the City Zoning Requirements and suit the area Nicely.



IN HOUSE SITE PLAN

PC File #

SITE DATA TABLE

Project Name: Blakemore Duplex's
 Tax Map and Parcel Number: 1130 H 019.00 000
1130 H 018.00 000
1130 H 017.00 000
 Project Address:
 Property Owner Name: James Oldham
 Property Owner Address: 1125 Roganwa Rd
 Developer/Business Owner Name: James Oldham
 Developer/Business Owner Address: 1125 Roganwa Rd
Gettysburg, TN
 Current Zoning: R-6

Required Minimum Building Setback Line:

Requires Yards:

Front: 20
 Sides: 10
 Rear: 15

Proposed Use: Duplex

Existing Use: N.A.

Parking Calculations

Regular & Handicapped Spaces Required:

Existing: N.A.

Proposed: 12 (2 per unit)

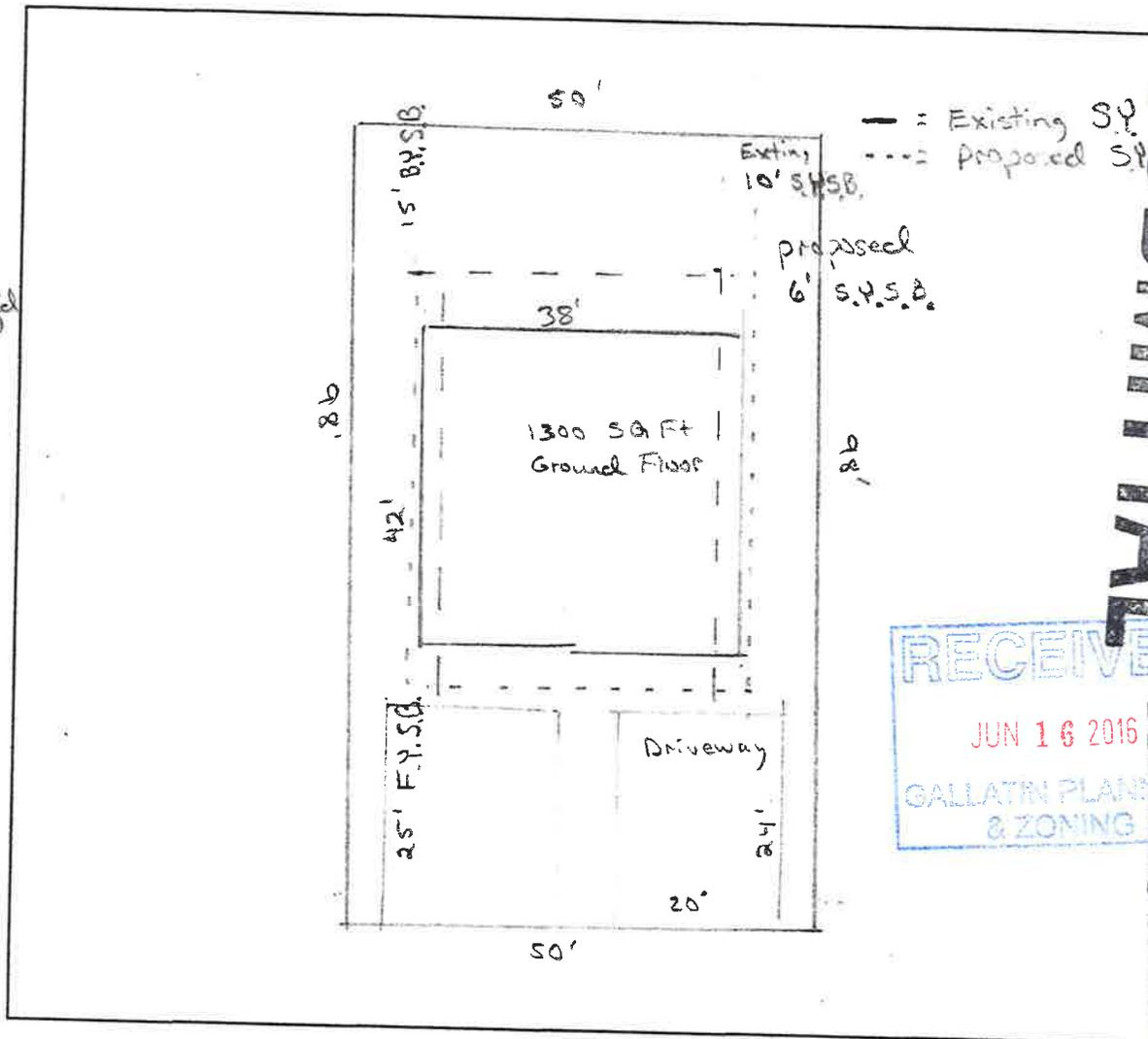
Parking lot is or is not striped:

Building height and description of building/roof materials (existing and proposed): 27'

FEMA Note:

A review of F.E.M.A. Flood Insurance Rate Map, Community Panel No. 47165C0314G shows part or no part of this property to be located within the 100-year floodplain; Zone X; Effective Date 9/20/06

Performance Standards Note: "All construction and use of the proposed facility to meet the applicable performance standards as set forth in the City of Gallatin Zoning Ordinance, Section 13.02"



RECEIVED
 JUN 16 2016
 GALLATIN PLANNING
 & ZONING

470185

Scale: 1" = 5' ft

RESUBMITTAL ATTACHMENT 1-5

B-1982-16

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A PLACE OF WORSHIP FACILITY FOR GRACE POINT CHURCH, PER SECTION 08.02.010.D. OF THE GALLATIN ZONING ORDINANCE, ON A 3.4 (+/-) ACRE PARCEL, ZONED COMMERCIAL SERVICES (CS), LOCATED AT 522 WEST MAIN STREET (S.B.E. TAX MAP #126G/A/012.00) – PC FILE #B-1999-16

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered the Conditional Use Permit request for Grace Point Church at 522 West Main Street submitted by the applicant, Matchett and Associates Architects, at its regular meeting on June 30, 2016; and

WHEREAS, the Zoning Ordinance of Gallatin, Tennessee classifies Place of Worship as a Conditional Use in Commercial Services (CS) zone district in § 08.02.010.D

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Municipal Board of Zoning Appeals Staff Report and evidence and testimony presented during the meeting; and

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS is required in its deliberations, pursuant to Gallatin Zoning Ordinance § 15.04.028.F, to indicate the specific section of the Zoning Ordinance of Gallatin, Tennessee under which the permit is being considered and state specific findings and any special conditions imposed in granting a Conditional Use Permit; and

NOW, THEREFORE, BE IT RESOLVED BY THE GALLATIN MUNICIPAL BOARD OF ZONING APPEALS in its deliberations finds that the applicant meets the Standards for a Conditional Use set forth in Gallatin Zoning Ordinance § 15.06.030 as follows:

- Section 1. The Gallatin Municipal Board of Zoning Appeals in its deliberations finds that the applicant meets the General Requirements set forth in Gallatin Zoning Ordinance § 15.06.040 as follows:
- A. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;
 - B. Will not adversely affect other property in the area in which it is located.
 - C. Is within the provisions of "Conditional Uses" as set forth in this Ordinance.
 - D. Conforms to all applicable provisions of this Ordinance for the district in which it is to be located and is necessary for public convenience in that location.

- Section 2. The Gallatin Municipal Board of Zoning Appeals in its deliberations finds that the applicant meets the Special Conditions

for Place of Worship Activities set forth in Gallatin Zoning Ordinance § 15.06.050.H as follows:

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district except those facilities proposed in R40 and A districts where the minimum district lot size shall apply.
2. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
3. Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.
4. All bulk regulations of the district shall be met.
5. The off-street parking requirements of this Ordinance in Article 11.00 shall apply.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS approves a Conditional Use Permit for a Place of Worship for Grace Point Church at 522 West Main Street with the following conditions:

1. The Conditional Use Permit shall be consistent with the one (1) sheet plan prepared by Matchett and Associates Architects, of Gallatin, Tennessee, with project number 1605, dated May 23, 2016, and latest revision date of June 16, 2016.
2. The use at 522 West Main Street shall be limited to a Place of Worship facility, classrooms/meeting rooms, and other accessory uses only associated with the Place of Worship facility or other uses permitted in the CS zoning district. Church services shall be held at time when the majority of other businesses in the center are not in operation or open for business.
3. Submit a Change of Use Site Plan to the Planning Department for review and approval prior to the issuance of a Certificate of Occupancy. No exterior façade changes may be made to the existing building without Site Plan approval.
4. An additional or modified Conditional Use Permit shall be required to expand into other buildings or to add to the existing building on the zone lot.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED: 6/30/16

Jimmy Moore, Chair

Jeannie Gregory, Secretary

APPROVED AS TO FORM:

Susan High-McAuley
City Attorney



ITEM 2

PLANNING DEPARTMENT STAFF REPORT

Grace Point Church Conditional Use Permit Request

522 West Main Street; (PC File #B-1999-16)

Date: June 30, 2016

PUBLIC HEARING

REQUEST: THE OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR A PLACE OF WORSHIP FACILITY FOR GRACE POINT CHURCH, PER SECTION 08.02.010.D. OF THE GALLATIN ZONING ORDINANCE, ON A 3.4 (+/-) ACRE PARCEL, ZONED COMMERCIAL SERVICES (CS), LOCATED AT 522 WEST MAIN STREET (S.B.E. TAX MAP #126G/A/012.00).

OWNER: CHR OF GALLATIN, LLC

APPLICANT: MATCHETT AND ASSOCIATES ARCHITECTS

STAFF RECOMMENDATION: GMBZA RESOLUTION 2016-10

STAFF CONTACT: DENISE BROWN

MBZA MEETING DATE: JUNE 30, 2016

PROJECT OVERVIEW:

The owner and applicant request approval of a Conditional Use Permit for a Place of Worship Facility for Grace Point Church, per Section 08.02.010.D. of the Gallatin Zoning Ordinance, on a 3.4 (+/-) acre parcel, zoned Commercial Services (CS), located at 522 West Main Street (S.B.E. Tax Map #126G/A/012.00) (Attachment 2-1 and Attachment 2-2). The church is currently operating with approximately 150 active members. The existing structure is part of a multi-tenant shopping center known as Gallatin Place.

A Place of Worship requires a conditional use permit in the CS zone district (Attachment 2-3). The surrounding property owners were notified by mail about the Conditional Use Permit request and a Public Hearing shall be held on the item at the meeting.

Staff recommends approval of the Conditional Use Permit request, with the conditions listed on page 6 of the staff report, since the project meets the General Requirements as well as the Special Conditions for the Place of Worship use (Attachment 2-4).

CASE BACKGROUND:

Previous Approvals

On October 26, 1987, the Planning Commission approved a Site Plan for Gallatin Place to construct a multi-tenant shopping center (PC File#8-13-87).

In 2011, a Change of Use Site Plan was approved administratively for Sumner Gun and Supply (PC9822-11) on a portion of the site.

DISCUSSION:

Analysis

The owner and applicant request approval of a Conditional Use Permit for a Place of Worship Facility for Grace Point Church, per Section 08.02.010.D. of the Gallatin Zoning Ordinance, on a 3.4 (+/-) acre parcel, zoned Commercial Services (CS), located at 522 West Main Street (S.B.E. Tax Map #126G/A/012.00). The church currently has approximately 150 active members. The Grace Point Church currently holds services in the gym at College Heights Baptist Church on Nashville Pike and proposes to relocate to the tenant space in this building as a temporary location until their permanent church building on Long Hollow Pike is completed. The existing structure is part of a multi-tenant shopping center known as the Gallatin Place. Section 08.02.010.D of the Gallatin Zoning Ordinance, requires a Conditional Use Permit for a Place of Worship facility in the Commercial Services (CS) zone district.

Parking

The Gallatin Zoning Ordinance requires Religious Assemblies (Places of Worship) to have one (1) parking space for every four (4) persons capacity of the largest place of public assembly. The public assembly (seating) area for Grace Point Church is 250 people, which requires 63 parking spaces, including three (3) handicapped parking spaces. The parking lot for the Gallatin Place center contains a total of 121 parking spaces, including two (2) handicapped parking spaces, one (1) of which is located in front of the building where the church is proposed. Gallatin Zoning Ordinance, Section 11.07 requires five (5) handicapped parking spaces for the entire site. Three (3) additional handicapped parking spaces will be provided as a condition of approval of a site plan. Shared parking is permitted per Section 11.05 of the G.Z.O. Shared parking is encouraged for business uses that operate on different schedules. The shared parking available on site for all businesses within the Gallatin Place Shopping Center far exceeds the minimum required by the Gallatin Zoning Ordinance for the Place of Worship use. Other businesses on site operate at hours when the church services are not held.

Site Plan Required

A Change of Use Site Plan, changing the existing use from General Retail Sales and Service to Place of Worship, shall be submitted to the Planning Department for review and approval prior to the issuance of a Certificate of Occupancy. No exterior façade changes may be made to the existing building without Site Plan approval. Photos of the existing, tenant space and building are provided in Attachment 2-5. No portion of this property is located in a flood hazard area and the property contains no unusual topographical features.

Sign

No signs for the Grace Point Church are proposed at this time. If the applicant or property owner decides to install signs in the future, a sign permit shall be required prior to the installation of any signs on site.

Other Departmental Comments

Engineering Division

The Engineering Division provided no review comments on the Conditional Use Permit request.

Police Department

The Police Department provided no review comments on the Conditional Use Permit request.

Department of Public Utilities

The Public Utilities Department provided no review comments on the Conditional Use Permit request. The existing building already has utility connections.

Industrial Pre-treatment Department

The Industrial Pre-treatment Department noted that the facility shall comply with all applicable cross-connection control regulations.

Fire Department

The Fire Department provided no review comments on the Conditional Use Permit request; however, the applicant shall obtain a Life Safety inspection prior to the issuance of a Certificate of Occupancy.

Public Works Department

The Public Works Department provided no review comments on the Conditional Use Permit request.

Building Codes Department

The Building Codes Department did not review the Conditional Use Permit request.

Department of Electricity

The Department of Electricity provided no review comments on the Conditional Use Permit request. Electricity is already available to the existing building.

Sumner County E-911

Sumner County E-911 did not review the Conditional Use Permit request.

Findings

The applicant submitted responses addressing the General Requirements and Special Conditions, pertaining to the proposed Conditional Use Permit for a Place of Worship facility, which are included on the Conditional Use Permit Site Plan (Attachment 2-1). Additional information about how the project meets the requirements are provided below.

General Requirements for Conditional Use Permit

Section 15.06.040 of the Gallatin Zoning Ordinance outlines the general requirements for granting a Conditional Use Permit. The applicant's request meets the general requirements as listed below and in Attachment 2-3. A Conditional Use Permit shall be granted provided that the Board finds that it:

- A. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

- The request for a Conditional Use Permit for a Place of Worship facility at 522 West Main Street will not significantly impact the public health, safety, or welfare of the area. The use will not generate traffic volumes that will overwhelm the transportation system. The building is located on the back of the parcel behind another existing building fronting West Main Street, so the new use will not change the visual impact from the street. A Change of Use Site Plan shall be submitted to the Planning Department for review and approval prior to the issuance of a Certificate of Occupancy. No exterior façade changes may be made to the existing building without Site Plan approval.
 - Adequate parking exists for all businesses on the zone lot. Parking for the Place of Worship facility will take place in the existing parking lots, on the zone lot, at hours when the majority of other businesses on the lot are not operating. The church will not create unusual noise, light or other adverse conditions which would violate the Performance Standards Regulations of the Gallatin Zoning Ordinance, Section 13.02. The applicant added a note to the plan stating that the facility shall comply with all Performance Standards Regulations of the Gallatin Zoning Ordinance (Attachment 2-1).
- B. Will not adversely affect other property in the area in which it is located;
- The Place of Worship facility will be located in a building with three (3) tenant spaces. Sumner Gun and Supply is located in one of the tenant spaces and Critter Clinic is located in the other. The tenant space in which the Place of Worship facility will be located was previously occupied by a General Retail Sales and Service use. The other buildings on the zone lot currently contain Food Service and Financial, Consulting, and Administrative uses and are of the same intensity.
 - The Place of Worship facility should not adversely affect other properties in the area. Parking for the place of worship is required only on Sundays and Wednesday evenings generally when most of the other businesses in the Gallatin Place are closed. Three (3) additional handicapped parking spaces will be provided as a condition of approval of a site plan. The use will not generate any greater amount of traffic than now generated by the other uses or any other uses permitted without a Conditional Use Permit within the Gallatin Center site.
- C. Is within the provisions of "Conditional Uses" as set forth in this Ordinance;
- Place of Worship is a legal conditional use for the Commercial Services (CS) zone district per Section 08.02.010.D of the Gallatin Zoning Ordinance (Attachment 2-4).
- D. Conforms to all applicable provisions of this Ordinance for the district in which it is to be located and is necessary for public convenience in that location.
- This property complies with all applicable provisions of the Gallatin Zoning Ordinance. The church will use a dumpster currently located on the zone lot. The dumpster on site is currently non-complying since it does not contain the required screening according to the requirements of the Gallatin Municipal Code (Attachment 2-4). As part of a site plan review /approval the dumpster shall be screened on all four (4) sides by an opaque material and shall meet the screening requirements of the Gallatin Municipal Code, Section 14-14; Nonresidential establishment containers, storage, and requirements (Attachment 2-6).

Special Conditions for Place of Worship Activities

Section 15.06.050.H of the Gallatin Zoning Ordinance outlines special conditions for Place of Worship Activities. The applicant's request meets the special conditions as listed below and in Attachment 2-2 and 2-4. A Conditional Use Permit shall be granted provided that the Board finds that:

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district except those facilities proposed in R40 and A districts where the minimum district lot size shall apply.
 - The minimum lot area for uses in the Commercial Services (CS) zone district is 10,000 square feet. The subject property is located on parcel 126G/A/012.00 and contains approximately 148,104 square feet or 3.4 (+/-) acres, which exceeds the minimum lot area requirement for a Place of Worship facility. The existing three (3) tenant building contains approximately 25,050 square feet. The parking lot also serves two (2) other buildings on the property and contains a total of 121 parking spaces, including two (2) handicapped parking spaces, one (1) of which is located in front of the building where the church is located. Gallatin Zoning Ordinance, Section 11.07 requires five (5) handicapped parking spaces for the entire site. Three (3) additional handicapped parking spaces will be provided as a condition of approval of a site plan. The site parking far exceeds the requirements of the Gallatin Zoning Ordinance.
2. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
 - The existing building is a one story multi-tenant structure with light brown brick and with small amounts of tan vinyl siding (Attachment 2-5). No exterior modifications are proposed at this time. Activities associated with the Place of Worship facility are proposed in the existing building which is compatible with the surrounding area. An additional or modified Conditional Use Permit shall be required to expand into other existing buildings or to add to the existing building on the zone lot.
3. Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.
 - West Main Street (Highway 31E) is classified as a Major Arterial on the official Major Thoroughfare Plan, approved as part of the *Gallatin on the Move 2020 General Development and Transportation Plan Update 2008-2020*.
4. All bulk regulations of the district shall be met.
 - Approval of the Place of Worship use will not increase any non-conforming status of the existing building. It appears that the lot and existing buildings meet the current yard line and bulk regulations for the CS zone district (Attachment 2-2).
5. The off-street parking requirements of this Ordinance in Article 11.00 shall apply.

- Religious Assemblies (Places of Worship) are required to have one (1) parking space for every four (4) persons capacity of the largest place of public assembly. The public assembly area (seating) for Grace Point Church is 250 people, which requires 63 parking spaces, including three (3) handicapped parking spaces. The parking lot contains a total of 121 parking spaces, including two (2) handicapped parking spaces, one (1) of which is located in front of the building where the church is proposed. Gallatin Zoning Ordinance, Section 11.07 requires five (5) handicapped parking spaces for the entire site. Three (3) additional handicapped parking spaces will be provided as a condition of approval. The required parking far exceeds the requirements of the Gallatin Zoning Ordinance.
- The shared parking available on site for all businesses in the Gallatin Place Shopping Center (zone lot) far exceeds the minimum required by the Gallatin Zoning Ordinance for the Place of Worship use when most other businesses are not operating on the property. No increase in seating capacity of the main sanctuary portion of the church is proposed as part of this request; therefore, no additional parking is required.

RECOMMENDATION

Staff recommends that the Gallatin Municipal Board of Zoning Appeals approve the Conditional Use Permit for a Place of Worship use with the following conditions:

1. The Conditional Use Permit shall be consistent with the one (1) sheet plan prepared by Matchett and Associates Architects, of Gallatin, Tennessee, with project number 1605, dated May 23, 2016, and latest revision date of June 16, 2016.
2. The use at 522 West Main Street shall be limited to a Place of Worship facility, classrooms/meeting rooms, and other accessory uses only associated with the Place of Worship facility or other uses permitted in the CS zoning district. Church services shall be held at time when the majority of other businesses in the center are not in operation or open for business.
3. Submit a Change of Use Site Plan to the Planning Department for review and approval prior to the issuance of a Certificate of Occupancy. No exterior façade changes may be made to the existing building without Site Plan approval.
4. An additional or modified Conditional Use Permit shall be required to expand into other buildings or to add to the existing building on the zone lot.

ATTACHMENTS:

Attachment 2-1	Location Map
Attachment 2-2	Conditional Use Permit Site Plan
Attachment 2-3	G.Z.O. Section 08.02.010.D
Attachment 2-4	General Requirements/Special Conditions for the Place of Worship use
Attachment 2-5	Photographs of existing building
Attachment 2-6	Gallatin Municipal Code, Section 14-14; <u>Nonresidential establishment containers, storage, and requirements</u>

**GRACE POINT BAPTIST CHURCH
CONDITIONAL USE PERMIT
522 WEST MAIN STREET**



**ZONED: COMMERCIAL SERVICES (CS)
TAX MAP #126G/A/012.00
PC FILE #B-1999-16**

ATTACHMENT 2-1

08.02 Intent and Purpose of the CS - Commercial Services District

This class of district is designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; drive-in stores, eating and drinking places; financial institutions; and offices. The uses in this district service a wide market area and, therefore, ease of automotive access is a requirement. However, it is not intended that this district permit uses which generate large volumes of truck traffic. Appropriate open space between commercial and residential areas is required.

08.02.010 Uses and Structures

- A. Principal Permitted Uses and Structures - Within the Commercial Service Districts as shown on the Gallatin Municipal and Regional Zoning Maps, the following activities, as described in Section 03.07 are permitted:

Community Facility Activities

- Essential Service
- Non-assembly Cultural
- Administrative

Commercial Activities

- Convenience Sales and Service
- Automotive Parking
- Automotive Servicing
- Transient Habitation
- Food Service
- Medical Service
- Financial, Consulting, and Administrative
- Undertaking Service
- General Retail Sales and Service
- Food Service - Drive-in
- Consumer Laundry and Repair
- Retail Business Supply
- Group Assembly-Limited
- Automotive Repair and Cleaning
- Animal Care
- Vehicular, Craft, and Related Equipment Sales,
Retail and Delivery
- Limited Newspaper and Periodical Printing
- General Personal Services

ATTACHMENT 2-3

B. Permitted Accessory Uses and Structures

1. Signs in accordance with the regulations contained in Section 13.07.
2. Accessory off-street parking and loading facilities as required in Article 11.00.
3. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are not otherwise prohibited.

C. Prohibited Uses and Structures

Any uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in Article 13.00 of this Ordinance are prohibited.

D. Conditional Uses

Community Facility Activities
Limited Child and Adult Care
Place of Worship

Commercial Activities
Group Assembly Extensive
Limited Warehousing

08.02.020 Bulk Regulations

- A. Maximum Lot Coverage - 40 percent
- B. Maximum Floor Area Ratio - .5
- C. Minimum Setback Line - 50 feet

08.02.030 Area Regulations

- A. Minimum Lot Area - 10,000 square feet
- B. Minimum Front Yard - 10 feet
- C. Minimum Side Yard - 10 feet
- D. Minimum Rear Yard - 20 feet

08.02.031 Height Regulation - Maximum Height 45 feet

08.02.040 Use of Required Yard Areas

- A. Landscaping - All required yard areas not occupied by sidewalks and driveways shall be devoted to landscaping as defined in Sections 13.04 and 13.05.
- B. Driveways - Provided that no driveway shall occupy more than half of any required yard.
- C. Sidewalks - Provided that no sidewalk shall occupy more than half of any required yard.

15.06 Conditional Use Permits

15.06.010 Conditional Uses

The Board of Appeals may hear and decide, in accordance with the provisions of this Ordinance, requests for conditional use permits. For the purposes of administration of this Ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Sections 13-706, Tennessee Code Annotated.

15.06.020 Application for Conditional Use Permit, Notice of Public Hearing

The application for a conditional use permit shall be made by the property owner or his designated agent and filed in writing with the Board on forms provided by the Board, and shall contain information and exhibits as may be required under Section 15.03.020 or in the case of buildings or other structures or uses to be located within floodplain districts, as may be required by Section 10.03. Not more than 60 days after filing such application, a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant. Notice of hearing shall be held in accordance with Section 15.04.080 B. A fee of \$25.00 payable to the City of Gallatin shall be charged to partially defray cost of review and processing for each application for a conditional use permit, except that the fee may be waived for any government agency.

15.06.030 Requirements for Conditional Use Permit

General requirements are hereby established which shall apply to all applications for conditional use permits, and specific standards listed shall apply to the issuance of a conditional use permit as appropriate. The Board may impose such other conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to comply with the provisions set out in Section 15.06.040 through 15.06.070 C in order to reduce or minimize the injurious effect of such conditional use upon and ensure compatibility with surrounding property and to better carry out the general intent of this Ordinance. The Board may establish expiration dates for the expiration of any conditional use permit as a condition of approval.

15.06.040 General Requirements

A conditional use permit shall be granted provided the Board finds that it:

- A. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;
- B. Will not adversely affect other property in the area in which it is located;
- C. Is within the provisions of "Conditional Uses" as set forth in this Ordinance; and

- D. Conforms to all applicable provisions-of this Ordinance for the district in which it is to be located and is necessary for public convenience in that location.

15.06.050 Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a conditional use permit shall be granted for the community facility activities specified in Sections 15.06.050 A through 15.06.050 G when the standards established are met as part of the condition for issuing the permit in the applicable zone districts.

A. Special Conditions for Limited Child and Adult Care Facilities

1. In the Agriculture, R-40, MRO, MPO, CC, CS, CG, IR and IG Zoning Districts the lot size, setbacks, and lot coverage shall conform to those applicable to the Zoning District. In the R-10, R-8 and R-6 Zoning Districts no such facility shall be permitted on a zone lot unless it contains twice the lot area requirements of the Zoning District.
2. All other bulk regulations of the district shall be met.
3. One accessory off-street parking space for each five persons accommodated in the day care facility shall be provided.
4. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up vehicle movements to enter or exit the zone lot.
5. All public utilities and sewage disposal shall be available to the site and shall be subject to approval of either the Public Utilities Department or the County Environmentalist Office.
6. All regulations of the State of Tennessee that pertain to the use shall be met.
7. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.
8. Fencing, screening, and landscaping shall be provided as required by Article 13.00 of the Zoning Ordinance and as appropriate to protect the surrounding area for such facility.
9. Upon the approval by the Board of Appeals, the site and architectural plans for such a facility shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

4. The off-street parking requirements shall be based upon a recommendation from the Planning Commission.

H. Special Conditions for Place of Worship

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district except those facilities proposed in R40 and A districts where the minimum district lot size shall apply.
2. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
3. Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.
4. All bulk regulations of the district shall be met.
5. The off-street parking requirements of this Ordinance in Article 11.00 shall apply.

I. Special Conditions for Community Education

1. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
2. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.
3. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
4. The off-street parking requirements of this Ordinance in Article 11.00 shall apply.

J. Special Conditions for Animal Care Activities in Agricultural Districts

1. The lot regulations of the district shall apply.
2. The operation of such facility shall not have an adverse effect on the properties in the surrounding area.
3. Insect, rodent, and odor control measures shall be provided to the satisfaction of the Board of Appeals.
4. Any outdoor pens or holding areas shall be appropriately screened.



ATTACHMENT 2-5



ATTACHMENT 2-5



ATTACHMENT 2-5

B-1999-16'

Sec. 14-14. - Nonresidential establishment containers, storage, and requirements.

Refuse produced by keepers and/or owners of nonresidential establishments shall be stored for collection in the following manner:

- (a) A bulk container as defined in section 14-2 is required for all nonresidential establishments as defined in section 14-2, which produce garbage and/or trash. Those nonresidential establishments using authorized residential containers prior to the adoption of this chapter are exempted from using a bulk container so long as the accumulation of their garbage and trash between scheduled pickups can be stored in two (2) or less residential containers. A need for more than two (2) containers will require that establishment to acquire an acceptable bulk container.
- (b) The minimum facilities for any bulk container(s) will be a concrete pad with the size determined by the superintendent of public works and an opaque enclosure of a height so as to completely screen the container. The opaque enclosure shall be built of permanent materials such as wood, brick, concrete block, split-face block, or chain link fencing with woven plastic slats to meet the requirement of opacity. Evergreen trees or shrubs may be used to meet the requirement of opacity provided that the height and size of the plants completely screen the bulk container immediately upon planting the trees or shrubs. An enclosure shall have an opaque gate unless the service opening is oriented away from public streets or adjacent residential properties. As of the effective date of Ordinance No. O0206-030, bulk containers without concrete pads shall be exempt from the requirement for concrete pads. All bulk containers existing as of the effective date of this ordinance shall have opaque enclosures installed on or before July 1, 2003.
- (c) The superintendent of public works may exempt nonresidential establishments from use of bulk containers if the volume of garbage and trash does not justify such use (volume which can be contained by two (2) or less ninety-gallon containers) and/or if no suitable site for bulk container(s) can be found.
- (d) Appeal procedure for disputes between owner and the superintendent of public works. Within ten (10) days after the mailing of the notice or the service thereof, of the superintendent of public works' decision, the keepers or owners of the nonresidential establishment may appeal to the city council for a hearing to contest the decision.

(Ord. No. O9704-028, 5-6-97; Ord. No. O0206-030, § 1, 7-2-02)

ATTACHMENT 2-6



Area Map

Proposed Church Location



Existing Building has 3 tenant spaces.
 Animal Care and General Retail Sales & Service *
 Existing Waste Recepticals to be used as is.
 No new HVAC equipment to be installed
 No Exterior walls are to be modified
 Roofing; Low sloped, metal and membrane
 Sidewalks; Concrete
 Parking; Asphalt
 Existing Landscaping to remain.

Front Building has seven tenants.
 Food Service, Personal Service and
 Financial Offices. *

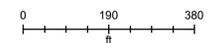
Property Information:

Tax Map; 126G, Group A, Parcel 12
 * Record Book 3479, Page 54, R.O.S.C. TN
 Lot Area: 3.4 acres
 MBSL: 50'
 Property Owner: CHR fo Gallatin LLC, 522 W.Main St., Gallatin, TN
 Property Address: 522 West Main Street
 Zoning: CS, Commercial Services
 Existing Use: Animal Care, Food Service, Financial, Consulting, Admin. Services,
 and General Retail Sales and Service *
 Existing Building Area: 25,050 sf and 9567 sf, 2 buildings
 Proposed Use: Place of Worship
 Seating Capacity: 250 persons
 Parking Requirement: 1/4 persons 250/4=63 spaces
 Parking Use during off hours, shared parking with adj. businesses.
 Available Parking: 121 spaces including 4 HC spaces
 Driveway Entances: Nashville Pike, Major Road, Existing
 Bulk Regulations:
 Max. Lot coverage; 40%
 Max. Floor Area Ratio; .5
 Min. Setback Line; 50 feet
 Min. Lot Area; 10,000 sf
 Min. Front Yard; 10 feet
 Min. Side Yard; 10 feet
 Min. Rear Yard; 20 feet



SUMNER COUNTY, TENNESSEE

DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP.
 MAP DATE: May 23, 2016



Project No. 1605
 Drawn by: _____
 Reviewed by: _____



M&A
Matchett and Associates Architects

113 East Main St.
 Gallatin, TN 37066
 615/451-1505

Conditional Use for Grace Point Church
 522 West Main St.

Gallatin, Tennessee

Site and Parcel Information

Request for Conditional Use Permit
General Requirements and Special Conditions: *

- A. is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;
 This facility is already in place. Public access for the street, public utilities, parking and structure are to remain as is.
 - B. Will not adversely affect other property in the area in which it is located.
 No new site improvements or altering of the exterior will take place. Parking impact will take place during off-hours of area businesses.
 - C. Is within the provisions of "Conditional Uses" as set forth in this Ordinance.
 This property is zoned CS. Section 08.02.010 Uses and Structures, D. Conditional Uses, lists Place of Worship
 - D. Conforms to all applicable provisions-of the Zoning Ordinance for the district in which it is to be located and is necessary for public convenience in this location.
 The existing facility has prior Zoning approvals in place, and will not require revisions to accomdate this proposed use.
 This is an existing structure. The Church needs a temporary location, during which time a permanent location and structure will be developed. The existing space is empty and it will accommodate the needs of the Church with minimum interior improvements.
1. To be twice the lot area; Lot area is 3.4 acres, which is more than twice the required area.
 2. To be compatible with surrounding area. This is an existing building, in similar design as the adjacent buildings.
 3. To be located on Major or Collector Street. Located on Nashville Pike (31E) which is a Major Street
 4. Bulk Regulations to be met. No alterations are being made to the exterior. The existing conditions meet the bulk regulations.
 5. Off Steet Parking to be met. Parking for the facility is during off business hours. Parking needs are 63 spaces, 121 spaces are available.

General Notes:

Purpose of this Plan is to acquire a Conditional Use Permit for Grace Point Church. Parking for services will be utilized during off hours for the adjacent businesses.

All Construction and Use of the Proposed Facility to Meet the Applicable Performance Standards as set forth in the City of Gallatin Zoning Ordinance, Section 13.02

Statement of Financial Responsibility: The Owner of this property is responsible for all financial matters.

A review of FEMA Flood Insurance Rate Map 47165C0314G shows property to be within Zone X, and not within the 100-year floodplain; Effective Date: April 17, 2012.

Date: 5/23/16
 Revisions:
 Date: _____ Mark: _____
 6/16/16 *

BZA-1
 Sheet of _____