



**Agenda**  
**Gallatin Municipal Board of Zoning Appeals**

**Thursday, January 29, 2015**  
**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: September 25, 2014**
- **GMBZA Resolution No. 2015-01**  
**Election of Officers**

**REGULAR AGENDA**

1. **GMBZA Resolution No. 2015-02** **B-199-14**  
**FAITH CHURCH OF GALLATIN CUP ADDITION AND RENEWAL**  
**MATCHETT & ASSOCIATES ARCHITECTS**  
  
PUBLIC HEARING  
OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR A PLACE OF WORSHIP USE PER SECTION 08.02.010.D OF THE GALLATIN ZONING ORDINANCE AT 635, 637, AND 689 SOUTH WATER AVENUE AND REQUESTS RENEWAL OF THE CONDITIONAL USE PERMITS FOR PLACE OF WORSHIP USES AT 639 AND 661 SOUTH WATER AVENUE FOR FAITH CHURCH OF GALLATIN.
2. **OTHER BUSINESS**
3. **MOVE TO ADJOURN**

MINUTES OF THE GALLATIN  
MUNICIPAL BOARD OF ZONING APPEALS  
MEETING

September 25, 2014

Present

Jimmy Moore, Chair  
Eddie Wyatt, Vice Chair  
Jeannie Gregory, Secretary  
John Puryear  
Homer Vaughn, Sr.

Staff

Bill McCord, Director of Planning  
Katherine Schoch, Assistant Director of Planning  
Robert Kalisz, Planner II  
James Fenton, EDA Director  
Marianne Mudrak, Board Secretary

Absent

None

Others Present

None

The Gallatin Municipal Board of Zoning Appeals met in a regular meeting on Thursday, September 25, 2014 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 pledge of allegiance. Ms. Marianne Mudrak called roll.

Approve Prior Minutes

Chair Moore presented the minutes of the August 28, 2014 Municipal Board of Zoning Appeals meeting for approval. Mr. Wyatt motioned to approve the minutes as submitted. Mr. Vaughn seconded the motion and the motion passed by unanimous vote.

Item 1

The owner and applicant request approval of a variance of one (1) foot to permit the installation of a seven (7) foot tall black metal picket security fence in the front yard on property located at 1399 Gateway Drive. The property is currently split-zoned Industrial Restrictive (IR) and Agricultural-Residential (A) and contains 99.88 (+/-) acres. Section 12.01.020.C.5.B of the City of Gallatin Zoning Ordinance only permits a fence of six (6) feet tall in the required front yard.

Ms. Katherine Schoch, Assistant Director of Planning, said Mr. Odric Gregory and the City of Gallatin currently own the property. The request for the seven (7) foot fence is to comply with the federal mandate that all firearm manufacturers install a seven (7) foot fence. Ms. Schoch said the conditions of approval are only for this particular design fence and if the applicant changes the design they must come back before the Municipal Board of Zoning Appeals. The Engineering Division has requested that the applicant remove Beretta Way from the plan.

Ms. Schoch said staff recommends approval of Resolution 2014-08 with the conditions listed in the staff report.

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

Mr. James Fenton, EDA Director, representing the City of Gallatin, and said he agreed with the conditions of approval. Mr. Puryear asked if barbed wire will be placed on the fence. Mr. Fenton said the front fence will not have barbed wire.

Mr. Puryear motioned to approve Resolution 2014-08 with the following conditions:

1. The one (1) foot variance only applies to the proposed seven (7) foot tall black metal picket security fence as shown the Beretta USA Variance Request Exhibit and supporting detail sheets (Attachment 1-1; sheet C-509 and sheet C-510).
2. Beretta Way shall be removed from the variance exhibit since the name has not been officially approved by the Gallatin City Council. (*Planning Staff will remove name on plans so no additional copies are required*).

Mr. Vaughn seconded the motion and the motion passed by unanimous vote.

Item 3  
Other Business

Mr. Puryear asked about training for Municipal Board of Zoning Appeals members. Ms. Schoch said training would be offered at the end of October or the beginning of November.

Item 4  
Move to Adjourn

There being no further business to discuss, Chair Moore adjourned the meeting at 5:40 p.m.

Respectfully submitted:

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Marianne Mudrak, Board Secretary

Approve:

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Jimmy Moore, Chair

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Jeannie Gregory, Secretary



**Agenda**  
**Gallatin Municipal Board of Zoning Appeals**

**Thursday, September 25, 2014**  
**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 – August 28, 2014**

**REGULAR AGENDA**

1. **GMBZA Resolution No. 2014-08**  
**VARIANCE FOR BERETTA USA**  
**BRPH ARCHITECTS ENGINEERS**

**PC0340-14**

**PUBLIC HEARING**

THE OWNERS AND APPLICANT REQUEST APPROVAL OF A VARIANCE OF ONE (1) FOOT TO PERMIT THE INSTALLATION OF A SEVEN (7) FOOT TALL BLACK METAL PICKET SECURITY FENCE IN THE FRONT YARD ON PROPERTY LOCATED AT 1399 GATEWAY DRIVE. THE PROPERTY IS CURRENTLY SPLIT-ZONED INDUSTRIAL RESTRICTIVE (IR) AND AGRICULTURAL-RESIDENTIAL (A) AND CONTAINS 99.88 (+/-) ACRES. SECTION 12.01.020.C.5.B OF THE CITY OF GALLATIN ZONING ORDINANCE ONLY PERMITS A FENCE OF SIX (6) FEET TALL IN THE REQUIRED FRONT YARD.

2. **OTHER BUSINESS**
3. **MOVE TO ADJOURN**

**EXHIBIT A**

RESOLUTION FOR THE ELECTION OF 2015 GALLATIN MUNICIPAL BOARD OF ZONING APPEALS OFFICERS - CHAIR, VICE-CHAIR, AND SECRETARY-

WHEREAS, THE CITY OF GALLATIN MUNICIPAL- BOARD OF ZONING APPEALS pursuant to T.C.A. 13-7-205, and Article 15, Section 15.04.025, Gallatin Zoning Ordinance is authorized to elected officers each year for the Board of Appeals; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL BOARD OF ZONING APPEALS considered the Election of Officers for the City of Gallatin at its regular meeting on January 29, 2015; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL BOARD OF ZONING APPEALS has voted on the election of Chair, Vice-Chair, and Secretary of the Gallatin Municipal Board of Zoning Appeals for 2015;

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL- BOARD OF ZONING APPEALS as follows.

Section 1. Action – The Gallatin Municipal Board of Zoning Appeals hereby approves the Election of Officers as follows:

1. Chair: \_\_\_\_\_
2. Vice-Chair: \_\_\_\_\_
3. Secretary: \_\_\_\_\_

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD 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: 1/29/15

\_\_\_\_\_, Chairman

\_\_\_\_\_, Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
SUSAN HIGH-MCAULEY  
CITY ATTORNEY



**PLANNING DEPARTMENT STAFF REPORT**  
**Election of Municipal Board of Zoning Appeals**  
**Officers for 2015**  
**Date: January 21, 2015**

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**REQUEST:** ELECTION OF BOARD OF ZONING APPEALS OFFICERS  
**STAFF CONTACT:** WILLIAM D. McCORD, AICP - CITY PLANNER  
**MBZA DATE:** JANUARY 29, 2015  
**RECOMMENDATION:** APPROVAL OF RESOLUTION 2015-01

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**ACTION ITEM:**

The Municipal Board of Zoning Appeals shall elect officers each year as required by Article 15, Section 15.04.025, Gallatin Zoning Ordinance as authorized by T.C.A., Section 13-7-205. This requires the selection of a Chairman, Vice-Chairman and Secretary who shall serve for one (1) year and may, upon reelection, serve succeeding terms. This usually occurs in January of each year.

**RECOMMENDATION:**

Nominate and elect a Chairman, Vice-Chairman and Secretary for the Municipal Board of Zoning Appeals to serve for all of 2015 and approval of Resolution 2015-01.

**EXHIBITS –**

Resolution 2015-01  
Article 15, Section 15.04, Gallatin Zoning Ordinance  
T.C.A., Sections 13-7-205

#### 15.04 The Board of Zoning Appeals

15.04.10 Herein and hereafter, any reference to Board or Board of Zoning applies equally to the Regional Board of Zoning Appeals.

##### 15.04.020 Creation of the Board of Municipal and Regional Board of Zoning Appeals - Membership and Appointment

- A. The Municipal Board of Zoning Appeals shall have jurisdiction only within the corporate limits of the City of Gallatin and shall consist of five (5) members, who shall all be residents of the City of Gallatin at the time of their appointment and who shall continue to reside within the City corporate limits as long as they serve. At least one of the members of the Municipal Board of Zoning Appeals shall be a member of the Gallatin Municipal Planning Commission.
- B. The Regional Board of Zoning Appeals shall have jurisdiction only outside the corporate limits of the City of Gallatin and within the Gallatin planning region and shall consist of five (5) members, three (3) of whom shall be residents of the Gallatin planning region and live outside the City corporate limits, and two (2) of whom shall be residents of the City of Gallatin within the corporate limits. All such residency requirements shall be met at the time of appointment and shall be required to continue as long as any member serves. At least one (1) of the members of the Regional Board of Zoning Appeals shall be a member of the Gallatin Regional Planning Commission.
- C. All members of the Municipal Board of Zoning Appeals and Regional Board of Zoning Appeals shall be appointed by the Mayor within ten (10) days after notification to the Mayor of a vacancy on either Board and confirmed by a majority vote of the Aldermen by resolution.

##### 15.04.021 Terms of Office

The members of the respective Boards of Zoning Appeals shall serve for five (5) year terms or until their respective successors are appointed and qualified, except that the Board first appointed shall serve respectively for the following terms:

One for one year, one for two years, one for three years, one for four years, and one for five years.

##### 15.04.022 Quorum and Attendance

- A. The presence of three (3) members shall constitute a quorum and the concurring vote of a majority of the members of the Board present shall be necessary to deny or grant any application before the Board. Any member who, voluntarily or involuntarily, is absent for three (3) consecutive special and/or regular meetings shall forfeit said position as a member of the Board and be automatically terminated.

15.04.023 Advisory Opinion by Planning Commission

- A. The Gallatin Municipal/Regional Planning Commission shall be permitted to submit an advisory opinion of any matter before the Board and such opinion shall be made a part of the record of such public hearing.

15.04.024 Powers of the Board

The Board is hereby vested with the powers to:

- A. Hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in carrying out the enforcement of this Ordinance, whereby it is alleged in writing that the Zoning Administrator is in error or has acted in an arbitrary manner;
- B. Hear and act upon application for variances in accordance with Section 15.05 of this Article to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this Ordinance by reasons of unique shape, topography, or physical features of the zone lot;
- C. Hear and act upon applications for conditional use permits in the manner and subject to the standards set out in Section 15.05 of this Article;
- D. Hear and decide all matters referred to it on which it is required to act under this Ordinance;
- E. Within its budget appropriation and other funds at its disposal, enter into contracts for such services as it may require.

15.04.025 Election of Officers

The Board shall elect from its members its own chairman, vice-chairman, and secretary who shall serve for one (1) year and may upon reelection serve succeeding terms.

15.04.026 Conflict of Interest

Any members of the Board who shall have a direct or an indirect interest in any property which is the subject matter of or affected by, a decision of the Board shall be disqualified from participating in the discussion, decision, and proceedings of the Board in connection therewith. The burden for revealing any such conflict rests with individual members of the Board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the Board for cause.

15.04.027 Meetings of the Board

Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public and proper public notice of such meetings shall be given.

15.04.028 Rules and Proceedings of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

- A. No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Gallatin at least ten (10) days before the date set for a public hearing and written notice of the hearing of an appeal be sent by mail to the appellant and all directly affected property owners at least ten (10) days before the hearing of an appeal. The notice to the appellant shall be sent by registered mail. No appeal shall be considered and heard by the Board unless such appeal shall have been filed at least fifteen (15) days prior to the meeting at which it is to be heard;
- B. The Board may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required;
- C. The Gallatin Regional Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing;
- D. Any officer, agency, or department of the City of Gallatin or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by state law;
- E. In any decision made by the Board on a variance the Board shall:
  - 1. Indicate the specific section of this Ordinance under which the variance is being considered, and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare".
  - 2. In cases pertaining to hardship, specifically identify the hardship warranting such action by the Board;
- F. Any decision made by the Board on a conditional use permit shall indicate the specific section of this Ordinance under which the permit is being considered and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare", and shall state clearly the specific conditions imposed in granting such permit;

- G. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good and sufficient cause being shown;
- H. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

15.04.029     Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certified to the Board, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such, stay would cause imminent peril to life or property. In such instance the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Zoning Administrator, and on due cause shown.

15.04.030     Liability of Board Members, Zoning Administrator and Employees

Any Board member, Zoning Administrator, or other employee charged with the enforcement of this Ordinance, acting for the City of Gallatin in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the City of Gallatin of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any Board member, Zoning Administrator or employee charged with the enforcement of any provision of this Ordinance shall be defended by legal representative furnished by the City of Gallatin until the final termination of such proceedings.

15.04.031     Right to Entry Upon Land

The Board, its members, and employees, in the performance of its work, may enter upon any land within -its jurisdiction and make examinations and surveys and place or remove public notices as required by this Ordinance.

course registration and travel expenses for each board of zoning appeals member and full-time building commissioner or other administrative official whose duties include advising the board of zoning appeals.

(5) The subjects for the training and continuing education required by subdivisions (c)(1) and (2) shall include, but not be limited to, the following: land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; and powers and duties of the board of zoning appeals. Other topics reasonably related to the duties of the board of zoning appeals and the building commissioner or other administrative officials whose duties include advising the board of zoning appeals may be approved by majority vote of the board of zoning appeals prior to December 31 of the year for which credit is sought.

(6) Each local board of zoning appeals shall keep in its official public record originals of all statements and the written documentation of attendance required to comply with these provisions for three (3) years after the calendar year in which each statement and appurtenant written documentation is filed.

(7) Each board of zoning appeals member and each building commissioner or other administrative official whose duties include advising the board of zoning appeals shall be responsible for obtaining written documentation signed by a representative of the sponsor of any training and continuing education course for which credit is claimed, acknowledging the fact that the individual attended the program for which credit is claimed.

(8) If a board of zoning appeals member fails to complete the requisite number of hours of training and continuing education within the time allotted by this subsection (c) or fails to file the statement required by this subsection (c), then this shall constitute a cause for the removal of the board of zoning appeals member from the board of zoning appeals.

(9) The legislative body of the municipality may, at any time, opt out of the provisions of this subsection (c) by passage of an ordinance. Further any such legislative body that has opted out may, at a later date, opt in by passage of an ordinance.

[Acts 1935, ch. 44, § 5; C. Supp. 1950, § 3407.5; Acts 1979, ch. 324, § 1; T.C.A. (orig. ed.), § 13-705; Acts 1988, ch. 845, §§ 1, 2; 1998, ch. 721, § 1; 1999, ch. 78, § 1; 2002, ch. 862, § 6; 2009, ch. 47, § 11.]

## Tennessee Forms by Issue

### Tennessee Court Forms

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## Tennessee Law

### Tennessee State Laws

> Tennessee Child Support

> Tennessee Gun Laws

> Tennessee Statutes

### Tennessee Tax

> Tennessee State Tax

### Tennessee Labor Laws

> Tennessee Unemployment

## // Tennessee Court Map

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A PLACE OF WORSHIP USE PER SECTION 08.02.010.D OF THE ZONING ORDINANCE OF GALLATIN, TENNESSEE AT 635, 637, AND 689 SOUTH WATER AVENUE AND APPROVING RENEWAL OF THE CONDITIONAL USE PERMITS FOR PLACE OF WORSHIP USES AT 639 AND 661 SOUTH WATER AVENUE- FAITH CHURCH OF GALLATIN – B-199-14**

**WHEREAS**, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered the Conditional Use Permit request for a Place of Worship use at 635, 637, and 689 South Water Avenue and the Conditional Use Permit renewal request for Place of Worship uses at 639 and 661 South Water Avenue submitted by the applicant, Matchett and Associates Architects, at its regular meeting on January 29, 2015; and

**WHEREAS**, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS has 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

**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

**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 GMBZA Resolution 2015-02 Faith Church of Gallatin Conditional Use Permit as required by the Zoning Ordinance of the City of Gallatin, Tennessee, Section 08.02.010.D for a Place of Worship use with the following conditions:

1. The proposed Conditional Use Permit shall be consistent with the two (2) sheet plan, prepared by Matchett and Associates Architects, of Gallatin, Tennessee, with project number 1443, dated January 15, 2015.
2. The use at 639 South Water Avenue shall be limited to a Place of Worship facility and the uses at 635, 637, 661, and 689 South Water Avenue shall be limited to classrooms/meeting rooms and other accessory uses only associated with the Place of Worship facility.
3. Obtain a building permit from the Building Codes Department prior to any interior renovations to the building. No exterior façade changes may be made to the existing building without Site Plan approval.
4. Obtain a Life Safety inspection prior to the issuance of a Certificate of Occupancy.
5. Provide screening on all four (4) sides of the existing dumpster with an opaque material and meet the screening requirements of the Gallatin Municipal Code, Section 14-14; Nonresidential establishment containers, storage, and requirements.
6. Additional Conditional Use Permits shall be required if the church wants to expand into other units in the Southgate Shopping Center building.

**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: 1/29/15

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,Chair

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,Secretary

APPROVED AS TO FORM:

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Susan High-McAuley  
City Attorney



## ITEM 1

### PLANNING DEPARTMENT STAFF REPORT

Faith Church of Gallatin Conditional Use Permit Requests

635, 637, 639, 661 & 689 South Water Avenue

(PC File #B-199-14)

Date: January 21, 2015

#### PUBLIC HEARING

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**REQUEST:** OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR A PLACE OF WORSHIP USE PER SECTION 08.02.010.D OF THE GALLATIN ZONING ORDINANCE AT 635, 637, AND 689 SOUTH WATER AVENUE AND REQUESTS RENEWAL OF THE CONDITIONAL USE PERMITS FOR PLACE OF WORSHIP USES AT 639 AND 661 SOUTH WATER AVENUE FOR FAITH CHURCH OF GALLATIN.

**OWNER:** JAMES D. AND BARBARA L. HOLDER

**APPLICANT:** MATCHETT AND ASSOCIATES ARCHITECTS

**STAFF RECOMMENDATION:** APPROVAL OF GMBZA RESOLUTION 2015-02 WITH CONDITIONS

**STAFF CONTACT:** KATHERINE SCHOCH, AICP

**MBZA MEETING DATE:** JANUARY 29, 2015

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#### **PROJECT OVERVIEW:**

The owner and applicant request approval of a Conditional Use Permit for a Place of Worship use at 635, 637, and 689 South Water Avenue and requests renewal of the Conditional Use Permits for Place of Worship uses at 639 and 661 South Water Avenue per Section 08.02.010.D of the Gallatin Zoning Ordinance for Faith Church of Gallatin (Attachment 1-1 and Attachment 1-2). The property is currently zoned Commercial Services (CS) and contains 8.884 (+/-) acres. Place of Worship is a conditional use in the CS zone district (Attachment 1-3). The surrounding property owners were notified by mail about the Conditional Use Permit requests and a Public Hearing shall be held on the item at the meeting.

#### **CASE BACKGROUND:**

##### *Previous Approvals*

According to the Sumner County Tax Assessor's Office, the South Gate Shopping Center building was originally constructed in 1974. Over the years it has contained large businesses such as Winn Dixie Grocery Store, TG&Y, and EASI. Currently the Holder Family Fun Center, which contains a bowling alley, laser tag, and sports bar, operates at 683 South Water Avenue, the largest unit (approximately 30,000 square feet) at the eastern end of the brown brick and stucco building (Attachment 1-1; sheet A-1). A call center for Comprehensive Pain Specialists is currently located at 657 South Water Avenue in the Southgate Shopping Center building.

In 2003, the Fire Place Fellowship Church submitted an application for a Conditional Use Permit for a Place of Worship facility to be located at 633 and 635 South Water Avenue, within the Southgate Shopping Center building. These units each contain approximately 1,400 square feet (Attachment 1-1; sheet A-1). The request was approved by the Gallatin Municipal Board of Zoning Appeals at the January 26, 2004 meeting (PC File #B-14-03) (Attachment 1-4). The Fire Place Fellowship Church is no longer operating at that location

In April 2013, Faith Church of Gallatin submitted an application for a Conditional Use Permit for a Place of Worship facility containing approximately 10,500 square feet, at 639 South Water Avenue in the Southgate Shopping Center building. The request was approved, with one (1) condition, by the Gallatin Municipal Board of Zoning Appeals at the April 25, 2013 meeting (PC0112-13) (Attachment 1-5). The Board placed a two (2) year expiration date on the Conditional Use Permit so the current Conditional Use Permit request includes a renewal of the previously approved Conditional Use Permit for 639 South Water Avenue.

In December of 2013, members of the Faith Church of Gallatin contacted the Planning Department Staff about expanding the church into another vacant tenant space in the same building. Staff prepared a written request for a legal opinion regarding the need for the church to obtain another Conditional Use Permit since one was previously issued for the church located in the same building on the same parcel; S.B.E. Tax Map 126L/B/017.00 (Attachment 1-6). Mr. Joe H. Thompson, former Gallatin City Attorney, reviewed the issue of the proposed expansion of the existing church into other units of the multi-tenant building. Although a Conditional Use Permits had already been approved for the church in the same building, Mr. Thompson determined that the church's expansion would require a separate Conditional Use Permit specific to each unit since the approved Conditional Use Permit was not transferable to other units within the same building (Attachment 1-6). Staff notified the church about the former City Attorney's opinion and an application for approval of a second Conditional Use Permit for the church was submitted by the applicant.

On January 30, 2014, the Gallatin Municipal Board of Zoning Appeals approved a Conditional Use Permit, with one (1) condition, for an expansion of Faith Church of Gallatin located in the lease unit at 661 South Water Avenue (PC0225-13) (Attachment 1-7). The unit contains approximately 5,600 square feet. The Board placed a two (2) year expiration date on the Conditional Use Permit so the current Conditional Use Permit request includes a renewal of the previously approved Conditional Use Permit at 661 South Water Avenue.

The tenant space at 637 South Water Avenue is located next to the unit already approved for a Conditional Use Permit at 639 South Water Avenue; however, the units at 635 and 689 South Water Avenue are not contiguous to units already approved for a Place of Worship Facility. If the Conditional Use Permit request for 635, 637, and 689 South Water Avenue and the renewal of the Conditional Use Permits for 639 and 661 South Water Avenue are approved, the Faith Church of Gallatin will occupy five (5) of the 11 tenant spaces of the Southgate Shopping Center building for a total of 20,100 square feet (Attachment 1-1; sheet A-1).

## **DISCUSSION:**

### ***Analysis***

Faith Church of Gallatin currently occupies tenant space at 639 and 661 South Water Avenue in the South Gate Shopping Center building. The church proposes to expand the church by leasing

additional space at 635, 637, and 689 South Water Avenue to serve as classrooms/meeting rooms. According to Section 08.02.010.D of the Gallatin Zoning Ordinance, a Place of Worship requires a Conditional Use Permit in the Commercial Services (CS) zone district (Attachment 1-3). Expansion into units for 635 and 689 South Water Avenue are not contiguous to the areas already leased by Faith Church of Gallatin, but are considered accessory to the church's primary use of a Place of Worship facility at 639 South Water Avenue. The additional classroom/meeting room spaces are considered an accessory use to the church's primary Place of Worship use. No renovations to the exterior façade of the building are planned at this time; however, building construction plans have been submitted to the Building Codes Department for interior renovations only. Photos of the existing building site are provided in Attachment 1-1; sheet A-2. No portion of this property is located in a flood hazard area and the property contains no unusual topographical features.

### ***General Requirements and Special Conditions***

Gallatin Zoning Ordinance, Section 15.06.030, lists general requirements for Conditional Use Permits (Attachment 1-8). In addition, the Gallatin Zoning Ordinance, Section 15.06.050 contains specific standards established for Community Facility Activities, including the Place of Worship use (Section 15.06.050.H) (Attachment 1-8). The general requirements for Conditional Use Permits and special conditions for the Place of Worship use are listed on sheet A-2 of the Conditional Use Permit Site Plan (Attachment 1-1). The Board may also impose other conditions and restrictions upon the premises benefited by a Conditional Use Permit to reduce or minimize effects upon surrounding property owners and to ensure compatibility with the surrounding property. The Board may establish expiration dates for any conditional use permit as a condition of approval (Attachment 1-8). The previous Conditional Use Permits approved for the Faith Church of Gallatin contained two (2) year expiration dates that allowed the Board to review the church's need for continuation of the Conditional Use Permits at the specified locations with the existing building. Staff does not recommend adding an expiration date as a condition of approval since the church has continued to grow and plans to remain in the Southgate Shopping Center building. If the church wants to expand into other units in the Southgate Shopping Center building, additional Conditional Use Permits shall be required.

### ***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 area for Faith Church of Gallatin is located at 639 South Water Avenue. The Gallatin Fire Department set the capacity of that unit at 408 people, which requires 102 parking spaces, including five (5) handicapped spaces. The parking lot contains a total of 369 parking spaces, including 13 handicapped parking spaces located near the main entrances to the individual tenant spaces. The shared parking available on site for all business in the Southgate Shopping Center far exceeds the minimum required by the Gallatin Zoning Ordinance for the Place of Worship use. 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.

### ***Sign***

No signs for Faith Church of Gallatin 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.
- **Police Department**  
The Police Department provided no review comments.
- **Department of Public Utilities and Industrial Pre-treatment Department**  
No utilities were shown on the exhibit. No other comments were provided.
- **Fire Department**  
The Fire Department provided no review comments; 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 did not review the Conditional Use Permit Site Plan.
- **Building Codes Department**  
The Building Codes Department did not review the Conditional Use Permit Site Plan, but shall review building construction plans for interior renovations to the building. No exterior façade changes may be made to the existing building without Site Plan approval.
- **Department of Electricity**  
The Department of Electricity indicated that they are “O.K.” with the Conditional Use Permit Site Plan.
- **Sumner County E-911**  
Sumner County E-911 did not review the Conditional Use Permit Site Plan.

### **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 is included on the Conditional Use Permit Site Plan (Attachment 1-1; sheet A-2).

### **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 1-1. 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 635, 637, and 689 South Water Avenue and renewal of the Conditional Use Permits for 639 and 661 South Water Avenue will not significantly impact the public health, safety or welfare of the area. Adequate parking exists for all uses within the Southgate Shopping Center. The uses will occur within the existing building and will not generate traffic volumes that will overwhelm the transportation system. The building is located at the back of the lot fronting South Water

Avenue and the additional classrooms/meeting rooms will not change the visual impact from the street.

- Parking for the Place of Worship facility will take place in the existing parking lot adjacent to South Water Avenue (west), Witherspoon Avenue (north) and Tupper Avenue (south). 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 will comply with all Performance Standards Regulations of the Gallatin Zoning Ordinance (Attachment 1-1; sheet A-2).

B. Will not adversely affect other property in the area in which it is located;

- The units where the classrooms/meeting rooms will be located are currently vacant. The other units in the building currently contain more intense commercial uses and serve customers on a daily basis. The church facility will operate primarily on Sundays and Wednesday evenings, when the other business are normally closed or not operating during peak times. 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 at these locations. The bowling alley in the Southgate Shopping Center is an existing commercial business opened many years prior to the church's first Conditional Use Permit request. The church is aware that the bowling alley serves beer and is less than the required distance of 250 feet from a church according to Gallatin Municipal Code, Section 3-222 (12) (Attachment 1-8).

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 1-6).

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 utilizes a dumpster currently located behind the Southgate Shopping Center. 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 1-8).

### ***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 1-1. 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 contains approximately 386,987 square feet or 8.884 (+/-) acres and the entire building encompasses approximately 78,700 square feet. The church

currently leases 16,100 square feet and the three (3) addition units contain a total of 4,000 square feet (Attachment 1-1; sheet A-1). The existing parking lot contains 369 parking spaces, including 13 handicapped parking spaces, which 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 building is an existing brown brick structure with stucco accents (Attachment 1-1; sheet A-2). No exterior modifications are proposed at this time. Conditional Use Permits for a Place of Worship facility were previously approved for the existing building and the expansion of the conditional use will remain compatible with the surrounding area.
3. Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.
  - South Water Avenue 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*.
4. All bulk regulations of the district shall be met.
  - Since the building is existing, expansion of the Place of Worship facility and renewal of the current Conditional Use Permit will not increase any non-conforming status of the building.
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 for Faith Church of Gallatin is located at 639 South Water Avenue. The Gallatin Fire Department set the capacity of that unit at 408 people, which requires 102 parking spaces, including five (5) handicapped spaces. The parking lot contains a total of 369 parking spaces, including 13 handicapped parking spaces located near the main entrances to the individual tenant spaces. The parking available on site far exceeds the minimum required by the Gallatin Zoning Ordinance for the Place of Worship use. No additional parking is required.

#### **RECOMMENDATION**

Based on findings in the Staff Report, Staff recommends that the Gallatin Municipal Board of Zoning Appeals approve GMBZA Resolution 2015-02 Faith Church of Gallatin Conditional Use Permit as required by the Zoning Ordinance of the City of Gallatin, Tennessee, Section 08.02.010.D for a Place of Worship use with the following conditions:

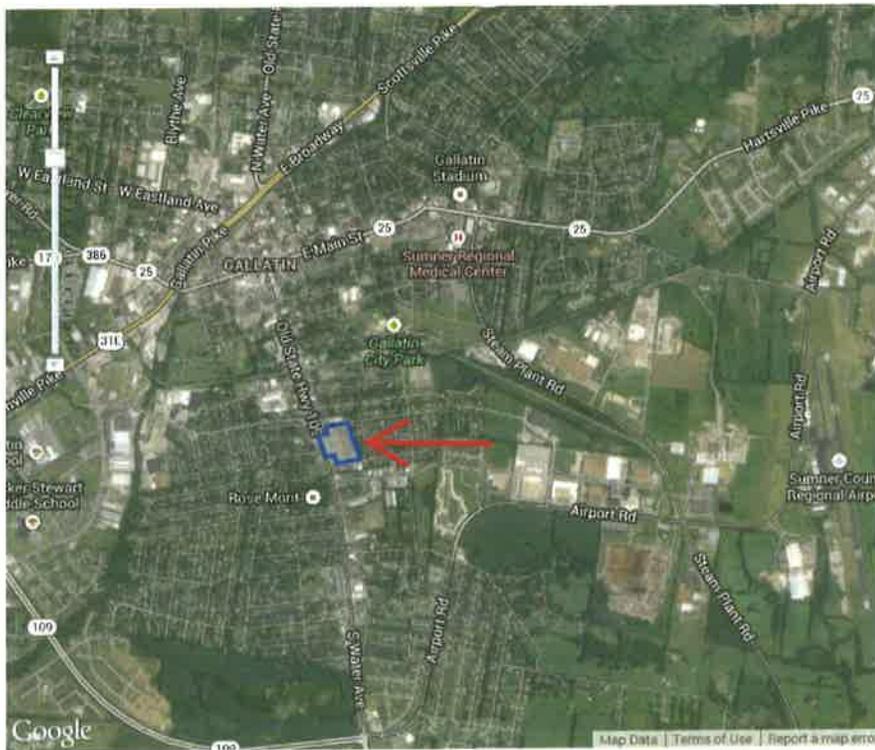
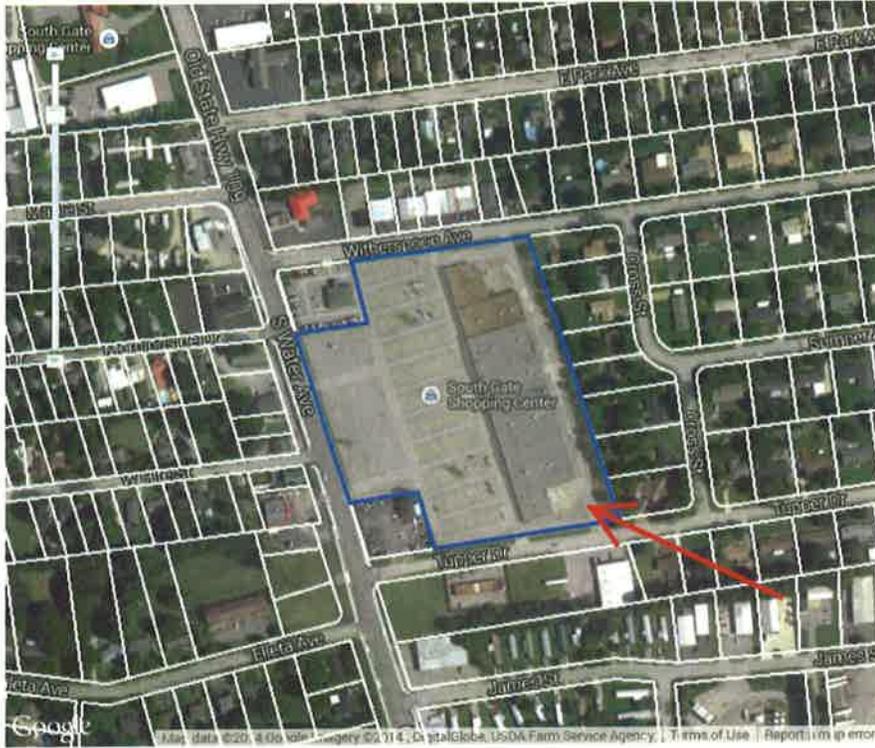
1. The proposed Conditional Use Permit shall be consistent with the two (2) sheet plan, prepared by Matchett and Associates Architects, of Gallatin, Tennessee, with project number 1443, dated January 15, 2015.
2. The use at 639 South Water Avenue shall be limited to a Place of Worship facility and the uses at 635, 637, 661, and 689 South Water Avenue shall be limited to

- classrooms/meeting rooms and other accessory uses only associated with the Place of Worship facility.
3. Obtain a building permit from the Building Codes Department prior to any interior renovations to the building. No exterior façade changes may be made to the existing building without Site Plan approval.
  4. Obtain a Life Safety inspection prior to the issuance of a Certificate of Occupancy.
  5. Provide screening on all four (4) sides of the existing dumpster with an opaque material and meet the screening requirements of the Gallatin Municipal Code, Section 14-14; Nonresidential establishment containers, storage, and requirements.
  6. Additional Conditional Use Permits shall be required if the church wants to expand into other units in the Southgate Shopping Center building.

**ATTACHMENTS:**

<b>Attachment</b>	<b>1-1</b>	<b>Conditional Use Permit Site Plan</b>
<b>Attachment</b>	<b>1-2</b>	<b>Location Map</b>
<b>Attachment</b>	<b>1-3</b>	<b>Section 08.02 of the Gallatin Zoning Ordinance</b>
<b>Attachment</b>	<b>1-4</b>	<b>1/26/04 GMBZA Meeting Action Form</b>
<b>Attachment</b>	<b>1-5</b>	<b>4/25/13 GMBZA Meeting Action Form</b>
<b>Attachment</b>	<b>1-6</b>	<b>Former City Attorney Opinion of Expansion of CUP dated 1/10/13</b>
<b>Attachment</b>	<b>1-7</b>	<b>1/30/14 GMBZA Meeting Action Form</b>
<b>Attachment</b>	<b>1-8</b>	<b>Other Applicable Sections of the G.Z.O. and G.M.C.</b>

Faith Church of Gallatin  
Southgate Shopping Center  
635, 637, 639, 661, & 689 South Water Avenue  
PC File #B-199-14



**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

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.



*City of Gallatin, Tennessee*

*Planning Division*

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**Gallatin Municipal/Regional Planning Commission/Board of Zoning Appeals  
ACTION FORM**

DATE: January 27, 2004

TO: Mr. and Mrs. Robb Tripp  
413 Brookridge Drive  
Gallatin, TN 37066

FROM: Gallatin Planning Division

RE: January 26, 2004 Gallatin Municipal Board of Zoning Appeals Meeting  
**The Fire Place Fellowship: PC File #B-14-03**

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At the above referenced meeting, your request for a Conditional Use Permit was:

- APPROVED / RECOMMENDED
- APPROVED / RECOMMENDED WITH CONDITIONS
- DENIED / RECOMMENDED DISAPPROVAL
- DEFERRED:

Conditions of Approval:

1. The Conditional Use Permit only applies to The Fireplace Fellowship, the current occupant of the building.

Approval contains the following requirements:

- NONE
- BUILDING PERMIT
- ZONING PERMIT
- SIGN PERMIT
- PERFORMANCE BOND
- COUNCIL SUBMITTAL
- OTHER

cc: Ms. Barbara Holder  
Gallatin Codes Division

**ATTACHMENT 1-4**



*City of Gallatin, Tennessee*

*Codes/Planning Department*

**Gallatin Municipal Board of Zoning Appeals  
ACTION FORM**

DATE: April 26, 2013

TO: Pastor Chris Rouse  
Faith Church of Gallatin  
639 South Water  
Gallatin, TN 37066

FROM: Gallatin Codes/Planning Department

RE: April 25, 2013 Gallatin Municipal Board of Zoning Appeals Meeting  
**Faith Church of Gallatin: PC File #0112-13**

At the above referenced meeting, your request for approval of a Conditional Use Permit was:

- APPROVED
- APPROVED WITH CONDITIONS
- DEFERRED
- WITHDRAWN

Conditions of Approval:

1. This Conditional Use Permit has an expiration date of two (2) years from the date of approval. The Municipal Board of Zoning Appeals shall review the application every two (2) years to verify that the upper story of the building is still operating under a Conditional Use Permit. The applicant may apply to extend the approval of the Conditional Use Permit at that time.

Approval contains the following requirements:

- NONE

cc: Mr. and Mrs. Dan Holder  
PC File #0112-13

# ATTACHMENT

1-6



## REQUEST FOR LEGAL SERVICES

Date: 01/10/2013

Department: Codes/Planning Requested by: Robert Kalisz Phone: 451-5796

Subject: Conditional Use Permits

Resolution:  Ordinance:  Contract:  RFP/Q:  Legal Opinion:   
Ethics Opinion:  Other:

**Please indicate the nature of your request and the purpose of the contract or document to be reviewed:**

Background: Strip Mall with multi-tenant spaces located on one (1) property (parcel) in one (1) continuous building. A Conditional Use Permit was approved for one (1) of the tenant spaces located in the strip mall.

Questions for legal opinion: Is the Conditional Use just for the one (1) location (tenant space)? Is the Conditional Use for the property (parcel)? Is the Conditional Use for all the tenant spaces located on the property (parcel)?

Date response requested by: 01/10/2013

List Attachments:

Location Map  
Staff Report for 633-635 South Water CUP Application  
Meeting Minutes - 1-26-2004

### RESPONSE BY CITY ATTORNEY'S OFFICE

APPROVED SUBJECT TO CHANGES SHOWN  REPLY ATTACHED  OTHER  
 APPROVED AS TO FORM

Based upon the project file, staff report and meeting minutes, it is the opinion of this office that the conditional use permit only applied to 633-635 South Water Avenue, a single tenant space. The conditional use permit is not transferable to any other portion of the property, including any other tenant space, unless a separate conditional use permit is approved by the Board of Zoning Appeals.

Attorney's Signature: 

Date: 1-17-2013



WITHERSPOON AVE

SOUTH WATER AVENUE

629 Computer Sales  
631 Laundry  
631 La Hispana  
633 Money Service (office)  
635 Money  
637 Market

639 Fireplace Fellowship (Church)

657 Large Space (EST)

661 Grand Space for lease

688 Bowling Alley

685 Bowling Alley  
688 Bienvenidos To Sales (Church)

174 619 612 616 618 620 624 630 634 644 160 150

145 149 151 155 161 143 147

627

703

600

604

119

670

672

676

684

698

119

121

9-1

122

127

ATTACHMENT

## ITEM 3 1/26/04 GMBZA MEETING

**Applicant requests approval of a Conditional Use Permit per Section 08.02.010 D of the Gallatin Zoning Ordinance for a Community Facility, Place of Worship, on property containing 8.81 (+/-) acres located at 633-635 South Water Avenue (B-14-03).**

**Attachment 3-1** Conditional Use Worksheet  
**Attachment 3-2** Location Map

### DEFINITIONS

Conditional Use - A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as conditional uses, if specific provisions for such use are made in this Ordinance.

Zone or Zoning Lot - Is either:

- A. A lot of record existing on the effective date of this Ordinance or any subsequent amendment, or
- B. A tract of land, either unsubdivided or consisting of two or more contiguous lots of record, located within a single block, which on the effective date of this Ordinance or any subsequent amendment was in single ownership, or
- C. A tract of land within a single block, which at the time of filing for a zoning permit (or, if no zoning permit is required, at the time of filing for a use and occupancy permit) is designated by its owner or developer as a tract all of which is to be used, developed, or built upon as a unit under single ownership.

A zone lot, therefore, may not coincide with a lot of record as defined herein.

For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration as defined under "landowner".

A zone lot may be divided into two or more zone lots, provided that all resulting zone lots and all buildings thereon shall comply with all of the applicable provisions of the Ordinance. If such lot, however, is occupied by a non-complying building, such zone lot may be subdivided provided such subdivision does not create a new non-compliance or increase the degree of non-compliance of such building.

### APPLICABLE ZONING ORDINANCE REGULATIONS

03.06.110 Activity Type - Place of Worship: Any structure or site such as a church, synagogue, chapel, sanctuary, used for the collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, and discussions.

#### 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.

15.06.040. H Special Conditions for Place of Worship

- 1. No such facilities shall be permitted on a zone lot unless it contains twice the lot are 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 XI shall apply.

**ANALYSIS**

The applicant, The Fireplace Fellowship, is requesting approval of a Conditional Use Permit per Section 08.02.010 D of the Gallatin Zoning Ordinance for a Community Facility, Place of Worship, on property containing 8.81 (+/-) acres located at 633-635 South Water Avenue. The property is currently zoned Commercial Services (CS), and Place of Worship is a conditional use in the CS zone. The applicants plan to utilize a space in the existing Southgate Shopping Center; therefore, no site plan will be required for this project. In addition, the shopping center's parking lot will provide more than enough spaces to accommodate the church membership.

## ***General Requirements for Conditional Use Permit***

Section 15.06.040 of the Zoning Ordinance outlines the general requirements for granting a conditional use permit. The applicant's request meets these 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.
  - In staff's opinion, the Conditional Use Permit requested to allow a Place of Worship in an existing shopping center should not significantly affect the public health, safety and welfare of the area. In fact, this use is a lot less intense than other possible uses in a strip commercial center.
- B. Will not adversely affect other property in the area in which it is located.
  - In staff's opinion, the use of the property for a Place of Worship should not adversely affect the other properties in the area. The use of the property should occur mostly on Sundays and Wednesdays, and several other churches already operate in the surrounding neighborhood.
- C. Is within the provisions of "Conditional Uses" as set forth in this Ordinance.
  - Place of Worship is a legal conditional use of the Zoning Ordinance for Commercial Services Zone Districts.
- 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.
  - The proposed church, as well as the facility conforms to all applicable provisions of the Zoning Ordinance.

## ***Special Conditions for Places of Worship***

Section 15.06.040.H. of the zoning ordinance outlines the following special conditions for places of worship.

- A. 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 existing lot is comprised of approximately 8.81 (+/-) acres, which far exceeds the 20,000 square feet required for this condition.
- B. 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 applicant is proposing to utilize an existing building that houses a variety of uses, including retail, food service, and group assembly. The proposed use of the building for place of worship should be compatible with surrounding areas.
- C. Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.
  - South Water Avenue is classified as a major arterial street on the official Major

Thoroughfare Plan.

- D. All bulk regulations of the district shall be met.
- The existing building is located on a lot of record that was created before the adoption of the current Zoning Ordinance. The center meets a majority of the current bulk regulations outlined in the CS section of the Zoning Ordinance.
- E. The off-street parking requirements of this ordinance in Article XI shall apply.
- The existing parking lot contains hundreds of spaces, which should adequately accommodate the church membership.

The applicant has satisfactorily addressed all departmental comments, including those made by the Gallatin Fire Department.

### **RECOMMENDATION**

Staff recommends approval of the conditional use permit request to allow a Place of Worship at 633-635 S. Water Avenue.

## MINUTES OF THE GALLATIN MUNICIPAL BOARD OF ZONING APPEALS MEETING

January 26, 2004

### Members Present

Jimmy Moore, Chair  
Ray Rector, Vice Chair  
Ed Wyatt, Secretary  
Al Bennett  
James Pope

### Staff Present

Sharon Burton, Planner II  
Shannon Logan, Planner I  
Katherine Schoch, Planning Assistant  
Joe Thompson, City Attorney

### Members Absent

None

### Others

Kitty Kulakowski, News Examiner  
Mayor Don Wright  
Councilman Dale Bennett

The Gallatin Municipal Board of Zoning Appeals met in a regular meeting on Monday, January 26, 2004 at 5:30 p.m. in the Council Chambers of Gallatin City Hall. Chair Moore called the meeting to order.

### Item 1

#### Approve Prior Minutes

Mr. Al Bennett motioned to approve the minutes from the December 22, 2003 Gallatin Municipal Board of Zoning Appeals meeting without correction. Mr. Rector seconded the motion and the motion passed by unanimous vote.

### Item 2

Robb and Shanda Tripp-The Fire Place Fellowship-B-14-03-Public Hearing-Applicant Requests Approval of a Conditional Use Permit per Section 08.02.010 D of the Gallatin Zoning Ordinance for a Community Facility, Place of Worship, on Property Containing 8.81 (+/-) Acres Located at 633-635 South Water Avenue.

Ms. Logan presented the staff report and staff recommended approval of the Conditional Use Permit as stated in the body of the staff report.

Chair Moore asked Ms. Logan if the buildings at 633 and 635 South Water Avenue are adjoined. Ms. Logan stated that The Fire Place Fellowship meets in one building which is located in a strip commercial center.

Chair Moore opened the public hearing. No one elected to speak; therefore, Chair Moore closed the public hearing.

Mr. Robb Tripp, Pastor of The Fire Place Fellowship, represented the applicant and encouraged the Board to grant the Conditional Use Permit.

Mr. Wyatt asked Mr. Thompson if the Board could place conditions on a Conditional Use Permit. Mr. Thompson replied that the Board has the authority to place conditions on the approval of a Conditional Use Permit.

Mr. Rector asked Mr. Tripp about the size of the congregation and Mr. Tripp replied that there are currently about 30 members of The Fire Place Fellowship.

Mr. Wyatt motioned to approve the Conditional Use Permit with the condition that the Conditional Use Permit only applies to The Fire Place Fellowship, the current occupant of the building. Mr. Rector seconded the motion and the motion passed by unanimous vote.

Other Business

There was no Other Business.

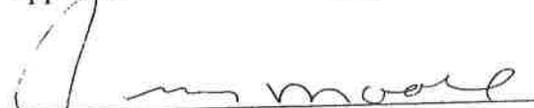
There being no further business, Chair Moore adjourned the meeting at 5:35 p.m.

Respectfully submitted:

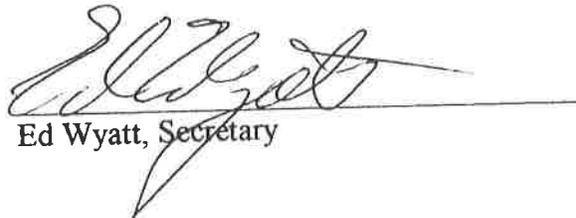


Katherine Schoch, Planning Assistant

Approve:



Jimmy Moore, Chair



Ed Wyatt, Secretary

1/31/14  
JK Emailed



*City of Gallatin, Tennessee*

*Planning Department*

**Gallatin Municipal Board of Zoning Appeals  
ACTION FORM**

DATE: January 31, 2014  
TO: Mr. Jon Franklin  
Faith Church of Gallatin  
661 South Water Avenue  
Gallatin, TN 37066  
FROM: Gallatin Planning Department  
RE: January 30, 2014 Gallatin Municipal Board of Zoning Appeals Meeting  
**Faith Church of Gallatin Conditional Use Permit: PC0225-13**

At the above referenced meeting, your request for approval of a conditional use permit was:

- APPROVED
- APPROVED WITH CONDITIONS
- DEFERRED
- WITHDRAWN

Conditions of Approval:

1. Limit the use to classrooms/meeting rooms and other accessory Place of Worship uses only. This Conditional Use Permit shall expire upon the expiration of the Condition Use Permit for 639 South Water Avenue, which is April 25, 2015 and shall be considered eligible for extension.

Approval contains the following requirements:

- BUILDING PERMIT/USE AND OCCUPANCY PERMIT
- CHANGE OF USE SITE PLAN

cc: Mr. and Mrs. Dan Holder  
PC0225-13

**ATTACHMENT 1-7**

## APPLICABLE SECTIONS OF THE GALLATIN ZONING ORDINANCE

### Article 02.00 Language and Definitions

Conditional Use - A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as conditional uses, if specific provisions for such use are made in this Ordinance.

### Article 03.06 Community Facilities Activities; Class and Types

03.06.110 Activity Type – Place of Worship: Any structure or site such as a church, synagogue, chapel, sanctuary, used for the collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, and discussions.

### Article 15.00 Administration and Enforcement

#### 15.04.028 Rules and Proceedings of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

- F. Any decision made by the Board on a conditional use permit shall indicate the specific section of this Ordinance under which the permit is being considered and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare", and shall state clearly the specific conditions imposed in granting such permit;

#### 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 \$50 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.

15.06.040      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.

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.

## **APPLICABLE SECTIONS OF THE GALLATIN MUNICIPAL CODE**

### **Section 3-222 Restrictions on the issuance of beer permits**

(12) In no event shall any permit be issued authorizing the sale, storage, distribution, or manufacture of beer at places within 250 feet of any school, church, or other place of public gathering. Said distance shall be measured in a straight line from the nearest point on the principal building of the school, church, or other place of public gathering, or the nearest point on the space leased by such school, church, or other place of public gathering in a multi-tenant building, to the nearest point on the building, or the nearest point on the space leased by the applicant in a multi-tenant building, in which beer is to be sold, distributed, or manufactured.

### **Section 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.

C:\Users\Roger\Documents\1443 Faith Church Exp\Site.pln

Project No. 1443  
Drawn by: \_\_\_\_\_  
Reviewed by: \_\_\_\_\_



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

**Faith Church Expansion**

**Southgate Shopping Center**

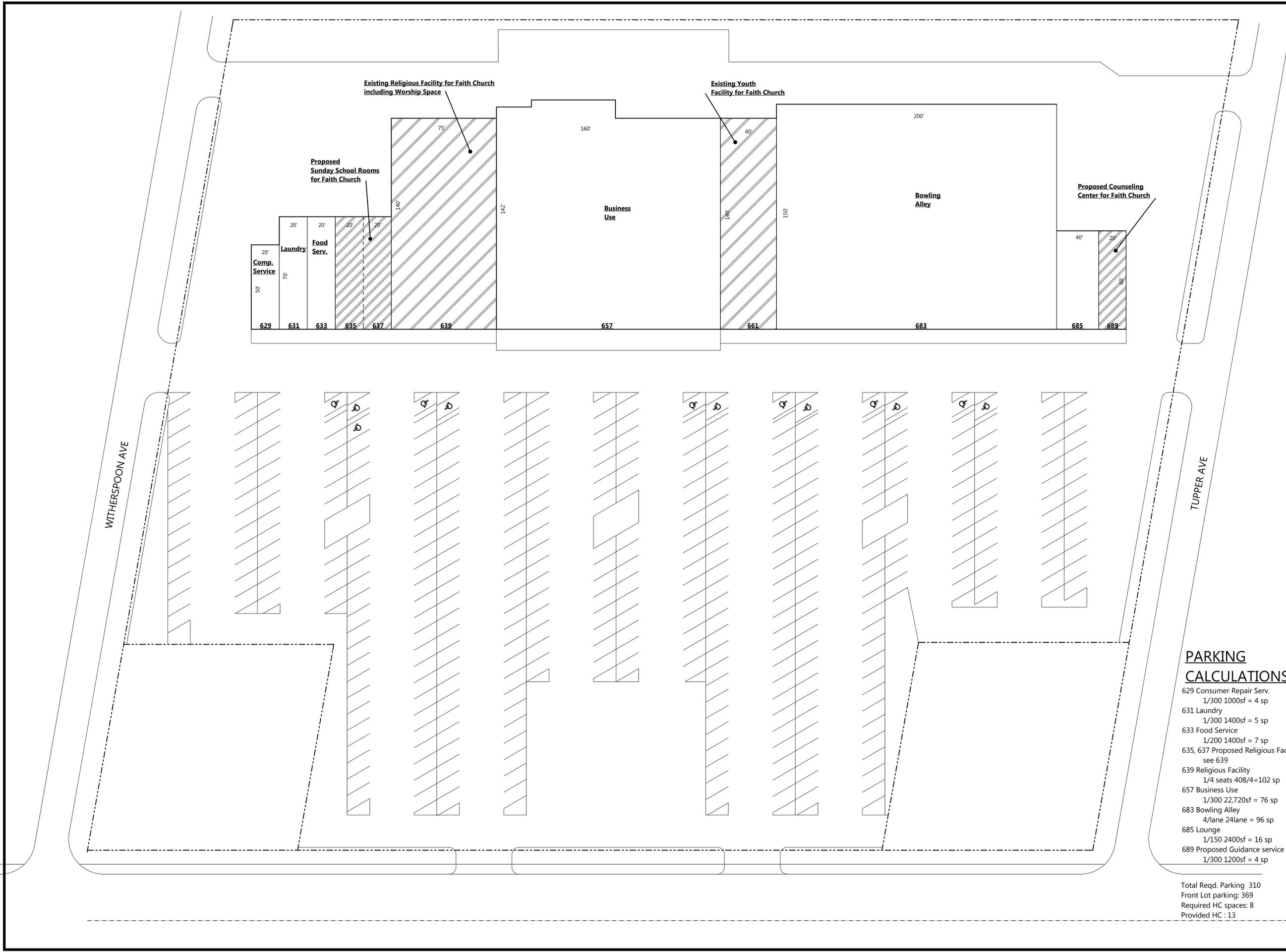
**639 South Water Ave.**

**Gallatin, Tennessee**

**Overall Site Layout**

Date: 1/15/15  
Revisions: \_\_\_\_\_  
Date: \_\_\_\_\_ Mark: \_\_\_\_\_

**A-1**  
Sheet of \_\_\_\_\_



**PARKING CALCULATIONS**

- 629 Consumer Repair Serv. 1/300 1000sf = 4 sp
- 631 Laundry 1/300 1400sf = 5 sp
- 633 Food Service 1/200 1400sf = 7 sp
- 635, 637 Proposed Religious Fac. see 639
- 639 Religious Facility 1/4 seats 408/4=102 sp
- 657 Business Use 1/300 22,720sf = 76 sp
- 683 Bowling Alley 4/lane 24lane = 96 sp
- 685 Lounge 1/150 2400sf = 16 sp
- 689 Proposed Guidance service 1/300 1200sf = 4 sp

Total Reqd. Parking 310  
Front Lot parking: 369  
Required HC spaces: 8  
Provided HC : 13



**Site Data Table:**

Owner: Daniel and Barbara Holder  
 1409 Shore Side Drive  
 Hendersonville, TN 37075

Application Tenant:  
 Faith Church of Gallatin  
 639 South Water Ave.  
 Gallatin, TN 37066

Parcel: 126L/B/017.00  
 Zoning: CS Commercial Service  
 Yards: Front 10', Side 10', Rear 20'  
 Minimum Building Setback: 50'  
 Existing Use of Proposed Spaces: Vacant  
 Proposed Use: 635 and 637, Sunday School Rooms  
 689, Counseling Center  
 Parking Requirements: See sheet A-1

Faith Church of Gallatin will be in compliance with applicable zoning ordinance performance standards: GZO Section 13.02

Faith Church of Gallatin will be responsible for all financial matters.

Waste collection: City of Gallatin, Totters pick-up

Buffer Yard Requirements:  
 CS to R15 - Type 30 bufferyard  
 CS to CS - Type 15 bufferyard

HVAC units located on Roof  
 No portion of this property is located in a flood hazard area. Community Panel No.47615C0314G dated April 17, 2012.

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks, and other open spaces to public or private use as noted.

DATE: March 11, 2015  
 Owner: Daniel and Barbara Holder  
 Signature: Cheta M. Holder  
 Owner: Daniel and Barbara Holder

**CERTIFICATE OF ACCURACY**

I hereby certify that the plan shown on described hereon is a true and correct survey to the accuracy required by the specifications of the Gallatin Regional Planning Commission

DATE: MARCH 11, 2015  
 By: Boyd Whittington, Summer H. Cannon  
 Professional Engineer or Surveyor

**CERTIFICATE OF APPROVAL OF UTILITY SYSTEMS**

I hereby certify that the following utility systems outlined or indicated on the final subdivision plat entitled South Gate Shopping Center have been installed in accordance with current local and/or state government requirements.

Water System: 3-27 19 74  
 Sewer System: 3-27 19 74

**CERTIFICATE OF APPROVAL OF STREETS**

I hereby certify that all streets designated on the final subdivision plat entitled South Gate Shopping Center have been constructed in accordance with current local and/or state government requirements.

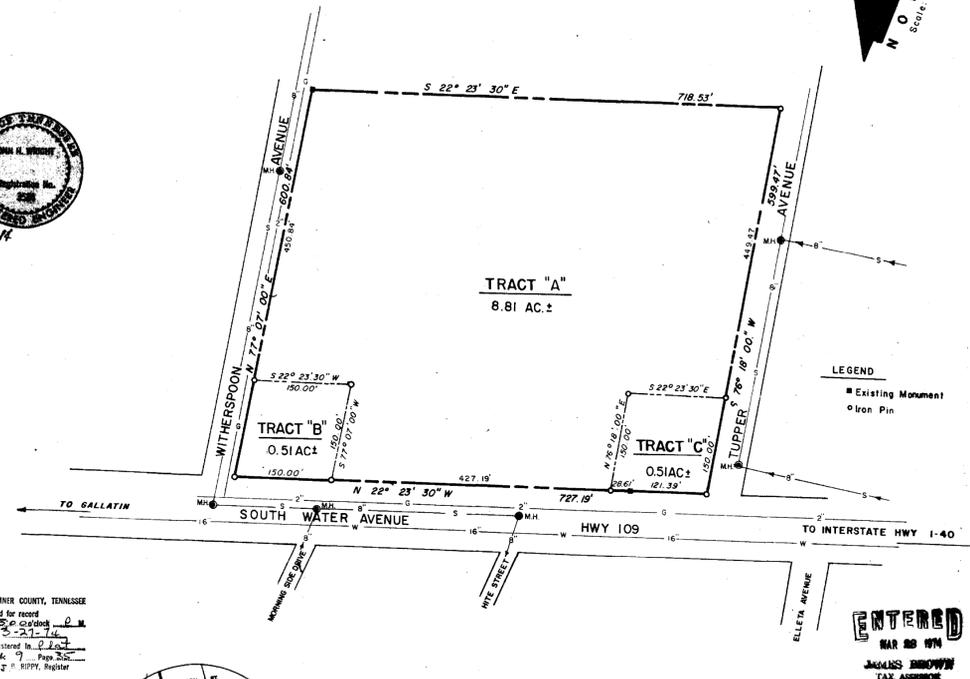
DATE: 15  
 Name, Title and Agency of Authorized Approving Agent:

**CERTIFICATE OF APPROVAL FOR RECORDING**

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulation for Gallatin Tennessee, with the exception of such variances and/or modifications, if any, as are noted in the minutes of the planning commission, and that it has been approved for recording in the office of the county register.

DATE: 3-27-15  
 Secretary, Planning Commission: Tommy Sartorius

PLAT BOOK 9, PAGE 35



**SOUTH GATE SHOPPING CENTER**  
 GALLATIN, SUMNER COUNTY, TENNESSEE  
 THE MITCHELL CO., OWNER, DEVELOPER

TOTAL AREA WITHIN BOUNDARY = 9.83 AC ±



35

**General Requirements for Conditional Use Permit:**

Is so designed, located, and proposed to be operated so that public health, safety and welfare will be protected. The expansion of this Place of Worship will not significantly impact the public health, safety or welfare in the area in any way. Will not adversely affect other property in the area in which it is located.

The building is in commercial use currently. No exterior renovation or addition is to be undertaken, only vacant spaces are being filled by an existing use. Is within the provisions of "Conditional Uses" as set forth in the Ordinance. A Place of Worship is within the legal conditional use of the Gallatin Zoning Ordinance for CS zoning. Conforms to all applicable provisions of this ordinance for the district in which it is to be located. This project complies with all applicable provisions of the Gallatin Zoning Ordinance.

**Special Conditions for Place of Worship:**

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 district. Minimum Lot Coverage for CS is 10,000sf, this Lot is 383,763 sf. 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. The building is an existing structure, and there will be no exterior addition or modifications. Such facilities shall be located only on major or collector streets. South Water Ave. is classified as a Major Arterial. All bulk regulations of the district shall be met. The building is existing. No modifications will be made to alter existing bulk conditions. The off-street parking requirements of the Zoning Ordinance shall apply. The Parking requirements are met and the entire Center has been evaluated for parking and those calculation are indicated on A1 including Handicap Parking requirements.



Project No. 1443  
 Drawn by:  
 Reviewed by:

**M&A**  
 Matchett and Associates Architects

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

Faith Church Expansion

Southgate Shopping Center

639 South Water Ave.

Gallatin, Tennessee

Parcel Map Plat Photos and Zoning and Conditional Use Notes

Date: 1/15/15  
 Revisions:  
 Date: Mark:

**A-2**  
 Sheet of