



Agenda
Gallatin Municipal Board of Zoning Appeals

Thursday, July 30, 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: April 30, 2015**

REGULAR AGENDA

1. **GMBZA Resolution No. 2015-10**
B-788-15 HOPE BAPTIST CHURCH
CONDITIONAL USE PERMIT

PUBLIC HEARING

THE OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR A PLACE OF WORSHIP FACILITY FOR HOPE BAPTIST CHURCH, PER SECTION 08.02.010.D. OF THE GALLATIN ZONING ORDINANCE, ON ONE (1) PARCEL, CONTAINING 1.57 (+/-) ACRES, OF A FOUR (4) PARCEL ZONE LOT, ZONED COMMERCIAL SERVICES (CS), LOCATED AT 472 WEST MAIN STREET (S.B.E. TAX MAP #126G/A/016.00; 016.01; 017.00; 017.01).

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

MINUTES OF THE GALLATIN
MUNICIPAL BOARD OF ZONING APPEALS
MEETING

April 30, 2015

Present

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

Staff

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

Absent

None

Others Present

Applicants

The Gallatin Municipal Board of Zoning Appeals met in a regular meeting on Thursday, April 30, 2015 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 Mr. Wyatt led the pledge of allegiance. Ms. Marianne Mudrak called roll.

Approve Prior Minutes

Chair Moore presented the minutes of the February 26, 2015 Municipal Board of Zoning Appeals meeting for approval. Mr. Puryear motioned to approve the minutes as corrected. Mr. Wyatt seconded the motion and the motion passed by unanimous vote.

1. GMBZA Resolution No. 2015-06 – (B-382-15) – Sumner County Ornamental Addition; Variance – John R. Williams – Public Hearing – The owner requests approval of a variance of 10 feet from the required 20 foot rear yard and a variance of 15 feet from the required 50 foot minimum building setback line to permit construction of a 1,334 square foot building addition on property located at 334 West Gray Street. The property is currently zoned Commercial General (CG) and contains .277 (+/-) acres.

Mr. Kevin Chastine, Planner II, presented the staff report and stated the applicant desires to build an addition to his existing building. The applicant received a variance in 2003 for the same setback issue for this specific building, but not for the entire site. Staff recommended that the applicant come back for a variance for the site. The hardship is that the lot is only 100 foot deep and the required building setback is 50 feet.

Mr. Chastine said staff recommends approval of Resolution No. 2015-06 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. John R. Williams, applicant, has been at this location for eight (8) years and would like to expand his business.

Mr. Puryear motioned to approve Resolution No. 2015-06 with the following condition:

1. The variance shall be substantially consistent with the sixteen (16) sheet plan, prepared by John R. Williams of Gallatin, TN, dated March 12, 2015.

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

2. GMBZA Resolution No. 2015-07 – (B-449-15) – 1205 Longleaf Drive; Variance – Rogers Engineering Group – Public Hearing – The owner and applicant request approval of a variance of 60 feet from the required 75-foot building setback per section 09.02.050.B and a variance of 35 feet from the required Type 50 landscape buffer per table 13-05 and section 13.04.090.H of the G.Z.O., along the south boundary line, to permit a side yard setback and landscape buffer of 15 feet in width, on a 1.53 (+/-) acre lot, zoned industrial restrictive (IR), located at 1205 Longleaf Drive (S.B.E. Tax Map #112J/D/008.00)

Ms. Denise Brown, Planner I, said this property is located off of Old Airport Road. The owner and applicant are requesting a variance to honor the setbacks that were recorded on the plat without considering the required zoning setback. This property was platted a Lot 8 of the Woodlands Business Park under a different owner. In 1998 a Preliminary Plat was approved with a 50 foot rear yard and a 15 foot side yard, as well as, a 50 foot landscape buffer in the rear. The requirement at the time, under a former ordinance, was a 50 foot setback along the sides and rear of any property adjoining residential property. The property to the west is Residential-15 (R15) and the property to the south is Residential-15 (R15) and is the site of Long Hollow Baptist Church.

Ms. Brown said a year lapsed since approvals and the Preliminary Plat expired. Since then the zoning ordinance changed to require a 75 foot setback along the residential property lines. The same plat came back for review in 1999 and was approved with the same setbacks. At that time there was no discussion of changing the side setbacks, only the rear yard buffer. Therefore, staff believes the setback was platted in error.

Ms. Brown said the current property owner purchased this property based on the platted setbacks. Honoring the setbacks as required today would make it difficult to develop a limited manufacturing building on this site. The property to the south is owned by Long Hollow Baptist Church and has a natural bufferyard in the back. The applicant is requesting an alternative bufferyard on the side property line. A site plan will go before the Planning Commission in May.

Ms. Brown said staff believes the variance request meets all nine standards of a variance and recommends approval of Resolution No. 2015-07 with the condition listed in the staff report.

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

Mr. Andy Leath, with Rogers Engineering Group, representing the owner, said the property was purchased on the premise of the recorded plat and the 75 foot setbacks now required makes the property useless to the owner.

Mr. Charles Curtis, with Curtis Construction, said the property is rendered useless with the setback requirement.

Ms. Gregory motioned to approve Resolution No. 2015-07 with the following condition:

1. The variance shall be substantially consistent with the three (3) sheet plan, for BMWG, Site Plan prepared by Rogers Engineering Group, dated March 25, 2015 with a revision date of April 2015.

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

3. GMBZA Resolution No. 2015-08 – (B-462-15) - Four Way Muffler; Variance – Patrick S. Fennell – Public Hearing – The owner and applicant request approval of a variance of a maximum of seven (7) feet to permit a minimum of a three (3) foot side yard setback along the eastern lot line from the required 10-foot side yard setback per section 08.02.030.C, and a variance of a maximum of 13.17 feet to permit a minimum of a 6.83 foot rear yard setback, along the northern lot line, from the required 20-foot rear yard setback per section 08.02.030.D and section 08.02.040, and variance from having to provide the required type 15 landscape buffer per section 13.04.060.G, Table 13-05 and section 13.04.090.B.2 of the G.Z.O., along the northern and eastern lot line, on lots 5,6, and 7, Gallatin Mall Subdivision, consisting of a 0.862 (+/-) acres, zoned Commercial Services (CS), located at 1368 East Broadway (S.B.E. Tax Map #112H/A/007.00).

Mr. Robert Kalisz, Planner II, presented the staff report and said the property is located east of Triple Creek Park and the development of this property has a history dating back to 1970. In 1970, Mr. Bradley proposed a bowling center for this property, but never acted upon it. In 1975, an Automotive Sales and Service Lot was established for Four Way Motors with a 1,500 square foot building with two (2) service bays and a sales trailer. At that time it was approved and met all the setbacks. In 1995, Four Way Motors submitted an in-house site plan to add 1,200 square foot service bay to the existing bays and that was approved and met the setbacks. Between 1975 and 1995 there was an accessory structure constructed in the northeast portion of the property located on the property line to the east side. In 1998, a site plan was approved for two (2) additional bays and an office building and all zoning ordinance requirements were met.

Mr. Kalisz said staff does not feel there is a hardship due to topography, nor was a hardship created by another person. Staff feels the variance would afford the property owner privileges that are not granted to other property owners in the area. Staff feels the building may be detrimental to neighboring properties as a fire hazard and could deny supply of light to the next property.

Mr. Kalisz added that there is no room for the required bufferyard.

Mr. Kalisz said staff does not recommend approval of Resolution No. 2015-08. However, if the Municipal Board of Zoning Appeals approves the resolution, the conditions listed in the staff report would apply.

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

Mr. Patrick S. Fennell, owner, has grown out of his business and needs this building for storage. He showed pictures, on the screen, of the office structure he wants to remove to add new space. His property sits far back from Gallatin Road.

Ms. Vickie Fennell said her office space is inadequate for handicapped customers.

Mr. Fennell said he needs all the footage he could get and he would like the buildings to connect.

Mr. Puryear asked if Mr. Fennell is selling vehicles. Mr. Fennell said the vehicles shown on the lot are his own vehicles that he is selling. He has tried to buy some of the property behind his property, without success.

Mr. Wyatt motioned not to approve (deny) Resolution No. 2015-08 based on the findings in the staff report. Mr. Puryear seconded the motion.

Mr. Puryear said if the Board grants a variance, the Municipal Board of Zoning Appeals would not be able to defend its decision. He added that this is a good business and he would like to grant the variance, but cannot support a decision to approve, based on the findings.

The Municipal Board of Zoning Appeals voted on the motion and the motion passed by unanimous vote.

4. GMBZA Resolution No. 2015-05 – (B-383-15) – Longhorn Trucking; Conditional Use Permit – Longhorn Trucking – Public Hearing – Owner and applicant request approval of a Conditional Use Permit for the Transport and Warehousing Use (Trucking Business), per section 07.04.010.C. of the Gallatin Zoning Ordinance, on two (2) lots totaling 1.12 (+/-) acres, zoned Mixed Use General (MUG) located at 1305 South Water Avenue (Highway 109) (S.B.E. Tax Map #135L/A/007.00 and 135L/A/008.00)

Mr. Chastine said the applicant is requesting approval of a Conditional Use Permit for Transport and Warehousing Use. The property is zoned Mixed Use General (MUG) and Transport and Warehousing is a conditional use in the zone. There is a small office building on the site and no changes are proposed to the building for the site.

Mr. Chastine said a TDOT project is planned for SR 109 from the bridge to Airport Road. In addition, the City has plans to extend Nichols Lane, which would take out half of this site. Staff is recommending approval of the Conditional Use Permit with the conditions listed in the staff report. Some of these conditions include a requirement that the applicant submit a site plan, to be approved by staff, within six (6) months after the roadway project is completed, and obtain approval in three (3) months after its submittal. Any improvements required by code would have to be completed one (1) year after approval.

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

Mr. John Henley, owner, is asking for approval of the conditional use permit and he understands the roadway projects proposed by the State and the City and the conditions of approval.

Chair Moore asked if tractor trailer trucks would be stored on the property. Mr. Henley said only dump trucks will be stored on the property.

Mr. Vaughn asked if there would be any mechanical work done to the trucks at the site. Mr. Henley responded that there is a garage at the back of the site and he would do minor repairs to his trucks and general maintenance.

Chair Moore asked how many trucks Mr. Henley will store on the property. Mr. Henley said he has three trucks and may add a fourth truck in the future.

Mr. Puryear motioned to approve Resolution No. 2015-05 with the following condition:

1. The Conditional Use Permit shall be consistent with the one (1) sheet plan titled "Longhorn Trucking/Parking Lot", prepared by the applicant, Mr. John Henley, dated April 24, 2015.
2. Upon completion of the State Route 109 project, the owner/applicant shall provide an in-house site plan for review by staff. The site plan shall comply with access management, bulk regulations of the MUG zoning district and landscaping requirements.
3. The owner/applicant shall provide a site plan to the Planning Department within six (6) months of completion of the roadway (State Route 109) construction project and obtain plan approval within three (3) months of plan submittal. Construction of the required site plan improvements shall be completed no less than one (1) year after final completion of the State Route 109 widening project.
4. The Conditional Use Permit shall expire upon removal or destruction of the existing office building and/or discontinuance of the Transport and Warehousing Use.

5. Other Business

There was no other business to discuss.

6. Adjourn

There being no further business to discuss, Chair Moore adjourned the meeting at 6:10 p.m.

Respectfully submitted:

Marianne Mudrak, Board Secretary

Approve:

Jimmy Moore, Chair

Jeannie Gregory, Secretary



Agenda
Gallatin Municipal Board of Zoning Appeals

Thursday, April 30, 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: February 26, 2015**

REGULAR AGENDA

1. **GMBZA Resolution No. 2015-06** **B-382-15**
SUMNER COUNTY ORNAMENTAL ADDITION; VARIANCE
JOHN R. WILLIAMS

PUBLIC HEARING

THE OWNER REQUESTS APPROVAL OF A VARIANCE OF 10 FEET FROM THE REQUIRED 20 FOOT REAR YARD AND A VARIANCE OF 15 FEET FROM THE REQUIRED 50 FOOT MINIMUM BUILDING SETBACK LINE TO PERMIT CONSTRUCTION OF A 1,334 SQUARE FOOT BUILDING ADDITION ON PROPERTY LOCATED AT 334 WEST GRAY STREET. THE PROPERTY IS CURRENTLY ZONED COMMERCIAL GENERAL (CG) AND CONTAINS .277 (+/-) ACRES.

2. **GMBZA Resolution No. 2015-07** **B-449-15**
1205 LONGLEAF DRIVE; VARIANCE
ROGERS ENGINEERING GROUP

PUBLIC HEARING

THE OWNER AND APPLICANT REQUEST APPROVAL OF A VARIANCE OF 60 FEET FROM THE REQUIRED 75-FOOT BUILDING SETBACK PER SECTION 09.02.050.B AND A VARIANCE OF 35 FEET FROM THE REQUIRED TYPE "50" LANDSCAPE BUFFER PER TABLE 13-05 AND SECTION 13.04.090.H OF THE G.Z.O., ALONG THE SOUTH BOUNDARY LINE, TO PERMIT A SIDE YARD SETBACK AND LANDSCAPE BUFFER OF 15 FEET IN WIDTH, ON A 1.53 (+/-) ACRE LOT, ZONED INDUSTRIAL RESTRICTIVE (IR), LOCATED AT 1205 LONGLEAF DRIVE (S.B.E. TAX MAP # 112J/D/008.00)

3. **GMBZA Resolution No. 2015-08** **B-462-15**
FOUR WAY MUFFLER; VARIANCE
PATRICK S. FENNEL

PUBLIC HEARING

THE OWNER AND APPLICANT REQUEST APPROVAL OF A VARIANCE OF A MAXIMUM OF SEVEN (7) FEET TO PERMIT A MINIMUM OF A THREE (3) FOOT SIDE YARD SETBACK ALONG THE EASTERN LOT LINE, FROM THE REQUIRED 10-FOOT SIDE YARD SETBACK PER SECTION 08.02.030.C, AND A VARIANCE OF A MAXIMUM OF 13.17 FEET TO PERMIT A MINIMUM OF A 6.83 FOOT REAR YARD SETBACK, ALONG THE NORTHERN LOT LINE, FROM THE REQUIRED 20-FOOT REAR YARD SETBACK PER SECTION 08.02.030.D AND SECTION 08.02.040, AND A VARIANCE FROM HAVING TO PROVIDE THE REQUIRED TYPE "15" LANDSCAPE BUFFER PER SECTION 13.04.060.G TABLE 13-05 AND SECTION 13.04.090.B.2 OF THE G.Z.O., ALONG THE NORTHERN AND EASTERN LOT LINE, ON LOTS 5, 6, AND 7, GALLATIN MALL SUBDIVISION, CONSISTING OF A 0.862 (+/-) ACRES, ZONED COMMERCIAL SERVICES (CS), LOCATED AT 1368 EAST BROADWAY (S.B.E. TAX MAP # 112H/A/007.00)PUBLIC HEARING

EXHIBIT A

4. **GMBZA Resolution No. 2015-05**
LONGHORN TRUCKING; CONDITIONAL USE PERMIT
LONGHORN TRUCKING

B-383-15

PUBLIC HEARING

OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR THE TRANSPORT AND WAREHOUSING USE (TRUCKING BUSINESS), PER SECTION 07.04.010.C. OF THE GALLATIN ZONING ORDINANCE, ON TWO (2) LOTS TOTALING 1.12 (+/-) ACRES, ZONED MIXED USE GENERAL (MUG), LOCATED AT 1305 SOUTH WATER AVENUE (HIGHWAY 109) (S.B.E. TAX MAP # 135L/A/007.00 AND 135L/A/008.00)

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5. **OTHER BUSINESS**
6. **MOVE TO ADJOURN**

EXHIBIT A

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A PLACE OF WORSHIP FACILITY FOR HOPE BAPTIST CHURCH, PER SECTION 08.02.010.D. OF THE GALLATIN ZONING ORDINANCE, ON ONE (1) PARCEL, CONTAINING 1.57 (+/-) ACRES, OF A FOUR (4) PARCEL ZONE LOT, ZONED COMMERCIAL SERVICES (CS), LOCATED AT 472 WEST MAIN STREET (S.B.E. TAX MAP #126G/A/016.00; 016.01; 017.00; 017.01) – PC FILE #B-788-15

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered the Conditional Use Permit request for a Place of Worship use at 472 West Main Street submitted by the applicant, Matchett and Associates Architects, at its regular meeting on July 30, 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 a Conditional Use Permit request for a Place of Worship use at 472 West Main Street as required by the Zoning Ordinance of the City of Gallatin, Tennessee, Section 08.02.010.D with the following conditions:

1. The proposed Conditional Use Permit shall be consistent with the one (1) sheet plan prepared by Matchett and Associates Architects, of Gallatin, Tennessee, with project number 1525, dated June 24, 2015, and latest revision date of 7/15/15.
2. The building at 472 West Main Street may be used as a Place of Worship facility, classrooms/meeting rooms, and other accessory uses only associated with the Place of Worship facility.
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. Issuance of the sign permit is contingent upon approval of the Conditional Use Permit from the Municipal Board of Zoning Appeals and the Planning Department's approval of the Change of Use Site Plan. A valid sign permit is required prior to the installation of any sign on site.
5. Obtain a Life Safety inspection prior to the issuance of a Certificate of Occupancy from the Building Codes Department.
6. 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.
7. The facility shall comply with all applicable cross-connection control regulations.
8. Additional Conditional Use Permits shall be required if the church wants to expand into other existing buildings 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: 7/30/15

Jimmy Moore, Chair

Jeannie Gregory, Secretary

APPROVED AS TO FORM:

Susan High-McAuley
City Attorney



ITEM 1

PLANNING DEPARTMENT STAFF REPORT

Hope Baptist Church Conditional Use Permit Request

472 West Main Street; (PC File #B-788-15)

Date: July 23, 2015

PUBLIC HEARING

REQUEST: THE OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR A PLACE OF WORSHIP FACILITY FOR HOPE BAPTIST CHURCH, PER SECTION 08.02.010.D. OF THE GALLATIN ZONING ORDINANCE, ON ONE (1) PARCEL, CONTAINING 1.57 (+/-) ACRES, OF A FOUR (4) PARCEL ZONE LOT, ZONED COMMERCIAL SERVICES (CS), LOCATED AT 472 WEST MAIN STREET (S.B.E. TAX MAP #126G/A/016.00; 016.01; 017.00; 017.01).

OWNER: BRYAN BONDURANT

APPLICANT: MATCHETT AND ASSOCIATES ARCHITECTS

STAFF RECOMMENDATION: APPROVAL OF GMBZA RESOLUTION 2015-10

STAFF CONTACT: KATHERINE SCHOCH, AICP

MBZA MEETING DATE: JULY 30, 2015

PROJECT OVERVIEW:

The owner and applicant request approval of a Conditional Use Permit for a Place of Worship Facility for Hope Baptist Church, per Section 08.02.010.D. of the Gallatin Zoning Ordinance, on one (1) parcel, containing 1.57 (+/-) acres, of a four (4) parcel zone lot, zoned Commercial Services (CS), located at 472 West Main Street (S.B.E. Tax Map #126G/A/016.00; 016.01; 017.00; 017.01) (Attachment 1-1 and Attachment 1-2). The church is currently located in an existing building, within two (2) separate tenant spaces, located on parcel 126G/A/016.01 (Attachment 1-1 and Attachment 1-3). The church is currently operating at this location and has approximately 30 active members. According to the applicant, church leaders were unaware that approval of a Conditional Use Permit from the Gallatin Municipal Board of Zoning Appeals and a Change of Use Site Plan from the Planning Department were required prior to occupancy of the building. The multi-tenant office park contains existing retail stores and office buildings known as the Oakland Park Shopping Center.

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 request and a Public Hearing shall be held on the item at the meeting. Under the definitions of the Gallatin Zoning Ordinance, the four (4) parcels involved in the Conditional Use Permit request are considered a "zone lot" since they contain the same zoning and are all under single ownership (Attachment 1-4).

Staff recommends approval of the Conditional Use Permit request, with the conditions listed on pages 6 and 7 of the staff report, since the project meets the General Requirements as well as the Special Conditions for the Place of Worship use (Attachment 1-4).

CASE BACKGROUND:

Previous Approvals

A portion of the zone lot (parcel 017.01) was platted as part of the McDonald Estate Subdivision in 1974 (P.B. 9, P.G. 61) (Attachment 1-5). The other parcels that comprise the zone lot, including the subject property identified on the plan (parcel 016.00; 016.01, and 017.00) were deeded to the current owner, Bryan Bondurant, with an affidavit of heirship by his mother Fonda Bondurant in 1998, but were never recorded as lots of record (R.B. 772; P.G. 250) (Attachment 1-6). The applicant included the legal reference to the property information on the plan (Attachment 1-1).

According to the Sumner County Tax Assessor's Office, the existing, two (2) tenant building, located at 472 West Main Street, was originally constructed in 1970, prior to the adoption of the Official Zoning Atlas and Gallatin Zoning Ordinance in 1979 (Attachment 1-3). The building has previously been used for Financial, Consulting, and Administrative uses; however, there are no other records on file about previous approvals for parcel 016.01 in the Planning Department.

Staff found project files for commercial development on parcel 016.00, which is the current location of the Schroeder Chiropractic Clinic that fronts on Nashville Pike. A Site Plan for the Arrendale Development was approved on April 28, 1986 (PC File #8-25-86). On February 26, 1996 and on October 26, 1998, Site Plans were approved for additions to the existing building located on parcel 016.00 at 450 West Main Street (PC File #8-2-96S and PC File #8-61-98 respectively).

DISCUSSION:

Analysis

The owner and applicant request approval of a Conditional Use Permit for a Place of Worship Facility for Hope Baptist Church, per Section 08.02.010.D. of the Gallatin Zoning Ordinance, on one (1) parcel, containing 1.57 (+/-) acres, of a four (4) parcel zone lot, zoned Commercial Services (CS), located at 472 West Main Street (S.B.E. Tax Map #126G/A/016.00; 016.01; 017.00; 017.01) (Attachment 1-1 and Attachment 1-2). The church is currently located in an existing building, with two (2) separate tenant spaces located on parcel 126G/A/016.01 (Attachment 1-1 and Attachment 1-3). The church is currently operating with approximately 30 active members. According to the applicant, church leaders were unaware that approval of a Conditional Use Permit from the Gallatin Municipal Board of Zoning Appeals and a Change of Use Site Plan from the Planning Department were required prior to occupancy of the building. These existing retail stores and office buildings are known as the Oakland Park Shopping Center. The church is using the building as a temporary location until the church membership increases at which time they will move to a larger building. In addition to the church sanctuary, the site includes classroom/meeting room spaces are considered an accessory use to the church's primary Place of Worship use.

Section 08.02.010.D of the Gallatin Zoning Ordinance, states that a Place of Worship facility requires a Conditional Use Permit in the Commercial Services (CS) zone district (Attachment 1-4). No renovations to the interior or exterior façade of the building are planned at this time. Photos of the existing, two (2) tenant building are provided in Attachment 1-3. No portion of this property is located in a flood hazard area and the property contains no unusual topographical features (Attachment 1-1).

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 Hope Baptist Church is located at 472 West Main Street. The Gallatin Fire Department set the capacity of that building at 50 people, which requires 13 parking spaces, including one (1) handicapped parking space. The parking lot contains a total of 137 parking spaces, including ten (10) handicapped parking spaces located near the main entrances to the two (2) individual tenant spaces. The shared parking available on site for all business within the Oakland Park Shopping Center and zone lot far exceeds the minimum required by the Gallatin Zoning Ordinance for the Place of Worship use. Most other businesses are not open when church services are held. 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.

Site Plan Required

A Change of Use Site Plan, changing the existing use from Financial, Consulting, and Administrative 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.

Proposed Signs

The applicant has submitted a sign permit application for two (2) new signs to the Planning Department for review and approval. One (1), 8' by 3' foot sign will be installed on the front façade of the existing building facing the parking lot. The second sign is a 4.43' by 1.3' sign panel to be installed as part of the freestanding, multi-tenant sign located in the parking lot, adjacent to the Nashville Pike (Attachment 1-3). Both signs meet the size requirements of the Gallatin Zoning Ordinance, Section 13.07, Sign Regulations. Issuance of the sign permit is contingent upon approval of the Conditional Use Permit from the Municipal Board of Zoning Appeals and the Planning Department's approval of the Change of Use Site Plan. A valid sign permit is required prior to the installation of any sign on site (Attachment 1-3).

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 water line connections.

Industrial Pre-treatment Department

The Industrial Pre-treatment Department noted that the facility shall comply with all applicable cross-connection control regulations. The existing building already has sanitary sewer line connections.

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 1-1). 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 1-1 and Attachment 1-3. 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 472 West Main Street will not significantly impact the public health, safety, or welfare of the area. The use will occur within the existing building and will not generate traffic volumes that will overwhelm the transportation system. The building is located directly behind another existing building fronting West Main Street, so the new use will not change the visual impact from the street. Other Place of Worship facilities are also located in the area. 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. 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 1-1).

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

- The tenant spaces and classrooms/meeting rooms are located in a building that was previously vacant. The other buildings on the zone lot 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 within the Oakland Park Shopping Center. The Hope Baptist Church has been operating at the current location for several weeks without creating any use conflicts.

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 1-4).

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 utilizes 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 1-4). 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 1-4).

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 1-3. 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/016.01 and contains approximately 68,389 square feet or 1.57 (+/-) acres, which exceeds the minimum lot area requirement for a Place of Worship facility. The existing two (2) tenant building contains approximately 3,828 square feet (Attachment 1-3). The existing parking lot contains 137 parking spaces, including ten (10) 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 light brown brick structure with small amounts of tan vinyl siding (Attachment 1-3). No exterior modifications are proposed at this time. Activities associated with the Place of Worship facility will occur with the existing building and the use will remain compatible with the surrounding area. Additional Conditional Use Permits shall be required if the church wants to expand into other existing buildings 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.
 - Since the building is existing, approval of the Place of Worship use will not increase any non-conforming status of the building. It appears that the lots and existing buildings meet the current yard line and bulk regulations for the CS zone district (Attachment 1-1 and Attachment 1-3).
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 Hope Baptist Church is located at 472 West Main Street. The Gallatin Fire Department set the capacity of that unit at 50 people, which requires 13 parking spaces, including one (1) handicapped parking space. The parking lot contains a total of 137 parking spaces, including ten (10) handicapped parking spaces located near the main entrances to the individual tenant spaces. The shared parking available on site for all business in the Oakland Park Shopping Center (zone lot) 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.

RECOMMENDATION

Staff recommends that the Gallatin Municipal Board of Zoning Appeals approve the Hope Baptist 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 one (1) sheet plan prepared by Matchett and Associates Architects, of Gallatin, Tennessee, with project number 1525, dated June 24, 2015, and latest revision date of 7/15/15.
2. The building at 472 West Main Street may be used as a Place of Worship facility, classrooms/meeting rooms, and other accessory uses only associated with the Place of Worship facility.

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. Issuance of the sign permit is contingent upon approval of the Conditional Use Permit from the Municipal Board of Zoning Appeals and the Planning Department's approval of the Change of Use Site Plan. A valid sign permit is required prior to the installation of any sign on site.
5. Obtain a Life Safety inspection prior to the issuance of a Certificate of Occupancy from the Building Codes Department.
6. 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.
7. The facility shall comply with all applicable cross-connection control regulations.
8. Additional Conditional Use Permits shall be required if the church wants to expand into other existing buildings on the zone lot.

ATTACHMENTS:

- | | | |
|-------------------|------------|--|
| Attachment | 1-1 | Conditional Use Permit Site Plan |
| Attachment | 1-2 | Location Map |
| Attachment | 1-3 | Photographs of existing building |
| Attachment | 1-4 | Applicable Sections of the G.Z.O. & Gallatin Municipal Code |
| Attachment | 1-5 | McDonald Estate Subdivision (P.B. 9, P.G. 61) |
| Attachment | 1-6 | Affidavit of Heirship (R.B. 772; P.G. 750) |

HOPE BAPTIST CHURCH CONDITIONAL USE PERMIT REQUEST
472 WEST MAIN STREET; PC FILE #B-788-15
LOCATION MAP



ATTACHMENT 1-2

TAX MAP #126G/A/016.00; 016.01; 017.00; 017.01
ZONED CS

HOPE BAPTIST CHURCH EXISTING BUILDING
472 WEST MAIN STREET



**APPLICABLE SECTIONS OF THE GALLATIN ZONING ORDINANCE AND
GALLATIN MUNICIPAL CODE**

Article 2.00 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.

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.

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, ceremonies, and discussions.

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

ATTACHMENT 1-4

**APPLICABLE SECTIONS OF THE GALLATIN ZONING ORDINANCE AND
GALLATIN MUNICIPAL CODE**

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

ATTACHMENT 1-4

**APPLICABLE SECTIONS OF THE GALLATIN ZONING ORDINANCE AND
GALLATIN MUNICIPAL CODE**

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.

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:

- 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;

**APPLICABLE SECTIONS OF THE GALLATIN ZONING ORDINANCE AND
GALLATIN MUNICIPAL CODE**

- 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.

15.06 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.

15.06.030 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;

**APPLICABLE SECTIONS OF THE GALLATIN ZONING ORDINANCE AND
GALLATIN MUNICIPAL CODE**

- 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.

Gallatin Municipal Code, 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

**APPLICABLE SECTIONS OF THE GALLATIN ZONING ORDINANCE AND
GALLATIN MUNICIPAL CODE**

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)

McDONALD ESTATE SUBDIVISION

3rd. CIVIL DISTRICT INSIDE

GALLATIN, TENN.

JULY 18, 1974

ATTACHMENT 1-5

MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

1/27 1975
DATE
James H. McDonald
at McDonald & Co.

CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS

I HEREBY CERTIFY THAT THE WATER SUPPLY AND SEWAGE DISPOSAL UTILITY SYSTEMS INSTALLED, OR PROPOSED FOR INSTALLATION IN THE SUBDIVISION PLAT ENTITLED:

_____ FULLY MEET THE REQUIREMENTS OF THE TENNESSEE STATE HEALTH DEPARTMENT AND ARE HEREBY APPROVED AS SHOWN.

1/27 1975
DATE
Sharon R. Carlton
J. W. Franklin *James C. Heath, Jr.*
COUNTY HEALTH OFFICER OR HIS AUTHORIZED REPRESENTATIVE

CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

I HEREBY CERTIFY (1) THAT STREETS, UTILITIES AND OTHER IMPROVEMENTS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO CITY (COUNTY) SPECIFICATIONS IN THE SUBDIVISION ENTITLED: _____ OR (2) THAT A SECURITY BOND IN THE AMOUNT OF \$ _____ HAS BEEN POSTED WITH THE PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.

1/27 1975
DATE
J. W. Franklin
CITY OR COUNTY ROAD ENGINEER OR OTHER APPROVING AGENT

CERTIFICATE OF ACCURACY

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE SUMNER COUNTY, TENNESSEE, REGIONAL PLANNING COMMISSION AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON, TO THE SPECIFICATION OF THE COUNTY ROAD COMMISSIONER.

18 July 1974
DATE
Charles R. Simms
REGISTERED SURVEYOR NO. 421

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE EXCEPTION OF SUCH VARIANCES, 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 REGISTRAR.

1-27 1974
DATE
[Signature]
SECRETARY, PLANNING COMMISSION

CURVE DATA "A"

R - 1146.28
DEF. - 50.00
LC. - 409.97

ANGLES

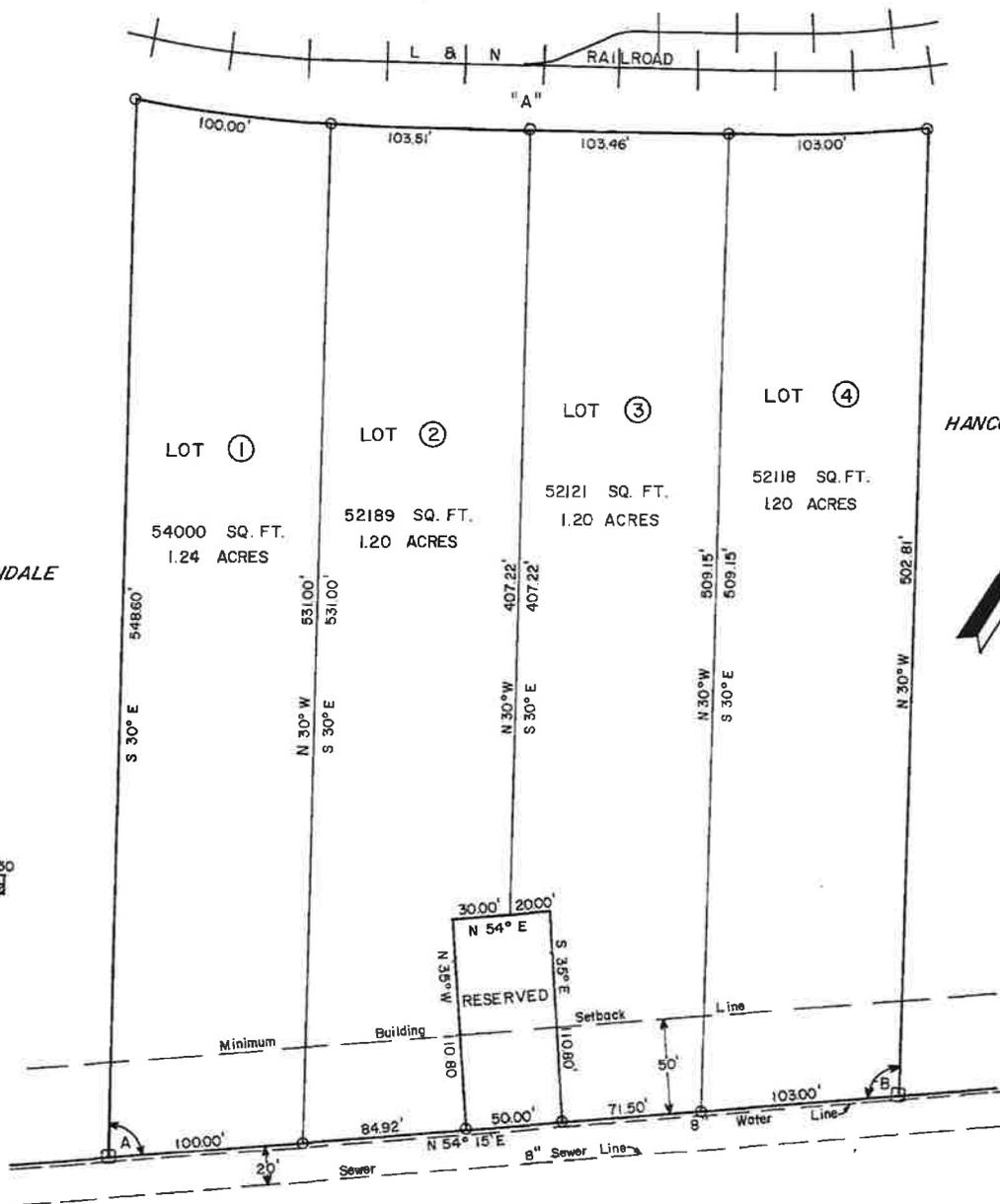
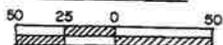
A - 84°15'
B - 95°45'

ARRENDALE

LEGEND

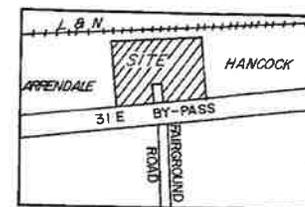
- IRON PIN
- CONCRETE POST

SCALE: 1" = 50'



LOCATION MAP

No Scale



PLANNING COMMISSION
Plan for record
\$100.00
1-27-74
Approved by
1-27-74
L. A. BERRY, Register

ENTERED

JAN 30 1975

JAMES BROWN
TAX ASSESSOR

HWY. 31 E BY-PASS

425

AND SEND TAX BILLS TO:
Bryan W. Bondurant
450-472 West Main St.
Gallatin, TN 37066

KELLY & SMITH
LAW OFFICES
GALLATIN, TENNESSEE

MAP 126-A PARCELS 17.01;
17.02; 16.01 & 16.00

AFFIDAVIT OF HEIRSHIP RE: ESTATE OF FONDA J. BONDURANT

The undersigned, being first duly sworn, deposes and says:

1. That FONDA J. BONDURANT owned certain tracts or parcels of land with her brother, BRYAN W. BONDURANT, as joint tenants with right of survivorship, which property is situated in the Third Civil District of Sumner County, Tennessee, within the corporate limits of the City of Gallatin, on the north side of West Main Street, more particularly described as follows:

TRACT ONE:

BEGINNING at a point in the north boundary of West Main Street, same being Collier's southeast corner, and running thence North 34 degrees West with Collier's east boundary line 327 feet to Collier's northeast corner; thence South 53 degrees 30 minutes West with Collier's north boundary line 70 feet to a point in Mrs. Sallie Outlaw's east boundary line, it being Collier's northwest corner; thence North 34 degrees West 268 feet to a point in the south boundary line of the right of way of the Louisville and Nashville Railroad Company; thence with the south boundary of said right of way, North 66 degrees East 170 feet to a point in the south boundary of said railroad right of way, it being McDonald's northwest corner; thence South 32 degrees East with McDonald's west boundary line 553 feet to a point in the north boundary line of West Main Street, it being McDonald's southwest corner; thence South 53 degrees 30 minutes West with the north boundary of West Main Street 92 feet to the place of beginning. Said lot is bounded by adjoining property owners as follows: On the north by Louisville and Nashville Railroad Company; on the east by McDonald; on the south by West Main Street, which is also known as the Andrew Jackson Highway and U. S. Highway 31-E; and on the west by Collier and Outlaw.

ENTERED
PHILLIP G. SIMPSON
PROPERTY ASSESSOR
JAN 13 1998
MAP Affidavit
GP PAR
3rd = 126G - A-16
17.01
16.01
17.

Kathryn Brown, Register
Sumner County, Tennessee
303186 Instrument 414872
12.00 NBK: 65 Pa 272
0.00 Recorded
0.00 1/13/1998 at 9:50 am
12.00 in Record Book
17.01
16.01
17.

TRACT TWO:

BEGINNING at an iron pin located 184.9 feet east of Arrendale's east line, same being the southeast corner of this tract and the southwest corner of the Baptist Church

Property; thence with the Church property, North 35 degrees West 110.8 feet to a point; thence North 54 degrees East 30.0 feet to a point, corner of Church property, North 27 degrees West 407.2 feet to an iron pin in L & N Railroad right-of-way; thence with L & N Railroad right-of-way, South 64 degrees West 103.5 feet to an iron pin, corner of Dorco; thence with the line of Dorco, South 27 degrees East 531.0 feet to an iron pin on the north side of Highway 31-E (Nashville Pike); thence with the north side of Highway 31-E, North 57 degrees 15 minutes East 84.9 feet to the point of beginning, described according to a survey made by Charles R. Simmons, Surveyor.

TRACT THREE:

✓ BEGINNING at an iron pin located 100 feet east of Arrendale's east line, same being the southeast corner of this tract and the southwest corner of Billy Bradley; thence with Bradley's line, North 27 degrees West 531 feet to an iron pin in L & N Railroad right-of-way; thence with L & N Railroad right-of-way, South 64 degrees West 100 feet to an iron pin, corner of Arrendale; thence with Arrendale's line South 27 degrees East 548.6 feet to an iron pin on north side of Highway 31-E, (Nashville Pike); thence with north side of Highway 31-E, North 57 degrees 15 minutes East 100.0 feet to the point of beginning, described according to a survey by Charles R. Simmons.

BEING the same property conveyed to Bryan W. Bondurant and Fonda J. Bondurant, as tenants in common, with right of survivorship, by deed from Shirley Ann Arrendale, dated May 26, 1994, and of record in Record Book 426, page 675, in the Register's Office for Sumner County, Tennessee.

2. On August 17, 1994, FONDA J. BONDURANT, died intestate while a resident of Wilson County, Tennessee, whose estate is of record in the Probate Court Clerk's Office for Wilson County, Tennessee.

3. That this Affidavit of Heirship is freely given pursuant to Section 30-2-712, et seq., Tenn. Code Ann., to help establish and reflect the heirship with respect to the real property described herein.

Bryan W. Bondurant Alen
BRYAN W. BONDURANT,
Administrator of the Estate
of Fonda J. Bondurant

STATE OF TENNESSEE
COUNTY OF SUMNER

SWORN to and subscribed before me, this the 12th
day of January, 1998.

Ann Talbert
NOTARY PUBLIC

MY COMMISSION EXPIRES: 4/30/98



STATE OF TENNESSEE
COUNTY OF SUMNER

PERSONALLY appeared before me, the undersigned, a
Notary Public in and for said County and State, the within named
BRYAN W. BONDURANT, Administrator of the Estate of Fonda J.
Bondurant, the affiant herein, with whom I am personally
acquainted (or proved to me on the basis of satisfactory
evidence) and who acknowledged that he executed the within
instrument for the purposes therein contained.

WITNESS my hand and official seal at Gallatin,
Tennessee, on this the 12th day of January, 1998.

Ann Talbert
NOTARY PUBLIC

MY COMMISSION EXPIRES: 4/30/98





Area Map

feet 800
meters 200



feet 300
meters 100

Property Information:

Tax Map; 126G, Group A Parcel 16, 16.01,17 and 17.01
 Legal: 772-750
 Lot Area: 68,389sf, 1.57ac, approx. 100x540
 MBSL per plat; 50'
 Property Owner: Bryan Bondurant, 522 W.Main St., Gallatin, TN
 Property Address: 472 West Main Street
 Zoning: CS, Commercial Services
 Existing Use: Financial, Consulting, and Admin. Services
 Existing Building Area: 3828 sf, 1 of 3 buildings
 Proposed Use: Place of Worship
 Seating Capacity: 50 persons
 Parking Requirement: 1/4 persons 50/4=13 spaces
 Parking Use during off hours, shared parking with adj. businesses.
 Available Parking: 13 spaces including 10 HC spaces
 Driveway Entrances: 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

Existing Building has 2 tenant spaces.
 Financial, Consulting and Admin. Services
 Existing Waste Recepticals to be used as is.
 No new HVAC equipment to be installed
 Existing Dumpster to be utilized and screened
 to comply with current Municipal Code
 Exterior walls are 100% brick.
 Roofing; Asphalt Shingles
 Sidewalks; Concrete
 Parking; Asphalt
 Existing Landscaping to remain.

Steve & Jane Sudbury
 126B E parcel 6, Zoned CG
 West End Missionary Baptist Church
 126G A 18, Zoned CS
 Bryan Bondurant
 126G A 16, 16.01,17, 17.01, Zoned CS
 Miguel Fuentes
 126G A 14,15, Zoned CS
 Wilson Bank and Trust
 126G B 12, Zoned CG
 Bank of America and John Wade
 126G B 15,16, Zoned CG



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: July 29, 2013

0 190 380
ft



SUMNER COUNTY, TENNESSEE

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 MAP DATE: July 29, 2013

0 190 380
ft

Request for Conditional Use Permit
 General Requirements and Response:

- 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.
- 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.
- 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
- 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.
 To be twice the lot area; Lot area is 4,148 +/- acres, which is more than twice the required area.
 To be compatible with surrounding area. This is an existing building, in the same design as the adjacent buildings.
 To be located on Major or Collector Street. Located on Nashville Pike (31E) which is a Major Street
 Bulk Regulations to be met. No alterations are being made to the exterior. The existing conditions meet the bulk regulations.
 Off Steet Parking to be met. Parking for the facility is during off business hours. Parking needs are 13 spaces, 124 spaces are available.

General Notes:

Purpose of this Plan is to acquire a Conditional Use Permit for Hope Baptist 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.

Project No. 1525
 Drawn by:
 Reviewed by:



M&A
 Matchett
 and
 Associates
 Architects

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

**Conditional Use
 for
 Hope
 Baptist
 Church**
 472
 West
 Main St.

**Gallatin,
 Tennessee**

Site and
 Parcel
 Information

Date: 6/24/15
 Revisions:
 Date: 7/15/15

BZA-1
 Sheet of