



Agenda
Gallatin Municipal Board of Zoning Appeals

Thursday, September 29, 2016
DR. J. DEOTHA MALONE COUNCIL CHAMBERS

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

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

REGULAR AGENDA

- 1. GMBZA RESOLUTION NO. 2016-12 B-2455-16**
KIDVILLE LEARNING CENTER; CONDITIONAL USE PERMIT
KIDVILLE LEARNING CENTER

PUBLIC HEARING

THE OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR A LIMITED CHILD CARE FACILITY FOR KIDVILLE LEARNING CENTER, PER SECTION 08.02.010.D OF THE GALLATIN ZONING ORDINANCE, ON A 0.275 LOT ZONED COMMERCIAL SERVICES (CS), LOCATED AT 551 BLYTHE AVENUE.

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

MINUTES OF THE GALLATIN MUNICIPAL BOARD OF ZONING APPEALS MEETING

June 30, 2016

Members Present

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

Staff Present

Kevin Chastine, Planner II
Denise Brown, Planner I
Marianne Mudrak, Board Secretary

Absent

Jeannie Gregory

Others Present

None

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

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

Approve Prior Minutes

Chair Moore presented the minutes of the May 26, 2016 Municipal Board of Zoning Appeals meeting for approval. Mr. Puryear motioned to approve the minutes as submitted. Mr. Wyatt seconded the motion and the motion passed 4 ayes, 0 nays.

1. GMBZA Resolution No. 2016-11 (B-1982-16) – Blakemore Duplexes – Variance – Steve Martin – Public Hearing – The owner and applicant request approval of a variance of four (4) feet from the required 10 foot side yard requirement, per section 06.08.040.B of the Gallatin Zoning Ordinance, on property zoned Residential-6 (R6), located on North Blakemore Avenue, south of Small Street.

Mr. Kevin Chastine, Planner II, said the four-foot side variance is requested for three (3) parcels, adjacent to one another, with all lots close to the same size. The lots were platted in 1948 and are undersized for the Residential-6 (R6) zone, at 4,907, 4,912, and 4,917 square feet. Due to the undersized nature of the lots, the applicant is requesting the four-foot variance on each side to construct a duplex on each lot. Duplex is a permitted use in this zone district. The square footage per unit has been met, as has the width requirement for the zone. Staff recommends approval of the variance as requested.

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

Mr. Steve Martin, representing the applicant, said the applicant intends to build very nice duplexes on these lots.

Mr. Wyatt asked if there are existing structures in the area that are less than 10-foot side yard setback. Mr. Chastine said there are some in the area of these lots that are set close to the property line. This is an older part of Gallatin and the lots were platted before zoning was put into effect.

Mr. Puryear said he did not see Fire Department comments. Mr. Chastine said he spoke to the Building Official and the 12 foot space between structures satisfies building code requirements. The Fire Department has approved similar requests in other subdivisions. He added that overhangs may be closer, they are not addressed in the building codes.

Mr. Puryear motioned to approve Resolution 2016-11 with the following conditions:

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

Mr. Vaughn seconded the motion and the motion passed by 4 ayes; 0 nays.

2. GMBZA Resolution No. 2016-10 (B-1999-16) – Grace Point Church; Conditional Use Permit – Matchett & Associates – Public Hearing – The owner and applicant request approval of a Conditional Use Permit for a Place of Worship Facility for Grace Point Church, per section 08.02.010.D. of the Gallatin Zoning Ordinance, on a 3.4 (+/-) acre parcel, zoned Commercial Services (CS), located at 522 West Main Street.

Ms. Denise Brown, Planner I, said the church came before the Board earlier in the year for approval of their permanent location on Long Hollow Pike. They are seeking approval for this location as a temporary location until the permanent church is constructed. There are 150 active members and the requirement calls for 63 parking spaces. The church will operate at opposite hours from the other existing businesses in the shopping center. A site plan is required as a condition of approval. Another condition of approval is to add handicapped parking spaces, to total five (5) handicapped parking spaces for the site, as required by the zoning ordinance.

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

Mr. Roger Matchett, with Matchett & Associates, represented the applicant.

Chair Moore asked how long the church intended to occupy the building. Mr. Matchett said approximately one year.

Mr. Puryear said a church may not be located within 250 feet of a facility where alcohol is sold. Ms. Brown said the church may go into a facility if they are aware that there is a facility that sells alcohol within 250 feet.

Mr. Puryear said there is a possible convenience store intended close to this shopping center. Mr. Chastine confirmed that the Municipal Code states alcohol may not be sold within 250 feet of a church or school.

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

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

Mr. Vaughn seconded the motion and the motion passed 4 ayes; 0 nays.

3. Other Business

There was no other business to discuss.

3. Adjourn

There being no further business to discuss, Chair Moore adjourned the meeting at 5:53 p.m.

Respectfully submitted:

Marianne Mudrak, Board Secretary

Approve:

Jimmy Moore, Chair

Homer Vaughn, Secretary



**Agenda
Gallatin Municipal Board of Zoning Appeals**

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

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

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

REGULAR AGENDA

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

PUBLIC HEARING

THE OWNER AND APPLICANT REQUEST APPROVAL OF A VARIANCE OF FOUR (4) FEET FROM THE REQUIRED 10 FOOT SIDYARD REQUIREMENT, PER SECTION 06.08.040.B OF THE GALLATIN ZONING ORDINANCE, ON PROPERTY ZONED RESIDENTIAL-6 (R6), LOCATED ON NORTH BLAKEMORE AVENUE, SOUTH OF SMALL STREET (S.B.E. TAX MAP 113O/H/017.00, 113O/H/018.00, AND 113O/H/019.00).

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

PUBLIC HEARING

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

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

EXHIBIT A

ITEM 1

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A LIMITED CHILD CARE FACILITY FOR KIDVILLE LEARNING CENTER, ON A 0.275 ACRE LOT, ZONED COMMERCIAL SERVICES (CS), LOCATED AT 551 BLYTHE AVENUE (S.B.E. TAX MAP #113K/L/034.00) – PC FILE #B-2455-16

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered the Conditional Use Permit request for a Limited Child Care use at 551 Blythe Avenue submitted by the applicant, Kidville Learning Center, at its regular meeting on September 29, 2016; and

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

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS is required in its deliberations, pursuant to Gallatin Zoning Ordinance § 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 Limited Child Care as a Conditional Use in Commercial Services (CS) zone district in § 08.02.010.D and the Special Conditions for a Limited Child Care facilities are described in Section 15.06.050.A

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 Limited Child and Adult Care Activities set forth in Gallatin Zoning Ordinance § 15.06.050.A as follows:

1. The proposed Conditional Use located in the CS Zoning District conforms to the lot size, and lot coverage applicable to the CS Zoning District, but does not comply with minimum building setbacks. However, the existing non-conforming building was constructed prior to adoption of the current building setback and zoning regulations.
2. All other bulk regulations of the district are met for the use in the CS district.
3. As one accessory off-street parking space is provided for each five persons accommodated in the day care facility according to the site plan.
4. Special passenger loading and unloading facilities are provided on the same zone lot for vehicles to pick-up or deliver passengers. The facility provides a sufficient driveway that does not require any back-up vehicle movements to enter or exit the zone lot.
5. All public utilities and sewage disposal are available to the site or are subject to approval of either the Public Utilities Department.
6. All regulations of the State of Tennessee that pertain to the use shall be met.
7. The facility is located so as to be compatible with the surrounding area and provides safety to those using the facility.
8. Fencing, screening, and landscaping is provided as required by Article 13.00 of the Zoning Ordinance and as appropriate to protect the surrounding area for such facility and the clients of the facility.
9. Upon the approval by the Board of Appeals, the site and architectural plans for such a facility shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

BE IT FURTHER RESOLVED THAT THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS approves a Conditional Use Permit request for a Limited Child Care use at 551 Blythe Avenue per Section 08.02.010.D of the Zoning Ordinance of the City of Gallatin, Tennessee with the following conditions:

1. The proposed Conditional Use Permit shall be consistent with the two (2) sheet plan, for Kidville Learning Center Conditional use Permit, stamp dated September 15, 2016.
2. The use at 551 Blythe Avenue shall be limited to a Limited Child Care facility of not more than 30 person occupancy.
3. Submit a Change of Use Site Plan to the Planning Department complying with Article 15, Section 15.03.020 and Section 15.06.050.A for review and approval. No exterior façade changes may be made to the existing building without Site Plan approval. The Site Plan shall require an agreement to permit facility parking on the adjacent lot.
4. Obtain a Life Safety inspection prior to the issuance of a Certificate of Occupancy from the Building Codes Department.

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: 9/29/16

Jimmy Moore, Chair

Homer Vaughn, Secretary

APPROVED AS TO FORM:

Susan High-McAuley
City Attorney



ITEM 1

PLANNING DEPARTMENT STAFF REPORT

Kidville Learning Center Conditional Use Permit Request

551 Blythe Avenue; (PC File #B-2455-16)

Date: September 29, 2016

PUBLIC HEARING

REQUEST: THE OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR A LIMITED CHILD CARE FACILITY FOR KIDVILLE LEARNING CENTER, PER SECTION 08.02.010.D OF THE GALLATIN ZONING ORDINANCE, ON A 0.275 LOT ZONED COMMERCIAL SERVICES (CS), LOCATED AT 551 BLYTHE AVENUE (S.B.E. TAX MAP #113K/L/034.00).

OWNER: ROBERT C. HELSON & DANIEL T. HURST

APPLICANT: KIDVILLE LEARNING CENTER

STAFF RECOMMENDATION: APPROVAL OF GMBZA RESOLUTION 2016-12

STAFF CONTACT: DENISE BROWN

MBZA MEETING DATE: SEPTEMBER 29, 2016

PROJECT OVERVIEW:

The owner and applicant request approval of a Conditional Use Permit for a Limited Child Care Facility for Kidville Learning Center, per Section 08.02.010.D. of the Gallatin Zoning Ordinance, on a 0.275 lot, in the Lincoln Park Subdivision, zoned Commercial Services (CS), located at 551 Blythe Avenue (S.B.E. Tax Map #113K/L/034.00) (Attachment 1-1 and Attachment 1-2).

A Limited Child Care use requires a conditional use permit 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 lot involved (113K/L/034.00) and five (5) adjacent lots (113K/L/036.00, 037.00, 038.00, 039.00 and 006.00) located to the south, may be considered zone lots since they contain the same zoning and are under the same ownership. All of the lots are enclosed within the same fenced area and share a parking area in addition to the parking spaces located on the individual lots. The six (6) parcels have separate Tax ID numbers; however, the CUP shall only apply to parcel 034.00 and to adjacent parcel 036.00 (Lot 20) to accommodate required parking.

Staff recommends approval of the Conditional Use Permit request, with the conditions listed on page 7 of the staff report, since the project meets the General Requirements, and upon Planning Commission review and approval shall meet the and Special Conditions for the Limited Child and Adult Care facilities (Attachment 1-4).

CASE BACKGROUND:

Previous Approvals

On October 28, 1985, the Planning Commission approved a site plan for a Convenience Sales and Service use on the property. (8-34-85)

In 1999, a site plan for General Personal Services use was approved administratively. The building has been occupied intermittently over the years since 1999; however, there are no further site plans on file since this approval.

DISCUSSION:

Analysis

The owner and applicant request approval of a Conditional Use Permit for a Limited Child Care Facility for Kidville Learning Center, per Section 08.02.010.D of the Gallatin Zoning Ordinance, on a 0.275 acre lot, zoned Commercial Services (CS), located at 551 Blythe Avenue (S.B.E. Tax Map #113K/L/034.00).

Section 08.02.010.D of the Gallatin Zoning Ordinance states that a Limited Child Care facility requires a Conditional Use Permit in the Commercial Services (CS) zone district (Attachment 1-3). The applicant proposes to convert an existing commercial building to a child care facility and provide a fenced playground area behind the building. No structural renovations to the exterior façade of the building are planned at this time. The owner and applicant shall comply with all State, Building and Fire Code requirements for a child care facility.

There are no other buildings located on the lot; however, lot (113K/L/034.00) and five (5) adjacent lots (Parcels 113K/L/036.00, 037.00, 038.00, 039.00 and 006.00) located to the south, are considered a zone lot since they contain the same zoning and are under the same ownership. These lots are enclosed within the same fenced area. Parcels 0.36, 0.37 and 0.38 are vacant and are used as a shared parking area and Parcels 039.00 and 006.00 contain buildings with additional parking spaces. The other buildings located on these parcels are currently vacant and have been typically used as warehousing or light manufacturing. The CUP only applies to parcel 034.00. A photo of the existing building is provided in Attachment 1-5. No portion of this property is located in a flood hazard area and the property contains no unusual topographical features (Attachment 1-2).

Parking

Gallatin Zoning Ordinance (Table 11-01) requires Day Cares (Limited Child Care) to have one (1) parking space for every four (4) person licensed capacity. The requirements under the Special Conditions for Limited Child and Adult Care Facilities, requires one (1) accessory off-street parking space for each five persons accommodated in the day care facility (Attachment 1-4). The childcare facility will have a maximum occupancy of 30 people which requires seven (7) parking spaces and one (1) handicapped parking space. The plan indicates seven (7) regular parking spaces will be located in the shared parking area on the adjacent parcel (036.00), and one (1) handicapped parking space will be located in front of the building. Additional parking areas are located on parcels 039.00 and 006.00 that are primarily used for those businesses. To accommodate the required parking, a use agreement between the property owner and the day care operator to permit the off-street parking on the adjacent parcel is required.

Access

There is one driveway into the site located directly in front of the building. This provides access to the handicapped parking space in front of the building and to the unpaved parking area on the south

side of the building. Adequate area exists on the adjacent property to allow for a large turn around area in the shared parking area. The parking area typically will be used only for short term parking while dropping off/picking up children. The parking area and drive aisles on the property and adjacent lot will need to be delineated.

Site Plan Required

A Change of Use Site Plan, changing the existing use from General Personal Services to Limited Child Care, shall be submitted to the Planning Department for review and approval. No site or exterior façade changes may be made to the existing building without Site Plan approval. The Planning Commission must approve a site plan for the building. This will require the site to be brought into compliance with the City's land development regulations since there is a change of use. A building permit must be obtained from the Building Department prior to any structural, interior changes.

Sign

No signs for the Kidville Learning Center 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.

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 1-4. 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 Limited Child Care facility at 551 Blythe Avenue will not significantly impact the public health, safety, or welfare of the area. The use will occur within the existing building and a small playground will be placed behind the building in a fenced yard. The use will not generate traffic volumes that will adversely affect the transportation system. The property is surrounded by commercially zoned property. A Change of Use Site Plan, changing the existing use from General Personal Services to Limited Child Care, shall be submitted to the Planning Commission for review and approval per Section 15.06.050.A.8. No exterior façade changes may be made to the existing building without Site Plan approval. A building permit must be obtained from the Building Department prior to any structural, interior changes.
 - Adequate parking exists for the proposed day care center and all other businesses on the zone lot. Parking for the Limited Child Care facility is typically short term while parents are dropping off/picking up their children.
 - The child care facility 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. Furthermore, the use of the facility must meet the applicable Performance Standards as set forth in the Gallatin Zoning Ordinance, Section 13.02. (Attachment 1-2)
- B. Will not adversely affect other property in the area in which it is located;

- The child care facility is surrounded by commercially zoned property and is located on a lot that meets the minimum size required for the use. In addition, three (3) adjacent vacant lots, may be used as shared parking area for this use and for the two (2) adjacent parcels. The structures on the zone lot have typically contained uses of the same intensity. The structure in which the child care will be located has been used for a variety of uses over the years including a laundromat and hair salon.
- The parking area typically will be used, only for a short term parking while dropping off/picking up children. The driveway access will be to/from a minor collector roadway.

C. Is within the provisions of "Conditional Uses" as set forth in this Ordinance;

- Limited Child Care is permitted as a conditional use in the Commercial Services (CS) zone district per Section 08.02.010.D and Section 15.06.050.A of the Gallatin Zoning Ordinance (Attachment 1-3).

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 with the exception of the minimum building setback. However, the building setback is non-conforming and pre-existed adoption of the current zoning code. The child care facility will utilize a trash toter.

Special Conditions for Limited Child and Adult Care Facilities

Section 15.06.050.A of the Gallatin Zoning Ordinance outlines special conditions for Limited Child Care Facilities. The applicant's request meets the special conditions as listed below and in Attachment 1-4. A Conditional Use Permit shall be granted provided that the Board finds that:

1. In the CS Zoning Districts, the lot size, setbacks, and lot coverage conforms to those applicable to the Zoning District.

- 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 113K/L/034.00 and contains approximately 12,000 square feet or 0.275 (+/-) acres, which exceeds the minimum lot area requirement for a Limited Child Care facility. The tenant space contains approximately 2,400 square feet. The fenced playground is proposed to cover approximately 800 ± sq. ft.

2. All other bulk regulations of the district shall be met.

- This property complies with all applicable provisions of the Gallatin Zoning Ordinance with the exception of the minimum building setback. However, the building setback is non-conforming and pre-existed adoption of the current zoning code.

3. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up vehicle movements to enter or exit the zone lot.

- There is one (1) driveway into the site located directly in front of the building. This provides an access to the handicapped parking space in front of the building and to a parking area on the south side of the building. Adequate area exists on the adjacent property to allow for a large turn around area in the shared parking area and no backing into a street is proposed. One off-street parking space for every four (4) person licensed capacity shall be provided. The center will accommodate up to 30 children requiring seven (7) parking spaces.
4. All public utilities and sewage disposal shall be available to the site and shall be subject to approval of either the Public Utilities Department or the County Environmentalist Office.
 - This is an existing building with all existing utilities. It meets the requirement of the Public Utilities Department.
 5. All regulations of the State of Tennessee that pertain to the use shall be met.
 - The owner and applicant shall comply with all State, Building and Fire Code requirements for a child care facility.
 6. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.
 - The existing building contains metal siding and a flat roof (Attachment 1-5), which is consistent with the other buildings located on the zone lot and in the vicinity. No exterior modifications to the building are proposed at this time.
 - Activities associated with the child care facility will occur within the existing building, and a play area will be located in back of the building. The proposed playground will be located a significant distance from other businesses and should not disturb neighbors.
 - Gallatin Zoning Ordinance (Table 11-01) requires Day Cares (Limited Child Care) to have one (1) parking space for every four (4) person licensed capacity. The requirements under the Special Conditions for Limited Child and Adult Care Facilities, requires one (1) accessory off-street parking space for each five persons accommodated in the day care facility (Attachment 1-4). The childcare facility will have a maximum occupancy of 30 people which requires seven (7) parking spaces and one (1) handicapped parking space. The plan indicates seven (7) regular parking spaces will be located in the shared parking area on the adjacent parcel (036.00), and one (1) handicapped parking space will be located in front of the building.
 7. Fencing, screening, and landscaping shall be provided as required by Article 13.00 of the Zoning Ordinance and as appropriate to protect the surrounding area for such facility.
 - The owner and applicant propose to construct a play area behind the building. The play area will be enclosed with a 6-foot tall fence. No other additions or alterations are proposed to the site at this time. A site plan will be provided, addressing each of these requirements.
 8. Upon the approval by the Board of Appeals, the site and architectural plans for such a facility shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

- A Change of Use Site Plan, changing the existing use from General Personal Services to Limited Child Care, will be submitted to the Planning Commission for review and approval. No exterior façade or site changes may be made to the existing building without Site Plan approval. A building permit must be obtained from the Building Department prior to any structural, interior changes. Exterior changes including the specific location of the playground will be addressed at the site plan review stage.

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 is connected to public utilities.

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.

Department of Electricity

The Department of Electricity provided no review comments on the Conditional Use Permit request. The existing building is connected to electric utilities.

Other Departments

Other departments reviewed the Conditional Use Permit request, but did not have any comments.

Findings

The applicant submitted responses addressing the General Requirements and Special Conditions, pertaining to the proposed Conditional Use Permit for a Limited Child Care facility, which are included with the Conditional Use Permit application (Attachment 1-2). Additional information about how the project meets the requirements is provided below.

RECOMMENDATION

Staff recommends that the Gallatin Municipal Board of Zoning Appeals approve the Conditional Use Permit for Kidville Learning Center with the following conditions:

1. The proposed Conditional Use Permit shall be consistent with the two (2) sheet plan, for Kidville Learning Center Conditional use Permit, stamp dated September 15, 2016.
2. The use at 551 Blythe Avenue shall be limited to a Limited Child Care facility of not more than 30 person occupancy.
3. Submit a Change of Use Site Plan to the Planning Department complying with Article 15, Section 15.03.020 and Section 15.06.050.A for review and approval. No exterior façade

changes may be made to the existing building without Site Plan approval. The Site Plan shall require an agreement to permit facility parking on the adjacent lot.

4. Obtain a Life Safety inspection prior to the issuance of a Certificate of Occupancy from the Building Codes Department.

ATTACHMENTS:

- | | | |
|-------------------|------------|--|
| Attachment | 1-1 | Location Map |
| Attachment | 1-2 | Conditional Use Permit Site Plan |
| Attachment | 1-3 | G.Z.O. Section 08.02.010.D |
| Attachment | 1-4 | General Requirements/Special Conditions for Limited Child and Adult Care Facilities (Section 15.06.040 and Section 15.06.050, G.Z.O.) |
| Attachment | 1-5 | Photos of the Existing Buildings/Site |

**Kidville Learning Center Conditional Use Permit
551 Blythe Avenue**



113K/L/034.00

Zoned: Commercial Services (CS)

ATTACHMENT 1-1

ATTACHMENT 1-3

B. Permitted Accessory Uses and Structures

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

C. Prohibited Uses and Structures

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

D. Conditional Uses

Community Facility Activities
Limited Child Care
Place of Worship

Commercial Activities
Group Assembly Extensive
Limited Warehousing

08.02.020 Bulk Regulations

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

08.02.030 Area Regulations

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

08.02.031 Height Regulation - Maximum Height 45 feet

08.02.040 Use of Required Yard Areas

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

15.06 Conditional Use Permits

15.06.010 Conditional Uses

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

15.06.020 Application for Conditional Use Permit, Notice of Public Hearing

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

15.06.030 Requirements for Conditional Use Permit

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

15.06.040 General Requirements

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

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

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

15.06.050 Specific Standards for Community Facility Activities

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

A. Special Conditions for Limited Child and Adult Care Facilities

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

ATTACHMENT 1-5



ATTACHMENT 1-5



ATTACHMENT 1-5



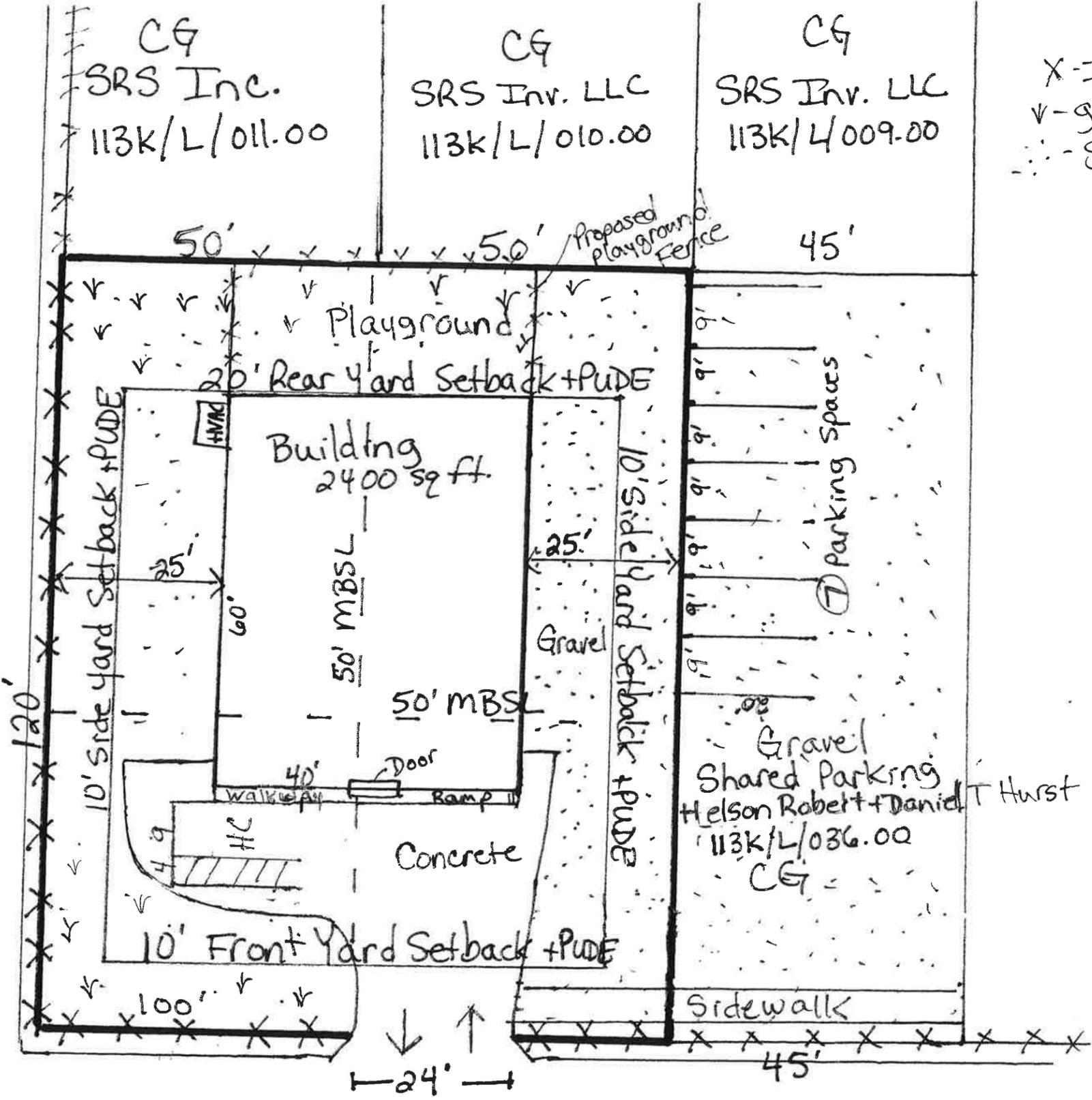
ATTACHMENT 1-5



ATTACHMENT 1-5



Face St.



Blythe Avenue

mu
James Oldham 113J/G/001.00

CG
SRS Inc.
113K/L/011.00

CG
SRS Inv. LLC
113K/L/010.00

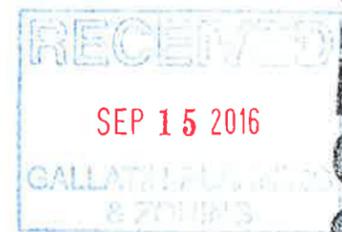
CG
SRS Inv. LLC
113K/L/009.00

X - Iron Fence
v - grass
... - gravel

Kidville Learning Center
Conditional Use Permit
551 Blythe Avenue
1" = 20' ← N
113K/L/034.00
Helson Robert C + Daniel T. Hurst

Site Data Table

Project Name: Kidville Learning Center
 Tax Map and Parcel Number: 113K/L/034.00
 Size of Parcel: 12,000 sq. ft.
 Project Address: 551 Blythe Avenue
 Property Owner Address: 143 Witherspoon Ave.
 Developer/Business Owner Name: Alicia Clay
 Developer/Business Owner Address: 551 Blythe Avenue
 Current Zoning: CG
 Required Minimum Building Setback Line: 50'
 Required Yards: Front: 10', Sides: 10', Rear: 20'
 Existing/Proposed Use: Vacant/Limited Day Care
 Parking Calculations: 1 Space/4 Persons Capacity (Occupancy: 30 People)
 Regular/Handicapped Spaces: Required - 8/1, Existing - 6/1, Proposed - 8/1,
 (7 Parking spaces will be on vacant, adjacent zone lot. The property owner has provided a letter, authorizing the use of the adjacent lot(s) for parking and secondary access.)
 Handicapped Parking Space Will Be Striped
 Building Height and Description of Building/Roof Materials (Existing and Proposed):
 This structure has Metal siding with a shingled roof.
 Building Sq. Ft.: 2400 sq. ft.
 FEMA Notes: A review of F.E.M.A. Flood Insurance Rate Map, Community Panel No. 47165C0314G shows no part of This property to be located within the 100-year floodplain; Effective Date 4/17/12.
 Performance Standards Note: All construction and use of the proposed facility to meet the applicable performance standards as set forth in the City of Gallatin Zoning Ordinance, Section 13.02.
 Financial Statement: The owner/developer of this property is responsible for all financial matters.
 Trash Collection: City Toter



ITEM 1

RESUBMITTAL

B-2455-16



RECEIVED
SEP 15 2016
CALLAHAN ENGINEERING
APPROVED

RESUBMITTAL

B-2455-16