Thursday, February 23, 2017
DR. J. DEOTHA MALONE COUNCIL CHAMBERS

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

- Call to Order
- Invocation
- Pledge of Allegiance
- Roll Call
- Approve Prior Minutes: September 24, 2015
- GRBZA Resolution 2017-01: Election of Officers

REGULAR AGENDA

1. GRBZA RESOLUTION NO. 2017-02
   COMMUNITY LIFE CAMP – CONDITIONAL USE PERMIT
   NCARB, LEED GREEN ASSOCIATE – K.P. YOUNG, ARCHITECT

   PUBLIC HEARING
   THE OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT
   PER ARTICLE 06.03.020.C, TO BUILD A COMMUNITY CAMP ON A 5.03 (+/-) ACRE PARCEL
   ZONED RESIDENTIAL-40 (R40), LOCATED AT 159 OLD DOUGLAS ROAD.

2. OTHER BUSINESS

3. MOVE TO ADJOURN
MINUTES OF THE GALLATIN
REGIONAL BOARD OF ZONING APPEALS
MEETING

September 24, 2015

MEMBERS PRESENT
James Robert Ramsey, Chair
Larry Maynard, Vice Chair
Betsy Hawkins

STAFF PRESENT
Bill McCord, Director of Planner
Katherine Schoch, Assistant Director of Planning
Kevin Chastine, Planner II
Marianne Mudrak, Board Secretary

MEMBERS ABSENT
L.K. Lannom, Secretary
Dr. Rick Orgain

OTHERS
Applicants

The Gallatin Regional Board of Zoning Appeals met in a regular meeting on Thursday, September 24, 2015, immediately following the Gallatin Municipal Board of Zoning Appeals meeting, in the Dr. J. Deotha Malone Council Chambers of Gallatin City Hall. Mr. James Robert Ramsey, Chair, called the meeting to order. A copy of the meeting agenda is attached to these minutes as Exhibit A.

Chair Ramsey led the opening prayer and Mr. Maynard led the pledge of allegiance. Ms. Mudrak called roll.

Approve Prior Minutes

Mr. Maynard motioned to approve the minutes from the, November 20, 2014 Gallatin Regional Board of Zoning Appeals as presented. Ms. Hawkins seconded the motion and the motion passed by unanimous vote.

Agenda

1. GMRZA Resolution No. 2015-01 -(B-1087-15R) – Lakeland Property, Variance – Robert Driver – Public Comment – Owner and applicant request approval of a variance from the required side yard per section 06.02.060.B. Basic Yard Regulations of the Gallatin Zoning Ordinance for Property located at 1068 Lakeland Drive (S.B.E. Tax Map 135P/A/006.00) on property currently zoned agricultural-Residential (A) containing 0.459 (+/-) acres.

Ms. Katherine Schoch, Assistant Director of Planning, said there are many issues with this project. The owner and applicant are requesting a variance from the required 30 foot side yard,
on both side yards. The applicant wants to purchase the lot and build a 58 foot wide house on the 100 foot wide lot; therefore, a nine (9) foot variance on each side is requested. There are three (3) issues with the request. A 40 foot wide front yard designated on the plat and there are no side or rear yard lines on the plat. If the 40 foot setback is applied and the 30 feet on each side, plus the required 40 feet across the back it shows the available building envelope. 1068 Lot 4 is considered non-conforming for the following reasons: the 20,000 square foot lot is undersized for the (A) zone district; the lot does not meet the 75 foot minimum front yard setback; the 100 foot lot does not meet the 150 foot width required in the zone district.

Ms. Schoch said the majority of the lots do not meet the required setback; therefore, most of the homes are in violation of the current zoning. The Gallatin City limit line runs through the middle of the property. The City zoning applied in 1979 and could have been zoned Residential-20 (R20) instead of Agricultural-Residential (A), since the adjacent property to this neighborhood is zoned R20 and the lot sizes and width are consistent with the R20 zone district.

Ms. Schoch said a variance request must meet all nine (9) standards for a variance to be approved, but this project only meets eight (8) of the standards; therefore, staff cannot recommend approval of the variance request. The home could be redesigned to fit the lot. Staff recommends denial of the variance request because it does not meet all nine (9) standards.

Mr. Robert Driver, 131 Creekwood Lane, Hendersonville, applicant said the house could be turned sideways but that would ruin the look of the house and would look out of place in the subdivision.

Chair Ramsey opened public hearing.

Mr. Mark Crowder, 4029 Brandywine Point, and owns the property at 1066 Lakeland Drive, the adjacent property to the property in question. His father’s home, at this address, is 58 feet long. He asked why the City is reviewing this project, since the property is not in the City. Chair Ramsey explained that the property is in the City of Gallatin Planning Region. He further explained the circumstances of the zoning of this property. Mr. Crowder said this is the only vacant lot. Chair Ramsey said the City possibly made a mistake on zoning this property. Mr. Crowder said most of the houses built in this development are close to the property line.

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

Mr. Maynard asked if all the homes are leveled by a tornado, what issues would there be rebuilding the homes. Ms. Schoch said most of the lots would be in the same situation.

Mr. William McCord, Director of Planning, said the state code gives protection to commercial and industrial properties, but does not address residential properties. One remedy may be that the Planning Commission recommends, apart from the vote on the variance, to administratively rezone the property to Residential-20 (R20).

Ms. Hawkins asked if approval of this variance would set a precedent for other property owners. Mr. McCord said each variance application is separate and any decision does not set a precedent.
Gallatin Regional Board of Zoning Appeals Meeting Minutes  
September 24, 2015

Mr. Maynard asked the difference with the current zoning and the R20 zoning. Ms. Schoch said it meets the R20 bulk regulations for lot width, lot size, front, side, and rear setbacks.

Ms. Hawkins asked if staff has received any objections to the variance. Ms. Schoch said she is not aware of any objections to the variance.

Mr. McCord said the standard in the code is hard to achieve.

Mr. Maynard asked how long a rezoning would take. Mr. McCord said a minimum of 90 days to 120 days.

Chair Ramsey asked if there would be a problem if a home in then neighborhood burns down could an owner rebuild?

Chair Ramsey motioned to grant the variance because the home would be consistent with the other homes in the neighborhood.

Ms. Hawkins seconded the motion and the motion passed by unanimous vote.

The Regional Board of Zoning Appeals strongly encouraged staff and the Planning Commission to look at this area for a possible rezoning that is more appropriate to the neighborhood.

2. Other Business

Ms. Schoch said officers would be elected, at the next Gallatin Regional Board of Zoning Appeals meeting, if all members are present.

3. Move to Adjourn

There being no further business, Chair Ramsey adjourned the meeting.
Gallatin Regional Board of Zoning Appeals Meeting Minutes
September 24, 2015

Respectfully submitted:

Marianne Mudrak, Board Secretary

Approved:

James Robert Ramsey, Chair

L.K. Lannom, Secretary
Thursday, September 24, 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: August 27, 2015

REGULAR AGENDA

1. GMBZA Resolution No. 2015-12
   129 MORRISON STREET, C.U.P.
   KAFWND, LLC

   PUBLIC HEARING
   OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT
   FOR A DWELLING TWO FAMILY – DUPLEX USE, PER ARTICLE 06.06.020.C. OF THE
   GALLATIN ZONING ORDINANCE, ON 0.170 (+/-) ACRE PARCEL/LOT, ZONED
   RESIDENTIAL-10 (R10), LOCATED AT 129 MORRISON STREET (S.B.E. TAX MAP
   #126F/E/030.00).

2. OTHER BUSINESS

3. MOVE TO ADJOURN
RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A COMMUNITY ASSEMBLY FACILITY FOR COMMUNITY LIFE CAMP, PER SECTION 06.03.020 OF THE GALLATIN ZONING ORDINANCE, ON ONE (1) LOT, CONTAINING 5.03 (+/-) ACRES, ZONED R40 LOW DENSITY RESIDENTIAL DISTRICT, LOCATED AT 153 OLD DOUGLAS ROAD (S.B.E. TAX MAP #113/004.01) – FILE #B-3131-16R

WHEREAS, THE CITY OF GALLATIN, TENNESSEE REGIONAL BOARD OF ZONING APPEALS considered the Conditional Use Permit request for a Community Assembly use at 153 Old Douglas Road submitted by the applicant, Iglesia Hispana de Nashville, at its regular meeting on February 23, 2017; and

WHEREAS, THE CITY OF GALLATIN, TENNESSEE REGIONAL 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 Staff Report, evidence and testimony presented during the meeting, and held a public hearing as required by Article 15, Sec. 15.06.020, G.Z.O; and

WHEREAS, THE CITY OF GALLATIN, TENNESSEE REGIONAL 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 Community Assembly as a Conditional Use in R40 Low Density Residential District in § 06.03.020, and the proposed use complies with the Special Conditions for a Community Assembly use as described in Sec. 15.06.050.C, G.Z.O.

NOW, THEREFORE, BE IT RESOLVED BY THE GALLATIN REGIONAL 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. 15.06.040, Sec. 15.06.060.C and Sec. 15.06.090 as follows:

Section 1. The Gallatin Regional 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. The use is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

B. The use will not adversely affect other property in the area in which it is located.

C. The use is within the provisions of "Conditional Uses" as set forth in the Gallatin Zoning Ordinance.

D. The use conforms to all applicable provisions of the Gallatin Zoning Ordinance in in the R40 District and is necessary for public convenience in that location.
Section 2. The Gallatin Regional Board of Zoning Appeals in its deliberations finds that the applicant meets the Special Conditions for Community Assembly Activities set forth in Gallatin Zoning Ordinance § 15.06.050.C as follows:

1. The facility is permitted on a zone lot unless it contains twice the lot area requirements of the districts; provided, however, that if such community assembly includes outdoor activities the minimum lot shall be four (4) acres. This site includes outdoor activities and is 5.03 acres.

2. All bulk regulations of the zone district are meet as shown on the site plan.

3. Off-street parking;

   (a) For non-profit clubs, lodges, meeting halls and recreation centers, one space for each four (4) seats in an assembly area within the facility, or one (1) space for each 75 square feet of gross floor area, whichever is greater, shall be provided. Off-street parking is provided consistent with this standard.

   (b) For temporary non-profit festivals, the required number of off-street parking spaces shall be determined by the Zoning Administrator, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.

4. Except for temporary non-profit festivals, fencing, screening, and landscaping is provided as appropriate for such facility, except that no landscaped screen shall be located closer than 15 feet of any vehicular entrance or exit to the property.

5. The location and operation of such community assembly facility is in keeping with the character of the surrounding area and does not adversely affect the properties within the surrounding area.

6. All public utilities and sewage disposal is available to the site and subject to approval by the Department of Water and Sewerage Services.

BE IT FURTHER RESOLVED THAT THE CITY OF GALLATIN, TENNESSEE REGIONAL BOARD OF ZONING APPEALS approves a Conditional Use Permit request for a Community Assembly use at 153 Old Douglas Road per Section 06.03.020 and Section 15.06 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 one (1) sheet plan prepared by K.P. Young Architect, of Franklin, Tennessee, with project number 201611, dated February 9, 2017.

2. The applicant shall submit a final site plan for review and approval from the Planning Commission, meeting all applicable regulations in the Gallatin Zoning Ordinance.

3. Details plans and specifications for water and sanitary sewer installations shall be submitted for approval.
4. The plan/development shall meet 2009 IFC Codes.
5. The plan/development shall meet NFPA 2009 Life Safety Codes.
6. Any structures shall be elevated outside of the flood hazard area.
7. Indicate as area for a future greenway easement. The greenway shall be addressed upon site plan review.

**BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE REGIONAL 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: 2/23/2017

__________________________________________________________
James Robert Ramsey, Chair

__________________________________________________________
Betsy Hawkins, Secretary

**APPROVED AS TO FORM:**

__________________________________________________________
Susan High-McAuley
City Attorney
REQUEST: THE OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR A COMMUNITY ASSEMBLY FACILITY FOR COMMUNITY LIFE CAMP, PER SECTION 06.03.020. OF THE GALLATIN ZONING ORDINANCE, ON ONE (1) LOT, CONTAINING 5.03 (+/-) ACRES, ZONED R40 LOW DENSITY RESIDENTIAL DISTRICT, LOCATED AT 153 OLD DOUGLAS ROAD (S.B.E. TAX MAP #113//004.01).

OWNER: IGLESIA HISPANA DE NASHVILLE (JON-GARY ENTERPRISES, INC.)

APPLICANT: IGLESIA HISPANA DE NASHVILLE (JON-GARY ENTERPRISES, INC.)

STAFF RECOMMENDATION: APPROVAL OF GRBZA RESOLUTION NO. 2017-02

STAFF CONTACT: JILLIAN OGDEN

MBZA MEETING DATE: FEBRUARY 23, 2017

PROJECT OVERVIEW:
The owner and applicant request approval of a Conditional Use Permit for a Community Assembly Facility for Community Life Camp, per Section 06.03.020 of the Gallatin Zoning Ordinance, on one (1) lot, containing 5.03 (+/-) acres, zoned R40 Low Density Residential District, located at 153 Old Douglas Road (S.B.E. Tax Map #113//004.01) (Attachment 1-1 and Attachment 1-2).

The Iglesia Hispana de Nashville completed the purchase of the property in 2016. The church intends to construct a main meeting space and dining hall facility, eight (8) two-story cabins, and an additional accessory caretaker’s residence with outdoor recreational area and sports fields and parking for church-based retreats and camps. The exact location of the facilities will be shown during the site plan review. The property is vacant except for 200-foot tall radio tower. If the CUP is approved, a site plan will be submitted to the City for consideration by the Gallatin Municipal-Regional Planning Commission at a future date.

A Community Assembly use requires a Conditional Use Permit in the R40 zoning 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.
Staff recommends approval of the Conditional Use Permit request, with the conditions listed on page 6 of the staff report since the project meets the General Requirements, the Special Conditions for the Community Assembly use and supplemental standards with conditions (Attachment 1-4).

CASE BACKGROUND:

Previous Approvals
On December 13, 1993, the Planning Commission approved a site plan for a 200-foot tall radio broadcast tower located on the site (File #8-52-93). On January 24, 1994, the Board of Zoning Appeals approved a conditional use permit for the tower use (File #B-37-93).

On March 25, 1996, the Planning Commission approved a Final Plat for the H. Leon Strong Property (File #2-14-96) containing two (2) lots on 6.84 acres. The plat was recorded on May 16, 1996 (Plat Book 15, Page 383). (Attachment 1-5)

According to the Sumner County Tax Assessor’s Office, the property is currently owned by Jon-Gary Enterprises, Inc. The church bought the land by acquiring ownership of the corporation.

DISCUSSION:

Analysis
The owner and applicant request approval of a Conditional Use Permit for a Community Assembly use for a Community Life Camp with the Iglesia Hispana de Nashville church, per Section 06.03.020 of the Gallatin Zoning Ordinance, on a 5.03 (+/-) acre lot, zoned R40 Low Density Residential Zoning District, located at 153 Old Douglas Road (S.B.E. Tax Map #113/004.01). The facility would serve as a retreat/camp site for church-based groups and activities.

The property is currently vacant except for a 200-foot tall radio tower approved in 1993 and a small accessory structure. The applicant proposes to construct a meeting and dining hall facility, eight (8) two-story cabins, and an additional accessory caretaker’s residence with outdoor recreational area and sports fields and parking. The exact locations of the buildings will be shown during the site plan review. If the CUP is approved, a site plan will be submitted to the City for consideration by the Gallatin Municipal-Regional Planning Commission at a future date. The applicant submitted a conceptual site plan at this time. (Attachment 1-2).

Section 06.03.020 of the Gallatin Zoning Ordinance, states that a Community Assembly facility requires a Conditional Use Permit in the R40 zone district (Attachment 1-3). A portion of the lot is located within a special flood hazard area according to FIRM Panel No. #47165C0312G. A creek extends the full length of the western property line. Since part of the site is within a special flood hazard area, the use and plan shall comply with Sec. 15.06.090 (Attachment 1-4). The plan shows the approximate width and location of the floodway and floodplain. The proposed buildings are located within the floodplain. Elevation certificates will be required prior to issuing building permits. The building area is limited because structures cannot be located within the fall area of the radio tower. The architect has indicated the tower and its fall area on the site plan.
Surrounding Properties
The property is surrounded by properties zoned R40 to the north and south, properties zoned A-Agricultural Residential to the west, and property zoned CG-Commercial General across Old Douglas Road to the east. The property is located outside city limits but within the Planning Region.

The Gallatin on the Move 2020 General Development & Transportation Plan shows the proposed city-wide greenway system crossing the site along Old Douglas Road. The applicant shall indicate an area on the site for the future greenway easement. The greenway shall be addressed upon site plan review.

Parking
The plan indicates that the main assembly area within the meeting and dining hall will have a capacity of 200 people. This requires at least 50 parking spaces per the Special Conditions of the Community Assembly use. The site plan shows 87 parking spaces, including three (3) handicap spaces near the main assembly hall. The exact parking required/proposed will be determined as part of the site plan approval.

Site Plan Required
A Site Plan shall be submitted to the Gallatin Municipal-Regional Planning Commission for approval prior to the construction of the facility.

Sign
No signs for the Community Life Camp are proposed at this time. The approval of a sign(s) may be considered as part of the site plan.

Other Departmental Comments
Engineering Division
The Engineering Division reviewed and commented on the Conditional Use Permit request. The applicant satisfied all of the Engineering Division review comments.

Building Department
The Building Department reviewed and commented on the Conditional Use Permit request. The applicant satisfied all of the Building Department review comments.

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

Public Utilities Department
The Public Utilities Department reviewed the Conditional Use Permit; upon site plan submittal, the applicant shall comply with the following condition:

1. Details plans and specifications for water and sanitary sewer installations must be submitted for approval.

Fire Department
The Fire Department reviewed the Conditional Use Permit request; upon site plan submittal, the applicant shall comply with the following conditions:
1. The plan/development shall meet 2009 IFC Codes.
2. The plan/development shall meet NFPA 2009 Life Safety Codes.

**Cumberland Electric Corp.**
The Cumberland Electric Corp. provided no review comments on the Conditional Use Permit request.

**Other Departments**
Other departments not listed above 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 Community Assembly facility (Attachment 1-6). Additional information about how the project meets the requirements is 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 described 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 Community Assembly facility at 153 Old Douglas Road will not significantly impact the public health, safety, or welfare of the area.

- The Community Assembly facility activities area will primarily be located towards the back of the lot as shown on the plan with parking and outdoor recreation areas located closer to Old Douglas Road and near the existing radio tower. The property is 5.03 (±) acres which exceeds the required amount of four (4) acres per Gallatin Zoning Ordinance 15.06.050.C required under the Special Conditions for this use.

- A photometric plan will be required with the final site plan approval if exterior lighting is proposed. Elevation certificates will be required or a letter of map revision may be required due to the significant amount of floodplain located on the property. No development will occur in the floodway. The development 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. A plan note states that the facility shall comply with all Performance Standards Regulations of the Gallatin Zoning Ordinance (Attachment 2-2).

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

- The proposed buildings will be situated towards the rear portion of the property. The property is surrounded by property zoned R40 Low Density Residential to the north and south, property zoned A-Agricultural Residential to the west, and property zoned CG-Commercial General to the east. A bufferyard is not required when R40 property abuts another property zoned R40. However, additional vegetation or fencing might be desirable to
separate the outdoor activities and parking from any adjacent residences. A Type 15 bufferyard is required along the A-Agricultural Residential properties; however, a creek and existing vegetated buffer separates the two zoning district along the lot’s west property line. A Type 50 bufferyard (or at least two-thirds the width of the required bufferyard with an intervening local road) is required along Old Douglas Road. The plan does not yet address this requirement. The parking lot will likely need to be moved slightly to accommodate required bufferyard. All bufferyard requirements will be fully reviewed with the final site plan.

- The property has commercial adjacent across the road and is shown as North Gallatin Business Park Character Area in the Gallatin on the Move plan. The proposed use is appropriate.

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

- Community Assembly is a legal conditional use for the R40 Low Density Residential District per Section 06.03.020 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 will comply with all applicable provisions of the Gallatin Zoning Ordinance. A plan note states that the development shall comply with all Performance Standards Regulations of the Gallatin Zoning Ordinance (Attachment 1-2).

- The proposed use is one commonly sited in lower density residential areas or in certain commercial district and would be appropriate at this site. According to the applicant, the facility is also intended to be available for use to the surrounding community.

Special Conditions for Community Assembly Activities

Section 15.06.050.C of the Gallatin Zoning Ordinance outlines special conditions for Community Assembly Activities. 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. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the districts; provided, however, that if such community assembly includes outdoor activities the minimum lot area shall be four (4) acres.

- The proposed use includes outdoor activities. The 5.03 acre lot exceeds the minimum acreage required for this use.

2. All bulk regulations of the zone district shall apply.

- The conceptual site plan complies with required bulk regulations and yard requirements. The exact location of the buildings will be shown on the formal site plan. A site plan will be submitted for review by the Gallatin Municipal-Regional Planning Commission at a future date. A plan note states that the facility shall comply with all Performance Standards Regulations of the Gallatin Zoning Ordinance.
3. Off-street parking;
   
   (a) For non-profit clubs, lodges, meeting halls and recreation centers, one space for each four (4) seats in an assembly area within the facility, or one (1) space for each 75 square feet of gross floor area, whichever is greater, shall be provided.

   (b) For temporary non-profit festivals, the required number of off-street parking spaces shall be determined by the Zoning Administrator, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.

   • The plan indicates that the meeting and dining hall will have a capacity of 200 people, which requires at least 50 parking spaces. The plan indicates 87 parking spaces, including three (3) handicap spaces near the main assembly hall.

4. Except for temporary non-profit festivals, fencing, screening, and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than 15 feet of any vehicular entrance or exit to the property.

   • At the time of site plan review, a landscaping plan shall be submitted. The Planning Commission shall consider the landscaping plan as part of the site plan.

5. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.

   • The surrounding area contains low density residential and commercial uses. The proposed use as a retreat/camp site is similar to a house of worship use which is commonly located in this type of area.

6. All public utilities and sewage disposal shall be available to the site and shall be subject to approval by the Department of Water and Sewerage Services.

   • Water and sewer services for the property are provided by the Gallatin Public Utilities Department. The recorded subdivision plat shows an existing water line along Old Douglas Road and an existing sewer line and easement along the west property line. Electricity is provided by the Cumberland Electric Corp.

RECOMMENDATION
Staff recommends approval of GRBZA Resolution No. 2017-02.

ATTACHMENTS:
Attachment 1-1 Location Map/Aerial Photo
Attachment 1-2 Conditional Use Permit Site Plan
Attachment 1-3 G.Z.O. Section 06.03.020
Attachment 1-4 General Requirements and Special Conditions for Community Assembly
Attachment 1-5 Final Plat for the Subdivision of H. Leon Strong Property (Plat Book 15, Page 383)
Attachment 1-6 Applicant's Project Description of the Proposed Use
Proposed Site of Community Life Camp
153 Old Douglas Road

File # B-3131-16R

ATTACHMENT H
06.03  **R40 Low Density Residential Districts**

06.03.010  **Purpose and Intent of R40 Low Density Residential Districts**

These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single-family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments. It is the express purpose of this Ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics, whether operated for profit or otherwise, and that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this Ordinance.

06.03.020  **Uses and Structures**

A. **Principal Permitted Uses and Structures** - Within the R40 Low Density Residential Districts as shown on the Gallatin Zoning Map, the following activities as described in Section 03.05:

- Residential Activities
- Dwelling One-Family Detached

- Community Facility Activities
- Essential Services

- Agricultural Activities
- Crop and Animal Raising

B. **Permitted Accessory Uses**

1. Living quarters of persons regularly employed on the premises;
2. Private stables and other farm buildings;
3. Private garages and parking areas
4. Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;
5. Signs complying with applicable regulations set forth in Section 13.07;
6. Home occupations as defined and subject to the provisions of this Ordinance:
7. Accessory uses or structures customarily incidental to the above permitted uses.

C. Conditional Uses - The following activities may be permitted only as conditional uses in accordance with Section 15.06

Community Facility Activities
   Limited Child and Adult Care
   Nursing Home
   Community Assembly
   Non-assembly Cultural
   Utility and Vehicular
   Intermediate Impact
   Place of Worship
   Community Education
   Bed and Breakfast Home
   Assisted Living Facility

Agricultural Activities
   Plant Nursery

D. Prohibited Uses - Any use or structures not of a nature specifically permitted herein by right, by accessory use, or by conditional use.

06.03.030 Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements or conversions; provided, however, that all barns, sheds, silos, or other buildings used exclusively for agricultural purposes shall be exempt from these regulations.

A. Minimum Required Lot Area - Within the R40 Districts, the minimum required lot area shall be 40,000 square feet.

B. Maximum Lot Coverage Permitted - Within the R40 Districts, the maximum zone lot coverage for all structures, including accessory structures, shall not exceed fifteen (15) percent of the total lot area.

C. Maximum Floor Area Ratio - Within the R40 Districts, the maximum floor area ratio shall be .15.

06.03.040 Yard Requirements

A. General Provisions - General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersection, adjustments for lot area remainder,
15.06 Conditional Use Permits

15.06.010 Conditional Uses

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

15.06.020 Application for Conditional Use Permit, Notice of Public Hearing

The application for a conditional use permit shall be made by the property owner or his designated agent and filed in writing with the Board on forms provided by the Board, and shall contain information and exhibits as may be required under Section 15.03.020 or in the case of buildings or other structures or uses to be located within floodplain districts, as may be required by Section 10.03. Not more than 60 days after filing such application, a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant. Notice of hearing shall be held in accordance with Section 15.04.080 B. A fee of $50.00 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.
B. Special Conditions for Nursing Homes

1. No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet, or twice the lot area requirements of the zone district.

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

3. The requirements of the accessory off-street parking regulations of this Ordinance in Article 11.00 shall apply.

4. All regulations of the State of Tennessee shall be met.

5. All public utilities and sewage disposal shall be available to the site, and shall be subject to approval by the Department of Water and Sewerage Services. Upon 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 condition as well as any other pertinent factors.

C. Special Conditions for Community Assembly

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the districts; provided, however, that if such community assembly includes outdoor activities the minimum lot area shall be four (4) acres.

2. All bulk regulations of the zone district shall apply.

3. Off-street parking;

   (a) For non-profit clubs, lodges, meeting halls and recreation centers, one space for each four (4) seats in an assembly area within the facility, or one (1) space for each 75 square feet of gross floor area, whichever is greater, shall be provided.

   (b) For temporary non-profit festivals, the required number of off-street parking spaces shall be determined by the Zoning Administrator, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.

4. Except for temporary non-profit festivals, fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than 15 feet of any vehicular entrance or exit to the property.

5. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
6. All public utilities and sewage disposal shall be available to the site and shall be subject to approval by the Department of Water and Sewerage Services.

D. Special Conditions for Non-assembly Cultural

1. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the zone district.

2. All bulk regulations of the zone district shall apply.

3. The off-street parking requirements of this Ordinance in Article 11.00 shall apply.

4. Fencing, screening, landscaping shall be provided as appropriate to protect the surrounding area.

5. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on the properties within the surrounding area.

E. Special Conditions for Health Care

1. Minimum Lot Area

   (a) No health clinic shall be permitted on a zone lot unless it contains 10,000 square feet, or twice the lot area requirements of the district, whichever is greater.

   (b) No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot unless it contains a minimum of five (5) acres.

2. Hospitals, Centers for Observation or Rehabilitation

   The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be 50 feet for a one or two story building, increased by five (5) feet for each story above two (2).

3. All other regulations of the zone district shall apply.

4. There shall be provided along the entire site boundary fencing, screening, and landscaping as appropriate to protect the surrounding residential area.

5. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties within the surrounding area.
other adjoining uses. In making this determination the Board shall consider the relative closeness of structures, the overall character of the neighborhood, and the type (e.g. single-wide, double-wide) and appearance of the mobile home. Any mobile home permitted shall be set upon concrete blocks or steel piers which are constructed upon a concrete footing, and each mobile home shall be anchored with approved anchors. Foundation plants and landscaping shall be required. Mobile homes shall be skirted and have permanent steps with handrails at each door.

No mobile home shall be permitted on a lot with another mobile home or conventional house.

C. Special Conditions for Bed and Breakfast Homes

1. Bed and Breakfast Home uses may be permitted in the R-10 and R-15 Zoning Districts only if they are located within a Historic District or the home itself is listed on National Register of Historic Homes.

2. If the Bed and Breakfast Home is a historic structure or is located in a historic district, then the proposed Bed and Breakfast Home must first receive approval from the local Historic District Commission.

3. Parking: Required parking shall be determined by the Board of Zoning Appeals. In making this determination, Board shall take into consideration the number of rooms or units, the type of street that fronts the Bed and Breakfast Home, the character of surrounding area and any other factors the Board may wish to consider.

4. No Bed and Breakfast Home is permitted within 1000 feet of another Bed and Breakfast Home or any similar use.

5. The Tennessee Department of Environment and Conservation and/or the Board of Zoning Appeals shall have the right to inspect the property at any time and either may revoke the license or conditional use permit if the site is found below standards set forth. Revocation of State license or permit shall be automatic revocation of conditional use permit.

6. Fire alarms and smoke detectors shall be installed in each sleeping unit.

7. The owner of a Bed and Breakfast Home shall register with the City Recorder's Office the owner's name, home address, business address and phone number.

8. The owner or managing agent of a Bed and Breakfast Home shall be required to reside on the premises of the Bed and Breakfast Home.
A conditional use permit shall not be granted for any use requiring such a permit until the Board of Appeals has:

A. Reviewed the contents of the plan required by Section 10.03;

B. Made such determinations as required by Section 10.03 where necessary;

C. Considered all relevant factors specified in Section 15.06.090 E below; and

D. Attached such conditions, as listed in Section 15.06.090 F, as it deems necessary for the protection of the public health, safety and welfare.

E. **Factors Upon Which the Decision of the Board shall be Based** - In its review of any conditional use proposed for location within any area subject to flood, the Board shall consider all relevant factors specified in Section 10.03 of this Ordinance, and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.

2. The danger that materials may be swept on to other lands or downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

5. The importance of the services provided by the proposed facility to the community.

6. The requirements of the facility for a waterfront location.

7. The availability of alternative locations not subject to flooding for the proposed use.

8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

10. The safety of access to the property in times of flood for ordinary and emergency vehicles.

11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.
12. Such other factors which are relevant to the purpose; of this Ordinance.

F. Conditions Attached to Conditional Uses - Upon consideration of any conditional use proposed for location within any area subject to flood, the Board may attach such conditions to the granting of such use as it deems necessary to further the purposes of this Ordinance. Among such conditions, without limitations because of specific enumeration, may be included:

1. Modification of waste disposal and water supply facilities.
2. Limitations of periods of use and operation.
3. Imposition of operations controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
5. Flood proofing measures such as those set forth in Section 10.03.

15.06.100 Conditional Use Permit Appeals

Any person or agency of the city government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final, and subject to review only for illegality or want of jurisdiction.

15.06.101 Review and Recommendations by the Board of Appeals

The City Planner shall cause to be placed in a newspaper of general circulation in the city, notice of the date, time and place of the Board of Appeals meeting and a description of the property being considered. Such newspaper notice to be at least ten (10) days prior to the Board of Appeals meeting. The Board of Appeals shall conduct a public hearing at such meeting prior to making its decision.
General Proposed Project Description

Community Life Camp is a facility intended to host year round church based retreats and camps. As scheduling of events allows, this facility is also intended to be available as an additional resource to the surrounding community.

The proposed site development would include

- A main central building to include
  - Meeting space for 200 people on the first floor
  - Dining Hall for 200 people on the second floor equipped with a
  - Commercial kitchen
  - Sleeping areas for the kitchen staff

- A total of (8) 2 story cabins, initially four (4) on phase I of the project
  - each cabin will have sleeping accommodations for 24 people
  - meeting space on the second floor as well

- A single story building to host
  - Care taker residence including also
  - Guest speaker rooms and an
  - Camp Administrative Office

- Desired site amenities outdoor recreation areas including
  - sports fields (soccer, basketball, volleyball)
  - swimming pool and pool house
  - sports equipment storage building
  - walking trails
  - playgrounds

Site particulars
The lot presently has a radio station tower approximately 200 feet tall.
The site has 5.3 acres of land, with a creek running along the north property line.

General Requirements for the Proposed Conditional Use

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

Proposed building shall be designed and built to meet all code requirements that assure public health, safety and welfare.

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

The proposed use is in our estimation compatible with the low density residential, agricultural and commercial uses surrounding the site.

C. Is within the provisions of "Conditional Uses" as set forth in this Ordinance
Special Conditions for Community Assembly

as listed on 15.06.050, C of the city's Zoning Ordinance

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the districts; provided, however, that if such community assembly includes outdoor activities the minimum lot area shall be four (4) acres.

   Minimum required lot for the R-40 zone is 40,000 square feet.
   There are 43,560 square feet in one acre of land. The subject property is 5.03 acres, or 219,007 square feet, more than 5 times the size of the required area.

2. All bulk regulations of the zone district shall apply.
   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.

   In addition to the minimum lot area listed above, other bulk regulations for zone R-40 as listed in the city's Zoning Ordinance are,

   Maximum Lot Coverage permitted for all structures is 15% of the lot area.
   The proposed structures will cover about 12000 square feet, well under the close to 33,000 allowed.

   Maximum Floor Area Ratio within an R-40 district is .15.
   The total estimated square feet proposed would come up to 23,000 square feet, or about .10.

   All set backs required for the R-40 zone are observed in the proposed site plan, including easements along the particular property.

3. Off street parking:
   One space for each four seats in an assembly area within the facility, or one space for each 75 square feet of gross floor area, whichever is greater, required.

   Using the 200 people meeting area for calculations,
   One space for each four seats equals 50 parking spaces,

   Or one space for each 75 square feet of gross floor area,
   If meeting space is 3000 square feet, 40 parking spaces required.

   Space is allocated on the site for over 100 spaces, which is greater than either required number.

4. Fencing, screening and landscaping for this facility shall be provided as required, with special considerations to portions of the property line that adjoin neighboring buildings.

5. Special care has been given to place the proposed buildings on the site considering the required setbacks and easements, but in particular locating the central meeting and dining hall and other high activity areas as far as possible from adjoining residences and close to the naturally wooded areas along the existing creek.

   The opposite side of this creek on the north boundary of the property is zoned for Agricultural use. We will work with city staff to determine the need for supplementing the natural landscaping should it be necessary to increase visual and acoustical barriers.

Because the existing use is agricultural and low density residential, and there is some distance between the proposed and existing buildings, we believe there will be little impact from the camp operation upon the surrounding area.
SITE DATA TABLE
PROPERTY OWNER: IGLESIA HISPANA DE NASHVILLE INC.
3030 DICKERSON PKWY, NASHVILLE TN 37207

ZONING: R40 LOW DENSITY RESIDENTIAL DISTRICT
S. B. E. TAX MAP #113 PARCEL NUMBER 004.01
SITE ADDRESS: 153 OLD DOUGLAS RD.
EXISTING USE: VACANT (RADIO TOWER)
INTENDED USE: COMMUNITY ASSEMBLY

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


FEMA FLOODWAY
BOUNDARY

FEMA FLOOD
AREA BOUNDARIES