Agenda
Gallatin Municipal Board of Zoning Appeals

Thursday, February 27, 2020
Municipal Board of Zoning Appeals - 5:30 p.m.
DR. J. DEOTHA MALONE COUNCIL CHAMBERS  CITY HALL

- Call to Order
- Invocation
- Pledge of Allegiance
- Roll Call
- Minutes: September 26, 2019 Board of Zoning Appeals Meeting and January 30, 2020 Municipal Board of Zoning Appeals Meeting

REGULAR AGENDA

1. GMBZA RESOLUTION NO. 2020-003
   1137 LANGWOOD DRIVE – CONDITIONAL USE PERMIT
   GREENLID DESIGN, LLC

2. OTHER BUSINESS

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

September 26, 2019

Members Present

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

Staff Present

William McCord, Director of Planning
Josh King, Assistant Director of Planning
Leticia Alexander, Staff Attorney
Marianne Mudrak, Board Secretary

Absent

Others Present

Jeannie Gregory
Drew Schreiner

Applicant

The Gallatin Municipal Board of Zoning Appeals met in a regular meeting on Thursday, September 26, 2019, at 5:30 p.m., in the Dr. J. Deotha Malone Council Chambers of Gallatin City Hall. Mr. John Puryear, Vice Chair, called the meeting to order. A copy of the meeting agenda is attached to these minutes as Exhibit A.

Chair Moore led the invocation and Mr. Vaughn led the pledge of allegiance. Ms. Mudrak called roll.

Agenda

Item 1: GMBZA Resolution No. 2019-009 – Gallatin Cares – Variance (VAR-2019-0002) – Blake Parks – The owner and applicant request approval of a variance to the City of Gallatin Zoning Ordinance, Article 11, Off-Street Parking and Loading Regulations, on one parcel containing 0.14 +/- acres, zoned CG-Commercial General, S.B.E. Tax Map #126/011.00, located at 241 West Eastland Street.

Mr. Josh King, Assistant Director of Planning, presented the variance request. The building and the lot pre-date the City Ordinance. The existing use is a Place of Worship and the applicant has requested a variance from the Off-Street Parking regulation to not require parking on the site. There are significant problems with the transitional buffer design standards. A variance could be requested for the buffer. All of the standards for a variance are met and Staff recommends approval of Resolution No. 2019-009.

Mr. Blake Parks said he appreciates the cooperation from the City Staff. This is the previous location for Gallatin Cares and the footprint contains the entire lot. It would be difficult to add any parking. The City striped some parking spaces on Locust Street and there is an additional cage behind the building that may have provided 2 to 3 parking spaces in the past.

Mr. McCord said based on the request, an exhibit indicates that they have the right to park on property close to the site, but it does not specify the number of parking spaces available. A variance was granted in
the past to allow an accessory structure on the lot that may have been a parking area, enclosed in a fence. The change of use requires a landscape buffer. The back of the building is now concrete and used for storage. Some of the concrete will have to be removed to allow for landscaping. A condition of approval states that if the building is demolished, the variance no longer applies.

Mr. Vaughn motioned to approve Resolution 2019-009 with the conditions of approval.

Mr. Puryear seconded the motion and the motion passed 3 ayes; 0 nays.

Item 2: GMBZA Resolution No. 2019-007 – Grace Church – Conditional Use Permit (CUP-2019-0001) – GreenLid Design, LLC – The owner and applicant request approval of a Conditional Use Permit for a Place of Worship Facility, per section 06.020.030 of the Gallatin Zoning Ordinance, on property containing 12.6 +/- acres, located at 109 Neals Court, north of Long Hollow Pike and west of Neals Lane.

Mr. King presented the request and said this action is a continuation from a previous meeting for a Conditional Use Permit for a Place of Worship facility. The applicant meets all the conditions with a site plan that will be considered by the Planning Commission. Staff recommends approval of Resolution 2019-007.

Mr. Andy Leath, with GreenLid Design, LLC, representing the applicant, said he agrees with all conditions and asked if the Building Department will need to be contacted. The applicant has had discussions with the neighbor and he is not opposed to the church, but would like a fence. The applicant is not opposed to a fence between the properties.

Mr. King said Staff will contact the Building Department if the Conditional Use Permit is approved tonight. He added that a six (6) foot standard wood fence is sufficient. Staff said a discussion with Mr. Kingsbury, neighbor to the property, is not opposed to the church but to the events that are held on the property.

Vice Chair Puryear said he asked for an opinion from the City Attorney regarding a noise regulation and the opinion was that this would be exceeding the authority of the City.

Vice Chair motioned to approve Resolution No. 2019-007 with Staff conditions.

Item 3: Other Business

Mr. McCord said the TAPA Conference on October 9th through the 11th is in Franklin, Tennessee. There is a half day set aside for BZA training.

Item 4: Announcements

There were no announcements.

Item 5: Adjourn
There being no further business to discuss, Chair Moore adjourned the meeting.

Respectively Submitted:

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Marianne Mudrak, Board Secretary

Approved:

____________________       ______________________
Jimmy Moore, Chair           Homer Vaughn, Secretary
The Gallatin Municipal Board of Zoning Appeals met in a regular meeting on Thursday, January 30, 2020, 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 invocation and Mr. Vaughn led the pledge of allegiance. Ms. Mudrak called roll.

Ms. Gregory motioned to approve the minutes of the January 9, 2020 Special Called Board of Zoning Appeals Meeting. Mr. Schreiner seconded the motion and the motion passed by unanimous vote.

Election of Officers

Mr. Puryear nominated Mr. Jimmy Moore as Chair. Ms. Gregory seconded the motion and the motion passed by unanimous vote.

Ms. Gregory nominated Mr. Schreiner as Vice Chair. Mr. Vaughn seconded the motion and the motion passed by unanimous vote.

Ms. Gregory nominated Mr. Vaughn as Secretary.

Mr. Vaughn nominated Ms. Gregory as Secretary.

The Board voted 4/1 to elect Mr. Vaughn as Secretary.
Agenda

Item 1: GMBZA Resolution No. 2020-001 – Administrative Appeal – 817 Longboat Drive (VAR-2019-0003) – David and Zoe Doyle – An appeal of the administrative decision to issue a building permit for an accessory structure (garage), on a parcel containing 0.61 +/- acre lot, located at 817 Longboat Drive.

Mr. Josh King, Assistant Director of Planning, said this is a continuation of an item from the special-called meeting, where a public hearing was held. The Board may entertain another public hearing for one person who asked to speak tonight. The staff report was updated to clarify a few points and correct some typographical errors. Staff recommends approval of Resolution 2020-001, which supports Staff’s interpretation of the zoning ordinance.

Mr. William McCord, Director of Planning, said between the January 9, 2020 Special Called Municipal Board of Zoning Appeals meeting and this meeting, the Planning Commission provided an advisory opinion, at their last meeting, to recommend support of Staff’s position by a vote of 5 to 1. Also, information was provided to the Planning Commission at the meeting, including a marked-up copy of the section of the zoning code in question. He asked that the opinion of the Planning Commission be added to the record. He said he would like to clarify Staff’s position after the public hearing.

Chair Moore said, since a public hearing was held at the last meeting he will only allow persons to speak who signed up and did not speak at the last meeting.

Chair Moore opened public hearing.

Ms. Stephanie Firman, 825 Longboat Drive, said she has lived in her home for 25 years. She said her garage has a direct line of sight to where the Woodall’s want to build their garage. She said Mr. McCord has not reported all of the information regarding the Planning Commission meeting. She said Monday night at the Planning Commission meeting, Mr. McCord said he did not want to do more work and Part B of the zoning ordinance is too hard to define. She said at the last Special Called Municipal Board of Zoning Appeals meeting, Mr. King said he anticipated the compatibility discussion and he toured the Bay Point neighborhood and reported seeing fabric awnings in the neighborhood. At the Planning Commission meeting, he said he knows of more egregious structures in the neighborhood than what the Woodall’s are proposing. However, he did not provide evidence. She said she believes Staff is trying to sway the Board with arguments of compatibility but at the same time, telling the Board they cannot use this argument. She added that Mr. Puryear does not have this opinion and neither do the neighbors. Other organizations have to make subjective decisions. If Mr. McCord thinks this is too much work, perhaps this is not the job for him.

Chair Moore asked Ms. Firman not to speak like that or she will be asked to leave.

Ms. Firman said to the Board that, now is the time to consider what you are here to do.

Mr. McCord said the City is not a Homeowners Association and we do not enforce preferences of homeowners. We only enforce the Zoning Ordinance. There was a Homeowners’ Association in this neighborhood but the residents let it expire. Subsection B, which is the compatibility section of our code,
contains an opening clause included in the report which states “in most cases”. The compatibility standard does apply in most cases. Where it does not apply is included in Sub-subsection A. In Master Development Plan communities, they do apply and the Planning Commission reviews the compatibility standards. This section of the Zoning Ordinance has not been changed since 1998. The architectural provisions would apply except in those excepted districts which is particularly called out in Subsection A. He said in the R20 Zone District it (Subsection B) does not apply. Because of the way the code is written there are exceptions. We are not going to apply subjective standards and specific standards are not written into Section B. The Zoning Ordinance has objective standards that are written into the Code such as lot coverage, etc. We require an accessory structure to be smaller than the principal structure. We are not here to decide if it is pretty but only to decide if it complies with the code. This is the basis for the decision by Staff and we request that you approve this resolution.

Mr. John Phillips, said he is here as a lawyer for David Doyle and Zoe Doyle but is not a paid representative. He holds them in high regard professionally and personally. He said he is a Gallatin resident and has lived here all of his life. He was here before the Board at the January 9, 2020 meeting when David and Zoe Doyle submitted an appeal asking for denial of a large building accessory in the yard next to their home. The key issue, as it appeared to be, is whether this accessory structure is compatible under Section 13.08.010.B. Both the City and the Doyle’s filed, legal briefs. The Planning Department asserted that the pole barn structure was compatible. After public comments on January 9, 2020 and the information provided to this Board, a number of residents spoke asking that the request to build the structure be denied. No resident spoke in favor. Mr. Phillips said the contractor hired to build this structure said the pole barn examples submitted by Ms. Doyle were not representative of the proposed building. Those representations and drawings were the same that were presented with the building permit application. Once the public comments and presentations were completed, the Planning Department changed its position from arguing compatibility to saying the zoning regulations specifically prohibits this board from considering compatibility issues. Those are described in the code and are not completely subjective. Mr. Phillips said Mr. McCord said the laws and regulations would have to be changed if the appellant’s request is approved. Mr. Phillips said he did not see a basis for the compatibility exclusion. At the Planning Commission meeting, Staff asked for an advisory opinion from the Board, which has no legal significance. Why is the Planning Department going through such motions to prevent itself from dealing with the zoning regulations as they are written? He said his perception is that the Planning Staff and Mr. McCord fear their work involving building permits will be complicated. The Board has a duty and a right to act under the regulations as they exist. Mr. Phillips added that Mr. McCord emphasized at the last meeting that if it is not written properly it needs to be changed. I asked that you do the right thing for the residents of Bay Point and the residents of Gallatin.

Mr. David Doyle, 821 Longboat Drive, said there has been discussion about subjective versus objective. The Planning Department has with bias and prejudice ignored the plain language of the zoning ordinance. At the Planning Commission Special Called Meeting and again tonight, Mr. McCord said the first three words of Section 13.08.08.B of the ordinance can be interpreted to mean B is not applicable. I would like to read the entire sentence for this group. (Mr. Doyle reads the section of the ordinance) Mr. McCord’s interpretation does not pass the ”smell” test to stand before a governmental body and state that subsection B does not always apply. He said Mr. McCord also said that it would be subjective because compatibility is not defined. Have you read the zoning ordinance where the word compatibility is defined? If there has been any subjective analysis, the Planning Department has engaged in a subjective analysis. Mr. Doyle
said that Mr. McCord is apparently biased because he believes that Subsection B is inapplicable and his argument and theory are an absurd presentation. The only conclusion we can draw is that Mr. McCord utilized a subjective analysis. To be objective anything is possible. Mr. Doyle added that Mr. McCord, as the Zoning Administrator, is required to enforce these ordinances but instead frankly and sadly he chose to ignore them.

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

Vice Chair Puryear read a statement saying we have an excellent Planning Staff. They were put in a tough position interpreting the code because of the way it is written. I may disagree with the decision but do not question Staff’s integrity. He said the City does not need to become an architectural review board for neighborhoods that have let their restrictive covenants expire. He agrees with Staff on that point. We disagree that the way the code is written currently requires Staff to make a decision based on compatibility is a subjective standard. Subsection B is not subordinate to Subsection A. If 13.08.010.B started out by saying the following zones are excluded, I would agree that every paragraph beneath is excluded. But Subsection B is separate from Subsection A. This can be fixed. We have done it before with changes to the zoning ordinance. If we overturn Staff’s decision and grant the appeal, Planning Commission must immediately work to change the ordinance to set objective standards that can be applied by Staff. If the standards are restrictive, then a clause can be added that if an alternative plan is submitted, the Planning Commission can consider and make a subjective decision of the alternative plan.

Chair Puryear motioned to grant the appeal. Ms. Gregory seconded the motion.

Mr. Schreiner said he has worked with staff before he came to this Board, as a private citizen, and the Planning Staff has gone above and beyond and does not avoid work. He said he supports staff. His opinion is that the Planning Department did their job and the accessory structure conforms to the lot size and complies with the ordinance. The Planning Department did not issue the permit in error. Because of the statements of residents, my opinion is that the Doyle’s, as an aggrieved party, are allowed to come before this Board. Mr. Schreiner quoted T.C.A. 13 7 206 and T.C.A. 6 104 010. It is my opinion that the overall general purpose and intent of the zoning ordinance, because it is inclusive of such things as building setbacks, building heights, and buildings materials, as a whole, is set forth to encourage continuity and compatibility. This Board has the power to hear and decide matters coming before it and is required to act under the ordinance. My opinion is the Board must make decisions when the Planning Staff acts contrary to the intent of the zoning ordinance and hear arguments made by an aggrieved party and make exceptions as previously stated in the code.

The Board voted on the motion and the motion passed 3 Ayes, Chair Puryear, Ms. Gregory, Mr. Schreiner; 1 Nay, Mr. Vaughn; 1 Abstained, Chair Moore.

Item 2: Other Business

There was no other business before the Board.

Item 3: Adjourn
There being no further business to discuss, Chair Moore adjourned the meeting.

Respectively Submitted:

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Marianne Mudrak, Board Secretary

Approved:

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Jimmy Moore, Chair      Homer Vaughn, Secretary
A RESOLUTION OF THE CITY OF GALLATIN MUNICIPAL BOARD OF ZONING APPEALS APPROVING A CONDITIONAL USE PERMIT FOR A MULTI-FAMILY (DUPLEX) RESIDENTIAL FACILITY, ON A 0.29 +/- ACRE LOT, ZONED R15–MEDIUM DENSITY RESIDENTIAL, LOCATED AT 1137 LANGWOOD DRIVE (TAX MAP 135D, GROUP B, PARCEL 040.00) (CUP-2020-0003).

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered the Conditional Use Permit request for 1137, a Multi-family (Duplex) Residential use, located at 1137 Langwood Drive, submitted by the applicant, GreenLID Design, on February 27, 2020; 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 the evidence and testimony presented during the meeting, and held a public hearing as required by Article 15, Section 15.06.020 G.Z.O.; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL BOARD OF ZONING APPEALS is required in its deliberations, pursuant to Gallatin Zoning Ordinance Section 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 Section 06.05.020.C of the Zoning Ordinance of Gallatin, Tennessee classifies Multi-Family Residential as a Conditional Use in the R15–Medium Density Residential zone district, and the Board of Zoning Appeals considers the use to comply with the General Requirements and Special Conditions for Multi-Family Residential facilities in Residential Districts as described in Section 15.06.040 and Section 15.06.080.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 Sections 15.06.030 and 15.06.040 as follows:

Section 1. The Gallatin Municipal Board of Zoning Appeals in its deliberations finds that the applicant meets the General Requirements for a Conditional Use Permit and Special Conditions for Multi-Family Residential Activities set forth in Gallatin Zoning Ordinance §15.06.040 and §15.06.080.A as follows:

1. In addition to the standards contained in this ordinance for a multi-family development, the Board of Zoning Appeals specifically finds that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the Board shall consider the effect upon traffic congestion, overcrowding of schools, availability of necessary public utilities, suitability of the site for the use, and such other factors as determined by
the Board. The use is so designed, located, and proposed to be operated so that the 
public health, safety, and welfare will be protected since the impact of the duplex 
(multi-family units) will not adversely impact density in the neighborhood or 
create traffic congestion, increase flooding, or create the potential to adversely 
effect school capacity issues.

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

3. The use is within the provisions of “Conditional Uses” as set forth in this 
ordinance.

4. The use conforms to all applicable provisions of this ordinance for the R15–
Medium Density Residential and is necessary for public convenience in this 
location.

BE IT FURTHER RESOLVED THAT THE CITY OF GALLATIN, TENNESSEE 
MUNICIPAL BOARD OF ZONING APPEALS approves a Conditional Use Permit request for a Multi-
Family Residential facility located at 1137 Langwood Drive (Tax Map 135D, Group B, Parcel 040.00) with 
the following conditions:

1. The Conditional Use Permit shall be consistent with the one (1) sheet Conditional Use 
Permit plan prepared by GreenLID Design of Gallatin, TN, project number 20.001G, 
dated January 13, 2020. The plan shall be modified to:
   • Correctly show the pavement edges and center median for Langwood Drive.
   • Label property owners, plat book and page number, and zoning across ROW.
   • Change “Bufferyard Requirements: Ordinance” to “Type 12” and label as such on 
plan sheet EX 1.
   • Label lot, plat book, and page numbers for the surrounding properties.
   • Show a proposed 20-foot P.U.D.E. along the rear of the property for future channel 
extension.
   • Show the proposed drainage structures and contours.
   • Addresses must be assigned by E-911.
   • Update owner information for this property.
   • The development is subject to the Gallatin Department of Electricity’s (GDE) 
Underground Policy.
   • All of GDE’s existing facilities that are required to be relocated will be at 
developer’s expense.

2. Submit a building permit application for review and approval to the Gallatin Building 
Codes Department.

3. The use of the subject property shall be limited to a Multi-Family (duplex) Residential 
use on Lot 10, Highland Park No. 2 Subdivision (Plat Book 1, Page 177) at 1137 
Langwood Drive and accessory uses associated with the Multi-Family Residential facility 
or other principal permitted use and structures in the R15–Medium Density Residential 
zoned district.

4. The structure shall be constructed of at least 70% brick/stone on all facades.
5. Submit two (2) half-size corrected and folded copies, including one digital copy (PDF & DWG), of the Conditional Use Permit plans to the Planning Department for review and approval.

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: 2/27/20

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Jimmy Moore, Chairman

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Homer Vaughn, Secretary

APPROVED AS TO FORM:

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Susan High-McAuley
City Attorney
REQUEST: OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR 1137 LANGWOOD DRIVE (LOT 10, HIGHLAND PARK NO. 2 SUBDIVISION—P.B. 1, PG. 177), TO PERMIT A MULTI-FAMILY RESIDENTIAL (DWELLING, TWO FAMILY) DEVELOPMENT, PER SECTION 06.05.020.C OF THE GALLATIN ZONING ORDINANCE, ON A 0.29 +/- ACRE LOT (TAX MAP 135D, GROUP B, PARCEL 040.00), ZONED R15–MEDIUM DENSITY RESIDENTIAL, LOCATED AT 1137 LANGWOOD DRIVE.

OWNER: JOHN PARK

APPLICANT: GREENLID DESIGN

STAFF RECOMMENDATION: RECOMMEND DENIAL OF GMBZA RESOLUTION NO. 2020-03

STAFF CONTACT: DUSTIN SHANE

MBZA COMMISSION DATE: FEBRUARY 27, 2020

PROPERTY OVERVIEW: Owner and applicant request approval of a Conditional Use Permit for 1137 Langwood Drive (Lot 10, Highland Park No. 2 Subdivision—P.B. 1, Pg. 177), a Multi-Family Residential ( Dwelling, Two Family) development, per Section 06.05.020.C of the Gallatin Zoning Ordinance, on a 0.29 +/- acre lot, zoned R15–Medium Density Residential, at 1137 Langwood Drive (Tax Map 135D, Group B, Parcel 040.00). The multi-family development will consist of a two-family (duplex) residential structure with four (4) parking spaces (Attachment 1-1 and Attachment 1-2)

A Multi-Family Residential use requires a conditional use permit in the R15 zone district. The adjacent property owners were notified by mail about the Conditional Use Permit request and a sign was posted on the site. A Public Hearing shall be held on the item at the meeting.

Staff recommends denial of GMBZA Resolution No. 2020-03 since the project does not meet the Bulk Regulations of the R15 zone district and the use is not consistent with other uses in the subdivision.

CASE BACKGROUND:

Property History and Previous Approvals
On June 15, 1955, Highland Park No. 2 Subdivision was recorded with the Sumner County Register of Deeds (P.B. 1, Pg. 177). The subject property is Block “G,” Lot 10.
In 1969, the property was zoned “Low Density Residential” (or Residential A). Under the 1972 Zoning Ordinance, multiple family dwellings were a permitted use in the Residential A district.

On May 1, 1979, the City Council adopted a new Zoning Ordinance and Map (Ordinance No. 079-92). The Langwood Drive area was rezoned to R15–Medium Density Residential. Under the 1979 Zoning Ordinance, two-family detached dwellings (duplexes) were a permitted use in the R15 district.

On July 7, 1998, the City of Gallatin adopted a new Zoning Ordinance (Ordinance No. 09806-035) that changed Multi-Family Dwelling units from a permitted use to a conditional use in the R15 district.

**DISCUSSION:**

**Proposed Development**
The owner and applicant request approval of a Conditional Use Permit for 1137 Langwood Drive, a Multi-Family Residential (Dwelling, Two Family) development, per Section 06.05.020.C. of the Gallatin Zoning Ordinance, on a 0.29 +/- acre lot, zoned R15–Medium Density Residential, at 1137 Langwood Drive (Tax Map 135D, Group B, Parcel 040.00). The multi-family development will consist of a two-family duplex residential structure with four (4) parking spaces (Attachment 1-1 and Attachment 1-2).

The proposed 2,200-square foot Dwelling, Two Family (duplex) use is an activity that would have a low level of impact on the surrounding properties. The applicant could develop a single-family home on the lot. However, an additional dwelling unit would not substantially alter the impact on the neighborhood or property. The conditional use site plan includes a 2,200-square foot building on a 13,022.9-square foot (0.29-acre) lot with two ornamental flowering trees acting as a bufferyard along the western property boundary. Four (4) parking spaces are located to the rear of the house accessed by a 12-foot-wide driveway adjacent to the street. The site is currently grassy lawn with one medium-sized tree adjacent to the ROW. If the CUP is approved, the applicant will be permitted to submit for a building permit and related permits.

No portion of the lot is within a special flood hazard area according to FEMA FIRM Map, Community Panel No. 47165CO431G, dated April 17, 2012. The property is in Zone “X.”

**Adjacent or Area Uses**
The property is adjacent on all sides to single-family housing zoned R15. No duplexes or other multi-family uses exist in the subdivision (Highland Park No. 2). Duplexes are located in the neighborhood but only within the first Highland Park subdivision to the west and to the south of Mac Alice Road along Edgewood Drive and Meadowview Drive in the Springbrook Subdivision (Attachment 1-3).

**Gallatin on the Move 2020 General Development and Transportation Plan**
The Gallatin on the Move 2020 General Development Plan designates the property as part of the Suburban Neighborhood Established Character Area (Attachment 1-4). Small and large-scale apartments and townhomes are listed as primary land uses for this character area, but the development strategies indicate that home ownership should be encouraged. The residential scale and architecture of the proposed duplex are appropriate for this character area.

**Access**
Access to Langwood Drive will be via a 12-foot-wide driveway along the southern property boundary.

**Parking**
The minimum required parking for duplex residential developments is two (2) spaces per dwelling unit. The plan indicates four (4) spaces serving the two (2) dwelling units.

**Architectural Features**
The applicant has not submitted architectural elevations at this time. This will be a requirement for site plan approval. The plans shall demonstrate compliance with Section 13.08.010, Gallatin Zoning Ordinance, Basic Design Criteria.

**Signage**
No signage is proposed for this development. If any signs are proposed, the owner and applicant shall submit a signage plan meeting the requirements of the Gallatin Zoning Ordinance, Section 13.7, and obtain sign permits from the Planning Department prior to the installation of any signage 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 does not meet the general requirements as listed below. A Conditional Use Permit shall only 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 Multi-Family (duplex) Residential use, on Tax Map 135D, Group B, Parcel 040.00, located at 1137 Langwood Drive, will not significantly impact the public health, safety, or welfare of the area since the property could be developed with a single dwelling unit. An additional dwelling unit will not produce a significantly greater impact to public infrastructure capacity than if the property were developed under the provisions which do not require a Conditional Use permit. The development will feature more landscape buffering in the front than is required for a single family home. Mature trees exist along the rear property line to further buffer the use.
• The Multi-Family (duplex) Residential use will utilize public water, sanitary sewer, and power sources from the appropriate utility companies. The property is 0.29 +/- acre (13,022.9 +/- square feet), which makes it a nonconforming lot for even a single dwelling unit per the minimum lot size standards of the R15 zone. Section 06.05.030.B, G.Z.O., requires that no dwelling shall be permitted on a zone lot with a total development area of less than 11,250 square feet per dwelling unit. This lot would have to be at least 22,500 square feet to be eligible for the Conditional Use Permit.

• Parking for the Multi-Family Residential facility will be located in the common parking area in the rear away from public view.

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

• The property is an original lot of the Highland Park No. 2 Subdivision and is surrounded by properties zoned R15–Medium Density Residential as developed as single-family residences. Duplexes are not located in the immediate vicinity but are found to the south of the Highland Park No. 2 Subdivision along Mac Alice Drive in the Highland Park No. 1 Subdivision and Meadowview Drive and Edgewood Drive in the Springbrook Subdivision.

• The multi-family residential development should not adversely affect other properties in the area. The duplex will not create unusual noise, light, or other adverse conditions, which would violate the Performance Standards Regulations of the Gallatin Zoning Ordinance, Section 13.02. The owner and applicant indicated that the facility shall comply with all Performance Standards Regulations of the Gallatin Zoning Ordinance. Single-family residential structures of similar size primarily surround the property.

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

• Multi-Family (duplex) Residential use is a conditional use residential activity in the R15 zone district per Section 06.05.020.C, and a multi-family (duplex) dwelling is a specifically identified type of residential activity listed in Section 03.02.010 of the Gallatin Zoning 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.

• This use does not comply with the bulk regulations of the R15 zone district; viz., “Minimum Development Area Per Dwelling Unit” (Section 06.05.030.B, G.Z.O.), which requires each dwelling unit to have at least 11,250 square feet of development area. The subject property is only 13,022.9 square feet in size, which would make it a nonconforming lot even for a
single-family home (minimum required lot area is 15,000 square feet). The lot does not meet the minimum development area per dwelling unit standard for a two-family dwelling in the R15 district.

- If approved, a building permit application shall be submitted to the Code Department meeting all applicable regulations of the Gallatin Zoning Ordinance.

**Special Conditions for Multi-Family Residential Activities**

Section 15.06.080.A of the Gallatin Zoning Ordinance outlines special conditions for Multi-Family Dwelling Activities. The applicant's request generally meets all of the special conditions as listed below. Notwithstanding other issues of Code compliance, a Conditional Use Permit shall be granted provided that the Board finds that:

A. In addition to the standards contained in this Ordinance, for these type developments, the Board of Appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the Board shall consider the effect upon traffic congestion, overcrowding of schools, availability of necessary public utilities, suitability of the site for the use, and such other factors as the Board may deem necessary.

- The request for a Conditional Use Permit for a Multi-Family Residential development on Tax Map 135D, Group B, Parcel 040.00, located at 1137 Langwood Drive, will not significantly impact the public health, safety, or welfare of adjoining properties or neighborhood except the use is not consistent with other uses in the subdivision and is not suitable for this lot because the lot contains significantly less than 22,500 square feet of lot area. The development, containing two (2) dwelling units, will not generate traffic volumes that will overwhelm the transportation system.

- The Multi-Family (Duplex) Residential use will utilize public water, sanitary sewer, and power sources from the appropriate utility companies.

- Multi-family (duplex) uses traditionally generate less school age residents per unit than single family uses. There should be no measurable impact on area schools.

- The site is not well suited for the use because it does not contain sufficient area for a duplex unit as described herein.

- The duplex development could adversely affect other properties in the area since it could change the development character of the Highland Park No. 2 Subdivision.

**Planning Department Comments**
The Planning Department reviewed and commented on the Conditional Use Permit. These are included as conditions of approval.

**Engineering Division Comments**
The Engineering Division reviewed and commented on the Conditional Use Permit. These are included as conditions of approval.

**Other Departmental Comments**
The other City Departments reviewed and commented on the Final Master Development Plan with the following comments:
- Addresses must be assigned by E-911.
- Update owner information for this property.
- The development is subject to the Gallatin Department of Electricity’s (GDE) Underground Policy.
- All of GDE’s existing facilities that are required to be relocated will be at developer’s expense.

**Findings**
The owner and applicant submitted responses addressing the General Requirements and Special Conditions pertaining to the proposed Conditional Use Permit for a Multi-Family Residential use, which is included as part of the Conditional Use Permit request. Additional information concerning the requirements is provided below.

**RECOMMENDATION:**
The Planning Department recommends denial of GMBZA Resolution 2020-03.

**ATTACHMENTS**
- Attachment 1-1 Location Map
- Attachment 1-2 Park Langwood Drive Conditional Use Permit Site Plan
- Attachment 1-3 Surrounding Zoning
- Attachment 1-4 *Gallatin on the Move 2020 Plan*
  Suburban Neighborhood Established Character Area
**General Description of Existing Development Patterns**

The Suburban Neighborhood character area describes areas where typical types of suburban residential subdivision development have occurred in the post World War II era. Neighborhoods are characterized by low pedestrian orientation, medium-to-larger lot sizes, high to moderate degree of building separation, and are predominantly residential with scattered civic buildings and varied street patterns (often curvilinear) that include cul-de-sacs. Neighborhoods included in this character area are generally stable. Improved pedestrian and bicycle networks, especially near school and other civic uses would provide safer routes and encourage walking and bicycling as a transportation option.

**Location**

Areas within this character area include the following:

- South Gallatin neighborhoods of Halewood and Woodvale
- West Gallatin neighborhoods in the Lock 4 Road/Peninsula Drive area
- Newly-developed portions of the West Gallatin neighborhoods in the Fairvue/Baypoint (Browns Lane) area
- Newly-developed and established portions of the Douglass Bend area
- East Gallatin neighborhoods in the Grandview subdivision and surrounding area

**Intent**

The development pattern should seek to:

- Maintain residential uses
- Preserve existing tree cover
- Provide safe facilities for pedestrians, school buses, and bicyclists using the road right-of-way
- Accommodate in-fill development that compliments the scale, setback and style of existing adjacent homes
- Accommodate senior housing opportunities, which can be integrated into neighborhoods that benefit from close proximity to goods and services
- Maintain predominant development pattern of detached one-family homes

**Anticipated level of change:**

- Low

**Transportation**

- Low level of service
- Medium level of connectivity
- Properties accessed by public roads
- Regular-shaped, long blocks
- Older subdivision roads characterized by grassy swales and newer with curb, gutter and sidewalk
- Sidewalks and pedestrian infrastructure limited to newer subdivisions

**Infrastructure**

- Public water and sewer available
- Civic spaces such as greenways, parks, common areas

**Greenspace**

- Adjacent Preserve areas
- Neighborhood parks
- Community gardens

**Primary Land Uses**

- Single-family residential
- Small and large-scale apartments and townhomes

**Appropriate Residential Net Density**

- 2-5 units per acre

**Applicable Zoning Districts**

**Existing Zoning Districts**

- R-10, R-15, R-20, R-40, MRO

**Proposed Zoning Districts**

- No proposed new districts
Development Strategies

- Focus on reinforcing stability of more mature Suburban Neighborhood Established areas by encouraging more home ownership and maintenance or upgrade of existing properties.

- Locate schools, community centers, or well-designed small commercial activity centers at suitable locations within walking distance of residences.

- Enhance the pedestrian-friendly environment by adding sidewalks and creating other pedestrian-friendly multi-use trail/bike routes linking neighboring communities and major destinations such as libraries, neighborhood centers, health facilities, commercial clusters, parks, schools, etc.

- Add traffic calming improvements, sidewalks and increased street interconnections to improve walkability within existing neighborhoods.

- Limit driveway spacing along the highway frontage and align driveways where needed to improve traffic flow.

- Protect older subdivisions that lack detailed design-related covenants and restrictions.

Implementation Measures

- Develop residential infill guidelines applicable in Suburban Neighborhood Established areas in order to ensure that the scale and character of new development on vacant lots is compatible with existing development.