Town of Arlington
Board of Zoning Appeals
Meeting

February 13, 2017
5:30 P.M.
AGENDA
Board of Zoning Appeals
Monday, February 13, 2017
5:30 p.m.

I. Invocation

II. Call to Order & Establishment of a Quorum

III. Approval of the October 13, 2015 Meeting Minutes

IV. Comments from Citizens

V. Old Business

A. Other as Properly Presented

VII. New Business

A. Faith Baptist Arlington - North of Donelson Farms Parkway, 1735’ West of Airline Road – Conditional Use Permit


B. Other as properly presented

VIII. Adjourn
Faith Baptist Arlington
CONDITIONAL USE PERMIT

DATE: February 13, 2017

STAFF: Angela Reeder, AICP, Town Planner

SUBJECT: Conditional Use Permit for a Place of Worship in a residential zone

APPLICANT: Faith Baptist Arlington; Representative: Tripp Wells

DESIGN PROF./CONSULTANT: Ledford Engineering; Representative: Lance Lanier

SITE LOCATION: North side of Donelson Farms Parkway, 1735’ West of Airline Road

SITE ACREAGE: 11.99 Acres

ZONING: E: Residential Estate

Mr. Tripp Wells, representing Faith Baptist Arlington, is requesting Board of Zoning Appeals approval of a Conditional Use Permit (CUP) for a church or place of worship in a residential zoning district, in accordance with the regulations established in the Arlington Zoning Ordinance.

Background: Consistent with Zoning Ordinance Section 4.9.2.3, which states a preliminary site plan shall first be submitted to the Planning Commission who shall provide an advisory opinion regarding proposed site improvements, the Planning Commission considered the Faith Baptist proposal on January 17, 2017, and recommended approval.

Site: The subject property is located west of Airline Road, at the current end of Donelson Farms Parkway. It is approximately 12 acres in size, undeveloped, and located in the E: Estate Residential zoning district. Donelson Elementary School is immediately adjacent to the site on the east. Otherwise, surrounding properties are primarily wooded and undeveloped.

Proposal: The applicant proposes to construct a 30,500-square foot building, which includes a 5,075-square foot sanctuary to accommodate Faith Baptist Arlington. The building will be situated in the center of the lot, approximately 310 feet back from Donelson Farms Parkway. Access is from a single driveway and the primary parking for the church is located behind the building on the north side of the lot. The building entrance will also be on the north side, facing their primary parking area.
The applicant is leaving the front portion of the lot open to allow for future expansion and construction. If that occurs, a new Site Plan and CUP would be required, as no phases or expansion plans are included with this application.

**Specific Regulations for Church:** The Code includes specific provisions for a church or place of worship in a residential zone which must be considered. Those provisions are as follows, with staff comments in italics:

a) Churches and places of worship shall be located on sites of at least five (5) acres with primary frontage on a collector level road or higher. *(The project site is 12 acres)*

b) The number of required parking spaces provided on-site shall be in accordance with the parking ratio for churches and places of worship provided in Chapter 8; however, if the applicant can present evidence satisfactory to the BZA that a substantial portion of the expected users will arrive at the church by bus, bicycle, walking, or by carpooling or that off-street parking areas on adjacent or nearby properties will be available on a long-term basis, the BZA shall have authority to determine the number of required parking spaces to be provided on-site. The BZA may require that a reserve area be retained on-site for future expansions of the parking area. *(The plan provides 103 parking spaces, including 5 handicap stalls. This is within Zoning Ordinance requirements, which call for a minimum of 102 spaces (1:125 sf) and a maximum of 128 spaces (1:50 sf) for church uses.)*

c) On-site lighting for parking areas and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes. *(A lighting plan and photometric plan have been provided and indicate minimal, if any, light trespass off of the project site toward residential zoned properties around the site. The DRC will also be charged with reviewing the plans for consistency with Town guidelines.)*

d) Garbage dumpsters or receptacles shall be located in such a manner as to minimize adverse effects upon neighboring properties and aesthetics from the public right-of-way. The use of dumpsters may be prohibited in the event the BZA determines that such would have a detrimental effect upon the adjacent property. *(A dumpster enclosure is proposed at the rear of the site, in the northwest corner of the parking lot to serve the site.)*

e) Landscape/fence screens/buffers may be required in appropriate circumstances in order to mitigate adverse site impacts from less intensive adjacent land use. *(The only existing use near the site is Donelson Elementary. No adverse impacts would be expected from the proposed use. However, existing trees combined with landscaping along the street and in a landscape buffer along the school property line will provide buffers and soften the site.)*
f) An application for a CUP for a church or place of worship shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, volumes, or detrimental impacts upon adjacent properties, including but not limited to child care facilities, room-in-the-inn, care for the homeless, recreational activities and facilities. (The application notes the proposed uses as service on Sunday and Wednesday. No day care services are planned, but they do provide a mother’s day out program a few times a week. While this program results in some traffic issues at the current location based on their limited space, the new location will be able to accommodate their pick-up and drop-off without impacts.)

g) A preliminary site plan for such facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors. (The Planning Commission recommended approval on 1/17/17)

**CUP Requirements:** In addition to specific regulations placed on places of worship, the Zoning Ordinance (Section 10.5.4.2) requires any request for a conditional use not be approved unless the following items are met. The Board is asked to consider these items in their deliberations.

- a) it is so designated, located, and proposed to be operated so that the public health, safety, and welfare will be protected;
- b) it will not adversely affect other property in the area in which it is located;
- c) it is within the provision of conditional uses as set forth in the Zoning Ordinance; and
- d) it conforms to all applicable provisions of this Zoning Ordinance for the district in which it is to be located and is necessary for public convenience in that location; and conforms to the established specific provisions, where applicable, as set forth in Chapter 4, Section 4.9 of the Zoning Ordinance.

**RECOMMENDATION:**
The Planning Commission recommended approval of the Faith Baptist Site Plan subject to several conditions of approval. Those conditions are included as numbers 8-20 below.

Staff recommends approval of the Conditional Use Permit for Faith Baptist Arlington, to permit a church or place of worship in the E: Estate Residential zoning district on property located North of Donelson Farms Parkway, 1735’ West of Airline Road, subject to the following conditions:

**Conditions of Approval**

1. It is found that the Site Plan application as presented and with the conditions of approval meets the provisions of the Town of Arlington Zoning Ordinance and any other applicable regulations, and the project shall be constructed in accordance with those regulations.

2. This CUP approval shall become effective thirty (30) days from the date on which it is granted. No building permit shall be issued prior to the effective date of approval and verified
compliance with any applicable site plan, nor prior to any required subsequent approvals from the Planning Commission, DRC and BMA.

3. The applicant shall begin construction of the conditional use authorized by the BZA within one (1) year of approval, and/or fully establish the conditional use within two (2) years of approval in conformance with all applicable provisions of the Zoning Ordinance and any conditions of approval imposed by the BZA and other boards and commissions. Failure to begin construction or establish the conditional use within the prescribed time period shall result in the voiding of the approval.

4. The applicant may request an extension from the BZA not to exceed one (1) year if the conditional use is not established in the time period prescribed.

5. All approved plans, conditions, restrictions and requirements made part of the approval by the BZA shall run with the land once the conditional use is established as provided in the Arlington Zoning Ordinance.

6. The maximum building square footage permitted with this Conditional Use Permit is 30,500 square feet. Any increase above this will require approval of the Board of Zoning Appeals.

7. The applicant must execute a Development Agreement with the Town for any public improvements.

8. All construction improvements within the development shall be in compliance with the Town of Arlington Zoning Ordinance, Subdivision Regulations and Technical Specifications, as directed and approved by the Town Engineer, unless otherwise noted on the Site Plan.

9. This project must comply with the Tennessee Department of Environment and Conservation NPDES Regulations governing stormwater discharge during construction activity.

10. Prepare and submit to the State of Tennessee (with a copy to Arlington) a notice of intent and a Stormwater Pollution Prevention Plan for the site.

11. Erosion control measures as approved by the Town Engineer shall be implemented in compliance with the applicant’s filed Notice of Intent, and approved Notice of Coverage prior to any earth disturbance activity.

12. All signage design and location is subject to the review and approval of the Design Review Committee.

13. The applicant is required to have a pre-construction meeting with the Town of Arlington staff prior to commencing improvements.

14. Landscaping, lighting, building elevations and signage shall be reviewed and approved by the Design Review Committee in accordance with the Town of Arlington Design Review Manual.

15. Any sidewalk path across a driveway shall be ADA compliant.

16. Revise the Construction Plans to address comments as noted on the marked-up plan sheets provided by the Town Engineer and provide for Town review and approval.
17. Donelson Farms Pkwy widening improvements shall be built in accordance with the most current TDOT Standard Specifications for Road and Bridge Construction, including any changes, modifications, or addenda.

18. The sanitary sewer line extension shall be built to allow for future expansion to the proposed development on the south side of Donelson Farms Pkwy. This project will be responsible for coordinating the details of the proposed sewer extension, subject to the approval of the Town.

19. The project shall meet the Town adopted 2012 International Fire Code, including all referenced appendices.

20. Any future phases of construction or expansion will require separate review and approval by the BZA, Planning Commission and Design Review Committee.
Application must be submitted 21 days prior to the scheduled meeting. The Board of Zoning Appeals meets on an as-needed basis. Please consult with Staff before submitting an application so that a meeting may be scheduled.

Street Address (where permit will be used): DONELSON FARMS PARKWAY WEST OF DONELSON ELEMENTARY
Owner of Record: FAITH BAPTIST ARLINGTON
Owner Address: 5959 AIRLINE ROAD, ARLINGTON TN 38002
Daytime Phone: 901.867.9111 Fax Number:
E-mail Address:

Agent or representative authorized to prepare this application and to provide further information as requested by the staff: LANCE LANIER, EI FOR KEVIN LEDFORD, PE
Daytime Phone: 901.867.5220 E-mail Address: LANCE@LEDFORDEP.COM

Engineer/Designer Contact: LANCE LANIER, EI FOR KEVIN LEDFORD, PE; STEPHANIE WILBANKS, AIA
Company Name: LEDFORD ENGINEERING, PLANNING, AND ARCHITECTURE
Mailing Address: 5567 COMMANDER DRIVE SUITE 105, ARLINGTON, TN 38002
Daytime Phone: 901.867.5220 Fax Number: 901.867.5331
E-mail Address: LANCE@LEDFORDEP.COM; KDLEDFORD@LEDFORDEP.COM; STEVIE@LEDFORDEP.COM

INSTRUCTIONS FOR SUBMITTING APPLICATION

☑ Fee Schedule: $300
   (make check payable to the Town of Arlington)

☐ See Town of Arlington Zoning Ordinance, Chapter 10, Section 10.5, Arlington Board of Zoning
   Appeals and Chapter 4, Section 4.9, Specific Provisions for Conditional Uses.

☐ A consultation with Staff before completion of this application form and prior submittal deadline date is
   suggested. Staff meets the first and third Monday of each month. Call Town Planner to schedule.

☐ Included is a checklist of required items. All items must be addressed or the application may be deemed
   incomplete and returned to the applicant.
BOARD OF ZONING APPEALS
CONDITIONAL USE PERMIT

ACKNOWLEDGEMENTS

It is understood that:

1. The applicant and owner bear the responsibility to submit a complete application package by the submittal deadline.

2. If all required materials/documents are not submitted to and received by the Planning Department by the deadline, the application will NOT be accepted or posted on the Board of Zoning Appeals Agenda.

3. In cases where the applicant is not the property owner, it is also hereby acknowledged by the property owner that he or she is in full agreement with the content of this application.

4. By signing this document, the applicant and owner accept the above conditions.

*Owner information is required

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<thead>
<tr>
<th>APPLICANT:</th>
<th>OWNER* (If different from applicant. If same, note &quot;same&quot;):</th>
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<tbody>
<tr>
<td>If an Entity:</td>
<td>If an Entity:</td>
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<tr>
<td>Name of Entity: LEDFORD ENG, P LNG, ARCH</td>
<td>Name of Entity: FAITH BAPTIST ARLINGTON</td>
</tr>
<tr>
<td>By (Signature): [Signature]</td>
<td>By (Signature): [Signature]</td>
</tr>
<tr>
<td>Print Name: STEPHANIE WILBANKS, AIA</td>
<td>Print Name: BILL WEIRICH</td>
</tr>
<tr>
<td>Title: PRINCIPAL</td>
<td>Title: TRUSTEE</td>
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</tbody>
</table>

If an Individual(s):

| Print Name: | Print Name: |
| Signature: | Signature: |
| Print Name: | Print Name: |
| Signature: | Signature: |

Copy and use additional pages if necessary

5854 Airline Road • P.O. Box 507 • Arlington, TN 38002-0507
Telephone (901) 867-3449 • Fax (901) 867-2638
Revised: 7/10/2012
February 1, 2017

To: The Commercial Appeal

From: Alex Barthol
Town of Arlington

Please publish on Friday, February 3, 2017 to read as follows:

PUBLIC NOTICE

The Town of Arlington Design Review Committee will move their regularly scheduled meeting from Tuesday February 14th to 6:30 PM Monday February 13, 2017 at Town Hall, 5854 Airline Rd, Arlington, TN.

The Town of Arlington Planning Commission will hold a public hearing at 6:30 PM on Monday, February 21, 2017 at Town Hall, 5854 Airline Rd, to consider a request to rezone the property located 770’ West of Airline Rd on the south side of Donelson Farms Pkwy to RS-18.

Please confirm receipt of notice.

Thank you.