I. Invocation – Chairman Russ Campbell gave the invocation.

II. Call to Order and Roll:

Present:
Russ Campbell, Chairman
Susan Payne
Glen Bascom
Brian Thompson, Secretary
Larry Harmon, Alderman
Don Hinkle

Others Present
Angela Reeder, Town Planner
Cathy Durant, Town Administrator
Jason Allen, Town Engineer
Mary Helen Carmack, Planning Clerk

Absent:
Tommy White – Excused

III. Approval of Minutes from February 20, 2018 Meeting:

Chairman Campbell called for a motion to approve the minutes of the February 20, 2018 meeting.

Motion: Susan Payne made the motion.
Don Hinkle seconded the motion.

Vote on Motion: The motion carried unanimously.

IV. Comments from Citizens

Chairman Campbell invited anyone wishing to address the Commission at this time to please come forward and state his/her name and address for the record. There were no comments.

V. Old Business:

A. Other as Properly Presented

There was no Old Business.

VI. New Business:

A. Orion Hill Wedding Venue – Site Plan – 12055 Donelson Road
Chairman Campbell recognized Ms. Angela Reeder, Town Planner, who presented the staff
report for the project (on file) for an application to provide an advisory recommendation to the Board of Zoning Appeals (BZA) for a conditional use permit. Ms. Reeder explained the Zoning Ordinance states a preliminary site plan shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed improvements taking into account the conditions required for such use as well as any other pertinent factors.

She stated the site is an 87-acre lot, of which 20-acres are proposed to be used, and is currently zoned E: Estate Residential with a rather large single-family home (approx. 6,000sf) and a semi-detached garage sitting roughly 775-ft off Donelson Road. State Route 385 sits to the west of the property with open fields to the south, and scattered single-family lots to the north and east. The entrance to the Dawson’s Landing neighborhood is located roughly 1/3 mile to the east, on the opposite side of Donelson Road.

The Conditional Use Permit being requested is to use the existing home and grounds as a wedding venue; however, the applicants would also make it available as a meeting hall for other events such as family reunions, business meetings, etc. Ms. Reeder noted the Zoning Ordinance calls out meeting halls as a Public Assembly use such as private clubs, lodges and churches, all of which are allowed in residential areas with a Conditional Use Permit. Therefore, no zoning change is being requested.

Events would be held within the large common areas in the home, on the rear patio area, and also in the large lawn. New parking lots are proposed to serve the site and are shown roughly 570-625 feet from the nearest neighbor to the east, and around 500 feet from the nearest home to the north.

The applicant proposes minor exterior changes to the building, which includes ADA access and a potential addition to the rear patio area which would not be visible from adjacent properties. No other changes are proposed at this time.

Access to the site will be available through the existing driveway from Donelson Road which runs through the center of the property to a circular drive in front of the home. Through discussions with the Fire Department the applicants have agreed to pave the currently gravel driveway to a width of 20 feet on the straight portion, and 26 feet wide at the circle, to allow for two-way traffic and access for fire apparatus.

A loading area for caterers and florists is available in the driveway that leads from the circle drive to the existing garage beside the home. This is roughly 100 feet long, which should be able to accommodate multiple vehicles while removing them from the main access in the front of the home.

The site plan provides a total of 68 parking spaces, including 4 handicap stalls. A maximum occupancy rating of 200 people is proposed. The Zoning Ordinance requirements for this use are not identified, but the calculations for a church, which is a similar assembly use, would call for a minimum of 67 spaces (1:3 people) and a maximum of 83 spaces. This falls within that guideline. Staff also reviewed the Institute of Traffic Engineers Parking Generation Manual and found they recommend between 1 space per 2.5 people and 1 per 4 people as an appropriate parking ratio for places of assembly. As such, staff feels comfortable with the applicant’s proposal. ADA spaces are located in a concrete area closest to the house at the concrete walkways along the edge of the parking lot. Overflow parking is available just to the north of the main parking areas. She added that the applicant will have to remove a small number of trees but is trying to preserve as many as possible on the site, therefore both lots are somewhat designed around the existing trees.

An additional request is to maintain a gravel parking lot on this site. Currently, the Town
ordinance requires that parking surfaces be a hard surfaced such as asphalt, brick, concrete paving, and interlocking paving blocks. The applicant has requested to maintain a limestone surface for the main and overflow parking lots, to minimize impact to the by having a pervious surface, and also to keep a more rural appearance which has been noted in several other meeting halls around the region.

The Town Engineer has no objections to the use of limestone for non-ADA parking spaces in this circumstance, as long as it is approved by the BZA.

Jason Allen, Town Engineer, stated that both sides of Donelson is heavily wooded. The applicant is proposing to create sight triangles to increase visibility for those traveling Donelson and coming and going from the site. There is also a hillside to the north and the applicant plans to shave off some of the hill to a 4 to 5-foot height to be able to see about 235-feet to the left and 150-feet to the right.

He said there are no public road improvements required along Donelson Road with the exception of the sight triangles clearing as well as widening out the turning movements at the driveway.

The grading is going to be very minimal to the site because they are not changing the lay of the land at all except for the added parking. Due to the size of the site and the minimal impact to the drainage, detention is not required. The applicant proposed to continue overland sheet flow.

Public sanitary sewer is not available for this property. This property is currently served by a septic system. Considering the increase in use, staff has asked and made a condition that the applicant have the Shelby County Health Department review the change in the use to make sure that the existing system is adequate to accommodate the proposed use.

Ms. Reeder observed the site is largely undeveloped and largely treed with open space of 98.2% which exceeds the Town’s requirement. The applicant has provided a tree preservation plan and made an effort to design around existing trees.

Ms. Reeder recommended approval for the Site Plan as an advisory recommendation to the Board of Zoning Appeals (BZA) subject to the proposed conditions.

Chairman Campbell called for a motion to recommend approval of the proposal subject to staff conditions.

Main Motion: Don Hinkle made the motion. Secretary Brian Thompson seconded it.

Discussion: Secretary Thompson asked if there are any plans for the remaining acreage once the lot is subdivided. Ms. Reeder said there are not. He then asked if there are lights at or near the entrance or if there are any plans for lighting there. The applicant, Don Wilson, said there are existing lights at the entrance and going down the driveway toward the home.

Secretary Thompson asked about the placement of the parking lot. Mr. Wilson answered it was the logical choice, as the west side of the driveway is largely treed and beyond that is a ravine. He said there is a clear area west of the house they could use to add another parking lot if they see they want grow in the future.

Mr. Wilson added that is one of the prettiest driveway entrances in West Tennessee. Spectacular cedar trees line the driveway. The trees were planted almost 200 years ago by Andrew Jackson’s family.

He also told the Commission that this current home was built by Dr. and Mrs. Lester Graves and is more than 6,500 square feet with just three bedrooms. The home was on the market for more
than 300 days due to the fact that it is not conducive as a home. The Graves’ children have said their father presumed the house would be used in such a manner in the future because it is unlikely someone would want to live in it as a home.

Secretary Thompson stated his concerns about the limestone parking lot such as the lack of painted lines.

Mr. Wilson answered that if there is a good compacted surface stripes can be painted and they last quite a while. He stated that the reason they wanted to go with limestone is to preserve the country look and to lessen the impact on the trees.

Ms. Durant reiterated that the PC is not rezoning the property and it will remain residential.

Secretary Thompson added that he trusts staff and their opinions. His is purely an aesthetic preference and if you could paint lines on the surface, add landscaping and lighting that would make a great difference.

Susan Payne stated she thinks that this is the perfect use for the prettiest property in Arlington. She said she lived in Bartlett when Cedar Hall came to be and it was quite popular. She asked if the kitchen would be a commercial kitchen or just for catering. Ms. Reeder said the plan is that it just be a prep area for caterers. Mr. Wilson said they will have a list of preferred caterers and there would be no cooking there just warming, prepping and serving.

Chairman Campbell asked if this goes through does that mean the 20-acres could never be subdivided. Ms. Reeder said that as long as it is being used in the manner of the Conditional Use Permit, no. Ms. Durant added that if it ceased being used in this function the property would revert back to residential.

Secretary Thompson asked if the Conditional Use Permit would follow if the property changed ownership. Ms. Reeder said that if it changed ownership but continued to be used for this purpose the Conditional Use would remain.

Mr. Hinkle asked where they would store waste. Ms. Durant stated that they would need to arrange for separate commercial trash services. The applicants’ daughter, Shelby Hartman said, in her experience most caterers are responsible for all clean-up including taking the trash away with them. Mr. Wilson stated that they will build a trash enclosure, with a wooden fence and gate, on the north side of the garage for the remaining trash, paper, etc.

Glen Bascom stated this is a fantastic site for this operation. His only issue is the parking lot stating that impervious paving is required for everyone else. It seems an unfair advantage to allow the parking lot to not be paved.

Chairman Campbell restated that theirs is a recommendation to the BZA who will have the final say.

Ms. Durant asked if they are disturbing anything to create the parking lot such as a lot of dirt work. Lance Lanier, Ledford Engineering Planning and Architecture answered there is very little dirt work to be done. He said they chose the site where it is already graded enough and would have good stormwater runoff.

Secretary Thompson asked if the proposal included concrete paved ADA parking and walkways. Mr. Lanier answered yes, they will be concrete at grade.

Ms. Durant asked Jason Allen if there would be any drainage issues if the parking lot were impervious rather than pervious. Mr. Allen said that due to the size of the property in comparison
to the minimal area of the parking lot, the increase in runoff would be small enough that detention would not be required. He noted the property contains several ponds and the house sits up on a hill and sheds water in all directions. Ms. Reeder agreed that she doesn’t want to set a precedent but that this is a unique situation in that it is located in a residential area and surrounded by residences and if the venue were not successful the property use would revert back to residential and then there would be a residence with a parking lot.

Chairman Campbell asked the Commission if they wanted to leave the gravel in as part of the recommendation or change it to a hard surface. Don Hinkle said hard surface. Glen Bascom said hard surface but it could be something other than asphalt to which Ms. Reeder said there are other options besides asphalt. Susan Payne said gravel due to the unique situation of the property. Chairman Campbell asked Alderman Larry Harmon for his opinion on the parking lot surface. Alderman Harmon said it seems it is going to have to be a hard surface. He said he is conflicted because there are no specific guidelines as a conditional use. He has seen the property several times and said you couldn’t find a nicer place to have a wedding. The issue he is looking at is that it is in a residential area and his number one concern is how to lessen the impact in a residential area. He said that the request is for an Event Venue. He listed the uses permitted in residential as: cemetery, church/place of worship, children’s home, home for the aged, parks/recreation, public building/service facility, school, riding academy, lodge, club, country club or golf course. He said that as nice as this looks, he wants to ensure the Commission protects our guidelines because if Event Venue is not specifically listed as an actual use he feels they are piecing together other uses to cover this. He said if we are going to allow event venues now or in the future, guidelines, correct language and special conditions must be determined.

Chairman Campbell responded that the Board of Mayor and Aldermen would need to meet and rewrite some portions and suggested Alderman Harmon take that idea to the Board. Secretary Thompson stated that, as of today, this falls under the lodge/club classification. Ms. Reeder stated that the land-use matrix that the Town has is not exhaustive; if it were it would be a book that was several inches thick. Frequently ideas come forward that require interpretation to determine which one of those it fits in and whether it is permitted. There is a limited number of uses that are permitted in a residential area other than homes and they are only permitted with a Conditional Use Permit, which means that they can only go into that area if it can be proved that they are not going to cause an adverse impact on the adjacent properties. Staff looked further into the Code and read in the “Public Assembly” definition a list of, private clubs, lodges and specifically calls out “Meeting Halls,” as well as public museums, places of worship/churches as all falling in the Public Assembly category. Checking to see what the industrial classification would be and doing a comparison of other cities staff found this best fit within the assembly uses spelled out in our ordinance.

Ms. Durant added that you couldn’t possibly include everything and every scenario that could possibly arise in a zoning ordinance, which is why in the classifications of uses permitted each of those classifications are generalized heading. She added that the same thing applies regarding conditions. We can’t know every condition on every piece of property, there aren’t going to be specific, black and white guidelines which is why there are layers to an approval process: Planning Commission, Design Review Committee, Board of Zoning Appeals and Board of Mayor and Aldermen. She reiterated that once a Conditional Use Permit is issued it goes with the use. If that use ceases to exist, the property doesn’t keep the conditional use it reverts back to residential.

Chairman Campbell said he had called the Town Attorney and his interpretation was that this fell
within conditional use.

Ms. Durant said that years ago the Town of Arlington granted Special Use Permits. Special Use Permits were too subjective so the Town ceased issuing those and added Conditional Use Permits which clearly spell out what conditions have to be met so that it is less subjective and can be applied uniformly. She said all these requests and conditions have to be looked at on a case by case basis.

Secretary Thompson said that he is fine with the use and although this Commission is not making the determination a vote for it tells the BZA that we are OK with it. As far as Conditional Uses, each will be unique and in that lies the protection and stated he is confident in that process. Susan Payne added that another item to look at is what is good for Arlington and she feels this is a very good use for Arlington. Ms. Durant mentioned the many other communities around that offer something similar.

Ms. Reeder stated that she has no issue with possibly adding some more language for conditions, perhaps addressing parking lots and possibly calling out differences for historic sites of a certain size. She added she would need direction from the Board to do that.

Chairman Campbell asked if the BZA could still allow a gravel parking lot to which Ms. Reeder answered yes.

Mr. Hinkle asked what advantage there might be for it to be registered as an Historical Site.

Applicant, Cathy Wilson, said she has worked with several sites to get their historical markers and once she began researching this property it seemed a natural fit to apply for one here. She has all the documentation she thinks she will need to be approved. This would be for the property itself, not the building. She added there are trees there that are 181 inches in circumference.

Adam Hartman, the applicants’ son-in-law, all the other venues around are beautiful but no one gets to go in except the bride. They lock the doors once the wedding starts. He said they want people to enjoy this house as well.

Chairman Campbell called for a motion, based on discussion, to add a Project Specific Condition, P-16. All parking surfaces shall be a hard surface, consistent with Code requirements.

**Primary Amendment:** Mr. Bascom made the motion. Don Hinkle seconded it.

**Vote on Motion:** Aye: Campbell, Bascom, Thompson, Hinkle, Harmon. No: Payne. Motion carried.

Mr. Bascom mentioned to the applicant that the BZA will be looking at hours of operation. Ms. Reeder responded the BZA will be looking at the use and how the use will function such as hours of operation. The applicant is suggesting perhaps 9-10:00 p.m. at the latest.

Mr. Hinkle asked if any signs are planned. Ms. Reeder said current signage is located at the stone columns.

Secretary Thompson asked about whether the potential of tents for overflow would be addressed by the BZA. Ms. Reeder said that they would look at where such tents would be permitted and the aspect of sound and lighting as well.

Mr. Bascom suggested the applicants use a person to direct traffic for events, and also asked if anyone is going to live on the property. Mr. Wilson stated that a care-taker’s home in the clearing for himself might be a future plan.

Alderman Harmon said that his sticking-point is in the type of conditional use being an event venue which is not a use that is listed
Vote on Main Motion as Amended: Aye: Campbell, Bascom, Thompson, Hinkle, Payne. No: Harmon. Motion carried.

STANDARD CONDITIONS:

S-1. It is found that the application as presented, with plans dated February 26, 2018, 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.

S-2. 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.

S-3. This project must comply with the Tennessee Department of Environment and Conservation NPDES Regulations governing stormwater discharge during construction activity.

S-4. 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.

S-5. 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.

S-6. All signage design and location is subject to the review and approval of the Design Review Committee.

S-7. The applicant is required to have a pre-construction meeting with the Town of Arlington staff prior to commencing improvements.

PROJECT SPECIFIC CONDITIONS:

P-1. This Site Plan review and approval is contingent upon approval of a Conditional Use Permit from the Arlington Board of Zoning Appeals for the proposed use.

P-2. Any future phases of construction or expansion will require separate review and approval by the BZA and Planning Commission. Any future revisions to 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.

P-3. Any sidewalk path across a driveway shall be ADA compliant.

P-4. 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.

P-5. The project shall meet the Town adopted 2012 International Fire Code, including all referenced appendices. Building will be required to be sprinkled to NFPA 13 standards.

P-6. Driveway and drive turnaround shall have driving surface capable of supporting a minimum of seventy-five thousand (75,000) vehicle pounds per fire code, during all weather conditions.

P-7. Driveways shall have turning radius to accommodate fire apparatus, including entry from street and the circle drive turnaround.

P-8. Minimum fire flow shall be per fire code with any allowable reductions for sprinkler system, plus required fire flow for fire sprinkler system demand.

P-9. Ultimate Fire hydrant location on the site is to be determined, with approval from the Town of Arlington Fire Department.
P-10. Provide a paved surface consisting of either asphalt or concrete along all driveway surfaces.

P-11. Obtain approval for the use of limestone surface for the proposed parking areas.

P-12. Obtain approval from the Shelby County Health Department for the expected increase in wastewater flow to the existing septic system and disposal field.

P-13. Widen the existing driveway to 20’ along the main driveway beginning at Donelson Road, and 26’ width throughout the circle drive.

P-14. Sight triangles at the driveway along Donelson Road shall be cleared and maintained clear of obstructions in perpetuity, at the owner’s expense.

P-15. A plat shall be prepared and submitted to the Town for administrative approval prior to recording. The site being presented is 20 acres carved out of an 87 acre, more or less, tract of land.

P-16. All parking surfaces shall be a hard surface, consistent with Code requirements.

B. Other as properly presented

There was no new business to come before the Commission.

VII. Adjournment:

Hearing no new business Chairman Campbell asked for a motion to adjourn.

Motion: Don Hinkle made the motion. Secretary Thompson seconded it.

Chairman Campbell called for a vote on the motion.

Vote on Motion: The motion carried unanimously.

Chairman Campbell declared the meeting to be adjourned.

[Signatures and dates]

Russ Campbell, Chairman

Brian Thompson, Secretary

Submitted By: Mary Helen Carmack, Planning Clerk