Town of Arlington

Planning Commission
May 21, 2018
6:30 P.M.
Meeting Minutes

I. Invocation – Chairman Russ Campbell delivered the invocation.

II. Call to Order and Roll:

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

Others Present
Angela Reeder, Town Planner
Gerald Lawson, Town Attorney
Mary Helen Carmack, Planning Clerk

Absent:
Tommy White – Excused

III. Approval of Minutes from April 16, 2018 Meeting:

Chairman Russ Campbell called for a motion to approve the minutes of the April 16, 2018 meeting.

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

Vote on Motion: The motion carried unanimously.

IV. Comments from Citizens

Chairman Russ Campbell invited anyone wishing to address the Commission on any matter other than the item for which a Public Hearing would take place later in the meeting, 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. Arlington Zoning Ordinance – amendment of Chapter 4 of the Arlington Zoning Ordinance regarding adding event venues as a conditional use.
Chairman Campbell recognized Angela Reeder, Town Planner, who presented the staff report for the amendment (on file) of Chapter 4 of the Arlington Zoning Ordinance regarding adding event venues.

For background, Ms. Reeder reminded the Commission that over the past year the Town has received two wedding venue applications: one was ultimately withdrawn and the other was approved by the Board of Zoning Appeals (BZA). Alderman Harmon had expressed concerns about these applications during the meetings, and about language in the Town’s Zoning Ordinance with regard to conditional uses. This amendment was drafted by Mr. Harmon to address those concerns.

She explained the proposed language would only amend Chapter 4, Zoning Districts, Bulk Regulations, and Uses. The first part would amend Section 4.8 which is the table of permitted uses in zoning districts, adding ‘Event Venue’ as a separate line item on that table. They would be permitted only with a Conditional Use Permit (CUP) in the B-2 (General Commercial) and S-C (Shopping Center) zoning districts. The second portion would amend Section 4.9.2 Specific Standards for Institutions, which implements a set of standards for each identified conditional use. The amendment identifies special conditions for Event Venues with five criteria that would have to be adhered to before approval. Ms. Reeder listed the five proposed criteria from the amendment.

For comparison, Ms. Reeder added, the previous application was determined to fall within the same category as other public assembly uses: Lodge, Club, Country Club or Golf Course. Those uses are permitted in B-2 by right and in residential zones with a CUP. She then summarized the seven standards from the Code that were required to be met on those uses.

Ms. Reeder pointed-out the language used regarding screening in this proposal is the same language considered in the previous CUP. She noted the next step in this process is for the Planning Commission to make a recommendation to the Board of Mayor and Aldermen. An Ordinance will be prepared for BMA for consideration requiring two readings, one of which will be a public hearing.

Chairman Campbell called for a motion on the Amendment of Chapter 4 of the Arlington Zoning Ordinance to add event venue as a conditional use.

Main Motion: Don Hinkle made the motion. Alderman Larry Harmon seconded it.

Motion: Chairman Campbell then made a motion to suspend the Planning Commission Meeting and open the Public Hearing. Brian Thompson seconded it.

Vote on Motion: The motion carried unanimously.

Chairman Campbell declared the Public Hearing open and asked anyone wishing to speak for or against this request, please stand to be recognized and state their name and address.

There were no citizen comments.

Motion: Chairman Campbell made a motion to close the Public Hearing and resume the Planning Commission Meeting. Susan Payne seconded it.

Vote on Motion: The motion carried unanimously.

Chairman Campbell declared the Public Hearing closed, the Planning Commission meeting open, and asked if anyone had any questions for staff or any comments.

Discussion: Susan Payne asked if this had been in effect when the recently approved Orion Hill wedding venue project was proposed, would it have even been allowed. Ms. Reeder answered it would not, as that CUP was granted in a residential zone.
Chairman Campbell said it seems events like this would want to be somewhere other than an industrial or commercial area, as he doesn’t see many wedding venues in those areas. He added that he realized the discussion is about events not just weddings. He then noted this amendment would require armed security and asked staff if we have other regulations that require armed security. Ms. Reeder said not to her knowledge.

Don Hinkle asked if we have to require the armed security provision. Secretary Thompson said no, it was something Mr. Harmon wanted included. Alderman Harmon confirmed and said large event venues, such as the ones he goes to, have armed security.

Mr. Hinkle used the example of a family wedding and said he doesn’t think they should be required to pay for armed security at a reception of family and guests. Alderman Harmon said there is a difference in an event venue and a wedding venue.

Mr. Hinkle said they were basically the same thing and cited the example of Orion Hill that was approved for weddings, graduation parties, etc. Alderman Harmon said there is a difference in event venues and wedding venues, and that is where we are drawing the line between the two.

Mr. Hinkle asked staff if Orion Hill was approved as a wedding/event venue. Ms. Reeder said the project was approved as an event venue; their primary focus is weddings, but they would likely host occasional business meetings, etc.

Ms. Reeder noted there is no definition in the Code of an ‘event venue’ at this time.

Mr. Hinkle asked how staff feels about this proposal. Ms. Reeder said staff is looking for direction, and whether our Commissions and Boards feel things are missing from current Code requirements. Mr. Hinkle said he didn’t see anything missing.

Secretary Thompson questioned how much regulation can really be put on paper to cover every single instance. He said he might be ok with a little more clarification of the public assembly uses, such as adding wedding/event venue to that list with lodges and clubs, if it is a matter clarification. He said there are so many variations that can apply and they are better addressed on a CUP case-by-case basis.

Chairman Campbell agreed there is a lot more control over each situation when using a CUP.

Secretary Thompson noted if the Commission feels it is appropriate to put these types of conditions on a proposal, that can be done now. The process is in place and it works. He said he appreciates the effort and some improvements, but he didn’t agree with the armed security or smoking regulation. He also agreed with Chairman Campbell about not locking it into commercial, because places like Orion Hill is what people want, with big trees, landscaping and open spaces.

Mr. Thompson said if somebody wanted to build a golf course with million-dollar homes around it and a clubhouse here, undoubtedly there would be weddings and receptions at the clubhouse. He asked if Alderman Harmon would be against that. Alderman Harmon answered that would not be within 50 feet of a neighbor.

Secretary Thompson pointed out if the Commission wanted something to be 50 feet away from the neighbors, it can put that condition on a CUP. Alderman Harmon said that’s part of why we’re here.

Susan Payne thought the proposal would lock in too many regulations.

Chairman Campbell said it would lock the Town out of future business. He asked if someone came in to Rizzi’s Pizza, which serves alcohol, and reserved the side room for some kind of party, are we
going to require something like that to also have armed security. Alderman Harmon said that is commercial property. Chairman Campbell noted this would impose harsher regulations on event venues than we do on other businesses in commercial areas, like restaurants.

Secretary Thompson asked Alderman Harmon to clarify his idea of event venue. Alderman Harmon said the main thing is that it is not happening in residential areas. Secretary Thompson asked if he was referring to wedding and reception halls, and Mr. Harmon said he’s talking about event venues.

Chairman Campbell asked for a definition of an event venue. Alderman Harmon said an event venue would be a building that you would give a commercial zoning to within a residential neighborhood, and in which there could be special parties. For example, a fraternity could lease it out for the evening and have all kinds of parties.

Mr. Hinkle asked if the Abbey was concerning him. Alderman Harmon said he wasn’t addressing the Abbey, rather he was speaking in general. He added when you give a building within a residential neighborhood a commercial use, that’s when there are problems and guidelines are needed.

Chairman Campbell asked what problems he envisioned. Alderman Harmon said with the neighbors, the parking, and the noise. Chairman Campbell said that would mean the Boards and staff didn’t do their jobs to ensure that there was ample parking. Alderman Harmon said that occurs. Chairman Campbell asked if he truly thought Boards and staff didn’t review and catch those items, to which he replied it doesn’t always happen.

Secretary Thompson asked if he felt Orion Hill should not have been allowed. Alderman Harmon said the guidelines used for Orion Hill set a minimum of 5 acres. The same 5 acres should be used for any other event venue applications. He said there needs to be a standard set of rules if you have event venues, not wedding venues.

Ms. Reeder clarified the current guideline requirement of 5 acres that was used for Orion Hill would apply to any wedding venue or event venue. The only distinction at the Abbey was that it was an existing CUP, simply changing from one kind to another.

Ms. Payne said she felt nobody could afford 5 acres of commercial property for an event venue. Alderman Harmon said if the Commission wanted to change that provision, it could be done.

Chairman Campbell said it seems Mr. Harmon thinks something is broken, but nobody else can see it, so he asked Alderman Harmon to take a few minutes to go through the amendment and explain why he thinks these changes should be made.

Alderman Harmon said he didn’t really care about the smoking criteria. Regarding armed security, he said Arlington only has two Shelby County Sheriff’s Deputies assigned here, unless they get pulled for something else. When you have event venues also, you have to be careful about overstressing this infrastructure to be able to police what’s going on.

Secretary Thompson said each weekend Rizzi’s has something going on and asked again if we should require restaurants that serve alcohol to have armed security. Alderman Harmon said an event venue is a different type of thing.

Secretary Thompson asked if people would do anything different in an event venue than a restaurant party room. Alderman Harmon said they could; at a restaurant they have their basic things they are doing.
Secretary Thompson noted event venues don’t typically get a beer or alcohol permit. Ms. Reeder confirmed that in residential areas they could not get a permit to sell, and they would be limited to individual caterers to have permits.

Alderman Harmon repeated we don’t need event venues in residential neighborhoods. He said everybody is coming and asking for an event venue because they think they can have anything and everything there.

Ms. Payne said she felt if a request was not appropriate for a residential area, the Commission members wouldn’t vote for it. She pointed out that with these guidelines none of the other similar venues in the area would exist, such as Cedar Hall and Heartwood Hall. She said they wouldn’t vote for something that’s right next to your house.

Secretary Thompson said he doesn’t understand what we are trying to accomplish. Ms. Reeder said this would keep them out of residential zones, and likely the restrictions are too strict for them to open in a commercial zone.

Chairman Campbell said he has every confidence in the staff and Boards that they can control any event application that comes in.

Secretary Thompson asked if there would still be the Lodge, Club, Country Club or Golf Course classification allowed in residential with a CUP if this is passed. Ms. Reeder said yes. Mr. Thompson said he’s in favor of adding more definition and more clarity to that classification, if needed, but is not in favor of removing it from residential. He supports the CUP process in place to check everyone to see that they are appropriate.

Glen Bascom said you can’t spot-zone something, and Orion Hill’s 20 acres would have had to be rezoned to B-2 if we wanted it as an event venue with these regulations. That’s spot zoning. Ms. Reeder noted that if Orion Hill failed after being re-zoned commercial, it could then become any number of things. With their current CUP, the use reverts back to residential.

**Vote on Main Motion:** Chairman Campbell called for a roll call vote on the motion. The motion failed by a vote of 5 - 1 (Campbell- No, Thompson- No, Payne- No, Harmon- Yes, Hinkle- No, Bascom- No)

**B. Other as properly presented**

There was no new business to come before the Commission.

**VII. Adjournment:**

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

**Motion:** Brian Thompson made the motion. Susan Payne seconded it.

Chairman Russ Campbell declared the meeting to be adjourned.