AGENDA
Board of Zoning Appeals
Thursday, April 12, 2018
6:30 p.m.

I. Invocation

II. Call to Order & Establishment of a Quorum

III. Approval of the February 13, 2017 Meeting Minutes

IV. Old Business
   A. Other as Properly Presented

V. New Business
   A. **Orion Hill Wedding Venue – Conditional Use Permit – 12055 Donelson Road**

      **PUBLIC HEARING**- To consider a request for a Conditional Use Permit at 12055 Donelson Road to locate a wedding chapel and meeting hall in a residential zone.

   B. Other as properly presented

VI. Adjourn
Orion Hill Wedding Venue
CONDITIONAL USE PERMIT

DATE: February 13, 2017

STAFF: Angela Reeder, AICP, Town Planner

SUBJECT: Conditional Use Permit

APPLICANT: Don and Catherine Wilson

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

SITE LOCATION: 12055 Donelson Road. South side of Donelson Road, west of Airline.

SITE ACREAGE: 20 Acres

ZONING: E: Residential Estate

EXHIBITS: Location map; Property history; Property survey; Site plan; Notified property owners map and labels; Site pictures

The applicants, Mr. and Mrs. Wilson, are requesting Board of Zoning Appeals approval of a Conditional Use Permit (CUP) application to create a wedding venue in a residential zoning district, in accordance with the established in the Arlington Zoning Ordinance.

Background: The Zoning Ordinance allows some uses by right and others only with a Conditional Use Permit from BZA. Conditional uses allow cities to consider uses which may be desirable, but which are not allowed as a matter of right. Rather, they are only permitted after consideration by the BZA of whether they can integrate into the region and meet both general and specific provisions of the Code. The BZA may place conditions or restrictions upon them to reduce or minimize the injurious effect of the use on surrounding areas and ensure compatibility.

A preliminary site plan for CUP requests must first be submitted to the Planning Commission for an advisory opinion regarding proposed site improvements. As such, the PC considered this project proposal on March 19, 2018, and recommended approval subject to standard and project-specific conditions.
Project Site: The subject property is located at 12055 Donelson Road (see location map). The site is 20 acres in size and on the south side of Donelson Road, 1/2 mile east of SR 385. A large, single-family home (±7,000sf) sits almost 800 feet back from the road, with a detached garage on one side. There are large open lawn areas to the south and west of the house, as well as a couple ponds on the site. The remainder of the 20 acres is heavily wooded with large trees in a variety of species, many of which are estimated to be well over 100 years old.

Surrounding Uses: State Route 385 sits to the west, beyond wooded areas, more forested land and open fields lie to the south, and there are scattered large single-family lots to the north and east. The entrance to Dawson’s Landing, the closest subdivision, is located roughly 1/3 mile to the east (2,100 ft), on the north side of Donelson Road.

Surrounding Zoning: The property is located in the E: Estate Residential zoning district, as is property to the north and east. Property to the west is zoned PD-Mixed Use, and Dawson’s Landing farther to the east is zoned RS-18 (Low Density Residential).

Proposal: The applicant proposes to use the existing home and grounds primarily as a wedding venue; however, they have noted it would also be available for other special events such as family reunions, business meetings, etc. The applicant referenced several similar uses in the area as an example of their proposal: Cedar Hall, Heartwood Hall, Davies Manor, Carahills Estate, or The Bridge at ChrisLeigh Farm. They have done extensive historical research on the property (attached) and have submitted an application to Nashville for historic or heritage status for the trees on-site and are also pursuing arboretum status from the TN Urban Forestry Council. As such, the proposal includes minimal changes to the site.

The applicant says events could be held within the large common rooms in the home, on the rear patio area, and also in the open lawns behind the home. They anticipate a maximum capacity of 200 guests for any one event. No activities would be permitted after 11pm, and most activities on the site would end by 10pm.

Access to the site will be through the existing, driveway from Donelson Road, which runs through the center of the property to a circular drive in front of the home. While currently gravel, it will be widened and paved to a width of 20 feet on the straight, and 26 feet wide at the circle, to allow
for two-way traffic and fire apparatus to safely access
the site. Some minor grading and tree removal at the driveway
entrance is proposed to meet Town requirements and
provide a clear sight triangle for drivers leaving/entering the
site.

Two parking lots are proposed which will provide 68
parking spaces (including 4 ADA). At the closest point, the
overflow parking is 390 feet back from Donelson Road,
approximately 125 feet from the east property line, and roughly 550 feet from the nearest neighbor
to the east.

The applicant has requested to utilize a limestone surface for the main and overflow parking lots,
with only the ADA spaces and walkways in concrete. Their intent is to minimize impacts to the
surrounding trees by having a pervious surface, and also to keep a more rural appearance similar
to other meeting halls in the region. The Town Engineer has no objections to the use of limestone
for non-ADA parking spaces in this circumstance, if approved by the BZA. After much discussion,
the Planning Commission recommended the parking be paved.

Specific Regulations for Use: The Code identifies specific conditions for public assembly uses
which must be considered. Those provisions are summarized below, with staff comments in
italics:

a) Shall be located on site with primary frontage on a collector level road or higher.
   (Donelson Road is identified as a Collector road on the Town’s Major Road Plan, adopted
   by the BMA on May 5, 2014)

b) Shall be on sites of at least five (5) acres. (The proposed site is 20 acres in size).

c) On-site lighting shall minimize intrusion into residential areas. (The site currently has
   lighting along the driveway and at the entrance, and in the outdoor areas at the rear of the
   home and near the back pond. Lighting for the parking lot has not been proposed at this
time; however, staff would recommend it for safety purposes. Staff feels confident, based on
the parking lot being 125 feet at its closest point to the next property and the extent of
forested area around the perimeter of the site, that lighting for the parking lot can be
designed with no trespass off the site. The DRC is typically charged with reviewing
photometric plans for consistency with Town guidelines and would be asked to do so in this
case as well, if approved by the BZA. A recommended condition of approval from the PC
requires DRC approval.)

d) Outdoor activities shall be screened or fenced to provide an effective buffer for adjacent
uses. (The only existing use adjacent to this site is a single-family home to the east and
homes to the north, across Donelson Road. The buffer created by the existing trees on site,
both around the house and at the street, would be an adequate buffer to screen uses on the
property. In addition, the adjacent property to the east also has a roughly 150-foot wooded
area and pond between their home and the edge of this site).
e) Shall not materially increase traffic on surrounding streets. (As mentioned above, Donelson Road is identified as one of seven collector roads in Arlington and is thus identified as appropriate street for this type of use. Wedding venue traffic is different than most commercial uses, as they are single events at pre-established times with 90% of guests arriving within an hour of an event. Traffic would be based on the capacity of the venue and it is generally accepted that guests arrive as couples, families, or groups of friends. The long driveway and parking lot setback ensures that vehicles would not queue on Donelson Road if many arrived at one time and parking was slow but would instead be on the property. Trip distribution onto nearby streets is also unique, in that guests generally arrive from one direction or the other, based on the wedding. However, given its proximity to the Donelson Road exit at 385, it would be anticipated that this would be a likely access route for most guest. Overall, staff feels the site and roadways would not see a material increase in traffic.)

f) Shall not have an adverse effect on surrounding properties. (Staff feels potential adverse impacts on adjacent properties have been addressed through the location choice, site plan and operational limitations on the site. The location of events on the property will be separated from adjacent uses by both distance and dense landscaping, which provides buffers for light and noise.

The Town Ordinance sets the hours of 11pm-7am as quiet hours. While the site is subject to this Ordinance, placing a condition of an 11pm end time for any event would further ensure that is met. Considering there is typically more noise as people leave an event, such as voices and car doors, the Board may wish to consider conditioning that events during the week end by 10pm to ensure any final cleanup or people leaving are gone before the 11pm quiet hours (Sun.–Thurs.).

With regard to the site itself, it will remain with only a single-family structure on the property, which while large, is consistent to improvements on adjacent properties. Approval of a gravel parking area would further maintain the consistency with large-lot residential and agriculture uses. While ownership may change, the site would be subject to the same conditions, and if the use were to ever go away, the property would return to residential use.

Lastly, while not proposed at this time, any future signage to identify the location at the entrance would be limited to what is permitted in a Residential zone and subject to Design Guidelines (max of 1 sign, 25sf in size) and thus be complimentary with the area.)

g) A preliminary site plan shall first be submitted to the Planning Commission for an advisory opinion regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors. (The Planning Commission considered and recommended approval at their regularly scheduled meeting on 3/19/18)

**General CUP Provisions:** In addition to specific regulations placed projects, 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 Orion Hill Wedding Venue Site Plan subject to several conditions of approval. Those conditions are included as numbers 8-25 below.

Staff recommends approval of the Conditional Use Permit for Orion Hill Wedding Venue in the E: Estate Residential zoning district on property located at 12055 Donelson Road, subject to the following conditions:

Conditions of Approval

1. It is found that the application as presented, with plans dated March 28, 2018, and with the conditions of approval meets the provisions of the Town 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. Any future changes or expansion will require separate review and approval by the BZA and Planning Commission.

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

9. 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.

10. 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.

11. Any future signage design and location is subject to the review and approval of the DRC.

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

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

14. 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.

15. 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.

16. 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.

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

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

19. Ultimate Fire hydrant location on the site is to be determined, with approval from the Town of Arlington Fire Department.

20. Provide a paved surface consisting of either asphalt or concrete along all driveway surfaces.

21. Obtain approval for the use of limestone surface for the proposed parking areas.

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

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

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

25. 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.

26. Events shall end no later than 11:00 p.m. to ensure consistency with the Town’s Noise Ordinance and reduce the opportunity for impacts on adjacent properties.
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): 12055 Donelson Rd 38002
Owner of Record: Maxwell Awen A DTR EXempt TRUST & Lester R Graves
Owner Address: 4655 Bobbitt Rd Moscow TN 38057 6302
Daytime Phone: 901-496-1929 Fax Number: 
E-mail Address: qwenmaxwell@bellsouth.net

Agent or representative authorized to prepare this application and to provide further information as requested by the staff: Lance Lanier, Leford Engineering Planning Architecture
Daytime Phone: 901-867-5220 E-mail Address: Lance@LefordEP.com

Engineer/Designer Contact: Kevin Leford, PE
Company Name: Leford Engineering Planning Architecture LLC
Mailing Address: 5567 Commander Drive Suite 105 Arlington
Daytime Phone: 901-867-5220 Fax Number: 
E-mail Address: KD. Leford@LefordEP.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.

5854 Airline Road • P.O. Box 507 • Arlington, TN 38002-0507
Telephone (901) 867-3449 • Fax (901) 867-2638

Revised: 7/10/2012
CHECKLIST

This checklist is compiled to aid in the preparation of the Conditional Use Permit; however, it is not meant to take the place of the Town of Arlington Zoning Ordinance and Subdivision Regulations. Check all items with either a “✓” or “X” in the box. “Not Applicable” items, use N/A.

☐ Present Zoning:  
☐ Requested Use:  
☐ Purposes: (attach statement)

PRELIMINARY SUBMITTAL FOR REVIEW BY STAFF:

☐ Submit three (3) sets of the following:
  o Cover letter describing the request. The cover letter should also address the general provisions for a conditional use permit (Ordinance Section 10.5.4, 2, c), and any applicable specific provisions for conditional uses (Ordinance Section 4.9).
  o Completed application form and checklist.
  o Property survey of current conditions, showing all easements, setbacks, structures, etc., on the site.
  o Site plan showing all proposed setbacks, structures, parking, open space, buffers, etc.

☐ All drawings must be drawn to scale.
☐ All items must be collated and compiled into individual packages. All drawings over 8-1/2” x 11” in size must be folded.

REVISED SUBMITTAL FOR PRESENTATION TO BOARD:

Once all revisions have been completed, the following is to be submitted for staff’s final review and submission to the Board for their consideration. The final staff report and meeting agenda will be e-mailed to the address provided for the applicant and property owner the Wednesday prior to the meeting date.

☐ Submit eight (8) sets of the following:
  o Cover letter describing the request. The cover letter should also address the general provisions for a conditional use permit (Ordinance Section 10.5.4, 2, c), and any applicable specific provisions for conditional uses (Ordinance Section 4.9).
  o Completed application form and checklist.
  o Property survey of current conditions, showing all easements, setbacks, structures, etc., on the site.
  o Site plan showing all proposed setbacks, structures, parking, open space, buffers, etc.
  o Vicinity map of all property owners whose property is within five hundred (500) feet of the land which is subject of request or the property owners of a minimum of 25 properties, whichever is greater. Vicinity map shall show streets, roads or alleys and indicate the owner’s name and the dimensions of each parcel of property shown.
  o Any additional information requested by staff.

☐ All drawings must be drawn to scale.
☐ All items must be collated and compiled into individual packages. All drawings over 8-1/2” x 11” in size must be folded.
☐ One digital copy on a CD of all drawings submitted in JPEG format. Other formats are not acceptable.
BOARD OF ZONING APPEALS  
CONDITIONAL USE PERMIT  

RECEIVED  
FEB 26 2018  

Town of Arlington

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.

Copy and use additional pages if necessary

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5854 Airline Road • P.O. Box 507 • Arlington, TN 38002-0507  
Telephone (901) 867-3449 • Fax (901) 867-2638  

Revised: 7/10/2012
February 24, 2018

Mrs. Angela Reeder, AICP
Town Planner
Town of Arlington
5854 Airline Road
Arlington, TN 38002

RE: Conditional Use Permit Application
Don and Catherine Wilson
Orion Hill Wedding Venue
12055 Donelson Road
Arlington, TN 38002

Mrs. Reeder:

Thank you for this opportunity to submit a Conditional Use Application for Don and Catherine Wilson’s planned Orion Hill Wedding Venue. Mr. and Mrs. Wilson look forward to working with the Town of Arlington and surrounding property owners to facilitate this request.

In the process of preparing preliminary design documents, public health and safety has been addressed by identifying needed improvements to the existing drive entrance onto Donelson Road. The design documents with this submittal show removal of street side trees that interfere with the clear sight triangle for safe egress from the site. Minor grading in the tree removal area west of the existing driveway, along with the tree removal, will allow the driveway to meet current TDOT intersection guidelines. Fire protection for the site has also been addressed with a proposed 12” fire protection line to the existing residence that meets current needs and future expansion to the building, if desired at a later date by the owner.

Surrounding properties should not be adversely affected by the proposed use. No activities will be allowed after 11pm, and most likely will not be active after 10pm. The property is buffered from neighboring properties by large growth hardwood forest and will remain in this condition.

Thank you for allowing us to submit our application. Please let us know if you have any questions or concerns.

Respectfully,

Lance Lanier, EI, PLS
Ledford Engineering, Planning, and Architecture, LLC
I agree this ad is accurate and as ordered.

PUBLIC NOTICE
The Arlington Board of Zoning Appeals will hold a public hearing on Thursday, April 12, 2018 at Town Hall, 5854 Airline Rd, at 6:30 PM to consider a Conditional Use Permit request at 12055 Donelson Road, to locate a wedding chapel and meeting hall in a residential zone.

Thank you for your business. Our commitment to a quality product includes the advertising in our publications. As such, Gannett reserves the right to categorize, edit and refuse certain classified ads. Your satisfaction is important. If you notice errors in your ad, please notify the classified department immediately so that we can make corrections before the second print date. The number to call is 901-529-2700. Allowance may not be made for errors reported past the second print date. The Memphis Commercial Appeal may not issue refunds for classified advertising purchased in a package rate; ads purchased on the open rate may be pro-rated for the remaining full days for which the ad did not run.