



TOWN OF SMYRNA BOARD OF ZONING APPEALS

MEETING MINUTES

March 2, 2021

5:00 p.m.

Smyrna Town Hall

Chairman Steve Sullivan called the regular session of the Smyrna Board of Zoning Appeals to order on March 2, 2021 at 5:00 p.m. The invocation was given by Phil Wilson and the Pledge of Allegiance was led by Jay Michaelson.

The following Board of Zoning Appeals members/staff were present/absent:

Present: Steve Sullivan, Councilman; Phil Wilson; Jay Michaelson; Scott Demonbreun; Troy Powell

Staff Kevin Rigsby, Town Planner; Mitchell Wensman, Planner; Jeff Peach, Town Attorney; Kathryn

Present: Bobbitt, Office Coordinator; Jennifer Bizarri, Planning Technician; Brian Hercules, Town Manager; Todd Spearman, Assistant Town Manager

1. Citizens' Comments: None at this time
2. Approval of Minutes of the January 21, 2021 meeting

Motion by Scott Demonbreun, seconded by Jay Michaelson to approve the Minutes of the January 21, 2021 meeting.

Vote: 5 - 0 Passed - Unanimously

3. New Business:
 - a. Special Exceptions:
 1. Smyrna Day School
10411 Old Nashville Highway

<i>Location:</i> 10411 Old Nashville Hwy.	<i>Property Owner:</i> Abiding Faith Lutheran Church
<i>Tax Map/Parcel #:</i> Map 49/Parcel 1.00	
<i>Zoning/Use Classification:</i> C-4/Religious Facility & Day Care Center	

Request: For a special exception to allow a day care center in a C-4 district.



Staff Analysis The applicant has requested a special exception to allow a day care center at 10411 Old Nashville Highway. The property is zoned C-4, Neighborhood Service Business District, and is approximately 3.91 acres in size.

Applicant has started Smyrna Day School in the same building as Abiding Faith Lutheran Church. Services are offered Monday through Friday and operate during the hours of 6:30 AM – 6:00 PM. Care would be provided to children between the ages of 2-5 years old. The purpose of this day care center is to provide children the skills to prepare them for kindergarten.

Section 7.060 B of the Zoning Ordinance details the requirements for authorizing special exceptions. These are detailed below.

Special Exception Requirements

Section 7.060 of the Municipal Zoning Ordinance lists general requirements for a zoning variance request. Those requirements and staff’s findings are as follows:
 Section 7.060 Procedure for authorizing special exceptions

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same

whether review is required under Section 13-7-206 of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Building Official to determine whether a proposed use is potentially noxious, dangerous or offensive.

B. General Requirements:

A conditional use permit (a special exception) shall be provided the Board finds that it:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
 - Staff finds the proposed business of a day care center should not negatively affect the health, safety, and welfare of the public.
2. Will not adversely affect other property in the area in which it is located.
 - Staff finds that the proposed use should not adversely affect other properties in the surrounding area as the day school would utilize an existing building with an adequate facility to support the business.
3. Is within the provisions of “Special Exceptions” as set forth in this ordinance.
 - Day Care Centers are considered special exceptions within the Municipal Zoning Ordinance in the C-4 district.
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Sections 7.060 and 7.061, and is necessary for public convenience in the location planned.
 - Staff finds that this site may be able to conform to all provisions of the Municipal Zoning Ordinance as listed in Criteria Review Section 7.060 C.

C. Criteria for Review:

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 7.061), and that satisfactory provisions and arrangement has been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - Access to the site would utilize the existing driveways off Stewart Valley Drive.
2. Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
 - Staff finds that the lot would provide sufficient space for off-street parking due to the existing parking lot size.
3. Refuse and service areas, with particular reference to the items in 1. and 2. above.
 - Refuse collection will proceed in the same manner as currently.

4. Utilities, with reference to locations, availability, and compatibility.
 - This location has all the necessary utilities present on site.
5. Screening and buffering with reference to type, dimensions and character.
 - Not applicable.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
 - The proposed business has expressed interest in installing signage, which will have to meet Sign Ordinance requirements.
7. Required yard and other open space.
 - Staff finds that this yard has the necessary yard and open space to allow for the day school as there is an existing playground on site and a lot size of approximately 3.91 acres in size.
8. General compatibility with adjacent properties and other property in the district.
 - Staff finds that the use would be compatible with adjacent properties as there is a school on an adjoining parcel.
9. The following additional rules apply for upper story residential development proposals:
 1. All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.
 2. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Smyrna Municipal Code.
 - Not applicable.

7.061.7

Special Conditions for Day Care Centers:

1. No such facility shall be permitted on a zone lot unless it contains a minimum of ten thousand (10,000) square feet, or twice the lot area requirements of the zone district whichever is greater.
 - The minimum lot size for a C-4 zoned property is 10,000 square feet; the subject property at 10411 Old Nashville Highway is approximately 3.91 acres.
2. All bulk and setback regulations of the district shall be met.
 - Applicant is utilizing an existing portion of the building; the existing building is adhering to all setback regulations.
3. The requirement of the accessory off-street parking regulations of this ordinance in Article IV, Section 4.010 shall apply.
 - Requirements for parking are one space per employee plus one space per five children. Applicant anticipates eight to ten employees to operate the day care center with approximately 40 children, and a maximum of 42. Based on the employees and children present, 18 spaces would be required and the site exceeds this parking requirement. Applicant has noted the church and the day care would not operate simultaneously, so parking would not be an issue.
4. All regulations of the State of Tennessee shall be met.
 - Applicant states they have met all the requirements set forth by the Tennessee Department of Human Services and has licenses provided by the State.

5. All public utilities and sewage disposal shall be available to the site, and shall be subject to approval by the Director of Utilities, and site and architectural plans for such a facility shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.
 - All utilities are available at the site.
6. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
 - There is an educational facility on an adjacent parcel and is compatible with surrounding parcels.
7. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.
 - There will not be any additional screening required for this use.

Conclusion

Staff finds that the property provides sufficient space for the business of a day care center. An ample number of parking spaces exist on site to support this business and there would be no concerns regarding an overlap of timing between the church and day care center. There are other educational facilities on adjoining parcels, so this use would not be out of place with surrounding properties.

Motion by Phil Wilson, seconded by Scott Demonbreun to approve a special exception request to allow a daycare center in a C-4 district due to ample property size to operate the business, sufficient parking spaces, hours of operation, and consistent with adjoining property uses.

Vote: 5 - 0 Passed - Unanimously

2. Zomi Christian Church, Inc.
815 Rock Springs Road

<i>Location:</i> 815 Rock Springs Road	<i>Property Owner:</i> Marjolus Holdings
<i>Tax Map/Parcel #:</i> Map 28, Parcel 87.04	
<i>Zoning/Use Classification:</i> R-3/Vacant	

Request:

Special exception to allow a religious facility in a residential district.



Staff Analysis The applicant has requested a special exception to construct a church at 815 Rock Springs Road. The property is zoned R-3, Medium Density Residential, and is approximately 4.81 acres in size. Applicant would like to construct a minimum of two buildings, one worship center and one fellowship hall. The worship center would be approximately 12,500 square feet and the fellowship hall approximately 12,000 square feet in size. There are 340 members who currently attend, and is still growing in attendance. Hours of operation would be Friday in the evening; Saturday 10:00AM – 12:00 PM, 2:00 PM – 4:00 PM, 6:00 PM – 8:30 PM; Sunday 10:00 AM – 12:00 PM, 2:00 PM – 5:00 PM and 6:00 PM – 8:30 PM. There is a TVA easement on this property; applicant has noted they would like to put a building on each side of the easement with parking within the easement.

Section 7.060 B of the Zoning Ordinance details the requirements for authorizing special exceptions. These are detailed below.

Special Exception Requirements

Section 7.060 of the Municipal Zoning Ordinance lists general requirements for a zoning variance request. Those requirements and staff's findings are as follows:

Section 7.060 Procedure for authorizing special exceptions

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-206 of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Building Official to determine whether a proposed use is potentially noxious, dangerous or offensive.

B. General Requirements:

A conditional use permit (a special exception) shall be provided the Board finds that it:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
 - Staff finds the proposed use of a church has the potential to negatively affect the health, safety, and welfare of the public based on the increase in traffic and adjoining residential districts.
2. Will not adversely affect other property in the area in which it is located.
 - Staff finds that the proposed use may adversely affect other properties in the surrounding area during times of operation, as a result of noise or increased traffic in the area.
3. Is within the provisions of “Special Exceptions” as set forth in this ordinance.
 - Section 5.051.3 C lists “religious facilities” as a special exception in the R-3 district.
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Sections 7.060 and 7.061, and is necessary for public convenience in the location planned.
 - Staff finds that this site may be able to conform to all provisions of the Municipal Zoning Ordinance as listed in Criteria Review Section 7.060 C.

C. Special Conditions for Religious Facilities:

- a. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district except those facilities proposed in the R-1 and R-4 Districts where the minimum district lot size shall apply.
 - The minimum lot size in the R-3 district is 10,000 square feet. This lot is approximately 4.81 acres in size.
- b. The location, size and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area, thus reducing the impact upon such area.
 - Staff finds the proposed use of a religious facility in this area may fit with surrounding uses as surrounding parcels are developed and undeveloped commercial zones and other residential properties.
- c. Such facilities shall be located only on arterial or collector streets as shown on the official Major Thoroughfare Plan.
 - Rock Springs Road is shown as a collector street on the Major Thoroughfare Plan and meets this requirement.
- d. All bulk regulations of the district shall be met.
 4. ● All bulk regulations can be met on this site.

5. The off-street parking requirements of this ordinance in Article IV, Section 4.010, shall apply.
 - Applicant wishes to construct a building on each side of the TVA easement with parking within the easement and will be assessed at the site plan level.

D. Criteria for Review:

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 7.061), and that satisfactory provisions and arrangement has been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - Access to the site would utilize a driveway off Rock Springs Road.
2. Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
 - Parking requirements for a religious facility is one space per three seats. Using the 340 current members, roughly 113 parking spaces would be required. Being an adjoining parcel is residential; staff would recommend a landscape buffer be installed.
3. Refuse and service areas, with particular reference to the items in 1. and 2. above.
 - Refuse collection would be scheduled by the applicant upon construction of the property.
4. Utilities, with reference to locations, availability, and compatibility.
 - This location has gas and water available, but no sewer access. Upon development of this property, an easement will be required across one of the adjoining properties that front Old Nashville Highway. Based on the 6" water line on Rock Springs Road, the maximum fire flow is 800 GPM at 20 PSI. If the building is sprinkled, the requirement is 1,000 GPM, if not sprinkled, 1,500 GPM. To obtain adequate fire flow, the water line from Needham or Old Nashville Highway would have to be extended or the existing line can be converted to high pressure with reduced pressure valves added at each property.
5. Screening and buffering with reference to type, dimensions and character.
 - Staff would recommend a landscape buffer be planted to screen the parking lot and church from the adjoining residential properties. The landscape buffer may be comprised of evergreens and shrubs.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
 - Any proposed signage would be required to meet the Sign Ordinance and lighting would be required to not shine on adjoining properties.
7. Required yard and other open space.
 - Staff finds that this yard has the necessary yard and open space to allow for two religious facility buildings and parking.
8. General compatibility with adjacent properties and other property in the district.
 - Staff finds the proposed use of a religious facility in this area may fit with surrounding uses as surrounding parcels are developed and undeveloped commercial zones and other residential properties.

9. The following additional rules apply for upper story residential development proposals:
- All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.
 - All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Smyrna Municipal Code.
- Not applicable.

Conclusion

Staffs finds that the lot provides sufficient space for proposed religious facilities and parking lot. While there is a residential use adjoining this parcel and across Rock Springs Road, there are commercial uses present on the other parcels. Staff would recommend a landscape buffer be installed along the eastern property line adjoining the residential lot to reduce and affects produced from this use. Being there is an approximately 100' TVA easement, in which no structures may be built without permission, a parking lot makes sense for this area of the parcel with buildings on both sides of the easement. Rock Springs Road is a collector road and is already used as a thoroughfare for motorists, so the additional traffic created by this use may be a fitting use in the area. In order for sewer to serve this lot, an easement would have to be granted from one of the adjoining parcel off Old Nashville Highway. In its current state, there is not sufficient fire flow for this site, to accomplish adequate flow, the water line from Needham Drive or Old Nashville Highway would have to be extended or the existing line could be converted to high pressure with reduced pressure valves being added at each property the line serves. These issues regarding utilities would be addressed at the site plan level.

Motion by Phil Wilson, seconded by Scott Demonbreun to approve special exception to allow a religious facility in a residential district with conditions as set forth in the conclusion of the Staff Report as shown above.

Vote: 5 - 0 Passed - Unanimously

4. Staff comments and/or other business
5. Adjournment

Respectfully submitted:

Certified by:

Kevin Rigsby
Secretary

Councilman Steve Sullivan
Chairman