

# Town of Arlington

5854 Airline Road, Arlington, TN 38002



## MINUTES

Board of Zoning Appeals

January 23, 2012

6:00 P.M.

### I. INVOCATION

Chairman Glen Bascom led the opening prayer.

### II. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

#### Present

Glen Bascom

Russ Campbell

R. L. Achelpohl

Debbie Wiseman

Samuel Murrell

#### Others Present

Heather Sparkes, Planner

See List

Chairman Glen Bascom called the meeting to order, noted that a quorum was established, and welcomed new member, Samuel Murrell.

### III. APPROVAL OF MINUTES

Chairman Bascom called for a motion to approve the December 6, 2011, minutes.

**Motion:** R. L. Achelpohl made a motion to approve the minutes of the December 6, 2011, meeting as submitted. Russ Campbell seconded the motion. The motion carried unanimously.

### V. OTHER AS PROPERLY PRESENTED

There was no old business to come before the Board.

### VI. NEW BUSINESS

#### A. Reading of Request – Raleigh Tire Service

Chairman Glen Bascom read the following: In accordance with the Arlington Zoning Ordinance, Section 10, the Public Hearing is to consider a request presented by Construction Engineering Services, Inc., on behalf of Raleigh Tire Service, to grant a Conditional Use Permit for a Vehicle Service/Repair and Tire Facility in the SC –

Shopping Center Zoning District on property located on the east side of Airline Road, north of Town Hall..

Chairman Bascom recognized Heather Sparkes, Town Planner, who provided the analysis (on file). Ms. Sparkes stated that the request is for a conditional use permit for Raleigh Tire for automotive services in the SC – Shopping Center Zoning District. She noted that the property is located north of Town Hall on the east side of Airline Road and is over 200 feet from the Town Hall property line. She noted that the surrounding properties include vacant property to the north, south and east which are zoned SC; and to the west is the U.S. Post Office and Arlington Self Storage which are zoned M-1 – Light Industrial. Ms. Sparkes stated that the site is 1.52 acres in size and the proposed development includes a 10,799 square foot building with ten service bays with five on each side of the building, facing north and south, which does meet Zoning Ordinance requirement that they do not face the public right-of-way.

Ms. Sparkes advised that on January 17, 2012, the Planning Commission (PC) reviewed a request for an advisory opinion of a preliminary site plan for Raleigh Tire. She noted that the original request was for the same size building on the proposed Lot 2B which was about 200 feet closer to the Town Hall property. She advised that the Planning Commission did not recommend approval of the use on the proposed lot; however, they did make a motion to recommend that should the Board of Zoning Appeals approve the conditional use permit, they consider staff conditions and three additional Planning Commission conditions (on file). Ms. Sparkes advised that the applicant has addressed the PC condition requiring that the site be a minimum of 150 feet from the north Town Hall property line by relocating the proposed use to Lot 2A which is 230 feet north of the Town Hall property.

Ms. Sparkes advised that the Board of Zoning Appeals has certain standards to review when considering a conditional use permit and reviewed these provisions as stated in Section 10.5.4.2)c) of the Zoning Ordinance. She then advised that there are specific provisions for automotive services in the SC – Shopping Center district and reviewed these provisions as stated in Section 4.9.3.2) of the Zoning Ordinance. Ms. Sparkes suggested that the Board of Zoning Appeals consider the Land Development Plan when considering the request for a conditional use permit. She noted that this property is planned for Neighborhood Support Commercial, whose use is to, “provide for neighborhood-serving commercial development, providing daily goods and personal services required for adjoining neighborhoods.” Ms. Sparkes reviewed the site analysis with regard to access, parking and loading, and open space requirements. She stated that staff recommends that the Planning Commission conditions of approval from their January 17, 2012, meeting, and additional standard conditions be considered by the Board of Zoning Appeals in their decision. Ms. Sparkes noted that the applicant and his design professional were present to answer questions. Chairman Bascom called for a motion.

**Main Motion:** Debbie Wiseman made a motion to approve the request for a conditional use permit subject to compliance with all Staff and additional Planning Commission conditions as presented. Russ Campbell seconded the motion.

Chairman Bascom called for Board discussion. Chairman Bascom recognized Russ Campbell who noted that this is an approved use for this property. He noted that the Planning Commission, even though they saw fit not to give a positive recommendation to the Board of Zoning Appeals, still added three recommendations that they would like the Board to consider. He noted that one condition required a minimum of 150 feet from Town Hall, and the applicant has complied with and surpassed the minimum footage required. He noted that the other PC conditions stated that there would be no outside storage of automobiles, equipment, tires or the like and no outdoor overnight storage of vehicles; therefore, no fencing would be required. He then advised that upon approval of the conditional use permit, the site plan will again go before the Planning Commission and then the Design Review Committee. Chairman Bascom asked for clarification that the fence provision would not be needed if no outside storage of automobiles and/or equipment is allowed. Ms. Sparkes replied that he was correct. Mr. Campbell stated that he has a question about is the potential adverse effect of noise on the surrounding areas, and noted that the Planning Commission and Design Review Committee will have the opportunity to address this issue. Debbie Wiseman noted that proper landscaping should help buffer noise generated by the service center. Samuel Murrell asked about the hours of operation. Chairman Bascom recognized Robert Torrey, 4786 Crestfield Road, Millington, TN, who advised that the hours of operation are 7:30 to 6, Monday through Friday, 7:30 to 3 on Saturday and closed on Sunday. Ms. Wiseman asked about the number of employees. Mr. Torrey replied that they hope to have about ten employees in the store. Ms. Wiseman noted that there is a good amount of parking. It was noted that there would be customers who drop off their vehicles for servicing and this requires the additional parking. Mr. Campbell asked if business hours can be conditioned. Gerald Lawson, Attorney, replied yes if the surrounding property owners are adversely affected. Ms. Wiseman responded that she thinks 7:30 to 6 p.m. are reasonable hours of operation. Mr. Campbell suggested that a condition be added regarding the stated hours of operation. Chairman Bascom replied that in his opinion he thinks this condition would be adding too much to the conditional use. He noted that Airline Road is a major road for Arlington with a Fire Station, an elementary school, a bank that is open until 6 p.m., a storage facility, post office, railroad tracks and trains passing through Town, a Sonic drive-in, and Kroger deliveries in the early morning hours. He stated that with all of this going on, he does not want to restrict Raleigh Tire's hours. Mr. Campbell asked what the recourse would be if the BZA added the condition that if Raleigh Tire ever wanted to change their hours, would they have to come back to the BZA. Ms. Sparkes replied yes because the BZA made the condition. Mr. Campbell noted that he would like to keep the condition. There was further discussion. R. L. Achelpohl stated that he is not in favor of restricting the business hours. Ms. Wiseman stated that Raleigh Tire has complied with a lot of the Town's requests already, and she believes that they have shown that they want to be good neighbors and do the right thing. Mr. Campbell stated that since no one is in favor of this condition, he will drop the request. However, he stated that he believes the Board should explore all concerns for the citizens of Arlington.

Chairman Bascom recognized the applicant, Albert Bellanti, owner of Raleigh Tire, 9300 Oak Knoll Cove, Cordova, TN. Mr. Bellanti stated that Raleigh Tire has shown that they are trying to comply with everything requested of them by the Town, and he believes they will be good neighbors and an asset to the Town. Mr. Bellanti noted that with regard to restricting their opening or closing hours, he would prefer not to have that condition placed on them.

Chairman Bascom called for further questions or comments for the applicant. Hearing no reply, he opened the public hearing and stated that anyone wishing to speak for or against this project come to the podium and state name and address for the record. Chairman Bascom advised that each speaker has three minutes.

Gene Hinders, 11971 Brown Street, addressed the Board and stated that he is glad to see a new business coming to Arlington and wants to make sure the building will be brick. He noted that in the past there have been buildings that were supposed to be brick but were constructed with other materials. Ms. Sparkes advised that Raleigh Tire is not in an industrial zoning district; therefore, no metal is allowed on the exterior of the building. She advised that the Design Guidelines Manual requires predominately brick or stone and allows a small amount of EFIS or stucco product on the building. She noted that this should address Mr. Hinder's concern. Chairman Bascom closed the public hearing.

Chairman Bascom asked Ms. Sparkes to confirm that the applicant has met all conditions. She stated that following the Planning Commission meeting she talked with the applicant and their design professional. She noted that they moved the building to be greater than 150 feet from the Town's property line, and Mr. Bellanti has advised her that he understands that they can not store items outside the building. Ms. Sparkes stated that they have met all standards in the Zoning Ordinance for this location and she is comfortable with recommending approval. Chairman Bascom called for further discussion. Hearing no reply, he called for a vote.

**Vote on Motion:** The motion carried unanimously.

Conditions of Approval:

1. Satisfactory completion of all Planning Commission conditions and Development Staff requirements related to the plan of site improvements is required.
2. Design Review Commission approval of building elevations, landscaping, lighting and signage are required.
3. The applicant must execute a Development Contract with the Town for any improvements.
4. The applicant is required to begin construction of the conditional use authorized by the Board of Zoning Appeals within one year of its approval. Failure to begin construction of the approved conditional use or to establish the conditional use within the prescribed time period shall result in the voiding of approval of the Conditional Use Permit. The applicant may request an extension from the Board of Zoning Appeals not to exceed one year.

Planning Commission Recommended Conditions of Approval from January 17, 2012 Meeting:

5. 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.

6. 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.
7. Foundation landscaping shall be placed around the building to meet the requirements of the Design Guidelines Manual.
8. Should the Board of Zoning Appeals approve the conditional use permit, a site plan shall be submitted to the Planning Commission, along with all required documents and plans, for review and approval. A site plan application shall subsequently be submitted to the Design Review Committee, along with all required documents and plan, for their consideration.
9. The site will be required to comply with all regulations of the Tennessee Department of Environment and Conservation and Tennessee Department of Transportation for site improvements.
10. No outside storage of automobiles, equipment, tires or the like is allowed.
11. No overnight storage of vehicles outdoors is allowed.
12. The site shall be a minimum of 150 feet from the north Town Hall property line.

B. Other as Properly Presented

1. Heather Sparkes, Town Planner, advised that the training session scheduled for Monday, January 30, 2012, has been postponed and the members will be receiving a notice in the mail.
2. No other new business was presented to the Board.

**VII. ADJOURNMENT**

**Motion:** Russ Campbell made a motion to adjourn the meeting. R. L. Achelpohl seconded the motion. The meeting was adjourned.

  
\_\_\_\_\_  
Glen Bascom, Chairman

8/9/12  
\_\_\_\_\_  
Date

Submitted By: Theresa Smith