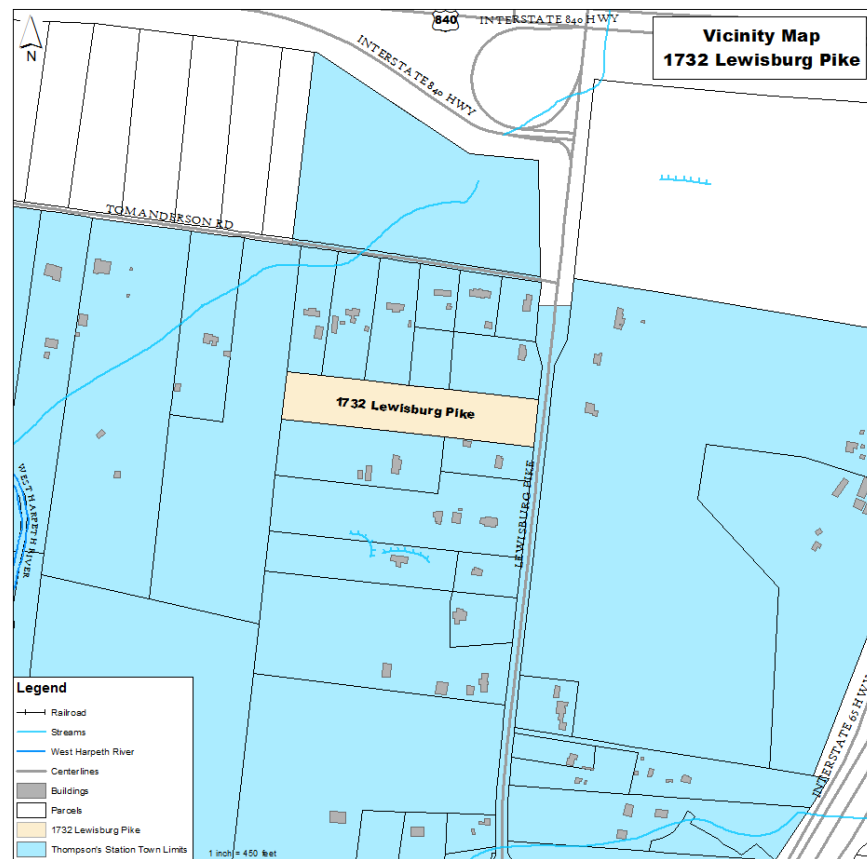


PROJECT REQUEST

Request for reconsideration of two conditions that are part of the approval of a Special Exception to permit a Religious Institution Use in a D1 zone at 1732 Lewisburg Pike pursuant to a proposed settlement agreement.

PROJECT DESCRIPTION

The applicant, Port Royal Church of Christ, pursuant to a proposed settlement agreement, requests reconsideration of conditions of approval 10 and 12 made as part of the approval of the Special Exception for a Religious Institution Use on property at 1732 Lewisburg Pike within a D1 zoning district.



BACKGROUND

The Board of Zoning Appeals (BZA) approved a Special Exception for a Religious Use in a D1 zoning district with 12 conditions of approval at the June 6, 2022, BZA Meeting. The applicant has requested the BZA reconsider two conditions of approval related to parking in the front of the building and turn lanes on Lewisburg Pike.

The full conditions of approval are included, below:

A Special Exception was approved for 1732 Lewisburg Pike with the following conditions:

1. The BZA finds that the proposed use will not adversely affect the property or surrounding properties.
2. The BZA finds that the proposed operation will not harm the public's health, safety, or welfare.
3. The BZA finds that the Special Exception is justified by the intent of the proposed use and operation submitted in the application by the Applicant.
4. All the applicant's submittal items shall become part of this Special Exception Permit, which shall run with the land, not the applicant.
5. Any enlargement or alteration of the Site Plan, as included in this approval, shall require the review and approval of the Special Exception Permit by the BZA.
6. Any change to the Religious Institution use, as described in the applicant letter to the BZA, shall require the review and approval of the Special Exception Permit by the BZA.
7. The applicant shall obtain approval for the septic system on site from the Williamson County Sewerage Disposal Department (WC SDD) prior to the submittal of a Site Plan for this use.
8. The applicant shall submit the Site Plan, as approved by the BZA and after WC SDD approval of a septic system, designed to meet all LDO standards to the Design Review Commission and the Planning Commission for their review and approval.

BZA Added Conditions

9. The Special Exception shall allow for only the Phase I building, which is 6,000 square feet of building square footage in a single building.
10. Parking shall be only in the rear of the approved Phase I building.
11. A privacy fence and landscaping to provide an evergreen screen shall be required around the entire adjoining residential properties.
12. The applicant shall provide turn lanes, to be approved by TDOT, on Lewisburg Pike.

The BZA added four (4) conditions of approval as part of their deliberations on the eventual approval of the Special Exception for this property. The applicant asks for reconsideration of the following two conditions:

10. Parking shall be only in the rear of the approved Phase I building.
12. The applicant shall provide turn lanes, to be approved by TDOT, on Lewisburg Pike.

ANALYSIS

These two conditions of approval relate to design and site issues that are also covered by sections within the Land Development Ordinance (LDO). The location of parking is regulated by Section 4.11.1(a), which states that "buildings should be located along road frontage with parking located in the rear." Parking is further addressed by the Town's *Design Guidelines*, which, in Section 5, states that parking "should not be the focal point or prominent feature of the development" and includes six (6) recommendations related to parking areas, including the following specific to location: "Locate parking behind or beside buildings rather than adjacent to the street." The LDO has created an avenue to address the BZA's concern related to the location of parking through the Town's Design Review Commission; therefore, Town Staff is comfortable with revising condition of approval 10, as part of the proposed settlement agreement, to note that parking should be limited and to leave the final design details up to the Design Review Commission.

Similarly, the review of any transportation and traffic related impacts of this development are covered by Section 3.9.24 of the LDO, which requires a Traffic Study under certain circumstances. Subsection 3.9.24(a) states:

- a. A traffic study shall be required for any development that will create 500 trips per day or 100 trips or more during a peak hour or any development located on a major arterial within the Town or a project site as requested by the Town Planner or Traffic Engineer.

While this development likely will not trigger the automatic trips provision, the site is located along an arterial within the Town. Therefore, with the submittal of a site plan for this development, a Traffic Study, meeting all requirements of the LDO, shall be required for Planning Commission review and approval. The Traffic Study, which will be reviewed by the Town's Engineer, will include any required traffic improvements to accommodate this development. Again, Town Staff is comfortable modifying condition of approval 12 to remove it completely since the LDO has an established process for ensuring that any traffic impacts caused by this development shall be mitigated with required improvements, which should alleviate the BZA's concern related to this aspect of the Special Exception. Town Staff does want to include a note with the removal of condition of approval 12, per the proposed settlement agreement, that the applicant shall be required by the LDO to perform a traffic study.

RECOMMENDATION

Staff recommends approval conditions of approval 10 and 12 are modified as follows, with all other conditions to remain as part of the approval of this Special Exception:

...

10. Parking in the front of the building, facing Lewisburg Pike and the ROW, shall be limited as determined by the Town's Design Review Commission.

...

- ~~12. The applicant shall provide turn lanes, to be approved by TDOT, on Lewisburg Pike.~~

Deleted with the understanding that the applicant must, however, submit a traffic study with its application for and prior to submittal of its site plan for Phase I, pursuant to Section 3.9.24 of the Land Development Ordinance ("LDO") and otherwise comply with all requirements of the LDO for site plan approval.