

Town of Thompson's Station
Board of Zoning Appeals
Special Called Meeting Agenda
November 10, 2016

*Meeting Canceled. Applicant withdrew submission.

Meeting Called To Order

Consideration Of The Minutes Of The October 18, 2016 Meeting.

Documents:

[BZA MINS_10182016.PDF](#)

1. Variance Request To Deviate From Section 4.11.5 For A Proposed Gas Station/Convenience Store Proposed To Be Located At Columbia Pike/Critz Lane.

A. **Public Hearing** as advertised on the Town website, postings around Town, and in the October 23, 2016 edition of the *Williamson AM* newspaper.

Documents:

[STAFF REPORT FOR TWICE DAILY VARIANCE.PDF](#)
[APPLICANT LETTER.PDF](#)
[SITE PLAN EXHIBIT.PDF](#)

Adjourn

*This meeting will be held at 6:00 pm in Thompson's Station Town Hall at
1550 Thompson's Station Rd West.*

Town of Thompson's Station
Board of Zoning Appeals
Minutes of the Meeting
October 18, 2016

Call to Order.

The meeting of the Board of Zoning Appeals of the Town of Thompson's Station was called to order at 6:00 p.m. on Tuesday, October 18, 2016 with the required quorum. Members and staff in attendance were: Archie Buttrey, Chairman; Martha Irwin, board member; Roger Nixon, board member; Mary Herring, board member; Bob Whitmer, board member; Wendy Deats, Town Planner; Joe Cosentini, Town Administrator; Jennifer Jones, Town Recorder.

Consideration of Minutes. The minutes of the August 23, 2016 meeting were previously submitted.

Board Member Irwin moved for approval. The motion was seconded and carried unanimously.

Appeal of Staff Determination that the term "election" is defined as the election day (File: BZA 2016-003).

Mrs. Deats reviewed her report and recommends that the Board of Zoning Appeals review the code (SIGN CODE, Section 4.17.4 which states campaign signs shall not exceed 32 square feet and shall not be displayed prior to 45 days prior to the election) and the interpretations (Staff has consistently applied the interpretation of the term "election" as the election day) and render a determination.

Mr. Buttrey opened the Public Hearing.

Mr. Ben Dilks, applicant, came forward to speak on his behalf, providing his interpretation of the CODE and definition of "election" as when early voting begins.

After discussion, Board Member Herring made a motion to uphold Staff's interpretation of "election" as the actual election day. The motion was seconded and carried by all.

There being no further business, the meeting was adjourned at 6:34 p.m.

Archie Buttrey, Chairman

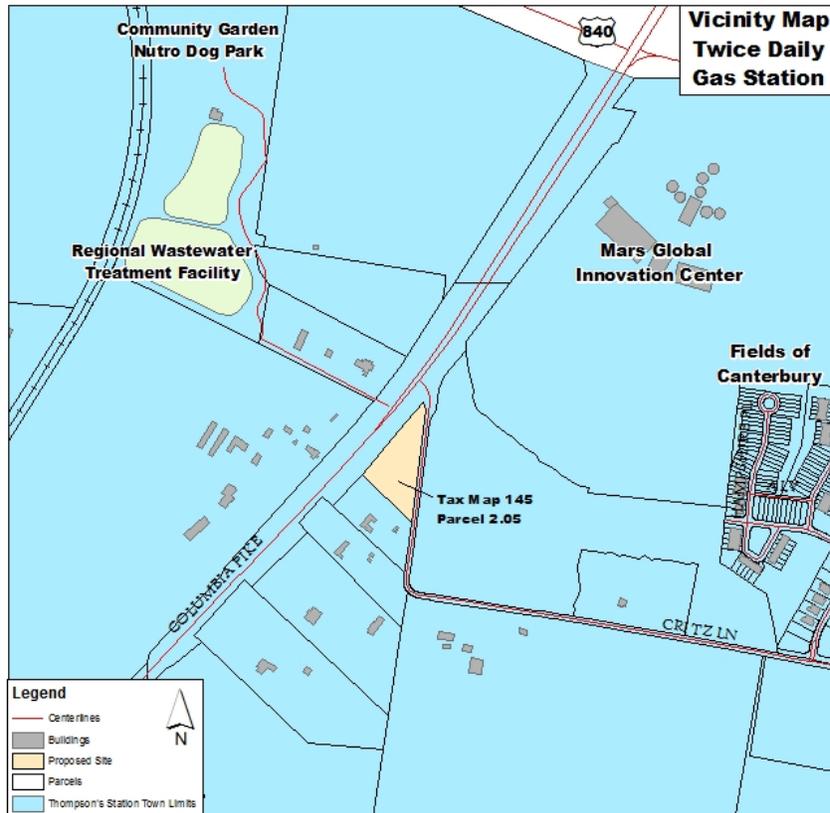
Jennifer Jones, Town Recorder

**Thompson's Station Board of Zoning Appeals
Staff Report - Item 1 (BZA 2016-004)
November 10, 2016**

Variance request to deviate from Section 4.11.5 for a proposed gas station/convenience store proposed to be located at Columbia Pike/Critz Lane.

PROJECT DESCRIPTION

The applicant, Twice Daily is requesting approval of a variance in order to locate a drive through convenience store, parking and gas pumps in conflict to the requirements set forth in Section 4.11.5a of the Land Development Ordinance. The project site is located along the east side of Columbia Pike within the Community Commercial (CC) zone.



REQUEST

A variance is a request to deviate from the strict adherence to the code. Automotive uses are considered “high impact” uses and therefore are subject to specific standards adopted by the Land Development Ordinance (LDO) to ensure the site layout and design of these uses are consistent with the goals and policies of the Town. Therefore, Section 4.11.5a of the Land Development Ordinance requires that **“main buildings and structures shall be located as close as allowable to the public right-of-way adjacent to landscaping, and the front façade of the main structures shall orient toward the public right-of-way. Automotive bays, canopies and gas station pumps, and other garage space access shall be oriented away from the public right-of-way.”**

In this case, the request is to locate an 80-foot by 60-foot gas station/convenience store oriented away from the public right of way with a substantial setback and no landscaping adjacent to the building. In addition, the applicant is proposing to orient 10 gas pumps toward the roadway.

Therefore, the proposed gas station/convenience store with gas pumps does not comply with the site layout and design standards as set forth within the LDO.

The BZA may grant a variance if special circumstances apply to the project. The criteria set forth to determine if a variance request is necessary are as follows (as stated in the Town's Land Development Ordinance, Section 5.5.4):

Please note, each finding is italicized, followed by the applicant statement and staff response.

Finding 1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.

Applicant Statement

“Based on the realignment of Critz Lane, the parcel has a particular hardship due to the remaining geometry. ROW being dedicated for Critz Lane is at the southern side of the parcel where the greatest width is located. With the new property lines, the depth of the property from Columbia Pike is reduced from 456’ to 335’. With the original parcel, the rear of the building could be placed along Columbia Pike and have adequate room for the drive aisles around the store and fuel island for pedestrian safety, while cars and delivery trucks access the site. With the shortened property lines, there is not enough depth to provide pedestrian safety. The proposed building orientation (facing Critz Lane), will allow for the delivery truck access to remain separate from the fuel island for pedestrian safety. Additionally, vehicles entering/exiting the fuel island or parking at the front of the store have the required sight distance to safely maneuver in the main internal drive aisle, to ensure that pedestrian safety is maintained in this high traffic area.”

Staff Response

The site is located within the Community Commercial (CC) zone which “should include a range of commercial activities that serve a community or several neighborhoods and allow larger commercial businesses” (LDO Section 1.2.7). No minimum lot size is required within this district however, the minimum front setback is 10 feet, the secondary front setback is 10 feet, side setbacks are eight feet and the rear setback is 15 feet (LDO Table 4.14). Automotive uses further require building placement “as close as allowable” to the road, with landscaping adjacent to the structure and gas pumps in the rear of the building.

The project site is triangular in shape, prior to, and after any future roadway dedication for the realignment of Critz Lane. The realignment of Critz does reduce the available area, however, the site appears to have an acceptable building envelope suitable to commercial development at the corner of Columbia Pike and Critz Lane. In addition, the site has over 450 feet of frontage along Columbia Pike and over 300 feet of frontage along Critz Lane. The proposed site layout includes substantial setbacks from the right-of-way to accommodate a drive aisle and drive through around the building with placement of a 10 gas pumps in front of the main structure on the corner of Columbia Pike and Critz Lane. Therefore, Staff does not find physical constraints that prohibit the placement of buildings and gas pumps as directed by the code requirements and cannot support this finding.

Finding 2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other properties within the same district.

Applicant Statement

“Correct, the petition for this variance would not be applicable to other lots in this same district, due to the geometry of their lots. Additionally, the unique case to dedicate ROW on two sides of the property to allow for a realignment of a secondary road to provide a safer intersection will not be something that has to be considered with other lot developments in this district.”

Staff Response

The properties within the area have varying sizes and topographies and are all subject to the same code requirements for development. While other properties do not have dedication requirements, the realignment of Critz Lane provides better access to the site with a signalized intersection.

Finding 3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land structures, or buildings in the same district.

Applicant Statement

“No special privileges are inferred with this request. All building material, site layout, and landscaping requirements will still be adhered to in the development of this project. This site is only 140’ wide. By allowing for a reduction in the front and rear setbacks, the lot becomes developable. The parking space size reduction allows the largest drive aisle possible.”

Staff Response

The site is triangular in shape and therefore the width varies from the southern property line to the northern property line, however, despite its shape, a project can be developed to maximize the area of Columbia Pike and Critz Lane as realigned in the future. This is the case because stormwater detention is located in the northern portion where the site is narrow and constrained thereby preserving the widest portion of the site for development. In addition, with the realignment of Critz Lane, the widest portion of the property will also have improved access thereby creating better opportunities for ingress/egress to this site.

Finding 4. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.

Applicant Statement

“The orientation and placement of the building has been reviewed from all sides and this layout provides the minimum deviation from the city ordinances. By allowing this orientation, the only variance is the building placement, and all other standards can be met. This layout also considering additional impacts of neighboring properties, see condition below.”

Staff Response

Building placement is not the only deviation from the Land Development Ordinance proposed. The request does include the deviation from the placement of the main structure since the code requires the building be located “as close as allowable” to the road, but the project does not incorporate the required landscaping adjacent to building and the building is not oriented toward the road. In addition, the gas pumps are proposed to be located in front of the main structure and oriented toward the road which is not permitted by the code requirements.

Finding 5. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.

Applicant Statement

“In considering the building placement that would allow adequate pedestrian safety. Consideration was also given to neighboring properties. By allowing the proposed building placement we move the building the maximum extent away from the residential on the other side of Critz Lane so that the neighbor is not viewing the back of the building. Additionally, since the dumpsters have to be in the near the building, this allows the dumpsters to placed further from residential property.”

Staff Response

The Land Development Codes specifies the manner in which buildings must be designed and oriented to ensure that the quality of the built environment is a positive addition to the community. The main structure is required to be located “as close as allowable” and oriented toward the roadway, adjacent to landscaping with gas pumps oriented away from the roadway. These requirements for site layout ensure the view is building frontages instead of the gas pumps and canopy. The intent of these provisions for placement, orientation and landscaping within the code is to reduce the potential for negative impacts related to the development of automotive uses. Therefore, the request to deviate does conflict with the code’s intent to protect adjacent property owners’ views.

Finding 6. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.

Applicant Statement

The proposed development will have adequate lighting to allow for safe access, but will be minimized along the edge of the property, as to not adversely affect neighboring properties. With the realignment of Critz Lane and the intersection improvement at Columbia pike, traffic safety will be increased for all turning movements in this location. To support the new alignment, the development will provide two access points for the site. The one on Critz Lane will be placed over 300’ from Columbia Pike to allow proper storage lengths of the secondary road and for an ease of access to be encouraged from the intersection. Additionally, the access on Columbia Pike will be place over 400’ from the intersection to allow for more than the minimum required site distance when making a right in/exit from the site on Columbia Pike. By having the second access point on Columbia Pike, it provides a secondary point for entering/exiting and ensures that there is not a build up at the new intersection or provide congestion within the development around the store.”

Staff response

The site is located along a major corridor with traffic volume in excess of 20,000 trips per day. The roadway improvements and a signalized intersection from Critz Lane will improve the mobility to and around the site. TDOT has authority over approvals for driveway connections along state routes, such as Columbia Pike (SR6). A traffic analysis will be required for development of this site, however, the driveway proposed on the attached site plan for Critz Lane appears to meet code requirements. In addition, lighting standards will be enforced.

Finding 7. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

Applicant Statement

“The hardship for the parcel is created from the ROW dedication to Columbia Pike and Critz Lane. While the ROW dedication will create an opportunity to provide better corridor traffic flow to Thompson’s Station from Hwy 840, it does present a unique challenge for this site’s development.

Staff Response

The dedication of land for the realignment of Critz and the proposed improvements, including the signalization of the intersection of Columbia Pike and Critz Lane improve the circulation to and around the project site.

RECOMMENDATION

It is Staff's opinion that Findings 1, 2, 3, 4, and 5 are not satisfied as required by Section 5.5.4, therefore Staff recommends that the Board of Zoning Appeals deny the request for a variance to deviate from the code requirements in order to develop the gas station/convenience store as proposed.

ATTACHMENTS

Applicant letter dated October 5, 2016

Site plan Exhibit



G R E S H A M
S M I T H A N D
P A R T N E R S

October 5, 2016

Board of Zoning Appeals
1550 Thompson's Station Road W.
Thompson's Station, TN 37179
615-794-4333

**Subject: Proposed Twice Daily Convenience Store
Columbia Pike and Critz Lane
GS&P Project No. 29956.05**

To The Thompson's Station Board of Zoning Appeals:

This letter is in reference to the above project, located at the corner of Columbia Pike and Critz Lane. We are seeking your consideration for approval regarding the building orientation for the site. Due to the realignment of Critz Lane and the unique geometry of the parcel that now remains for development, we would like to be considered for a variance that would allow the front our building to face Critz Lane instead of the rear of the building facing Columba Pike. The proposed layout is shown in the exhibit attached to this application. The primary reason for this request is to allow much greater safety when walking from the fuel islands to the store and to allow the access points to each highway to be place at the maximum distance from the new intersection. We believe this proposed layout meets the seven conditions laid out in the land development ordinance by city as outlined below.

- A. The particular physical surrounding, shape, and/or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out, must be stated.

Response: Based on the realignment of Critz Lane, the parcel has a particular hardship due to the remaining geometry. ROW being dedicated for Critz Lane is at the southern side of the parcel where the greatest width is located. With the new property lines, the depth of the property from Columbia Pike is reduced from 456' to 335'. With the original parcel, the rear of the building could be placed along Columbia Pike and have adequate room for the drive aisles around the store and fuel island for pedestrian safety, while cars and delivery trucks access the site. With the shortened property lines, there is not enough depth to provide pedestrian safety. The proposed building orientation (facing Critz Lane), will allow for the delivery truck access to remain separate from the fuel islands and the majority of the pedestrian traffic. Additionally, vehicles entering/exiting the fuel island or parking at the front of the store have the required sight distance to safety maneuver in the main internal drive aisle, to ensure that pedestrian safety is maintained in this high traffic area.

Design Services For The Built Environment

1400 Nashville City Center / 511 Union Street / Nashville, Tennessee 37219-1733 / Phone 615.770.8100 / www.gspnet.com



G R E S H A M
S M I T H A N D
P A R T N E R S

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- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.

Response: Correct, the petition for this variance would not be applicable to other lots in this same district, due to the geometry of their lots. Additionally, the unique case to dedicate ROW on two sides of the property to allow for a realignment of a secondary road to provide a safer intersection will not be something that has to be considered with other lot developments in this district.

- C. The granting of the variance request will not confer on the application any special privilege that is denied by this ordinance to other land structures, or buildings in the same district.

Response: No special privileges are inferred with this request. All building material, site layout, and landscaping requirements will still be adhered to in the development of this project. This site is only 140' wide. By allowing for a reduction in the front and rear setbacks, the lot becomes developable. The parking space size reduction allows the largest practical drive aisle possible.

- D. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.

Response: The orientation and placement of the building has been reviewed from all sides and this layout provides the minimum deviation from the city ordinances. By allowing this orientation, the only variance is the building placement, and all other standards can be met. This layout also considering additional impacts of neighboring properties, see condition below.

- E. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.

Response: In considering the building placement that would allow adequate pedestrian safety, consideration was also given to neighboring properties. By allowing the proposed building placement, we move the building the maximum practical extent away from the residential on the other side of Critz Lane so that the neighbor is not viewing the back of a building. Additionally, since the dumpsters have to be in near the building, this allows the dumpsters to be placed further away from residential property.

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S M I T H A N D
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October 5, 2016
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- F. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public stress, or increase the danger of fire, or endanger the public safety.

Response: The proposed development will have adequate lighting to allow for safe access, but will be minimized along the edge of the property, as to not adversely affect neighboring properties. With the realignment of Critz Lane and the intersection improvement at Columbia Pike, traffic safety will be increased for all turning movements in this location. To support the new alignment the development will provide two access points for the site. The one on Critz Lane will be placed over 300' from Columbia Pike to allow proper storage lengths on the secondary road and for an ease of access to be encouraged from the intersection. Additionally, the access on Columbia Pike will be place over 400' from the intersection to allow for more than the minimum required sight distance when making a right in/exit from the site on Columbia Pike. By having the second access point on Columbia Pike, it provides a secondary point for entering/exiting and ensures that there is not a build up at the new intersection or provide congestion within the development around the store.

- G. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

Response: The hardship for the is parcel is created from the ROW dedication to Columbia Pike and Critz Lane. While the ROW dedication will create an opportunity to provide better corridor traffic flow to Thompson's Station from Hwy 840, it does present a unique challenge for this site's development.

Thank you for your consideration in approving the requested variance for this site. Please contact me at (615) 770-8227 if you have any questions.

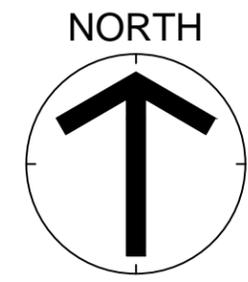
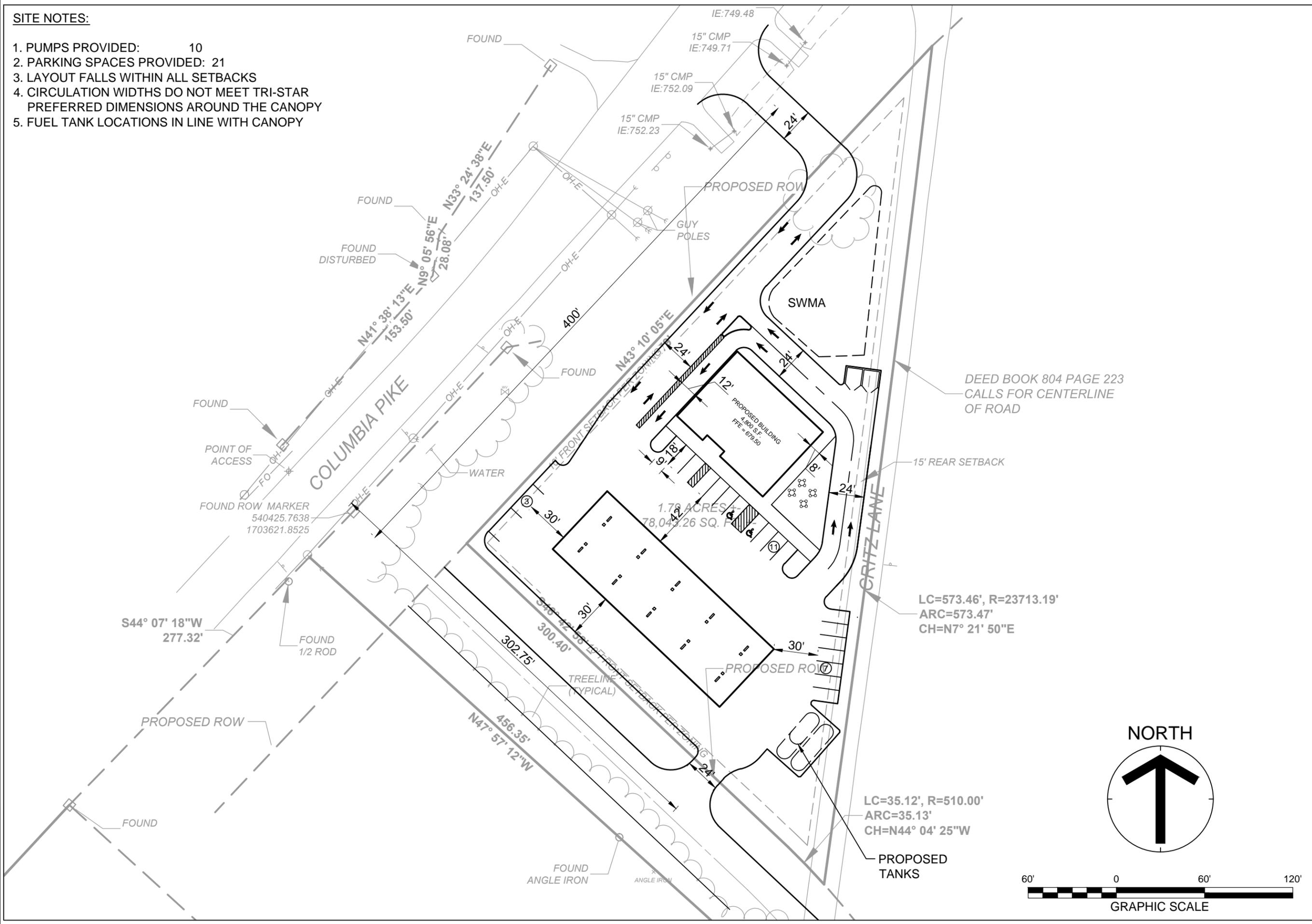
Sincerely,

Jonathan Roberts, P.E.
Land Planning and Design Services

crs

SITE NOTES:

1. PUMPS PROVIDED: 10
2. PARKING SPACES PROVIDED: 21
3. LAYOUT FALLS WITHIN ALL SETBACKS
4. CIRCULATION WIDTHS DO NOT MEET TRI-STAR PREFERRED DIMENSIONS AROUND THE CANOPY
5. FUEL TANK LOCATIONS IN LINE WITH CANOPY



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GRESHAM SMITH AND PARTNERS

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511 Union Street
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SITE DEVELOPMENT PLANS FOR
TWICE DAILY CONVENIENCE STORE
CRITZ LANE

THOMPSON'S STATION PROJECT NO. XXXX

 TWICE DAILY'S STORE #XXXX
 CRITZ LANE & COLUMBIA PIKE
 THOMPSON'S STATION, TENNESSEE

PRELIMINARY
 NOT FOR
 CONSTRUCTION

10 PUMP SITE ALTERNATIVE

EXH-6

PROJECT: 29956.05
DATE: Aug. 16, 2016