



HISTORIC  
FRANKLIN  
TENNESSEE

ITEM #23  
WRKS 06/08/2010

## MEMORANDUM

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June 2, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator  
Vernon Gerth, Assistant City Administrator for Community and Economic Development  
Catherine Powers, Planning and Sustainability Director

SUBJECT: Ordinance 2010-41, Special Permit request for property located at 202 Second Avenue South, for the purpose of operating an art gallery, used as a private recreational facility

### **Purpose**

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding 202 Second Avenue South, for the purpose of operating an art gallery, used as a private recreational facility, on 0.39 acres. (Ordinance 2010-41)

### **Background**

The applicant requests a Special Permit for the property located at 202 2<sup>nd</sup> Avenue South to operate an art gallery, which is classified as a Private Recreational Facility under the use requirements in Section 3.2.3 of the *Franklin Zoning Ordinance (FZO)*.

Pursuant to the provisions in Section 4.4 (Special Permits) of the *FZO*, a Special Permit request can be made for “uses that are listed as permitted uses within the applicable zoning district and [are] restricted to Planned Unit Developments (PUD) but may be appropriate in a particular location depending on weighing, in each case, the public need and benefit against the local impact and effect.”

This special permit request was unanimously recommended to the Board of Mayor and Alderman by a vote of 8 to 0 at the May 27, 2010, of the Franklin Municipal Planning Commission meeting.

### **Financial Impact**

Not applicable to this item.

### **Options**

BOMA may approve or choose not to adopt the proposed ordinance.

### **Recommendation**

Approval of Ordinance 2010-41.

**ORDINANCE 2010-41**

**ORDINANCE 2010-41, TO BE ENTITLED “AN ORDINANCE TO APPROVE A SPECIAL PERMIT FOR GALLERY 202, FOR THE PURPOSE OF OPERATING AN ART GALLERY, USED AS A PRIVATE RECREATIONAL FACILITY, ON .39 ACRES, LOCATED AT 202 SECOND AVENUE SOUTH, BY THE CITY OF FRANKLIN, TENNESSEE.”**

**WHEREAS**, Kelly Harwood, pursuant to the *City of Franklin Zoning Ordinance* (Section 4.4, Special Permits), has petitioned the City of Franklin to grant a Special Permit that allows the operation of an art gallery, used as a private recreational facility, for the property located at 202 Second Avenue South, in the Office Residential (OR) Zoning District; and

**WHEREAS**, Section 3.2.7(9) of the *City of Franklin Zoning Ordinance* states that a private recreational facility is permitted within the Office Residential (OR) Zoning District as a component of an approved Planned Unit Development.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF FRANKLIN, TENNESSEE:**

**SECTION I.** A Special Permit is hereby granted to Kelly Harwood to operate an art gallery, and used as a private recreational facility, on .39 acres, located at 202 2<sup>nd</sup> Avenue South in the City of Franklin, Tennessee, subject to the following conditions:

1. The property shall only be used as a private recreational facility during the hours of 10:00 AM to 10:00 PM, Sunday - Saturday, provided all event activities are completed by 10:00 PM and all guests vacate the property by 10:30 PM.
2. The applicant shall ensure that if valet drop-off is used, it is sited in a location that does not interfere with the free movement of traffic along 2<sup>nd</sup> Avenue South.
3. Within Ninety (90) days of the approval date of the Special Permit, plans prepared by a registered design professional shall be submitted to the Building and Neighborhood Services Department to document the change of occupancy classification to an assembly use. If any interior or exterior renovations are required to comply with building code requirements for the desired use, then these renovations shall be completed and a certificate of occupancy obtained prior to commencing business operation.
4. The maximum amount of square footage to be used as retail is 20% of the gross building square footage.
5. The applicant shall comply with all other applicable city ordinances and standards including, but not limited to, Section 4.4 of the City of Franklin Zoning Ordinance entitled Special Permits.

**SECTION II.** BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Special Permit shall take effect from and after its passage, the health, safety, and welfare of the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: \_\_\_\_\_  
ERIC STUCKEY  
CITY ADMINISTRATOR/RECORDER

BY: \_\_\_\_\_  
JOHN SCHROER  
MAYOR

PLANNING COMMISSION RECOMMENDED APPROVAL: 5/27/10

PAST FIRST READING: \_\_\_\_\_

PAST SECOND READING: \_\_\_\_\_

PUBLIC HEARING HELD: \_\_\_\_\_

THIRD READING: \_\_\_\_\_