

SPECIAL CALLED MEETING
OFFICIAL MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING AND SIGN APPEALS

Date: August 31, 2010

Time: 5:00 PM

Place: Massie Chambers - Goodlettsville City Hall

Members Present: Tom Mosier, Owen Sanders, Edgar Lowe, Al Jernigan, William Carter

Also Present: Rick Gregory, Bob Heffington, Masoud Fathi, Bob Panvini and Vicky Ignatz

Tom Mosier, Chairman called the meeting to order.

Sanders made a motion to approve the minutes of the April 12, 2010 meeting of the Goodlettsville Board of Zoning and Sign Appeals as written. Motion seconded by Jernigan. Motion passed unanimously, 5-0.

CASE NO. 10-08-570 Consider the request for a Conditional Use Permit for Community Education Use for Gateway Elementary School, 1524 Monticello Avenue, Goodlettsville, TN, Davidson County Tax Map 34-05, Parcel 56. The applicant is Metro Nashville Public Schools, 2601 Bransford Avenue, Nashville, TN.

Staff reviewed. Gregory reported this request is for a Conditional Use Permit to expand Gateway Elementary School, a public school on property currently owned and used as an elementary school. Schools in the R-15 Medium Density Residential District have been classified as conditional uses since at least 1989. This classification places pre-existing conditional uses into the category of "legally non-conforming". If a change or addition is proposed for an existing non-conforming use, that use must first be brought into compliance with the Zoning Ordinance. In this case, Gateway Elementary School is proposing to add classroom space along with additions to the remainder of the physical plan of the school.

Establishment of a school falls under the guidelines proscribed in our Zoning Ordinance for "Community Educations" uses. They are:

14-1409. Conditional Use Permits

- (a) Conditional Uses The board of appeals may hear and decide, in accordance with the provisions of this ordinance, requests for conditional use permits. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-207, *Tennessee Code Annotated*.
- (b) Application for Conditional Use Permit, Notice of Public Hearing The application for a conditional use permit shall be made by the property owner or his designated agent and filed in writing with the board and shall contain information and exhibits as may be required under Section 14-1406(b) of this chapter or in the case of buildings or other structures or uses to be located within floodplain districts, as may be required by Chapter 10. Not more than 60 days after filing such application, a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant. Notice of hearing shall be held in accordance with Section 14-1407(h)(2) of this chapter.
- (c) Requirements for Conditional Use Permit General requirements are hereby established which shall apply to all applications for conditional use permits, and specific standards listed shall apply to the issuance of a conditional use permit as appropriate. The board may impose such other conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to comply with the provisions set out hereafter in this Section in order to reduce or minimize the injurious effect of such conditional use upon and ensure compatibility with surrounding property and to better carry out the general intent of this ordinance. The board may establish expiration dates for the expiration of any conditional use permit as a condition of approval. A permit may not be transferred to another owner or type of use without a rehearing before the board.

(d) General Requirements A conditional use permit shall only be granted provided the board makes specific findings that it:

- (1) Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;*
- (2) Will not adversely affect other property in the area in which it is located;*
- (3) Is within the provisions of "Conditional Uses" as set forth in this Ordinance; and*
- (4) Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location and meets the specific standards below.*

(e) Specific Standards for Community Facility Activities In addition to the requirements of the applicable district and the general requirements set forth above, a conditional use permit shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zone districts.

(f) Special Conditions for Community Education

- a) No such facility shall be permitted on a zone lot unless such lot contains the lot acreage recommended for such facilities by the appropriate state agency.*
- b) The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.*
- c) The location and design of such facilities shall not have an adverse effect upon surrounding properties.*
- d) The off-street parking requirements of this ordinance shall apply.*

Bob Heffington, Metro School Board representative, Masoud Fathi, project engineer and Bob Panvini, project architect explained that there are currently twenty-three thousand one hundred and eight-four (23,184) sq. ft. in the existing building and eight (8) classroom portables on-site. The proposed addition measures twenty-three thousand one hundred (23,100) sq. ft. This additional area will allow for four (4) additional classrooms, doubles the size of the library and enhances the cafeteria facilities. Board members discussed current/future student populations and parking issues.

Jernigan made a motion to grant a Conditional Use Permit for Gateway Elementary School, 1524 Monticello Avenue, Goodlettsville, TN, Davidson County Tax Map 34-05, Parcel 56 based on compliance with the current Zoning Ordinance requirements for community education requirements. Lowe seconded the motion. The motion unanimously, 5-0.

ORDER OF THE BOARD

WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board has determined that the requirements of Chapter 14, Section 1409 of the Goodlettsville Zoning Ordinance has been met, and

WHEREAS, the Board has determined that adverse impact will not occur,

NOW, THEREFORE, BE IT ORDERED, that a Conditional Use Permit for Gateway Elementary School, 1524 Monticello Avenue, Goodlettsville, TN, Davidson County Tax Map 34-05, Parcel 56 is granted based on compliance with current Zoning Ordinance - Conditional Use Permit requirements for community education.

CASE NO. 10-08-571 Consider the request for a Zoning Ordinance Variance to established parking requirements for Community Education Use for Gateway Elementary School, 1524 Monticello Avenue, Goodlettsville, TN, Davidson County Tax Map 34-05, Parcel 56. The applicant is Metro Nashville Public Schools, 2601 Bransford Avenue, Nashville, TN.

Staff reviewed. Gregory reported this request for variance from parking requirements for Community Education purposes accompanies an expansion to Gateway Elementary School, a public school on property currently owned and used as an elementary school. In this particular instance, the net effect on parking will

be negligible since several portable classrooms currently provide instructional space on the Gateway Elementary campus. Our parking requirements call for 129 parking spaces for teachers, employees, and students. This request is to allow 59 parking spaces to serve the campus – less than half the required number. LEED Silver Certification allows for a maximizing of green space.

There is no demonstrated hardship – neither space nor topography prevents installation of parking to meet the requirement. However, in this particular instance, there is historical data to gauge the need for parking – the existing portable classrooms and the accompanying student population. The variance request is severe but since the school currently serves Kindergarten through Grade 4, many extra-curricular activities often driving the need for added parking are not involved. There have been no recorded complaints from adjoining neighbors or the community relating to parking.

Board members considered the facts that forty-five (45) spaces are currently utilized for student population, staff and parent volunteers. The proposed fifty-nine parking spaces would allow for student population growth of approximately one hundred fifty (150) students.

Jernigan made a motion to grant an off-street parking variance to the Goodlettsville Zoning Ordinance for Gateway Elementary School, 1524 Monticello Avenue, Goodlettsville, TN, Davidson County Tax Map 34-05, Parcel 56 based on historical data indicating adequate off-street parking spaces and that this variance will not substantially increase the congestion in the public streets or endanger the public safety. Carter seconded the motion. The motion passed unanimously, 5-0.

ORDER OF THE BOARD

WHEREAS; the public and adjoining property owners have been adequately notified, and

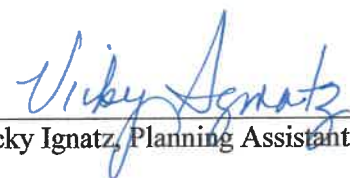
WHEREAS; the Board has determined that the requirements of Chapter 9, Section 14-1408(c) of the Goodlettsville Zoning Ordinance has been met, and

WHEREAS, the Board has determined that adverse impact will not occur,

NOW, THEREFORE, BE IT ORDERED, an off-street parking variance to the Goodlettsville Zoning Ordinance for Gateway Elementary School, 1524 Monticello Avenue, Goodlettsville, TN, Davidson County Tax Map 34-05, Parcel 56 is granted based on historical data indicating adequate off-street parking spaces and that this variance will not substantially increase the congestion in the public streets or endanger the public safety.

The meeting adjourned at 5:25 PM.


Tom Mosier, Chairman


Vicky Ignatz, Planning Assistant