

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING APPEALS

Date: August 8, 2005

Time: 5:00 PM

Place: City Hall Conference Room

Members Present: Tom Mosier, Owen Sanders, Al Jernigan, Glen Garrett. *arrive 10/10/05*

Members Absent: Edgar Lowe

Staff Present: Rick Gregory, Bennie Lane, Vicky Ignatz

Also Present: Dennis & Cindy Bethuy, Ed Atkinson, Steve Iler, Brenda Bowman, and David Rahe

The meeting was called to order by Chairman Tom Mosier. Consideration of the minutes of the July 18, 2005 Appeals Board meeting was deferred.

CASE NO. 05-08-496 – Consider the request for a Conditional Use Permit to allow entertainment/amusement activities at Chase's Sports Bar and Grill, 900 Conference Drive, Suite 7-B, Davidson County Tax Map 26-2, Parcel 104. The applicant is Dennis Bethuy, 2104 Paula Drive, Madison, TN 37115.

Analysis – Staff reviewed. Gregory reported the proposed location for the sports bar is zoned Commercial Services Limited. Within the district, restaurants and taverns are permitted uses. However, the proposal also includes billiard tables, video games and a karaoke stage. These activities are included in the entertainment and amusement services classification which requires a Conditional Use Permit approved by this board. The sketch provided denotes a mix of uses including a bar area, a pool table and a stage area. Staff finds nothing unexpected in an application for this type use. The building is a part of a larger development with a broad mix of retail uses. Peak hours of operation will not interfere with the peak hours of operation of the majority of the other businesses in the center. Existing parking is adequate to accommodate the patrons.

Discussion - Dennis Bethuy indicated the business would be open seven (7) days a week from 11:00 AM to 3:00 AM. The establishment meets all criteria for food service by ABC Board. Bethuy presented plans to the board depicting the floor layout. Parking requirements have been met. The projected opening is September 6, 2005.

Action of the Board – Motion by Garrett to approve a Conditional Use Permit to allow billiards, karaoke/live music, dancing, video machines and dart boards as entertainment/amusement activities at Chase's Sports Bar and Grill, 900 Conference Drive, Suite 7-B, Davidson County Tax Map 26-2, Parcel 104. Motion seconded by Sanders. Motion passed unanimously.

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 Section 14-1409 (c) and (d) of the Goodlettsville Zoning Ordinance have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that a Conditional Use Permit to allow billiards, karaoke/live music, dancing, video machines and dart boards as entertainment/amusement activities at Chase's Sports Bar and Grill, 900 Conference Drive, Suite 7-B, Davidson County Tax Map 26-2, Parcel 104 is granted.

CASE NO. 05-08-497 – Consider the request for a variance to the Goodlettsville Zoning Ordinance regarding front yard setback regulations relating to property at Regions Bank, 890 Rivergate Parkway, Davidson County Tax Map 34-2, Parcel 62. The applicant is R. Chris McGill Architects, 213 Overlook Circle, Ste. B-1, Brentwood, TN.

Analysis – Staff reviewed. Gregory reported this request involves an addition to an existing building that was erected under a different set of setback requirements as Highway Business which required a twenty (20) feet front yard setback. The current zoning for this property established in 1989 is Commercial Services Limited (CSL) which requires a forty (40) feet front yard setback which makes the building and property legally non-conforming. The proposed canopy would extend almost to the property line. Ordinarily, this would be seen as a server encroachment. But in this case, the property is elevated above the adjoining roadway to such an extent that this proposed addition has no real effect on any other property.

Discussion – Ed Atkinson, R. Chris McGill Architects, stated that the existing canopy at the drive thru window is very small and non-functional. The plans are to extend the canopy width, provide one (1) service lane and one (1) bypass lane measuring twenty (20) feet. The topography renders the proposed expansion space inhabitable. The height of the new canopy will be twelve (12) to thirteen (13) feet.

Garrett questioned staff about the impact on traffic visibility at the traffic light at intersection at Rivergate Parkway and the mall access road. Gregory stated that drivers' visibility would not be hampered by decreasing the setback.

Action by the Board - Motion by Sanders to grant a variance to the Goodlettsville Zoning Ordinance relating to front yard setback regulations in the Commercial Services Zoning District decreasing the existing non-conforming twenty (20) feet front yard setback to a two (2) feet front yard setback at Regions Bank, 890 Rivergate Parkway, Davidson County Tax Map 34-2, Parcel 62 based on topography of the site to permit expansion of the existing service/bypass lanes for banking purposes. Motion seconded by Jernigan. Motion passed unanimously.

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 Section 14-1408 (b) and (c) of the Goodlettsville Zoning Ordinance have been met, and

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

NOW, THEREFORE, BE IT ORDERED, a variance to the Goodlettsville Zoning Ordinance relating to front yard setback regulations in the Commercial Services Zoning District decreasing the existing non-conforming twenty (20) feet front yard setback to a two (2) feet front yard setback at Regions Bank, 890 Rivergate Parkway, Davidson County Tax Map 34-2, Parcel 62 based on topography of the site to permit expansion of the existing service/bypass lanes and canopy for banking purposes be granted.

Garrett left the meeting. The remaining members constitute a quorum.

CASE NO. 05-08-499 – Consider the request for Temporary Use Permits for seasonal plant sales at 933 Louisville Highway, Sumner County Tax Map 141, Parcel 48.02. The applicant is BD&T Family Partnership, 1946 Murfreesboro Road, Lebanon, TN.

Analysis – Staff reviewed. Gregory reported these are dual requests for Temporary Use permits for the sale of seasonal plants during an eight-week period in September 1 to October 31, 2005 and May 1 to June 30, 2006. The property is severely limited for a permanent structure due to the property being entirely within the floodway/floodplain of Slater's Creek. Temporary seasonal fireworks sales is already permitted for this site. The Board should note that plant sales would be considered one of the "other" uses listed and subject to a seven day time limit, consideration of the impact of traffic flow from the I-65 exit onto Highway 31W and whether another seasonal plant sales location would be beneficial to Goodlettsville. Should this request be approved, the applicant should be made aware of the need to comply with the setbacks, parking, signage, obtain temporary electrical permit/life safety inspections, obtain building permit and strictly adhere to any start/finish dated approved.

Discussion - Brenda Bowman, property owner, stated that the sales area will be repaved, landscaped and properly maintained. Mosier and Jernigan agreed that the eight (8) week sales period was not a concern. The major issue is adherence to all Temporary Use Permit requirements and proper alignment of ingress/egress to not impede traffic flow.

Action of the Board – Motion by Jernigan for Temporary Use Permits for seasonal plant sales at 933 Louisville Highway, Sumner County Tax Map 141, Parcel 48.02 be granted to BD&T Family Partnership during an eight-week period from September 1 to October 31, 2005 and an eight-week period from May 1 to June 30, 2006. The applicant is to clearly define ingress/egress on site and strictly adhere to established Temporary Use Permit requirements. Motion seconded by Sanders. Motion passed unanimously.

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 Section 14-901(n) of the Goodlettsville Zoning Ordinance have been met, and

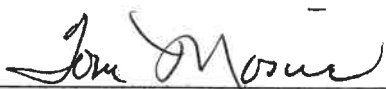
WHEREAS, the Board has determined that adverse impact will not occur,

NOW, THEREFORE, BE IT ORDERED, that a Temporary Use Permit be granted for seasonal plant sales at 933 Louisville Highway, Sumner County Tax Map 141, Parcel 48.02 be granted to BD&T Family Partnership during an eight-week period from September 1 to October 31, 2005 and a Temporary Use Permit be granted for seasonal plant sales at 933 Louisville Highway, Sumner County Tax Map 141, Parcel 48.02 for an eight-week period from May 1 to June 30, 2006. The applicant is to clearly define ingress/egress on site and strictly adhere to established Temporary User Permit requirements listed below:

Noncompliance of the standard guidelines may result in the revocation of the temporary use permit.

1. A building permit must be obtained from the Goodlettsville Codes Department and life safety inspection of the on-site trailer(s) and structures must occur prior to the sales/event opening to the public. It is the responsibility of the applicant to request inspection.
2. Any temporary structure shall meet all setback requirements of the zoning district in which it is located.
3. Temporary electrical service must meet electrical codes regulations and a temporary electrical use permit must be secured from the Sumner County Codes Dept.
4. Off-street parking requirement shall be observed and such parking shall be so arranged that backing onto a public street will not occur.
5. One 4 x 8 ft. ground mounted promotional sign advertising the event is permitted on each street front.
6. No off-site signage is permitted in Goodlettsville.
7. The location of the on-site trailers(s) and advertising shall be in the same locations as the previous year.
8. Temporary living quarters will be permissible on the site during the sales period.
9. A transient vendors license must be obtained from the City of Goodlettsville's Business Tax Office at City Hall.
10. Strict adherence to the established sales period is required.

Meeting adjourned.



Tom Mosier, Chairman



Vicky Ignatz, Recording Secretary