

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING APPEALS

Date: April 14, 2003

Time: 5:00 PM

Place: City Hall Conference Room

Members Present: Tom Mosier, Owen Sanders, Ed Lowe

Absent: Glen Garrett, Mike Cunningham

Staff Present: Bill Terry, Bennie Lane, Vicky Ignatz

Others Present: Gene Parrish, Gordon Slothhauer, Ray Hankins, Robert Meadows, James Meadows, Rick Uselton, James and Barbara Peay, Jon Norton, Douglas Richardson

The meeting was called to order by Tom Mosier. Minutes of the March 10, 2003 Board of Zoning and Sign Appeals Board were approved as written.

Case Heard: 2003-01-435 2003-4-439 2003-4-440 2003-4-441

CASE NO. 2003-01-435 Consider the request of the Goodlettsville Church of the Nazarene, 400 Loretta Drive, Sumner County Tax Map 143, Parcel 401 for a conditional use permit to allow an outside storage building. The applicant is Gene Parrish.

Analysis – Staff reviewed. Terry reported the request was deferred by the Board in January, 2003 due to the location and architectural style proposed. The proposed site of the storage building is depicted as future building expansion and related parking area on the approved site plan. Also, the proposed building material is metal which is not in keeping with the architectural style of the church building. The applicant was directed to evaluate architectural options for the proposed storage building and clarify the location as to not interfere with future expansion.

The applicant has prepared a different type of building to use for the outside storage structure.

Discussion – Gene Parrish, applicant, presented the board with an alternative building plan for the storage building. The building would be a standard frame constructed building with vinyl siding to match the existing church building. An additional five (5) inch concrete slab will be prepared along the front and sides of the building to accommodate a brick skirt for the building.

A revised location has been determined for the proposed building. The new site will be to the right rear of the building, on the right side of the playground and in front of the existing retention pond. This will be adjacent to the existing rear parking area.

Mosier questioned if the stormwater runoff onto adjoining properties is still an issue. Terry responded that the new location of the building along with guttering of the building will eliminate this previous concern.

Action of the Board - Motion by Sanders to approve the request of the Goodlettsville Church of the Nazarene, 400 Loretta Drive, Sumner County Tax Map 143, Parcel 401 for a conditional use permit to allow an outside storage building with the conditions that the architectural design be a standard wooden construction, concrete slab and vinyl siding to match the existing building and

that the previously submitted site of the building be relocated to the right rear of the building, on the right side of the playground and in front of the existing retention pond. This will be adjacent to the existing rear parking area. Motion seconded by Lowe. Motion passed unanimously.

OFFICIAL 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) have been met, and

WHEREAS; the Board has determined that no adverse impact will occur;

NOW, THEREFORE, BE IT ORDERED, that a conditional use permit for an outside storage building be granted at Goodlettsville Church of the Nazarene, 400 Loretta Drive, Sumner County Tax Map 143, Parcel 401 with the conditions that the building be standard wooden construction, concrete slab and vinyl siding matching the existing building and that site of the building be relocated to the right rear of the building, on the right side of the playground and in front of the existing retention pond. This will be adjacent to the existing rear parking area

CASE NO. 2003-04-441 Consider the request of request of IBP/Tyson Food, 201 Cartwright Street, Sumner County Tax Map 19, Parcel 18 to establish a rear yard setback variance.

Analysis – Staff reviewed. Terry reported that IBP wants to expand to add another production line and more dock and storage area. The required rear yard setback for this zoning district is thirty (30) feet. Due to a curved rear property line which parallels the CSX service line and the need to have a straight extension from the existing wall of the building, an encroachment into the thirty (30) feet setback is required. The plan depicts a twenty-three (23) feet setback requiring a seven (7) feet variance.

Discussion – Gordon Slothhauer informed the board that three building additions will be made to the current operations. A receiving dock, a cooler storage area and another production line will be constructed.

Mosier questioned if there are any additional issues regarding this variance. Terry acknowledged that the expansion meets all other zoning requirements. To meet the setback, the rear wall of the building would have to be off-set by seven (7) feet which would impact the interior distribution and exterior wall layouts. Due to the entire expansion area being currently paved, the landscape plan requirements are not applicable in this case.

Action of the Board – Motion by Lowe that a request for a seven (7) feet rear yard setback variance for IBP/Tyson Food, 201 Cartwright Street, Sumner County Tax Map 19, Parcel 18 be granted reducing the required setback from thirty (30) feet to twenty-three (23) feet based on the impact of the CSX line on the rear yard setback line. 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 14-307(f) have been met, and

WHEREAS, the Board has determined that no adverse impact will occur;

NOW, THEREFORE, BE IT ORDERED, that a request for a seven (7) feet rear yard setback variance for IBP/Tyson Food, 201 Cartwright Street, Sumner County Tax Map 19, Parcel 18 be granted reducing the required setback from thirty (30) feet to twenty-three (23) feet based on the impact of the CSX line on the rear yard setback line.

CASE NO. 2003-04-439 Consider the request of Dance Beat Arcade, 842 Conference Drive, Suite 2, Davidson County Tax Map 25, Parcel 155 for a conditional use permit to establish an entertainment and amusement business on the premises. The applicant is James Meadows.

Analysis – Staff reviewed. Terry reported the applicant wants to start an amusement type use to include a coin operated game room with pool tables and air hockey within the existing confines of the Uselton's Sporting Goods and Cutlery store. No major alterations are required.

The property is zoned CSL and entertainment and amusement activities are permitted only by conditional use permit within this district. The purpose of the permit review is to determine if the proposed use is compatible with the location and creates no adverse off-site impact.

Discussion – James Meadows, applicant, described the business as a line of coin operated video games to include sporting, virtual reality and competitive interactive games incorporating a newer level of technology. Terry questioned the amount of floor space the business will utilize. Uselton stated that the business will use approximately forty-five hundred (4500) square feet including the mezzanine area. This new business will enhance the existing sporting business and shooting/archery ranges in the current business.

Mosier asked if any parking issues could arise from this new business. Terry responded that he is not aware of any additional parking demands. Uselton stated the peak business period will be after normal business hours and that a portion of the clientele will be dropped off and picked up. There are two hundred fifty existing parking spaces available for the entire complex.

Action of the Board - Motion by Sanders that a request by Dance Beat Arcade, 842 Conference Drive, Suite 2, Davidson County Tax Map 25, Parcel 155 for a conditional use permit to establish an entertainment and amusement business on the premises of Uselton's Sporting Goods and Cutlery be granted based on compliance with zoning regulations for the CSL zoning district. Motion seconded by Lowe. Motion passed unanimously.

OFFICIAL 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) have been met, and

WHEREAS; the Board has determined that no adverse impact will occur;

NOW, THEREFORE, BE IT ORDERED, that a conditional use permit for Dance Beat Arcade to establish an entertainment and amusement business on the premises of Uselton's Sporting Goods and Cutlery, 842 Conference Drive, Suite 2, Davidson County Tax Map 25, Parcel 155, be granted based on compliance with zoning regulations for the CSL zoning district.

CASE NO. 2003-04-440 Consider the request of James A. Peay, 198 Memorial Drive, Davidson County Tax Map 25, Parcel 25 for a conditional use permit to establish and entertainment and amusement business on the premises. The applicant is James A. Peay.

Analysis – Staff reviewed. Terry reported the owners of the Peay property, which is zoned agricultural, located adjacent to Peay Park and the community center want to establish a paint ball course on the property. The ordinance authorizes cultural and recreational services in residential and agricultural zones. There are a few issues which need to be considered by the board.

The owners will charge people to use the facility, thereby turning it into a profit-making venture. This is not an appropriate use of the cultural and recreational approach to a conditional use permit and should be classified under commercial activities. Second, there is an access problem. The property has no frontage on a public road but gets its access across the city's park property. Presumably, when the park property was sold, it contained the frontage on Memorial Drive and the Peay farm would have retained an easement for their access. No record of any such easement is known. Also, the easement for access would have been for the residential use of the owners. This proposal would generate traffic totally unrelated to any residential occupancy. Therefore, the use of the easement by this type traffic should not be permitted. The existing fifty (50) feet driveway is currently located on city property adjacent to the Delmas Long Community Center parking lot.

Discussion – James Peay described paintball as a recreational activity. He described the equipment required for the competition and the layout of the course and support buildings on the property. The paint used is environmentally sound and biodegradable. The rules are governed by the National Paintball Association which requires agricultural properties for insurance purposes. The site will be utilized initially on weekends. Future plans could include a driving range. The activity is geared mainly to church youth groups. The closest paintball competition locations are an indoor range in Hendersonville and an outside range in Joelton.

Mosier questioned the projected volume of participants. Peay anticipates forty to fifty (40-50) participants. Norton added that the initial plans are to create four fields which can accommodate twenty (20) people on each field at one time. Sponsored tournaments would create a larger number of participants. Terry reiterated that it is a questionable application of agricultural

zoning uses. The zoning regulations do not address this type use. There is a need for a paved driveway and parking area and adequate identification of the driveway entrance at Memorial Drive. Peay stipulated that the plans were to use the existing quarry on the property as a parking lot and that the driveway will be re-graveled to avoid the expense of paving.

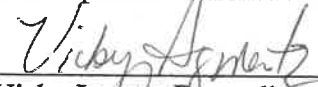
Terry stated that a permanent business might require permanent restroom facilities. Peay acknowledged that port-a-lets are a part of the site layout. Terry added that if waste is not delivered into the city's sewer system, the Metro Health Department would need to grant approval. Lane was asked for comments regarding temporary restroom facilities. Lane acknowledged that he was not familiar with portable toilet requirements and would contact the Metro Health Department for information.

Sanders and Lowe indicated that their biggest concern is proper zoning and whether the entertainment/amusement definition is applicable to the agricultural zoning classification. They would be more comfortable with a definitive ruling from the Planning Department. Terry responded that the board has the authority to determine if the proposed use is cultural/recreational or amusement/entertainment based. Mosier stipulated that the three issues before the board are (1) proper zoning use, (2) permanent or temporary toilet facilities and (3) clarification of the driveway access. Mosier stated that he believes the proposed use of the property is a for-profit, entertainment business which will need to be located in a commercial zone. Lowe and Sanders agreed they were not comfortable in making a decision based on the limited knowledge of the described activity. Lowe asked for clarification from the applicant as to whether agricultural zoning is required for this type of activity. Peay and Norton responded that the insurance carrier affiliated with the National Paintball Association requires agricultural zoning for the site.

Peay and Norton stated there is more than one access to the property should the easement at Memorial Drive not be workable. The Peay property also contains an access easement on Harris Street. The Board agreed that the access from Harris Street would not be feasible due to limited accessibility to Main Street. Terry requested that Peay provide official documentation to verify the access easement for the Peay property adjacent to Memorial Drive. Terry agreed to contact established paintball establishments provided by the applicant to obtain additional information for the Board.

Action of the Board - Motion by Mosier to defer action on the request to permit a paintball course to be utilized in an agricultural zoning district and requested staff to investigate the sporting activity, determine the proper zoning classification for the proposed paintball course and obtain a ruling from the Metro Health Department regarding restroom regulations for this type activity. Mr. Peay was asked to provide official documentation as to proof of the access easement to Memorial Drive. Motion seconded by Lowe. Motion passed unanimously.


Tom Mosier, Chairperson


Vicky Ignatz, Recording Secretary