

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: August 9, 1999
 Time: 5:00 PM
 Place: City Hall

Cases Heard:

99-8-334
 99-8-335
 99-8-336

Members Present:

Tom Mosier
~~Owen Sanders~~
 Tommy Jackson
 Glen Garrett

Others Present:

Pam Teller
 Jenny Smith
 Jerry Spears
 Wayne Robertson
 Lois Neal
 Ernest Hill
 Dan Master
 Jim Waller
 Phillip Patterson

Staff Present

Bill Terry

The meeting was called to order by Chairman Mosier. It was noted that the meeting had been advertised and adjoining property owners notified. Minutes of the May and June meetings were approved.

CASE NO. 99-8-334 Consideration of a request for a conditional use permit to establish a day care center in the existing building located at 312 Bluebird Drive. The owner is Calvary Chapel and the applicant is Pam Teller.

Analysis - This is an existing building which now houses the Calvary Chapel Church. It was formerly an office building. The applicant would like to open a day care center which requires a conditional use permit. In order to grant the permit the board needs to find that the site is suitable for the day care center and that it meets the standards set out in the ordinance. There are some points that need to be addressed as follows:

1. The driveway opening is not wide enough. A full 24-foot wide paved entry way is needed.
2. It is questionable if the turnaround movement for a car can be made without backing up.
3. The play area may not be large enough for the number of children which has not been specified.
4. Some landscaping and privacy screening should be provided for the play area.
5. Provide evidence that the DHS requirements can be met.

Discussion - Pam Teller presented the request and discussed how she would meet the requirements of the ordinance and how the driveway and play area could be configured. The Department of Human Services requirements were also discussed. Jerry Spears represented the church and supported the

request. No opposition was expressed. After discussion of the play area, the driveway, privacy fencing and parking, the board applied the following requirements:

1. The play area will be a minimum of 4,000 square feet and be protected with an 8-foot privacy fence.
2. DHS licensing is essential, and the DHS parking standards will apply.
3. The applicant shall provide a full 24-foot wide entry drive with approval of the design by Public Works.
4. The applicant shall provide an adequate turning circle on the property so that children can be dropped off without a back up movement by the car.

Action of the Board - Tommy Jackson moved that the request be granted and the above conditions be a part of the approval. Glen Garrett seconded, and the motion carried.

ORDER OF THE BOARD

WHEREAS, the board has determined that the subject property is suitable for a day care center, and

WHEREAS, the board has determined that the requirements for a conditional use permit contained in Section 11- 1409 of the Goodlettsville Zoning Ordinance have been met, and

WHEREAS, no adverse impact on other properties will occur,

NOW, THEREFORE, BE IT ORDERED, that a conditional use permit be approved subject to the requirements stated in the minutes for the property located at 312 Bluebird Drive and that this order shall constitute such permit.

CASE NO. 99-8-335 Consideration of a request for a conditional use permit to establish a church on a six acre tract of land located on Springfield Highway (U. S. Highway 41).
The applicant is Wayne Robertson for the Healing Waters Tabernacle.

Analysis - The area is zoned R40, and a church requires a conditional use permit. The tract is currently vacant and is situated between I-65 and Springfield Highway near the intersection of Williamson Road. The zoning requirements for this permit can be met on this site. However, no sewer service is available. Approval by the health department of an alternative system must be required. Also, the church should show how access will be provided. The hill sides of this site are very steep, and a private drive may not be practical on the slope.

Discussion - The pastor of the church, Wayne Robertson, presented the request. He noted that the church would attempt to meet any requirement of the board. The two problems noted will be addressed by the health department and the engineers who design the site plan. No other problems were noted, and there was no public opposition.

Action of the Board - Glen Garrett moved that the request be granted subject to the Sumner County

Health Department's approval of a wastewater disposal system and approval of a site development plan by the Goodlettsville Planning Commission. Tommy Jackson seconded, and motion carried unanimously.

ORDER OF THE BOARD

WHEREAS, the board has determined that the subject property is suitable for a church, and

WHEREAS, the board has determined that the requirements for a conditional use permit contained in Section 11- 1409 of the Goodlettsville Zoning Ordinance have been met, and

WHEREAS, no adverse impact on other properties will occur,

NOW, THEREFORE, BE IT ORDERED, that a conditional use permit be approved subject to the requirements stated in the minutes for the property located on Springfield Highway at known as Lot 4, Matthews Acres and that this order shall constitute such permit.

CASE NO. 99-8-336 Consideration of a request for an interpretation to overrule the Planning Director's decision that slot car racing is not a permitted use in the CC zone at 120 North Main Street. The applicant is Jim Waller, owner.

Analysis - This building has been empty for some time but it formerly housed an antique mall business. After there were appearances that a slot car racing facility was being established, staff notified the owner that such was not a permitted use. The owner and the potential lessee have appealed that decision which is their right.

Facts: Slot car racing is an entertainment and amusement activity under the zoning ordinance. The property is zoned CC - Core Commercial. Entertainment and amusement activities are not permitted in the district. The site also has very limited parking available, possibly two or three spaces.

It was also noted by staff for the record that two adjoining property owners, Joe Adams and John Gibson, have objected to the use on the grounds that users of this activity would have to use the parking spaces which they own.

Discussion - Jim Waller and Dan Masten described in detail how slot car racing would operate and argued that retail sales were a large part of the operation. Board members were concerned about the parking situation as well as the authority of the board to change the decision. Phillip Patterson, an occupant of an adjoining building, spoke in favor of the use.

Action of the Board - After lengthy discussion, Glen Garrett moved that the request be denied based on the fact that approval would constitute an amendment to the ordinance and the board did not have that power. Tommy Jackson seconded, and motion carried unanimously.


Tom Mosler, Chairman


Bill Terry, Secretary