

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: August 8, 1992
 Time: 5:00 PM
 Place: City Hall

Cases Heard:

92-8-225

Members Present:

Eddie Niebruegge
 Owen Sanders
 Tommy Jackson
 Tom Mosier
 Edgar Lowe

Others Present:

Doug Smith
 Clell Smith
 Charles Young
 Mike Young
 Kurt Myers
 Lucy Carter

Staff Present:

Bill Terry

The meeting was called to order by Chairman Niebruegge. It was duly noted that the meeting had been properly advertised and adjoining property owners notified.

Case No. 92-8-225 - Consideration of a request for a conditional use permit to establish a go-cart track at 316 Bluebird Drive. The applicant is Clell Smith.

Analysis - This site is now vacant and was formerly a fast food restaurant. There are other restaurants adjoining the site as well as office and professional buildings.

A go-cart track would be classified as an Entertainment and Amusement Service by the use classification system in the zoning ordinance. This type activity is permitted only as a conditional use in the Commercial Service Limited (CSL) zone, the zoning district involved here. In order to grant the use permit, the board must make positive findings that the use will not affect public health and safety, that it will not adversely affect adjoining property, and that it is necessary for the public at that location.

Additionally, the board should consider whether the use is compatible with area and the type zoning district. The CSL district is a restrictive type commercial district which prohibits many type uses that have potential adverse impacts, for example, auto repair and used car lots. Also, outside storage is prohibited.

Another factor is noise. The ordinance contains standards for noise at the property line, and the applicant should show that the use can comply.

Discussion - Chairman Niebruegge opened the public hearing with a presentation from the applicant. Doug Smith, owner of Gameland adjacent to the lot presented plans and asked for approval. He discussed how the business would be run. He also noted that the db level would be 77 at the property line.

Adjoining property owners were opposed and were asked to speak. Charles Young was spokesman and objected to the noise, hours of operation, and parking spaces provided.

Staff noted that the parking plan did not meet city requirements and that the noise level exceeded the permitted level of 69db.

Action of the Board - Sanders moved that the request be denied. Jackson seconded and the motion carried unanimously.

The following order was issued:

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 11-1409 have not been met, and

WHEREAS; the Board has determined that adverse impact will occur; and

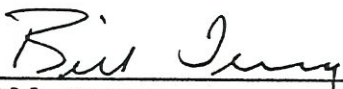
WHEREAS; various requirements of the ordinance have not been met;

NOW, THEREFORE, BE IT ORDERED, that the conditional use permit is denied.

The meeting adjourned at 5:30 PM.

Eddie Niebruegge, Chairman

SUBMITTED BY:



Bill Terry
Planning Director