



TOWN OF SMYRNA BOARD OF ZONING APPEALS

MEETING MINUTES

September 19, 2024

5:00 p.m.

Smyrna Town Hall

Chairman Steve Sullivan called the regular session of the Smyrna Board of Zoning Appeals to order on September 19, 2024 at 5:00 p.m. The invocation was given by Phil Wilson and the Pledge of Allegiance was led by Scott Demonbreun.

The following Board of Zoning Appeals members/staff were present/absent:

Present: Steve Sullivan, Councilman; Phil Wilson; Scott Demonbreun; Vanessa Haley

Absent: Jay Michaelson

Staff Present: Todd Spearman, Assistant Town Manager; Benjamin Groce, Asst. Town Attorney; Kevin Rigsby, Town Planner; Mitchell Wensman, Planner; Kathryn Bobbitt, Office Coordinator; Charles King, Engineer; Kristi Worrell, Building Official

1. Citizens' Comments:

"The Town's Public Comment Period shall be reserved for those citizens that have signed up to address a Board or Committee, at least twenty-four (24) hours in advance of the meeting, pursuant to the Town's Public Comment Policy. Speakers are limited to three (3) minutes. Additional comments may be submitted in writing".

2. Approval of Minutes of the August 15, 2024 meeting

Motion by Scott Demonbreun, seconded by Vanessa Haley to approve the Minutes of the August 15, 2024 meeting.

Vote: 4 - 0 Passed - Unanimously

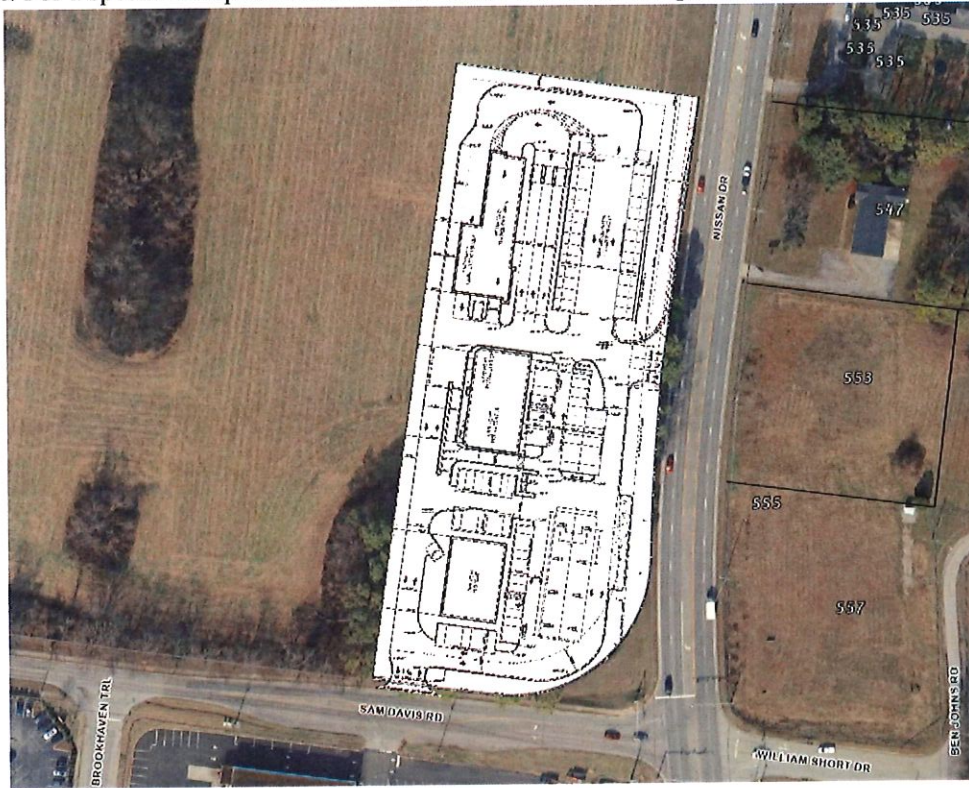
3. New Business:

a. Special Exceptions:

1. Car Wash ProDesigners
1399 Sam Davis Road

Location: NW Quadrant of Nissan Drive and Sam Davis Road	Property Owner: Riverstone Investments LLC
Tax Map/Parcel #: Map 27, Parcel 6.08	Zoning/Use Classification: C-2/Car Wash

Request: For a special exception to allow a car wash in a C-2 zoning district.



Staff Analysis

The applicant has requested a special exception to allow a car wash within a C-2 zone on the vacant tract at the northwestern quadrant of the intersection at Nissan Drive and Sam Davis Road. Surrounding zoning consists of C-2 and R-1 (Sam Davis property) to the west. As proposed, there would be an access point on both road frontages, but final locations to be determined during the site plan process. Three queue lanes would support approximately 24 vehicles narrowing to a single aisle upon entering the building. In addition, there is a smaller “truck wash”, which would be utilized by oversized vehicles, not semi-trucks. As part of the overall plan for the site, there would be a gasoline station with convenience store, retail and the car wash. The applicant noted the gas station and car wash are proposed to be built simultaneously with the retail development depending on usage.

Section 7.060 B of the Zoning Ordinance details the requirements for authorizing special exceptions. These are detailed below.

Special Exception Requirements

Section 7.060 of the Municipal Zoning Ordinance lists general requirements for a zoning variance request. Those requirements and staff’s findings are as follows:

Section 7.060 Procedure for authorizing special exceptions

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-206 of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Building Official to determine whether a proposed use is potentially noxious, dangerous or offensive.

B. General Requirements:

A conditional use permit (a special exception) shall be provided the Board finds that it:

- Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
 - Staff finds the proposed use of a car wash should not negatively affect the health, safety, and welfare of the public.
- Will not adversely affect other property in the area in which it is located.
 - Staff finds that the proposed use has the potential to adversely affect other properties in the surrounding area due to noise produced from this use onto the adjacent residential dwellings. The entrance of the building would be approximately 400' from the nearest residential unit. Vacuums are proposed to be located on the east side of the car wash, parallel to Nissan Drive.
- Is within the provisions of "Special Exceptions" as set forth in this ordinance.
 - Section 5.052.2 C lists "car washes and automobile detailing" as a special exception in the C-2 district.
- Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Sections 7.060 and 7.061, and is necessary for public convenience in the location planned.
 - Staff finds that this site may be able to conform to all provisions of the Municipal Zoning Ordinance as listed in Criteria Review Section 7.060 C.

C. Criteria for Review:

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 7.061), and that satisfactory provisions and arrangement has been made concerning all the following where applicable:

- Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - Access to the site is proposed to utilize an access point off Nissan Drive and another access point off Sam Davis Road. Current site plan shows two access points on Nissan Drive, but the number and location of the access points is subject to change after determination on most suitable locations with staff during the site plan process.
- Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
 - Staff finds that the development of this vacant property will increase traffic, more than currently exists, thus more noise for surrounding property owners.
- Refuse and service areas, with particular reference to the items in 1. and 2. above.
 - Refuse collection would need to be coordinated with a local company for proper disposal and collection of waste.
- Utilities, with reference to locations, availability, and compatibility.
 - This location has access to water and gas. The developer would be required to extend/make improvements to the sewer.
- Screening and buffering with reference to type, dimensions and character.
 - West and north of the subject property is residentially zoned which would require a buffer to be installed by the developer along the property line. This would be a Type C landscape buffer, per the Zoning Ordinance, at a minimum. A Type C landscape buffer

consists of an area at least 15' wide with offset alternating rows of evergreen trees and shrubs.

- Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
 - Staff finds that the proposed auto wash use will fit the compatibility with properties in the same district in reference to the above effects. Lighting may not shine beyond the property lines.
- Required yard and other open space.
 - Staff finds that there is adequate space on this lot to support a car wash as it is currently undeveloped.
- General compatibility with adjacent properties and other property in the district.
 - Staff finds that the use may be compatible with the adjacent commercial properties in addition to the site being located on Nissan Drive, which is a principal arterial on the Major Thoroughfare Plan with a variety of commercial uses along the roadway.
- The following additional rules apply for upper story residential development proposals:
 - All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.
 - All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Smyrna Municipal Code.
 - Not applicable.

Conclusion

Staff finds that a majority of the surrounding properties are commercially zoned and would fit for the use. The property is located along Nissan Drive, which is highly trafficked. The lot is of adequate size to support this use as well as adhering to regulations required per the Design Review Manual and Zoning Ordinance.

At this time, Councilman Steve Sullivan acknowledged Alan Jacob with Car Wash Pro Designers to speak at the public hearing.

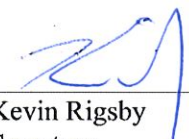
Motion by Phil Wilson, seconded by Scott Demonbreun to approve the special exception to allow a car wash within a C-2 zone located at Rutherford County Tax Map: 27, Parcel: 6.08 with the above listed staff comments.

Vote: 4 - 0 Passed - Unanimously

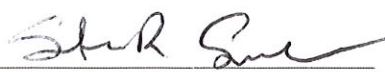
- 4. Staff comments and/or other business
- 5. Adjournment

Respectfully submitted:

Certified by:



Kevin Rigsby
Secretary



Councilman Steve Sullivan
Chairman