

OFFICIAL MINUTES OF THE GOODLETTSVILLE BOARD OF ZONING AND SIGN APPEALS

Date: February 4, 2020

Time: 5:00 P.M.

Place: Massie Chambers- Goodlettsville City Hall

Members Present: Chairman Mike Broadwell, Cisco Gilmore, Brian Rager, Vice Chairman Mark Writesman, Chad Ray

Absent:

Also Present: Addam McCormick-Planning Director, Tim Ellis- City Manager, Russell Freeman-City Attorney, and Rhonda Carson, Planning/Codes Department

Chairman Broadwell called the meeting to order at 5:00 pm and declared a quorum and welcomed Chad Ray to the Board. Rager made a motion to continue with Broadwell as Chair and Writesman as Vice-Chair for 2020. Board unanimously agreed. Staff stated no changes to the agenda. Gilmore made a motion to approve the minutes of the November 5, 2019 Board of Zoning and Sign Appeals meeting as written. Rager seconded the motion. The motion was approved unanimously.

ITEM#1 Toya Malbrough requests conditional use approval for a personal and group care child care facility at 801 Meadowlark Lane. Property is referenced as Davidson County Tax Map/Parcel# 02613004100 and is zoned CSL, Commercial Service Limited. Property Owners: Barbara Pietrowski and Albert Roslyn

Representatives: Ms. Toya Malbrough

Staff Discussion Items:

- Day Care facilities in this zoning particular zoning district requires approval by the Board
- Existing developed building and site
- Presentation of both general and specific conditional use review criteria
- Area has office/professional and residential uses
- No adjacent residential zoning districts all CSL, Commercial Services Limited
- Site plan not required since
- Conditional use zoning approval first step- additional steps local and state approvals for facility conversion to a day care
- Staff recommendation stipulations including fenced in playground minimum 2,000 sq. ft, fence to be coated chain link fence or wood, all traffic associated with drop off and pick up on-site.

-Staff asked Malbrough about the stipulations- she responded measured playground area proposed would meet size requirements, fence to be wood, and agreed for all traffic with site regarding drop-off and pick-ups on the site.

Broadwell opened the public hearing

-Public Hearing – No one present to speak

Board Discussion Items:

-Writesman discussed the general area and other similar uses in the area

Motion:

Rager made a motion to approve the conditional use, seconded by Gilmore. Motion to approve passed unanimously.

ITEM#2 Greater Faith Missionary Baptist Church requests a variance from the minimum acreage requirement and a conditional use approval for a religious facility on the non-improved section of Hardaway Drive north of Alta Loma Dr. Property is referenced as Davidson County Tax Map/Parcel# 034010004 and is zoned R-25, Low Density Residential. Property Owner: Tommie H. Williams

Representatives: Michael Joyner, Pastor

Staff Discussion Items:

-Conditional use request and variance from minimum acreage requirement
Religious facilities in this zoning particular zoning district requires approval by the Board
-Presentation on property and adjacent zoning districts and land uses in area including low and high density residential, churches, billboards, proximity to I-65
-Presentation of both general and specific conditional use review criteria
-Site access through section of undeveloped Hardaway Drive right-of-way
-Access drive for cell towers, billboards, vacant adjacent six (6) plus acre property zoned high density residential not for access to other developments
-Alta Loma/Dry Creek one of designated routes on the City's Major Thoroughfare plan no designation but planned roadway improvement listed under arterial classification
-Parking per zoning ordinance of one space per three (3) occupants- preliminary site plan would shows thirty-five (35) parking spaces so 105 occupants as shown
-Project approval process would require engineered site plan review by Planning Commission including site design including paved access to Alta Loma Drive and ensure property sight distance- but preliminary review by staff sight visibility should be ok needs to be confirmed with site design
-Presentation of Tennessee Code Annotated Section 4-1-407- Preservation of Religious Freedom and section regarding compelling government interest and least restrictive means provision

- Staff opinion- five (5) acre requirement in this area with I-65, high density residential uses, other churches in corridor, main roadway would not meet least restrictive means provision of state law
- Property includes access and utility easements and showed relation of easements on preliminary plat with building location
- Presentation of staff recommendation of approval with requirement for site design by Planning Commission including sight distance, approval of variance and conditional use based on property location and surrounding area uses.
- Freeman asked if easements were met and bound described.
- Staff stated the easements are referenced on the property survey and Hardaway Drive undeveloped right-of-way is included on a recorded subdivision plat
- Ellis asked how will access to cell phone facility
- Staff stated the access drive will still be available to billboard and cell tower and adjacent six (6) plus acreage property
- Staff discussed history of property and limited access and small church facility would be good use
- Ellis asked if development will land lock the remaining property
- Staff stated the access drive to adjacent property and easement will not change- the site development would include a paved drive from Alta Loma Road to this development but access drive will still connect and be open to adjacent property
- Staff discussed this property and adjacent property served by easement are the same ownership

Board Discussion Items:

- Writesman asked how far off Alta Loma would project be
- Staff discussed estimated 250-300 feet
- Joyner, Applicant- discussed church not a huge facility, traffic flow limited expect on Sunday which is lower day
- Joyner discussed understood about paved drive requirement

Broadwell opened the public hearing

-Public Hearing – No one present to speak

. 600 Alta Loma

-No issue with church development on property but the distance at intersection concern-need improvements dangerous- use Gates Road instead of Hardaway when coming up to Alta Loma

194 Cobblestone Drive

- Cobblestone HOA representative concerns with parking on Cobblestone Drive and no access to church
- Corrected that the access drive does connect to Cobblestone development
- Power lines in area don't know if they can build on property
- Oppose facility going in

Broadwell asked for anyone else requesting to speak. No one else present to speak- staff asked that additional names were on list but no one else requested to come up and speak-just signed in

Broadwell closed the public hearing

Board Discussion Items:

- Gilmore discussed access drive and would city reopen street
- Staff section of Hardaway undeveloped right-of-way would only be something for city to take over if major property comes in on back property but like with current drive city could not maintain- but development would include paved drive to Alta Loma Drive
- Gilmore asked about dimension of property Cobblestone private drive
- Staff estimated fifteen (15') to thirty (30') feet
- Staff discussed the proposed building per preliminary site plan in relation to access and TVA easement
- Ellis discussed access easement and easement might be impacted with widening of I-65 in area and that property might be cut-off
- Staff discussed any property acquisition would be per TDOT but they can't leave unusable remnant properties any more like was previous the case and can be seen along I-65 north of exit 98 and even small unusable tract left next to undeveloped Hardway Drive right-of-way.
- Writesman discussed Wade Circle was a similar issue
- Writesman discussed the concern expressed during public hearing regarding the intersection and what city's responsibility was
- Staff discussed they would review with development including site distance
- Writesman discussed parking concern on Cobblestone Drive – notify members no parking
- Staff discussed the board could require a fence as a stipulation for conditional use- with easement in area a 4ft fence could be a barrier or barrier behind new building
- Freeman discussed Hardaway meets and bounds and fifty (50') feet right-of-way line does it come to boot hill point.
- Freeman asked if right-of-way enough dimension to property line
- Freeman discussed if six (6) acres behind this property would be cut off to access if Hardaway and access drive extended to parking lot of proposed site
- Staff discussed the site development would include a paved drive to Alta Loma within a section of easement but the site development cannot block access to back property and cell phones and billboards and access easement access and connection will be part of site development plans- but yes the access easement will still come through this property with church development

- Rager discussed if church grows and traffic increases the access drive not intended for large amounts of traffic
- Gilmore asked who decides on fence or buffer barrier to adjacent property
- Staff stated the Board could place a stipulation or ask Church representative
- Gilmore asked if a new church comes in would review be required by this board again? –
- Staff stated yes per ordinance the conditional use is for this applicant

Motion to approve the variance by Writesman, seconded by Rager. Motion passed unanimously

- Staff discussed that the conditional use will also have to be voted on.

-Motion to approved the conditional use by Gilmore, seconded by Rager. Motion passed unanimously.

- Freeman and staff discussed fence and barrier and limits with TVA easement
- Gilmore discussed the distance from an adjacent residential unit from the proposed church
- Staff presented aerial photo and discussed 200' plus feet
- Joyner discussed will have security on Sunday and can tell people not to park on Cobblestone Drive and address situation with signage but due to limited scale they still have room for more parking if needed

Motion to adjourn by Writesman, Second by Gilmore. Motion passed unanimously

The meeting adjourned at 5:51 P.M.


Mike Broadwell, Chairman


Rhonda Carson, ECD Assistant