

OFFICIAL MINUTES OF THE MEETING

GOODLETTSVILLE PLANNING AND ZONING COMMISSION

January 9, 2023

Goodlettsville City Hall

5:00 p.m.

Massie Chambers-Auditorium

Present: Chairman Tony Espinosa, Jeff Duncan, Grady McNeal, Jeff Parnell, Mayor Rusty Tinnin, Scott Trew, and Judy Wheeler

Absent: N/A

Also Present: Addam McCormick (Staff), Tim Ellis- City Manager, Russell Freeman-City Attorney, and Sharon Reed (Staff).

Tony Espinosa called the meeting to order and Wheeler offered prayer.

Item #1 Approval of Agenda: Duncan made a recommendation to move items number six (6) (Eubank Five Lot Subdivision), eight (8) (Goodlettsville Pentecostal Church Building Addition), twelve (12) (Dry Creek Townhomes Phase One) and thirteen (13) (2022 Planning Commission Annual Report) to a consent agenda. Duncan made a motion to adopt the consent agenda, Trew seconded the motion. The motion passed unanimously. Duncan made a motion to approve the agenda, Tinnin seconded the motion. The motion passed unanimously.

Item #2 Approval of December 5, 2022 Meeting Minutes: Wheeler made a motion to approve the minutes of the December 5, 2022 meeting, Tinnin seconded the motion. The motion passed unanimously.

Annual Chair and Vice-Chair Officer Election

Trew made a motion to nominate Tony Espinosa for Chairman. Duncan made a motion to approve the nomination. McNeal seconded the motion. The motion passed. Members voted unanimously to approve Tony Espinosa Chairman of the Goodlettsville Planning and Zoning Commission.

Espinosa thanked the members for the opportunity to continue as Chairman of the Goodlettsville Planning and Zoning Commission.

Tinnin made a motion to nominate Scott Trew for Vice-Chairman. Tinnin made a motion to approve the nomination. Wheeler seconded the motion. The motion passed. Members voted unanimously to approve Scott Trew for Vice-Chairman of the Goodlettsville Planning and Zoning Commission.

Item #3 Espinosa opened the Public Forum on Planning Related Topics.

No one requested to speak at the meeting.

Trew made a motion to close the public forum, seconded by Duncan. The motion passed unanimously.

The Public Forum was closed.

AGENDA

Item #4 Richard Sheppard, property owner request recommendation to the Goodlettsville City Commission to rezone an eight (8) acre property at 1032 Williamson Road from Agricultural to CPUD,

Commercial Planned Unit Development. The property is referenced as Sumner County Tax Map/Parcel#141 006.00 000.

Item Representative: Richard Sheppard, Property Owner

Staff Discussion:

- The property owner is requesting to rezone the property to permit a limited scale RV parking facility.
- The owner provided a basic concept plan for the property.
- The Comprehensive Land Use includes the property area as Residential Development Low Density.
- The proposed location of the use is at the boundary of the Residential Development Low Density and Commercial Development Land Use Plan designations.
- Due to the adjacent CPUD, Commercial Planned Unit Development Zoning (south), the Planning Commission could review limiting the area of the commercial zoning on the property.
- A more detailed preliminary master plan drawn to scale including access location, screening, preliminary defined use and layout is required with planned unit development zonings.
- The Planning Commission could determine the proposal would require a Comprehensive Land Use Plan amendment review process with the request.
- Motion Option: Approve City Commission recommendation to amend the Zoning Map to include a section of CPUD, Commercial Planned Unit Development zoning based on the basic concept plan and adjacent CPUD, Commercial Planned Unit Development zoning
- Motion Option: Deny City Commission recommendation to not rezone the property based on location and adjacent low density residential zoning (north/east)
- Motion Option: Defer request for owner to hire design professional to provide more detailed preliminary master plan including access location, landscaping screening with adjacent low density residential properties, and any additional information as determined by Planning Commission.

Planning Commission Discussion:

- Sheppard shared the reason for the rezoning request is to park campers at no cost for members of the Boondockers organization listed in the US and Canada.
- Sheppard provides a free and safe place for the elderly and retirees to spend the night on his property.
- Sheppard stated he thinks this is a violation of his citizen rights when he can't use his property as he wants when it does no harm to the City, County or State and he objects to the Zoning Ordinance violation.
- Trew asked how primitive is the parking, is it paved, gravel or grass?
- Sheppard responded primitive is the name of the area that has five (5) parking spaces in grass.
- McCormick explained the review by the Board of Zoning and Appeals.
- McCormick explained it is his understanding there are no services provided, no sewer or electricity, they just park overnight.
- Sheppard discussed he provides no facilities, and no exchange of money and it is a privilege he has to provide a place for people to spend the night when they are on the road and in need of a safe place to stay.
- Freeman discussed Commercial Planned Unit Development zoning and restrictions for a campground.
- McCormick responded it would be considered a "Public Assembly" area.
- Duncan discussed Commercial Planned Unit Development Zoning not allowed on the property with residential.
- Sheppard responded he does not care if it is rezoned, he just wants permission to provide a free camping area for the seniors and retirees.

- Parnell discussed concerns about self-contained waste and the stream beside the property.
- Sheppard responded the Boondockers members are pre-screened and provide information they are self-contained and if they violate, they lose membership to the Boondockers organization.
- Espinosa explained to Mr. Sheppard he did respect what he was wanting to do, but he has concerns with no detailed plans and information.

Motion: Motion by Duncan to deny the request based on the proposal does not meet the zoning for residential and community assembly according to the Commercial Planned Unit Development zoning matrix, seconded by Trew. The motion passed. Tinnin abstained.

Item #5 Mike Brady, property representative request recommendation to the Goodlettsville City Commission to rezone a 3.5-acre portion of the 4.79 acre property at 1219 Dickerson Road from Agricultural to CS, Commercial Services. The property is referenced as Davidson County Tax Map/Parcel# 03300003200. Property Owners: Craig and Louanne Koch

Item Representative: No Representative

Planning Commission Discussion:

- Espinosa explained with no representative the agenda item is not discussed.

Motion: Motion by Duncan to defer the request for one (1) meeting, seconded by Wheeler. The motion passed unanimously.

Item #7 434 N. Main Street, Development Management Group, LLC: Requests site plan approval for a 4,127 square feet retail building on 1.63 acres on N. Main Street and New Brick Church Pike. Property is zoned CSL, Commercial Services Limited and is referenced as Davidson County Tax Map/Parcels# 01816007500 and 01816007400. Property Owners: RDM3 (#15-22)

Item Representative: Ken Knuckles, and Dakota O'Bryant, Development Management Group, LLC

Staff Discussion:

- The project includes a proposed alternative landscape buffer and screen design between the adjacent property along the west property line zoned R-10, Medium Density Residential.
- The alternative design request is due to site design limitations for the driveway access from New Brick Church Pike and the intention for shared project driveway design on N. Main Street.
- The buffer requirement is for a fifteen (15') to twenty-five (25') feet buffer with plantings.
- The area of the site development from the area of the dumpster to the back northern edge of the building ranges from four (4') feet to eleven (11') feet below the adjacent property grade.
- The area of the New Brick Church Pike entrance to the central shared driveway location ranges from one (1') to twelve (12') feet below the adjacent property grade.
- The buffer design includes a section of solid fence along the top of the retaining wall and landscape screen closer to New Brick Church Pike.
- Staff requests the fenced section design include decorative design features including masonry columns or base or other design features.
- The City's Thoroughfare Plan is based on projected project upgrades to existing roadway sections so New Brick Church Pike/Brick Church Pike is not designated as an arterial or collector street. The sections of New Brick Church Pike/Brick Church Pike in Goodlettsville serve as a residential street except for this

corner lot area.

- Staff has requested additional information on the sight distance based on a site survey.
- A two (2) lot combination subdivision plat will be required to be reviewed and approved by City staff prior to issuance of a building permit.
- The lot combination will include notation of the shared driveway easements and maintenance of the shared driveway.
- Staff met with the project engineer and a TDOT representative to discuss the proposed driveway on N. Main Street.
- The project property does include an existing driveway for the house on the property.
- During the meeting staff requested a larger curb entrance radius on the proposed shared driveway entrance per TDOT specifications and the TDOT representative requested additional information including the driveway drainage design.
- The TDOT driveway access permit will be required prior to the building permit being issued.
- Staff would recommend the driveway on N. Main Street since it will serve as a shared driveway with the corner lot shown on the site plan.
- The property is within the City's Main Street project area.
- The City's projects includes a wider sidewalk along the N. Main Street roadway frontage.
- The site plan includes a reference to the sidewalk section being installed under the City's project and a sidewalk improvement along New Brick Church Pike frontage as part of the site development project.
- The City's Engineer Consultant is currently reviewing the revised plans based on their original review comments.
- Staff will require the City's Engineer Consultant to confirm all revisions prior to the issuance of the City's Land Disturbance permit.
- Project Site Plan Stipulations:
 - Lot Combination Subdivision Plat to be reviewed and approved by staff and recorded prior to building permit issuance.
 - TDOT Access Permit required prior to building permit issuance
 - City's Engineer Consultant confirm and approve plan review comments prior to issuance of City's Land Disturbance Permit
 - New Brick Church Pike sight distance based on site surveying to be completed prior to building permit issuance with the minimum sight distance per Planning Commission determination of New Brick Church Pike based on meeting discussion.
 - Alternative buffer yard design with retaining wall with fence and landscape sections. Fence to include additional decorative features.
- Motion Option - Approve site plan with staff stipulations listed above based on the site plan with defined stipulations meeting City's requirements.
- Motion Option- Deferral to include any additional requirements or information as determined by Planning Commission.

Planning Commission Discussion:

- Knuckles asked for clarification on the 250' feet vs 300' feet City's required site distance
- McCormick responded and explained a formal site distance study would be needed to verify and the difference in roadway classifications would change distance requirements.
- Knuckles discussed the retaining wall, landscaping buffer and fencing section.
- O'Bryant discussed the site distance on New Brick Church Pike and proposed driveway.
- Espinosa asked McCormick for his thoughts on what would be the minimum site distance threshold.

- McCormick responded and discussed New Brick Church Pike is not included as a project on the City's Major Roadway Thoroughfare Plan, therefore, is not defined as an arterial or collector street but a local main street.
- Duncan asked for the speed limit.
- Knuckles responded speed limit is 30 on New Brick Church Pike
- Duncan discussed concerns with volume and congestion in the future.
- Tinnin asked what is the reason for the back entrance?
- Knuckles responded for unloading and getting delivery trucks on and off the lot.
- Duncan asked if the City engineer or consultant has looked at the plan and what is their opinion?
- McCormick responded and asked Knuckles if they could shift the access point?
- Knuckles responded shifting would put it beyond the property line.
- Ellis discussed AASHTO calculations and the City's perspective on reducing the speed limit
- Espinosa discussed the stipulations and a revised condition that the City and traffic engineer approve a site distance plan adequate for the project.

Motion: Motion by Tinnin to approve the request with all stipulations and the revised site distance plan condition referenced in the meeting, seconded by Trew. The motion passed. Parnell abstained.

Item #9 Zoning Ordinance Amendment/Community Development Services Staff: Request recommendation to the City Commission to amend the Zoning Ordinance Sections 14-205 (3)(b) and 14-213 (9)(h) to include a conditional use in residential zoning districts for an accessory residential unit in defined residential zoning districts. Deferred at November 2022 Meeting.

Item Representative: Josh and Melody Barnes

Staff Discussion:

- The Planning Commission discussed and deferred the request at the November meeting.
- Staff revised some ordinance sections based on the research completed of multiple city and county ordinances.
- The amendments include reduced maximum square footage and a component of the Board of Zoning and Sign Appeal's conditional use request to include an abandonment plan to determine future uses of the accessory building after a family member (per Zoning Ordinance definition) moves out of the building.
- The abandonment plan would define building alterations to make the accessory building not be considered as a dwelling unit if not intended for a family member per the Zoning Ordinance definition of family.
- Per the proposed ordinance, the accessory dwelling unit is for a permanent residential (longer than a month) use not a short-term rental use.
- Accessory dwelling units requested in existing planned unit developments would be reviewed as a master plan amendment and would require prior approval by the homeowner's association.
- Accessory dwelling units proposed with new planned unit developments would be reviewed with the project preliminary master plan and rezoning request.
- Some of the researched ordinances include a minimum lot size requirement of 30,000 square feet which would typically limit the request under the City's Zoning Ordinance to the larger property acreage R-40, Low Density Residential and Agricultural zoning districts.
- The exception would be with properties larger than the minimum lot size in the other residential base zoning districts (R7-R25).

- The Planning Commission discussed requiring the accessory dwelling unit to be on lots/properties that are more than double the minimum lot size of the particular residential zoning district.
- The Planning Commission requested information on the available area for accessory buildings based on the City's residential zoning districts.
- The residential planned unit development zoning districts are set up different then the base residential zoning districts since the planned unit development zoning districts are master plan-based zoning.
- The LDRPUD, Low Density Planned Unit Development district would be consistent lot sizes with the R15 and R10 zoning districts.
- The MDRPUD, Medium Density Plan Unit Development district would be consistent lot sizes with the R7 zoning districts.
- The proposed Zoning Ordinance requires accessory dwelling units to meet the same property minimum building setbacks as the primary building since the detached building would contain a dwelling unit.
- The intention with the ordinance amendment is to permit the accessory dwelling unit as an extension of the primary unit on the property and limited to the family members of the primary dwelling unit so that the primary and accessory dwelling units would still be included as one family per the Zoning Ordinance definition of a family.
- Staff's proposed ordinance would provide the opportunity for property owners in all residential zoning districts the ability to provide an extension of the one family dwelling unit on their property subject to available property and building size and permitted building additions and accessory buildings.
- Staff presented the following ***(Bold Italicized)*** Proposed Ordinance Amendments:

14-205 (3)(b) Table 1

(3) Use and Structure Provisions

(b) Conditional Uses. Conditional uses permitted for consideration of the Board of Zoning Appeals are listed in Table I.

*Accessory Dwelling Units in Planned Unit Developments are to be reviewed as permitted uses with new project master plan proposals and as master plan amendments for existing developments. ***The review process for Planned Unit Development Master Plan amendments for existing developments review to include written authorization by any applicable private property owner's association.***

14-213 (9)(h)

(9) Conditional Use Permits

(h) Specific Standards for Residential Activities

(iv) Accessory Dwelling Unit

An accessory residential family living dwelling unit either attached or detached to the primary one family detached residential dwelling unit, which provides complete living facilities for one or more persons on the same property as the primary one family dwelling unit. ***The primary and second dwelling units are only for permanent residential activities.*** The following items are standards that shall apply to all accessory residential family dwelling units:

3. Only family member(s) of residents of the primary dwelling unit may occupy the accessory dwelling unit. ***Family members are as defined by the Zoning Ordinance definition.***

4. The maximum size of all accessory buildings permitted for a residential property shall be limited to the requirements of the Zoning Ordinance. The maximum size of an accessory dwelling unit is ***700*** square feet. The maximum square footage is subject to the size of the primary residential building and other accessory buildings per the requirements of the Zoning Ordinance. The minimum dimension of an accessory unit shall be determined by the adopted building code and the Board of Zoning and Sign Appeals.

9. Accessory residential dwelling unit structures do not include the use of portable buildings, mobile homes, recreational vehicles, or travel trailers.

Applicants requesting a conditional use shall submit a written request and plans of the property and building to the Board of Zoning and Sign Appeals. The plans shall include enough detail to certify that requirements listed above will be met. ***The application to include a plan for abandonment if the accessory dwelling unit is no longer to be used for family members of the primary dwelling unit. Family members are defined by the Zoning Ordinance. The abandonment plan to include building alterations to include but not be limited to open access and removal of facilities to eliminate the separate independent accessory dwelling unit.***

If the conditional use request is approved, the owner(s) shall submit, prior to building permit application, a copy of recorded restrictive covenants including above listed requirements ***and abandonment plan and*** any additional requirements that may be stipulated by the Board of Zoning and Sign Appeals.

- Motion Option-Approve City Commission recommendation to amend the Zoning Ordinance to include accessory dwelling units as proposed by staff.
- Motion Option-Approve City Commission recommendation to amend the Zoning Ordinance to include accessory dwelling units as proposed by staff with additional ordinance requirements as determined by the Planning Commission which could include minimum lot size requirements or limit the uses to defined permitted zoning districts.
- Motion Option-Deny City Commission recommendation to not include accessory dwelling unit uses.
- Motion Option-Defer request to include additional information as determined by Planning Commission.

Planning Commission Discussion:

- Duncan discussed concerns with a conditional use for a unit and accessory residential dwelling units and the need for medical portable buildings.
- Duncan stated he liked the concept of the abandonment plan for a portable building and allowing options for people.
- Freeman asked McCormick from his research on the abandonment plan did he find an implementation plan or any enforcement plan that would create a problem?
- McCormick responded and discussed the abandonment plan idea is from Sumner County.
- Duncan discussed a conditional use with a time frame and would that be reasonable.
- McCormick responded and discussed the Zoning Ordinance definition of family
- Parnell discussed the intent of the “drafted” detached accessory dwelling unit amendment.
- McCormick responded and discussed restrictions to go along with the property.
- Freeman discussed zoning or can it be based on lot size?
- McCormick responded under the Zoning Ordinance cannot allow two (2) dwelling units on one (1) property, it would be a violation.
- Trew discussed concerns with the term “family member” and asked what type of unit did the Barnes want to build.
- Barnes responded a Southern Living house plan with six-hundred and fifty (650) square feet behind the primary residence for her mother to live in.
- Parnell discussed the Planning Commissions role for a conditional use dwelling request.
- McCormick responded and discussed the role and conditional use process for the Planning Commission for planned unit development zonings and the Board of Zoning Appeals for others and in this case change of ownership would not result in expiration.

- Duncan discussed the legacy of the conditional use and the proposed abandonment plan and possible Expiration.
- Freeman discussed legacy issue, and contingency use when the property ownership changes.
- Wheeler discussed a training session for the Planning Commission to discuss the issues related to this topic.
- Espinosa asked McCormick if we would have time on the next agenda to discuss and work through the issues.
- McCormick discussed issues in the past with these requests and why they have not gone forward.
- Espinosa discussed deferring the agenda item per Wheeler's request for training and providing feedback to McCormick on the issue for next month's agenda.

Motion: Motion by Tinnin to defer the request, seconded by Parnell. The motion passed unanimously.

Item #10 Community Development Services Staff: Request recommendation to City Commission to de-annex 5.44 acres at 257 Allen Road. Property is zoned R-40 Low Density Residential and is referenced as Sumner County Tax Map/Parcel# 139 098.01 000. Property Owner: Reshma Maradia

Item Representative: N/A

Staff Discussion:

- The property owner is requesting the property to be de-annexed.
- The property includes a one family detached dwelling (home) on the 5.44 acres.
- The property was annexed on August 23, 2018.
- The property owner is currently disputing that they previously requested their property to be annexed.
- The property was included with the annexation of properties associated with the Allen Farms Subdivision.
- The property is not included on the Allen Farms Subdivision master plan.
- The City did not record the approved annexation resolution at the time of approval, so the issue was only recently discovered with the City and County reviewing discrepancies with tax records.
- Allen Road along the frontage of the property is within the city limits and is not proposed to change with this proposal.
- Staff has contacted the Sumner County Planning Department about the request and if approved would require the County to designate the property zoning.
- The property is zoned R-40, Low Density Residential and the adjacent properties outside the city limits in the area are Sumner County zoning designation Rural Residential.
- The property owner has private trash service, and the house is on a private septic system.
- Motion Option-Approve City Commission recommendation to de-annex the property based on the property owner's request and the location and use of property (one family detached dwelling on 5.44 acres) since the property is not included in the approved Allen Farms Subdivision development.
- Motion Option-Deny City Commission recommendation to maintain the property in the city limits.
- Motion Option-Defer request to include additional information as determined by Planning Commission.

Planning Commission Discussion:

- Ellis discussed the history of the annexation request and ownership of the property located at 257 Allen Road and state law limitations on annexations limited to being requested by the property owner and concern if not requested by the owner if an issue with annexation and best solution in this situation is to remove the property from the city limits.

- Ellis discussed issues with the tax accessor's office not having the property on city tax records for two (2) years.
- Ellis explained the parcel to be de-annexed, and everything else to remain the same.
- Tinnin asked if it is de-annexed how will trash and other services be provided?
- Ellis responded no City services will be provided to this property.
- Freeman asked if the property transferred before or after the annexation.
- Ellis responded the request was before the annexation.
- Duncan stated he was in office and supported the annexation when it happened and explained the annexation of the road frontage
- Ellis responded the City has never provided any services to the property.

Motion: Motion by Trew to approve the request, seconded by McNeal. The motion passed unanimously.

Item #11 Community Development Services Staff: Requests recommendation to City Commission to de-annex 6.38 acres adjoining property at 1237 Willis Branch Road. Property is zoned R-40 Low Density Residential and is referenced as Sumner County Tax Map/Parcel# 143 052.05 000. Property Owners: Randy and Suzanne Pemberton

Item Representative: N/A

Staff Discussion:

- The property owner previously requested de-annexation of the property since the proposed de-annexed section of the property is only a separate parcel due the City limits boundary splitting the property.
- The remainder of the property (20.4 acres) includes the property owner's house and property roadway frontage on Willis Branch Road outside the city limits.
- Staff has contacted the Sumner County Planning Department about the request and if approved would require the County to designate the property zoning.
- The property is zoned R-40, Low Density Residential and the adjacent properties outside the city limits in the area are Sumner County zoning designation Rural Residential.
- Motion Option-Approve City Commission recommendation request based on the property owner's request due to the property location and use of property by the property owner.
- Motion Option-Deny City Commission recommendation to maintain the property in the city limits
- Motion Option-Defer request to include additional information as determined by Planning Commission

Planning Commission Discussion:

- Ellis discussed the history of the annexation of the property and current property owners request to de-annex.
- Duncan asked if the property was bought when it was within the City limits?
- Ellis responded yes.
- Espinosa asked Ellis for clarification on his response to Duncan.
- Commission members asked if the property in the city limits has roadway frontage
- Staff discussed the roadway frontage is thru the adjacent portion of property that is in the city limits
- Trew discussed concerns with de-annexations but understands the unique issues associated with this request and previous request
- Ellis responded when the area was being developed the property owner asked for it to be annexed and

after that the property sold to the Pembertons. Mr. Ellis stated this is from his memory.
-Duncan discussed the property area that was annexed in the City and explained why he can support the request to de-annex this parcel due to this specific property location and condition and stressed the need for having basis of decision to prevent someone asking to de-annex property in the middle of the City.

Motion: Motion by Parnell to approve the request, seconded by McNeal. The motion passed.
Vote 6-1. Espinosa voted no.

DISCUSSION ITEM

With no further business, the meeting adjourned at 7:15 pm.

Tony Espinosa, Chairman

Sharon Reed, Planning Assistant