

OFFICIAL MINUTES OF THE MEETING

GOODLETTSVILLE PLANNING AND ZONING COMMISSION

August 2, 2021

Goodlettsville City Hall

5:00 p.m.

Massie Chambers-Auditorium

Present: Vice Chairman Scott Trew, Jeff Duncan, Jim Hitt, Jeff Parnell, Grady McNeal, Bob Whittaker, Mayor Rusty Tinnin

Absent: Chairman Tony Espinosa, Judy Wheeler

Also Present: Addam McCormick (Staff), City Manager Tim Ellis, Russell Freeman, Mary Laine Hucks, and Sharon Reed

Trew called the meeting to order and asked for a moment of silence to remember and honor the passing of board member Jerry Garrett. McNeal offered prayer.

Trew announced due to health issues, Mr. David Lynn resigned from the Planning Commission.

Item #1 Approval of Agenda: Whittaker made a motion to approve the agenda, Hitt seconded the motion. The motion passed unanimously.

Item #2 Approval of July 12, 2021 Meeting Minutes: Duncan made a motion to approve the minutes of the July 12, 2021 meeting, Parnell seconded the motion. Motion passed unanimously.

AGENDA

Item #3 Copper Creek 2-1/Meritage Homes: Requests recommendation to the City Commission for acceptance of public improvements with a one-year maintenance bond. Planning Staff to define final improvement completion status.

Staff Discussion:

-The project construction is completed. The developer is proposing to finish all remaining improvements for public acceptance. The developer recently completed the asphalt surface paving and striping on Allen Road.

-Remaining improvements are sections of sidewalk repair and one section of curb repair and

-Fire hydrant height extension at Allen Road and Old Stone Road intersection and

-Storm water finish grading- cleaning out detention pond adjacent to Allen Road and sections of detention bank repair.

-Recommend approval with \$ 125,000 maintenance bond with majority of the sidewalk repair work completed by the September 9, 2021. City Commission and detention pond work completed by November 1, 2021.

Motion: Motion by Tinnin to approve, seconded by McNeal . The motion passed unanimously.

Item #4 Parkview Preserve Phase 2/NVR Land Development: Request final subdivision plat amendment for lots 93-104 on Wicklow Drive to reduce the rear building setback from 17.5 feet to 16.5 feet. Properties are zoned MDRPUD, Medium Density Residential Planned Unit Development

Item Representative: Andrew Robertson, NVR Land Development Manager

Staff Discussion:

The Planning Commission at the December 2, 2019 meeting approved a final plat amendment to reduce the rear building setback on a section of lots from twenty (20') feet to 17.5 feet. Due to a lot dimension issue the request is to expand that original revised approval from 17.5 to 16.5 feet for referenced lots 93-104.

-The Zoning Ordinance permits a fifteen (15') feet minimum rear building setback in the MDRPUD, Medium Density Residential Planned Unit Development zoning district.

-The referenced lots are 720 feet from the south project property line and 400 feet from the west project property line.

Planning Commission Discussion:

-Duncan asked McCormick are there properties behind this property line

-McCormick states yes, the common area which is roughly 700 feet to south project line and 400 feet to west property line

-Parnell states another option would be to increase the depth of the lots

-Robertson states the lots are part of the original approval in 2019 and did not realize the grouping of lots are about one (1') ft. less deep.

Motion: Motion by Parnell to approve, seconded by Tinnin. The motion passed unanimously.

Item #5 Rivergate Shell Building/Community Solutions by Design, LLC: Requests site plan approval for a 3,055 sq. ft. commercial center on 0.44 acres at 120 Rivergate Parkway and Donald Ave. Property referenced as Davidson County Tax Map/Parcel# 02605014200 and is zoned CSL, Commercial Services Limited and CCO, Commercial Core Overlay. Property Owner: Rafee & Fatimah Syed (#5-21)

Item Representative: No representative in attendance

Motion: Duncan made the motion to defer, seconded by Parnell. The motion passed unanimously.

Item # 6 John and Nicole Levoy: Requests recommendation to the City's Board of Zoning and Sign Appeals Board for a proposed counseling center to be classified as a conditional use religious facility in an R-40, Low Density Residential zoning district. The requested location of the use is a 117.24-acre property on Happy Hollow Road referenced as Sumner County Tax Map/Parcel# 12113000000

Item Representative: John and Nicole Levoy, Property Owner

Staff Discussion:

-Applicants will be requesting a conditional use request for a religious facility on the 117-acre property zoned R40 Low Density. The conditional use request will be reviewed by the Board of Zoning and Sign appeals.

- The requested facility is for a small-scale counseling facility associated with multiple area churches.
- The applicant is requesting to build their home on the property and the detached accessory building for the counseling center on roughly 100 acres of the property.
- The applicant has discussed the counseling center being for married couples that would include a weekend retreat setting.
- The applicant has discussed dividing off a five (5+) plus acre tract for a family member to build a home on the divided off property.
- The Board of Zoning and Sign Appeals can request and review interpretations from the Planning Commission on conditional use requests.
- The applicant has not requested the conditional use application at this time.
- The Board of Zoning and Sign Appeals review process includes a public hearing. The Appeal's Board public hearing process includes notices being sent to adjacent property owners.
- This request is for the Planning Commission to review the proposal to provide a recommendation to the Appeals Board if the use proposed would be classified as a religious facility per the City's Zoning Ordinance provisions and the State's religious use protections listed below. The applicant has not requested the conditional use application at this time.
- The City's home occupation zoning requirements would not permit the requested use since the counseling service includes serving clients and being in an accessory building separate from the primary single-family dwelling.
- Due to the limited traffic and impacts associated with the request based on the property acreage and separation to adjacent properties and homes, staff's interpretation is the State law section would not permit the city to prohibit the request. This interpretation is based on the provision of State law which only permits cities and other types of governments to regulate a proposed religious use for a clearly defined essential purpose and the regulation being the least restrictive means to facilitate that essential purpose.
- Staff's interpretation is based on the setting and large acreage of property and the limited impact onto adjacent properties with the proposed use.
- The City's essential purpose for regulating a religious use in residential zoning district would be limiting the traffic, noise, lighting, drainage, property values, etc. impacts onto adjacent residential uses and properties.
- Staff presented the Zoning Ordinance Sections including definition and classification of religious facilities and conditions for reviewing a religious facility in a residential zoning district
- Staff presented sections of the State of Tennessee Religious Freedom Law including substantial burdens by location government agencies and that any regulation has to be the least restrictive means to furthering a compelling government interest like traffic, noise, drainage, etc for religious motivated uses

Planning Commission Discussion:

- Nicole Levoy states she works with Lantern Lane Farm in Mt. Juliet, TN. They are a faith-based Marriage and Family Counseling center on approximately 5 to 7 acres, and they see clients on a daily basis. Their mission is to bring healing to people in a peaceful countryside setting. At Happy Hollow it is beautiful countryside, and we are looking to replicate what they have done at Lantern Lane. In addition, do some marriage retreats for a day or weekend.
- Levoy states they are working with an architect but do not have plans to submit at this time. The goal is small with a two thousand (2,000) square foot home with counseling offices in the rooms. This is for family counseling and not for psychiatric issues.

-Duncan states he wants to confirm what has been described and that is a home, a second home and a counseling center. Can all of the homes and facilities be located on one parcel?

-McCormick states their personal home and center will be located on one parcel and second home on another parcel.

-Duncan states he fears building smaller units will be more bed and breakfast or airbnb units and getting away from counseling more into the hospitality industry will violate the variance they are considering.

-Hitt asked how many facilities are being built?

-Levoy states one for the counseling, personal home and home for parents.

-Hitt asked McCormick are we being asked to advise the other board if this is a religious facility?

-McCormick states an advisory opinion to the Board of Zoning and Sign Appeals

-Hitt states they do not have enough information to make a recommendation to another board that this is a religious endeavor

-Trew asked Levoy will the counseling facility look like a commercial facility or will it look like a house

-Levoy states it will look like a house

-Parnell asked for the counseling sessions lasting two (2) or three (3) days where will the people stay during those sessions?

-Levoy states very early stages and right now they do not know if on-site or in local hotels

-Parnell asked McCormick per zoning what can be built there today?

-McCormick states with 117 acres it is zoned for over hundred (100) homes but the property is severely limited by sewer and topography.

-McNeal asked McCormick do we require the owners to survey property for use?

-McCormick states the Appeals board will want to see a sketch when they review to set the location of house and can request accessory items with the review

-Duncan asked Levoy when you recruit for patients is that through the churches?

-Levoy states patients come from area churches and is all church supported.

-McCormick asked Freeman to share his thoughts on the limitations of the TN Religious Freedom Act.

-Freeman states he has not done research on this issue but agrees with Hitt we need more information to make the recommendation if this is a religious organization.

-Parnell asked McCormick what zoning would this be if we re-zoned?

-McCormick states will not have to re-zone because it is zoned R-40 now.

-Parnell asked McCormick what zoning code would this be for this type of use?

-McCormick states if we do not consider religious facility the counseling would be considered a commercial use

-Parnell asked McCormick what the requirements and buffer zones are for commercial property next to residential property

-McCormick states depending on the landscape range is between 30' – 40' feet.

-Parnell states that at this point it's not but kind of like commercial property and he wants to make sure there is a strong buffer protecting the residents located there.

-Trew asked Levoy if they own the property.

-John Levoy states yes, as of the end of May 2021.

-Ellis requested information of the non-profit status of the proposed use

-Levoy discussed possible agency set up with either a separate operating agency or extension of any existing facility

-Trew asked Levoy what is their timeline for construction?

-John Levoy states they hope to break ground for private home this fall and for counseling office next year.

-Duncan asked McCormick what it takes to become a bed and breakfast?

-McCormick states over five (5) acres, Board of Zoning and Appeals review, and has to be owner occupied.

-Duncan states he wants the applicant to understand there are other options to make this happen if they go for profit.

Motion: Parnell made the motion to defer to next meeting, seconded by McNeal. The motion passed unanimously.

ITEM#7 Kenjoh Outdoor Advertising: Requests recommendation to the City Commission to amend the Zoning Ordinance Section 14-206 (8) and 14-207 (6) to include provisions for a primary use interstate advertisement facility use. The proposed amendment is for an increased square footage pole type sign (billboard size) for a proposed sign at 705 Rivergate Parkway. Property referenced as Davidson County Tax Map/Parcel# 02613001500 and is zoned CSL, Commercial Services Limited/INT, Interchange Overlay

Item Representative: Dan Nielsen, and John Kirirah, Kenjoh Outdoor Advertising

Staff Discussion:

-Applicant is requesting a ninety-six (96') feet -750 square feet digital (billboard type size) sign.

-The existing billboard type signs in the city are non-conforming signs due the square footage of the signs.

-The information included with the meeting packet includes the applicant's sign proposal including the TDOT permit and approval and the timeline associated with their request.

-The applicant discussed with staff a sign variance option and staff recommend first to discuss with the Planning Commission if the proposed location of the billboard type sign would be possible. After Planning Commission discussion then a sign ordinance amendment could be reviewed to incorporate provisions for the proposed sign.

-The City previously amended the sign ordinance to a content neutral sign ordinance format which defines sign regulations including location and height.

-The proposed square footage of the proposed sign exceeds the current maximum square footage for pole signage within the Interstate District (subject to signage location on the property) at 227.5 sq. ft. which is the maximum thirty (30%) percent increased square footage permitted over the base maximum 175 square footage.

-The City has defined interstate interchange sign districts including districts for high rise signs. Signs installed under the sign ordinance are regulated as accessory uses of the primary use of the property. Example the pole sign, high rise interstate sign, entrance and exit signs and menu boards for a drive thru fast food restaurant. The restaurant would be primary use of the property and the signs are accessory to the restaurant.

-The proposed sign location is within the Rivergate Parkway exit 96 interstate sign district overlay. Per the proposed location of the sign on the property, the City's ordinance permits subject to Planning Commission's review and approval a maximum sign height of ninety (90') feet and 227.5 square feet in area.

-The applicant discussed possible variances, but the Board of Zoning Appeals would not have any basis to grant a variance for a signage increase from 227.5 to 750 square feet.

- The proposed ordinance includes creating a primary interstate advertisement proposed use approval process for properties adjacent to I-65 zoned CSL, Commercial Services Limited and IG, Industrial General and IR, Industrial Restricted. An applicant would be required to submit a site plan to the Planning Commission for review and approval.
- The proposed ordinance is not included in the sign ordinance to separate general signage and interstate sign district provisions.
- The proposed ordinance is creating the billboard type sign as a primary use of the property in addition to other permitted primary uses on the property.
- The proposed amendment would also permit similar type signs along interstate frontage meeting the defined criteria.
- The proposed amendment cannot be set up only for the applicant's request.
- The proposed amendment was prepared by staff to incorporate the requested signage.
- There are thirteen (13) billboard type signs along the west side of I-65 and five (5) along the east side of I-65 and one sign adjacent to SR-386 along the east side of I-65.
- Staff discussed the proposed ordinances with separate ordinances for commercial and industrial zoning districts and ordinance amendment would be a permitted use of the property
- Staff discussed the proposed amendments including square footages, sign design, digital messaging, and TDOT approval
- Staff discussed the proposed amendments including separation to residential zoning district and other interstate type signs

Planning Commission Discussion:

- Nielsen states they started working on the project in 2019 and since then the City has changed their sign codes regarding height and area of signs. He and his partner find areas that are billboard applicable and work with landowners to do business.
- Kirirah states TDOT issued the permit for the billboard after waiting six (6) months and at that time the codes have changed. He agrees the height could be amended to meet the City's standard and the only issue is square footage and location.
- Trew asked if the billboard will impede the vision at the exit
- Kirirah states no it would be too high to impede the visibility
- Parnell states billboards are not known for aesthetic appeal but understands taking advantage of the resources of property in this case I-65 and would like to hear from others their opinion
- Kirirah states they get the opinion that billboards are not attractive all the time. They spend a lot of money on their billboards, and they are very attractive and discussed examples of signs
- Hitt states we are not here to argue the beauty of signs. We are here to discuss if we want a sign this size in the middle of Goodlettsville.
- Freeman confirms with McCormick the board is making a motion and voting to take the amended Zoning Ordinance to the City Commission
- McCormick states yes, it will be a Zoning amendment request that will go to the City Commission.

Motion: Whittaker made the motion to deny the request, seconded by Hitt. The motion passed unanimously.

ITEM#8 Zoning Ordinance Amendment – Planning Staff: Request recommendation to the City Commission to amend the Zoning Ordinance Section 14-201. Provisions Relating to Construction of Language and Definition (3) to include definitions of a one and two (2) car garages including minimum interior dimensions.

Staff Discussion:

-The Planning Commission has previously discussed issues with street and sidewalk over-hang parking associated with new residential developments. The Planning Commission recently discussed the example of a limited dimension two (2) car garage including nineteen (19') feet dimension that limits a residential tenant from using the attached garage to meet the intended design of the City requirements. The Planning Commission expressed concern that the limited garage dimensions which result in the cars being parked on the street or overhanging the street sidewalk. The proposed dimensions listed below include an additional two (2') feet along the sides of vehicles measured with an average width of eight (8') feet and also an area between vehicles in a two (2) car garage. The City's parking space requirement is a nine (9') by eighteen (18') feet parking stall.

-Staff discussed the proposed amendments including minimum dimensions for one car garage at twelve (12') feet width x twenty-two (22') feet depth and two (2) car at twenty-two (22') width x twenty-two (22') feet depth

Planning Commission Discussion:

-Freeman states this will not affect previously approved site plans and planned unit developments

-Trew asked McCormick if the builders will have a problem with the size increase?

-McCormick states an issue has been identified with the builder's minimum dimensions so this could be an issue for builders

-Freeman discussed increasing the dimensions will not make people park in the garage and what the impact will be on future developments.

-Trew and Duncan discussed if parking regulations were enforced the larger garage area could assist with more vehicles parked in the garage

Motion: Duncan made the motion to approve, seconded by Parnell. The motion passed unanimously.

ITEM#9 Zoning Ordinance Amendment – Planning Staff: Request recommendation to the City Commission to amend the Zoning Ordinance Section 14-208. Supplementary District Regulations. (1)(B) to include fence material and height requirements for fences in front yards

Staff Discussion:

The proposed amendment is to include material requirements for fences. Staff received a request to review existing ordinance requirements for incompatible fence materials and fencing located in the front yards of properties between the building and street. Staff reviewed options including limited fencing in the front yard of residential zoned properties to four (4') feet.

Staff discussed the proposed amendments including materials and different types of fences

Motion: Hitt made the motion to approve, seconded by McNeal. The motion passed unanimously.

ITEM#10 Zoning Ordinance Amendment – Planning Staff: Request recommendation to the City Commission to amend the Zoning Ordinance Section 14-210 Planned Unit Development District Regulations (6) to include Regional Center Planned Unit Development Zoning District Regulations

Staff Discussion:

- The proposed amendment will include two (2) Regional Center zoning districts under the planned unit development zoning ordinance section
- The Regional Center area and project and building designs was defined by a recent Comprehensive Plan amendment.
- Any rezoning requests to the Regional Center classification would require the initial preliminary master plan to be reviewed and approved by Planning Commission and City Commission. These project design requirements would only apply to a property requested to be rezoned to the Regional Center classification. The intention is for the project master plans to define the individual project designs.
- Staff discussed the proposed amendments expanding on previous draft submitted and change regarding minimum building heights or similar design based on two (2) stories to define streetscape.

Planning Commission Discussion:

- Parnell discussed concerns with the minimum lot area and the number of units per acre.

Motion: Duncan made the motion to defer to the October meeting, seconded by McNeal. The motion passed unanimously.

DISCUSSION ITEMS:

- Staff discussed deferring the public forum and public hearing review until next month and no one was present to speak on the Conference Drive item

Public Forum on Planning Related Topics:

No one requested to speak at the meeting.

With no further business, the meeting adjourned at 7:02 pm.

Scott Trew, Vice Chairman

Sharon Reed, Planning Assistant