

OFFICIAL MINUTES OF THE MEETING
GOODLETTSVILLE PLANNING AND ZONING COMMISSION

January 4, 2016

5:00 PM

Goodlettsville City Hall

Massie Chambers

Present: Chairman Jim Galbreath, Vice Chairman Jim Driver, Commissioner Jeff Duncan, Mayor John Coombs, Jim Hitt, Bob Whittaker, Scott Trew, Tony Espinosa, Jerry Garrett, Grady McNeal

Absent: David Lynn

Also Present: Addam McCormick, Tim Ellis, Commissioner Zach Young, Commissioner Harry Bell, Jeff McCormick, Mike Bauer Rhonda Carson, and others

Chairman Jim Galbreath called the meeting to order and Grady McNeal offered prayer.

Note: The Goodlettsville Planning and Zoning meeting started late (5:30) due to the previous Board of Zoning and Sign Appeals meeting still in progress at 5:00. Commissioner Jeff Duncan suggested postponing discussion on contextual overlays until next month's meeting. Mayor Coombs suggested discussing Item #4 on the agenda before Item #3. Mr. Jim Hitt made a motion to rearrange the agenda with these changes. Mr. Jim Driver seconded the motion. The motion passed unanimously 10-0 to rearrange the agenda to accommodate members of the audience and budget time.

Minutes of the December 7, 2015 Planning Commission meeting stand approved as written

Item #1 Zoning Map Amendment: Moh Hayati, Property Owner requests recommendation to the City of Goodlettsville City Commission to rezone a 0.53 acre property at 449 Moss trail from R-25, Low Density Residential to CSL, Commercial Services Limited. Property is referenced as Davidson County Map/Parcel # 02609009800.

Property owner, Moh Hayati represented the request. He stated he purchased the property in 1990 with the understanding it was zoned commercial property and not residential. Mr. Addam McCormick stated the property is on the boundary line between R-25 (Low Density Residential) and CSL (Commercial Services Limited). The property has been used as a day care facility since the 1980's. He explained that it is still zoned residential but it is a commercial site development. The property is vacant and limited to residential or another day care facility as R-25. Staff recommended changing it to CSL (Commercial Services Limited) since the existing adjacent commercial property is CSL. He explained the applicant, Moh Hayati inquired about using the property for a car lot. He informed Mr. Hayati and the members that a car lot would not be a permissible use in the CSL zoning district. Chairman Galbreath clarified with Mr. Hayati that if the request is approved by the Board, he could use the property for a business that is allowed in the CSL district, but not a car lot. Mr. Hayati responded that he understood and will research permissible uses for the property.

Based upon staff recommendations and discussion had at this meeting, Jim Driver made a motion to rezone the property at 449 Moss Trail from R-25 to CSL. Jerry Garrett seconded the motion. The motion passed unanimously 10-0.

Item #2 Zoning Ordinance Amendment: Valarie Stewart representing Woodmen of the World at 101 Dry Creek Lane requests recommendation to the City of Goodlettsville City Commission to amend the Zoning Ordinance Section 14-210 Planned Unit Development District Regulations, Item (5) Commercial Planned Unit Development and Appendix X, Table I Land Use Activity Matrix to include religious facilities as a permitted use.

Jake Crum represented the request. He explained that Woodman of the World (insurance company) contracted him to be the listing real-estate agent for this property at 101 Dry Creek Lane. The facility for sale has a large fellowship hall in the middle of the building making it appealing for a prospective church. Addam McCormick explained with current zoning, religious facilities are not permitted in CPUD- Commercial Planned Unit Development. The zoning ordinance permits religious facilities in the CS- (Commercial Services), CSL (Commercial Services Limited), and by conditional use through the Board of Zoning and Sign Appeals in the CG (Commercial General Districts). Addam McCormick explained that in 2009 The State of Tennessee passed the Preservation of Religious Freedom Act in addition to a similar federal act from 1993. Section C of the State Act:

Tennessee Code Annotated § 4-1-407

(c) No government entity shall substantially burden a person's free exercise of religion unless it demonstrates that application of the burden to the person is:

- (1)** Essential to further a compelling governmental interest;
- (2)** The least restrictive means of furthering that compelling governmental interest.

Staff recommended the religious facility use be added to the requested zoning classification since not allowing the use outright would not be the least restrictive means of regulating religious facilities in the CPUD (Commercial Planned Unit Development zoning district).

Mayor Coombs expressed concern with the parking availability of this site. He suggested a conditional use would be a better way to address each case going forward. Board members and Staff discussed capacity and parking of this site. After discussion, Mr. Scott Trew made a motion to approve the request to amend the Zoning Ordinance to include religious facilities in the CPUD zoning district, but then withdrew his motion after asking for clarification on this item. Mr. Jerry Garrett made a motion to deny the request of amending the Zoning Ordinance to include religious facilities being permitted in the CPUD zoning district. Mr. Jim Hitt seconded the motion. The motion passed to deny the request, 9-1, with Commissioner Duncan objecting.

Addam McCormick explained the process of how a conditional approval request is usually heard and decided by the Board of Zoning and Sign Appeals. Director of Economic and Community Development, Jeff McCormick clarified that this Planning Commission can hear and decide on a conditional use request when it concerns a PUD. Addam McCormick agreed and explained that this Commission acts as the Board of Zoning Appeals when it involves a Planned Unit Development project. This Board would review any request.

After discussion, a motion was made by Jerry Garrett to amend the zoning ordinance to include religious facilities as a conditional use in a CPUD zoning district. Commissioner Duncan seconded the motion. The motion passed 10-0.

Item #4 Goodlettsville Assisted Living Facility: Moore Design Services requests building layout site plan approval for a 75 unit Assisted Living Facility and Memory Care Facility on 2.87 acres on North Creek Boulevard. The site plan includes reduced minimum building setbacks. Property is referenced as Davidson County Map/Parcel #02600017200 and is zoned CPUD, Commercial Planned Unit Development. Property Owner: A.P Development Properties, Inc.

Mr. Jimmy Bagwell represented the request. Staff reviewed. Adam McCormick explained this request is only for approval of the reduced minimum building setbacks. He said the property owner has requested that the reduced setbacks be approved prior to releasing the site and building design. The front setback is proposed to be reduced from sixty (60') feet to thirty-eight (38') feet and side setback is proposed to be reduced from thirty (30') feet to (18') feet per the site plan. He explained that per the Zoning Ordinance, the Planning Commission serves the role of the Board of Zoning Appeals with Planned Unit Development projects. This Commission can alter the building setback requirements based on the property limitations or development factors.

Mr. Bagwell, Staff, and Members discussed. Addam McCormick clarified that the request is only for the reduced minimum setbacks and is not a formal site plan. The formal site plan will have to be reviewed and approved by this Commission. Staff recommended approval based on discussion at the December 7th meeting and since the property contains limitations due to existing site drive and drainage design and retaining walls at the back of the site.

Based upon staff recommendations, input from Mr. Bagwell, and discussion, Jim Driver made a motion to grant a variance for the front setback to be reduced from sixty (60') feet to thirty-eight (38') feet and the side setback to be reduced from thirty (30') feet to eighteen (18'). Tony Espinosa seconded the motion. The motion passed unanimously 10-0.

Item #3 Zoning Ordinance Amendment: Planning and Development Services Staff requests recommendation to the City Commission to amend the Zoning Ordinance Section 14-208 Supplementary District Regulations regarding accessory structures.

Staff discussed the proposed amendment to provide an exemption based on large acreage property size for accessory structures. Addam McCormick explained the proposed amendment as listed:

14-208. Supplementary district regulations. (1) Regulations applicable to all districts.

- (c) In all residential districts, except for residential planned unit development districts, no lots shall have erected thereon more than one (1) principal building. Principal buildings and additions as well as additions in residential districts consisting of wall, roof, floor, and foundation connections shall meet the requirements of the applicable zoning district. Permitted limited connection additions in residential districts and accessory buildings in all districts shall meet the following requirements in items (d.) and (e.) and the requirements of the applicable zoning district. To ensure order in site developments including building and lot bulk standards and the compatibility of buildings constructed on-site, all buildings and structures and additions and accessory buildings regardless of square footage, and accessory buildings or structures in residential districts which exceed three hundred seventy-five (375) square feet shall be constructed of roof and exterior wall materials consistent with the primary roof and exterior wall materials of the principal

building or structure. ***On large acreage Agricultural and R-40 zoned properties consisting of five (5) or more acres, accessory building(s) are not required to be constructed of consistent materials of the primary building if the accessory building(s) is constructed entirely behind and separate from the primary building and is constructed per the building setbacks of the zoning district.***

The primary exterior wall and roof materials of the principal building shall be extended on all sides of the exterior walls and roof of additions or accessory building or structures. In the case of principal buildings or structures with multiple exterior wall materials, the addition and accessory building or structure may be constructed of materials at the same ratio of the principal building or structure. ***Alternative designs for large acreage properties as referenced above*** and alternative designs that exceed the purpose and intention of the items referenced above with single family and duplex residential building and structures may be approved by Planning and Development Services Staff. Staff's decision on alternative designs may be appealed to the Planning Commission for review. All other building and structures shall meet site and architectural design standards and the Goodlettsville Design Guidelines.

Chairman Galbreath thanked Staff for their continued research and efforts regarding the accessory structure ordinance.

After discussion, Commissioner Duncan made a motion for approval of the Accessory Building Zoning Ordinance Amendment as presented. Mr. Bob Whittaker seconded the motion. The motion passed 10-0 and will be forwarded to the City Commission.

Addam McCormick reminded The Planning Commission members that electing officers for the 2016 year should be addressed, but was not on the agenda. Jerry Garrett made a motion to include the election to this agenda/meeting. Jim Hitt seconded the motion.

Election of Planning Commission Chairman and Vice Chairman for the 2016 term

Jerry Garrett made a motion to nominate Jim Galbreath to continue as Chairman of the Goodlettsville Planning and Zoning Commission and Jim Driver to continue as Vice-Chairman of the Goodlettsville Planning and Zoning Commission. Bob Whittaker seconded the motion. The motion passed unanimously 10-0. Jim Galbreath and Jim Driver both accepted the nomination.

Other Business

*Discussion of Zoning Ordinance sections including commercial districts minimum building setback requirements and adult –oriented establishments

Staff and Planning Commission members discussed minimum building setbacks. Addam McCormick presented the current Commercial Zoning District setback requirements and asked members to review.

Staff and Planning Commission members reviewed the current zoning ordinance regarding adult oriented businesses and discussed the possible need to amend the ordinance.

*Discussion on contextual overlays- **Postponed to February 2016 meeting**

The meeting adjourned at 6:42 p.m.

Jim Galbreath, Chairman

Rhonda Carson, ECD Assistant