**City of Millersville Board of Zoning Appeals**

**Meeting Minutes**

**Wednesday, October 4th, 2022 at 5:03 P.M.**

**at Millersville City Hall**

The Millersville Board of Zoning Appeals held a meeting at Millersville City Hall on Tuesday October 4, 2022with the following board members present: Tommy Long, Chairman; Larry Petty, Vice Chairman; Members: Rick Clifford. Planner Andrew Pieri. Absent: Member; Carla McCain, Member; Gary Bolton. Minutes Recorder; Charlie Pieri

1. Call to Order.

Chairman Long called the meeting to order at 5:03pm.

1. Pledge to the Flag.

 Chairman Long opted to recite the Pledge to the Flag.

3. Roll Call.

 City Planner Andrew Pieri called the roll of the Board of Zoning Appeals. A quorum was present.

4. Public Comments for the conditional use approval of 7216 Bethel Road – Limited to 3 minutes per person.

 a. Rick Ross (7137 Swift Rd) – Opposed to campground resort. The proposed campground would elevate crime.

b. Elizabeth Ross (7137 Swift Rd) – Opposed to campground resort. No notice was mailed to her address, and runoff from the creek on subject property was causing sediment buildup on her property.

c. Michael Samuels (7122 Swift Rd) – Opposed to campground resort. Property could be used for better options, waste of space. No notice was mailed to his address, notice sign on subject property is small.

d. Lynne Waldron (7123 Swift Rd) – Opposed to campground resort. No notice was mailed to her address. Was awake from back problems at 2am and heard trucks dumping on property. She drove to entrance and saw it.

e. David Patel (Bethel Rd.) – Opposed to campground resort. Campground would destroy value of the property, and increase crime.

f. Hellen Nash (Bethel Rd.) – In favor of the campground resort. State of the art facility and high-end business would increase the value in the city.

g. Billy Clark (no address given) – In favor of campground resort. Good economic impact for city. Crimes are speculation. Campground is $10million project. “Goodlettsville and white house don’t have $10million projects”.

5.7216 Bethel Rd.

 a. Conditional use approval for a campground resort.

 Chairman Long asked Andrew Pieri for a preview of the project. TEM, LLC has made an application to the City of Millersville to operate a campground at 7216 Bethel Rd. The property is zoned General Commercial (GC) on the front side of the property and Heavy Commercial (HC) in the rear of the property. Under the current zoning ordinance, a campground is permitted by a conditional use in the (HC) zoning district. The requirements for a conditional use can be found in chapter 4.5 of the zoning ordinance. The property owner has been cited for multiple violations of Millersville City Ordinances with regard to development of the land without Planning Commission or City Approval. In addition to Millersville violations, the applicant has not applied for TDOT or TDEC permits. At present, the application has been served with a restraining order to cease all site activities. The applicant continues to work at the site in violation of the restraining order.

Andrew Pieri also mentioned that as of Thursday sept. 29th there was no application for water availability. He spoke with Pat Harol from WHUD (White House Utility District) WHUD is maxed out on water services for Millersville.

Andrew Pieri read the requirements for a site-plan for conditional use.

4.5.4.2 Conditions of Conditional Use

The Board of Zoning Appeals shall confirm that the applicant has shown that they will comply with any use-specific standards as referenced in the tables of permitted and conditional uses as contained in Chapter 10.3 (Use-Specific Standards). The Board of Zoning Appeals may also impose additional conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as may be deemed necessary for the protection of the public interest.

Next Andrew Pieri read the findings of fact. Criteria for site-plan of conditional use. 4.5.5 Findings of fact.

No conditional use shall be approved by the Board of Zoning Appeals unless it has made findings of fact, based upon the evidence presented at the public hearing, to support each of the following conclusions: 1a. The conditional use is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected. 1b. The conditional use will not adversely affect other property in the area in which it is located. 1c. The conditional use conforms to all applicable provisions of this Ordinance for the district in which it is to be located. 1d. The conditional use in the specific location proposed is consistent with the spirit and intent of this Ordinance and the Land Use and Transportation Plan.

The Board of Zoning Appeals, in making findings of fact, may inquire into the following evidentiary issues, as well as any others it determines to be appropriate: 2a. Whether property values in the immediate vicinity of the conditional use will be diminished or impaired. 2b. Ingress and egress to the subject property and its proposed structures, with particular attention to automotive and pedestrian safety and convenience, traffic flow and control, including access by emergency vehicles. 2c. Off-street parking and loading areas proposed for the conditional use, with particular attention to the location and adequacy of such facilities. 2d. The operational characteristics of the proposed conditional use and their effects on adjacent properties. Particular attention shall be given to the hours of operation, noise, glare, odor, refuse storage, and other relevant environmental factors. 2e. Utilities and storm drainage facilities as proposed, with reference to their location, availability, adequacy, and compatibility. 2f. Screening, landscaping, and buffering, with specific reference to the type proposed, the dimensions and character, and the effectiveness in shielding adjacent properties.

2g. Signs and proposed exterior lighting with reference to glare, traffic safety, and compatibility, and harmony with adjacent properties. 2h. The quantity and degree of deviation from the applicable requirements of the district in which the subject property is located, as balanced against the desirability of the conditional use.

Andrew Pieri said the only document submitted was a site rendering of the proposed campground resort. Based on the criteria of condition #2 there was information missing from the site-plan. Due to insufficient information, city staff does not have a recommendation to recommend or deny the application.

Chairman Long Called Mr. Tacket and Michael Dewey the engineer to the podium and asked to get the proper permits for the property.

Mr Dewey said an application NOI was made to the state in the summer and is under review. He said WHUD says it needed to know fire flow requirements and they were working with the fire marshall for that information.

Member Petty asked if they have the required information now.

Mr. Dewey said they just recently received the construction plans and submitted them to the state of Tennessee.

Chairman Long said it was poor planning to start the application and site-plan process after starting work which defies city ordinances.

Mr Tackett tries to defend himself saying he is not working but clearing the land which was previously used for logging before he bought it. He is simply clearing the property. He believes its his constitutional right to work on his property. He claims that the tops of the trees and the stumps are the only things hes clearing from the property while talking to Andrew Pieri about what he’s doing. Tackett says hes operating within city ordinances by stockpiling materials for further use.

Mr. Long said according do the ordinance 4.5.4.2

2b. Ingress and egress to the subject property and its proposed structures, with particular attention to automotive and pedestrian safety and convenience, traffic flow and control, including access by emergency vehicles. 2c. Off-street parking and loading areas proposed for the conditional use, with particular attention to the location and adequacy of such facilities. 2d. The operational characteristics of the proposed conditional use and their effects on adjacent properties. Particular attention shall be given to the hours of operation, noise, glare, odor, refuse storage, and other relevant environmental factors. 2e. Utilities and storm drainage facilities as proposed, with reference to their location, availability, adequacy, and compatibility. 2f. Screening, landscaping, and buffering, with specific reference to the type proposed, the dimensions and character, and the effectiveness in shielding adjacent properties.

2g. Signs and proposed exterior lighting with reference to glare, traffic safety, and compatibility, and harmony with adjacent properties.

Based on that the proper preparations weren’t taken to present.

**Chairman Long called for a motion.**

Member Clifford asked if he had gotten a land disturbance permit.

Andrew Pieri said no and asked Mr. Tackett or Mr. Dewey if they consulted section 4.5 of the zoning ordinance as stated on the application.

Mr Dewey said there maybe a miscommunication about the submittal. He submitted a site-plan with the application, and a drainage report.

Mr Tackett asked if staff saw a 155 page report was included in the submission.

Mr. Pieri said he only received the applications for the planning commission and BZA. He couldn’t do anything with the planning commission application until a verdict was reached from the BZA.

Mr Tackett asked if anyone on the BZA saw the drainage report. The BZA shook their heads no.

Member Clifford re-interated his question about the land disturbance permit. He said how can you not have a permit if you have the silt fences installed and are they installed correctly, why are you grading with and not protecting a creek when you have no permits. These things need to be inspected regularly.

Mr Tackett said he has the silt fences installed and was working on the plan for the rest.

Member Clifford said the if you have it the board hasn’t seen it because you didn’t submit it.

Member Petty said we need this documentation to get this process right.

Mr Dewey said he understood and he said they submitted the applications a month ago and said the review process takes 30 days and their close to having the comments.

Andrew Pieri asked if they referenced the tree preservation ordinance.

Mr Dewey said he was not involved with that.

Mr Tackett said hes only taking the remains of the trees that were part of the logging that took place before he bought the property.

Member Clifford asked who took the trees down

Member Petty asked of a storm took the trees down.

Mr Tackett said the previous owner took the trees down.

Chairman Long said it this point their homework was not done to properly present for a conditional use.

**Chairman Long called for a motion** **to deny the conditional use.**

**Member Clifford made a motion to deny the conditional use for 2176 Bethel Rd because of lack of information on the site-plan and not meeting the conditional use requirements in the zoning ordinance. Chairman Long asked for a second. Member Petty seconded.**

Mr Dewey asked if it could be tabled for further discussion or if there was another option. He feels strongly that the required information was submitted.

Chairman Long said the motion was made to deny and has been seconded.

Mr Tackett asked what the appeal process was.

**Chairman Long Called for a roll call vote.**

**Roll Call Vote**

**Long (no), Petty (no), and Clifford (no)**

**(Vote 0 yea – 3 nay.). Motion carried.**

6. Members Comments

 There were no member comments.

7. Andrew Pieri said according to the zoning ordinance, your appeal would have to go to the Robertson County General Sessions Court, it’s the only step left.

8. Adjournment.

**Chairman Long called for a motion to adjourn. Member Clifford made a motion to adjourn, Member Petty Seconded.**

**(Vote 3 yea – 0 nay.). Motion carried.**

**Meeting adjourned at 5:43 P.M.**

Respectfully submitted,

Charlie Pieri

City Planner