OFFICIAL MINUTES OF THE MEETING
GOODLETTSVILLE PLANNING & ZONING COMMISSION

July 1, 2013 5:00 p.m. Goodlettsville City Hall
Massie Chambers

Present: Jim Galbreath, Jim Driver, Grady McNeal, Jim Hitt, Garry Franks, Scott Trew, David Lynn, Commissioner Jeff Duncan, Mayor John Coombs
Absent: Jerry Garrett, Bob Whittaker
Also Present: Rick Gregory, Tim Ellis, Larry DiOrio, Guy Patterson, Jeff McCormick, Charlie Lowe, Commissioner Zach Young, Vice-Mayor Jane Birdwell, Jim Hysen, Beverly Goodwin, Rhonda Carson

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

Item #1 Minutes of the June 3, 2013 Planning Commission meeting stand approved as written.

Item #2 Consider request for reinstatement of surety for Copper Creek, Phase I, Section I, installation of infrastructure.

Tom Lee with law firm Frost, Brown, and Todd represented Copper Creek LLC. He introduced Gordon Fulmer as Chief Member of Copper Creek LLC, and Jim Hysen as Managing Member of Copper Creek LLC. He also introduced Phillip Slagle with Tennessee Asphalt Co.
Staff reviewed. Mr. Gregory explained that this item was deferred from last month's meeting and open for discussion. He stated again that some time ago, the City called the Letter of Credit on the Copper Creek development (Phase I) to ensure the completion of the required infrastructure. Since that time, much of the infrastructure has been completed. The developer is requesting to reinstate the Letter of Credit amount back to the bank. The developer wants to substitute an amount sufficient enough to cover the completion of the infrastructure in Phase I of Copper Creek. Chairman Galbreath asked if the developer and TDOT had determined an adequate estimate of the cost to complete the work. City Manager, Tim Ellis explained that they had met with TDOT and is still in discussion on this item. TDOT confirmed an application had been made from Copper Creek, but a permit bond had never been established, therefore a permit was not on file with TDOT, only an application. At that time, TDOT would have required a $75,000 permit bond, and today the permit bond would be around $125,000. The application was from 08/25/08 with permit drawings and TDOT standards and specifications for the street/paving project.
Mr. Lee, representing Copper Creek, stated to the Board that the Letter of Credit is a contract that certain things will be done and certain things will happen. He stated that the things that the Planning Commission set forth have been completed on this project such as: Final asphalt service, sidewalks, surveying monuments, recorded drawings, and turn lane deceleration. Public Works Director, Guy Patterson submitted items that needed to be corrected and Mr. Lee stated that all the items had been corrected. Mr. Ellis clarified that for the most part the items had been completed, other than the sidewalks. He agreed that the $145, 000 should be returned to the bank and a new surety be put in place to cover the roadway according to the original plans that were submitted. He stated if the funds of $145,000 were released back to the bank, no building permits would be issued for the Copper Creek

Development, until a new adequate surety was in place. Mr. Ellis also explained that in 2011 an Engineering Firm out of Murfreesboro called the Wiser Group looked at the plans and gave an estimate of the cost of $126,268.75 and this is the figure the City will stand by.
Public Works Director, Guy Patterson clarified to the Commission that the roadway was not approved by TDOT, and a permit for the work was never issued. City Commissioner Duncan expressed his concerns on releasing the funds for the Letter of Credit. He would like to see TDOT's approval and confirmation that the work is up to TDOT standards and the City of Goodlettsville is not liable or damaged by the project since it is deficient and not according to original plans.
After much discussion between Commission Members and Developers of Copper Creek, Commissioner Duncan made a motion to release the full Letter of Credit amount ($145,500) that the City had collected back to the Bank. This will be released with the understanding that no new building permits will be issued until a Letter of Credit or Cash Bond is put in place. This surety will ensure the outstanding work on Long Hollow Pike is according to the original drawing and approved by TDOT. Mr. Jim Driver seconded the motion. The motion passed 8-1, with Commissioner Duncan voting against the motion.

Mr. Gregory informed the Commission that a letter had been received from a neighbor of the Copper Creek Development. The letter requested that the Planning Commission take into consideration past storm water concerns and future concerns that may arise with future approval. The letter was given to the Commission and entered as matter of the record.

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<u>Item #3</u> Consider request by Perry Engineering, LLC, 100 N. Main St., Suite F Goodlettsville, TN 37072 for approval of a Revised Final Master Plan for Caldwell Station, 405 Long Hollow Pike, Sumner County Tax Map 143, Parcel 69. (9.1 #20-06)

Staff reviewed. Mr. Gregory explained that this is a proposal for a reconfiguration of the footprint and building façade (in the same location) approved at the same time as Volunteer State Bank in 2006. This proposed building will replace the original planned building. He explained that the next item on the agenda is to create a separate lot line between the Volunteer State Bank building and the proposed building. The revised footprint is a little larger. Mr. Gregory stated that during technical review, questions concerning parking, sanitary sewer, and installation of a Knox box were noted. These items have been reviewed with Mr. Perry and are in the process of being rectified. The only issue that remains unresolved is the way sanitary sewer is handled and how it is taken to the manhole that is on the property. Mr. Randy Perry represented Perry Engineering. He stated that he had been working with Public Works and they are comfortable with the request of relocating the sanitary sewer line. Mr. Charlie Lowe explained how this proposal is not the preferred method, but a hardship exception may be recommended if Public Works approves. Commissioner Duncan suggested that clean clay back fill be compacted in the pond area and forego the gravel envelope as long as it is acceptable to Public Works. Based upon Staff recommendations, Mr. Hitt made a motion for conditional approval based on Public Works approval of the relocation of sanitary sewer line. Mayor Coombs seconded the motion. Motion passed 8-0.

Item #4 **Consider request by Perry Engineering, LLC, 100 N. Main St., Suite F Goodlettsville, TN 37072 for approval of a Final Plat for Loyd Subdivision, 405 Long Hollow Pike, Sumner County Tax Map 143, Parcel 69.** **(9.1 #04-99)**

Staff reviewed. Mr. Gregory stated that a few technical issues were identified during review, but none that would affect approval of the proposed division of land plat. He consulted with Mr. Perry on the corrections and he is in agreement of the changes. Staff recommended approval with corrections made. Jim Driver made a motion for conditional approval based on the identified corrections made. Mr. Grady McNeal seconded the motion. Motion passed 8-0.

Item #5 **By-Laws-public speaking**

Mr. Gregory presented the Commission with the current By-Laws regarding public speaking. Commission had no comments or recommendation of changes on the current By-Laws.

Item #6 **Discussion-Wireless Telecommunications Tower and Antennas ordinance**

Mr. Gregory discussed the current ordinance and presented a recent Supreme Court case in Arlington Texas concerning the processing of applications for cell towers. He offered discussion on changes to our current ordinance. Commission had no comments or recommendations at this time.

Item #7 **Commission comments**

Chairman Galbreath invited resident Beverly Goodwin to address the Commission. She presented the Commission with storm water concerns on her property. The property is located on Allen Road which is adjacent to the Copper Creek Subdivision.

The meeting adjourned at 7:06 p.m.

Jim Galbreath, Chairman

Rhonda Carson, ECD Assistant