OFFICIAL MINUTES OF THE MEETING
GOODLETTSVILLE PLANNING & ZONING COMMISSION

June 4, 2012 **5:00 p.m.** **Goodlettsville City Hall**
Massie Chambers

Present: Jim Galbreath, Scott Trew, Grady McNeal, Jim Driver, Garry Franks, Jerry Garrett, City Commissioner John Coombs and City Commissioner Jane Birdwell
Absent: Bubba Willis, Jim Hitt
Also Present: Rick Gregory, Tim Ellis, Larry DiOrio, Rhonda Carson, Tom Mosier, Ann Crawford, Lisa Frary, Carolyn Jones, Ronald Jones, Ken Lawrence, David Wilson, Joyce Washington and others.

Chairman Jim Galbreath called meeting to order. Mr. Jerry Garrett offered prayer.

Item #1 Chairman Jim Galbreath declared the minutes of the May 7, 2012 Planning Commission meeting stand approved as written.

Item #2 Consider application for rezoning of approximately 7.47 acres located at 511 Rivergate Parkway, Goodlettsville, TN, Davidson County Tax Map 26-05, Parcel 132 owned by Garry Franks to rezone the property from CSL(Commercial Services Limited district) to CPUD (Commercial Planned Unit Development district). **(9.1 # 6-15)**

Staff reviewed. Rick Gregory reported that this request for rezoning comes before the planning commission with the end result being the ability to house group assembly uses for more than 150 spectators and participants. The property is currently zoned CSL (Commercial Services Limited) district which does not permit group assembly uses. The CPUD (Commercial Planned Unit Development) district allows group assembly uses as a permitted use. He explained that a typical CPUD rezoning request for a group assembly use would be accompanied by a site development plan. In this case, the property has an existing building and no new development is proposed at this time. In this case, the existing building will house the proposed group assembly use. He explained that when the CPUD district was created, the zoning request for the CPUD district would be accompanied by a new construction site plan for review of things that could affect joining properties. The things that should be reviewed and could be of concern might be; noise, traffic, dust, and overflowing of crowds.
Mr. Gregory explained that there are many similarities between the two districts. The differences in permitted commercial uses within the CPUD district from those allowed in the CSL district are: vehicular, craft and related equipment sales (boat, mobile home, motorcycle, automobiles, RV's, etc.); wholesale sales; and group assembly being the most notable. Other uses, such as extended stay hotel/motel and consumer repair services, would be a permitted use as opposed to being conditionally approvable in the CSL district. He explained that this property is primarily joined by other CSL zoned properties. The library/school property across Rivergate Parkway remains zoned residential (R25). The property to the north/rear across Frances Avenue is zoned OP (Office Professional). The nearest CPUD zoned property is about two blocks to the north on Two Mile Pike. The property to which this request would be applied is approximately 7.47 acres in size. It is borderline in size to not be considered a spot zone, but not quite large enough to be considered a free-standing, zoning district.

Mr. Gregory stated that because there is no site plan to review and because of the similarities of the uses and the few differences in the uses, staff did not feel this is a justifiable reason to make the changes in zoning, and is not able to recommend approval for the request.

Mr. Garry Franks stated that he is trying to find the most appropriate way to allow his existing building to accommodate activities or a combination of activities that have been brought forward to him. The front part of the building is a fitness center, and the remaining back part of the building is about 12,500 sq. feet. He stated that he would like to be able to use the back part of the building for group assembly type activities such as; indoor soccer tournaments, catering services, wedding receptions, square dancing, SAW Wrestling, etc., but the current zoning does not allow for this type of gatherings. He explained how SAW Wrestling was interested in using the building on the second Saturday night of each month to produce and tape their cable television show featuring wrestling matches. He explained how good the property location was for this type of assembly. He stated that it has adequate parking to facilitate guests. He also stated that it would be beneficial for him to occupy the 12,000 sq. ft. building that has been vacant for 5 years. He stated it could also be beneficial for the community, tax revenue, and to expose the Goodlettsville area for different activities.

The Commission discussed concerns about what type of activities might operate in the building, fire protection, parking capacity, lighting of the facility, noise, restroom facilities, handicap accessibility, and how it might impact neighbors and surrounding businesses.

The Commission stated that without a site plan, they felt a lot of questions could not be answered.

Based on the information Mr. Gregory provided and discussion held at meeting, Mr. Driver made a motion to disapprove the rezoning request. Mr. Trew seconded the motion. The motion passed unanimously for disapproval 7-0.

Mr. Franks asked if there was a way to revisit this in the future. Mr. Gregory explained that the ordinance states that with the motion made tonight, it cannot come back for a year. He stated that commission can make a provision for it to come back before a year, but it has to be voted on tonight, and not after the meeting.
Chairman Galbreath asked if the board members would like to vote on giving Mr. Franks an exception to the one year rule, and allow him to come back to the board with an official request for a CPUD development.
Motion was made by Mr. Trew to extend an exception to Mr. Franks for one year to bring to the board a fully developed commercial property development plan. Mr. Garrett seconded the motion. The motion passed unanimously 7-0.

Item # 3 Consider amendment of the Goodlettsville Zoning Ordinance to allow limited manufacturing/assembly uses in the CS (Commercial Services) district.

Staff requested the board consider including a sub category of "high tech assembly" use to be included as sub set in the CS (Commercial Services) district as permitted use.

After consideration and discussion was held among board members, a motion was made to recommend staff move forward to finalize this item. Mr. Grady McNeal made the motion. Commissioner Birdwell seconded the motion. The motion passed unanimously 7-0.

Item #4 Consider action on Letter of Credit No. 669 in the amount of $87,000 for installation/maintenance of infrastructure for The Vineyards @Twelve Stones Crossing, Phase III due to expire 7/26/12. The applicant is Villa Property, LLC, c/o Brock Rust, 509 Indian Hills Mound, Goodlettsville, TN 37072.

Based on the information Mr. Gregory provided and discussion held at meeting, Mr. Garrett made a motion to extend the Letter of Credit for 6 months in the amount of $87,000. Mr. Driver seconded the motion and the motion passed unanimously 8-0.

Item # 5 Consider action on Letter of Credit No. 1268 in the amount of $145,500 for installation/maintenance of infrastructure for Copper Creek, Phase I, Section I due to expire 8/1/12. The applicant is Berhert Land Company, LLC, c/o Jim Hysen, P.O. Box 682766, Franklin, TN 37068.

Based on the information Mr. Gregory provided and discussion held at meeting, Mr. Garrett made a motion to extend the Letter of credit for 6 months in the amount of $145,500. Commissioner Birdwell seconded the motion and the motion passed unanimously 8-0.

Item #6 Commission Comments

City Manager, Tim Ellis stated that Phase IV Echo Hills developer did not complete the work there. The City will be collecting on the $67,000 Surety Bond to complete the work. The developer is aware of this, and the board originally approved this. It is the City's intent to have the work completed by July 1.

Commissioner Coombs stated concern about construction materials still present at Dry Creek.

Commissioner Birdwell asked when the new board member will be added.

Mr. Ellis stated that the decision is still being made on the new board member.

Mr. Trew stated that there is still confusion at the new Kroger light.

Mr. Gregory stated that he and Public Works will be working with a structural engineering intern. from Tennessee Tech. He will be helping to look at street standards and bridge crossings.

Mr. Grady McNeal stated he was concerned about the condition of the pavement on Old Brick Church Pk.

The meeting adjourned at 6:22 p.m.

Jim Galbreath, Chairman

Rhonda Carson

Rhonda Carson, ECD Assistant