

OFFICIAL MINUTES OF THE MEETING
GOODLETTSVILLE PLANNING & ZONING COMMISSION

May 7, 2012

5:00 p.m.

Goodlettsville City Hall
Massie Chambers

Present: Jim Galbreath, Scott Trew, Grady McNeal, Jim Driver, Garry Franks, Jim Hitt, Jerry Garrett, City Commissioner John Coombs and City Commissioner Jane Birdwell

Absent: Bubba Willis

Also Present: Rick Gregory, Tim Ellis, Tom Tucker, Larry DiOrio, Guy Patterson, Mary McWhirter, Mrs. Huling, Phillip Smith, Tom Mosier, Tommy and Claudia Davis, and Rhonda Carson

Chairman Jim Galbreath called meeting to order. Commissioner John Coombs offered prayer.

Item #1 Chairman Jim Galbreath declared the minutes of the April 2, 2012 Planning Commission meeting stand approved as written.

Item #2 Consider application for zoning amendment of approximately 2.46 acres located at 618, 620 & 622 North Main Street, Goodlettsville, TN, Davidson County Tax Map 18-12, Parcel 59 owned by Mary McWhirter – to rezone the property from CS (Commercial Services district) to CG (Commercial General District). (9.1 # 4-12)

Staff reviewed. Rick Gregory reported that this request is to primarily accommodate for limited manufacture use and assembly use that is not permitted in the CS (Commercial Services) district but would be permitted in the CG (Commercial General). Limited manufacturing and transport or warehouse uses are the two largest impact uses in the CG. There are things that go along with those types of uses that can make poor neighbors. The property is bounded on the west by residential district with existing homes. Truck warehouse transportation uses are truck dependent. That part of Main Street is also sometimes hard to navigate. The property is approximately 2.46 acres in size and is not large enough to be a freestanding CG zone. There is no other CG property close to this property in the immediate vicinity. For these reasons, Staff was not able to recommend approval of this request, had to recommend disapproval.

Chairman Galbreath asked Mr. Gregory if any of this had been communicated with the property owner. Mr. Gregory answered “no” not directly. Chairman Galbreath opened the floor up for discussion, and invited property owner Mary McWhirter to speak. She stated that she has owned the property for 18 years, and they had made improvements to the property over the years. The building has been vacant for 3 years, and has been vandalized twice. She stated that the building needed to be leased, so when these people contacted her about leasing the building she thought it would be something that would benefit the Goodlettsville Community. The business would bring in about 15 to 20 new jobs. The building has a loading dock, and is about 7,500 sq. feet. Ms. McWhirter stated that they have had many inquiries about the building, but nothing has ever worked out, so this company could utilize the building. This building can accommodate the type of business they want to bring to Goodlettsville.

Mr. Garrett asked Mrs. Huling (business owner) about the noise level of the assembly line itself. Mrs. Huling stated that this is a table top like machinery that the employees will be manufacturing by hand. There will be no noise level there. The only noise may come from UPS delivery trucks at the dock. Commissioner Coombs asked if all the deliveries would be UPS or a type of courier service. Mrs. Huling stated "yes". She also said that later they may have larger deliveries. Commissioner Birdwell asked if she could predict how many deliveries they might have per week and what hours the deliveries might occur. Mrs. Huling stated that they may have 3 large trucks per week and it would be during regular business hours. Mr. Garry Franks asked if the 15 to 20 jobs would be immediate, and will the building occupy your needs for the next 5 or 10 years. Mrs. Huling stated that they have already agreed on a 2- 3 year agreement with them and would like to grow in the future, and if for some reason Ms. McWhirter's building came open on the other side, we would like to move our other business from Madison to this location. This business manufactures for Toyota, Mitsubishi, Whirlpool and other companies. We design and build custom machinery and deliver to their factories.

Mr. Grady McNeal asked if Mr. Gregory could explain the difference between the uses of CS and CG, and as what would be allowed in those two areas. Mr. Gregory explained that most of the uses currently allowed are also allowed in the CG district. There are very few that are allowed in CS that are not allowed in CG. Commercial Services is more toward retail delivery and Commercial General is more heavy retail and heavier types of uses. The two that stand out that are different are transport and warehousing uses that would be permitted in the CG that are not permitted in the CS. Limited manufacturing would be allowed in the CG that is currently not allowed in the CS. The only other districts that allow Limited Manufacturing are the two industrial districts. They are Restricted Industrial and General Industrial. Mr. Grady McNeil also asked if this was to pass and the business did not stay there, is there a way to suspend the zoning and go back to the previous zoning. Mr. Gregory answered "no", and stated that this is what is known as Black Letter Zones. Everything that is stated in the ordinance that is an allowed use would travel with that rezoning and be available to whomever the property owner is at that time.

Commissioner Birdwell stated that we might have time to revisit these ordinances and strengthen them or combine them. Mr. Gregory stated that the ordinance is created by the City and may be changed by the City. In Tennessee, a use once established is grandfathered, it's there forever.

Mr. Jerry Garrett asked if it is possible to issue a Temporary Use Permit. Mr. Gregory answered "no", not in the case of zoning. Mr. Jim Hitt asked if Mr. Huling(business owner) had understood what they are asking to do, does not fall under CS zoning. Mr. Gregory responded "yes", and wanted everyone to understand that staff has looked at everything to try to accommodate the uses. There was no way to do a conditional use on it.

Commissioner Birdwell stated again that we need to revisit and update ordinances and not discourage legitimate businesses from establishing. Chairman Galbreath stated that is a lengthy process. Mr. Gregory stated that they had been updated in 2006.

Mr. Scott True asked Ms. McWhirter what is on the property now. She answered that it is all on one parcel. It has a business that is large equipment sales and repairs, a t-shirt shop, and an automotive shop. She stated that there have been numerous companies in those buildings that were never questioned.

Mr. Garrett stated that vacant buildings are never good for the City or property owner. He did not see that this business was a hazardous type of operation. He inclined to say he would like to look at this very carefully to try to accommodate if possible.

Mr. Garry Franks would like to know if there is any way to make this work without creating a total chaotic situation. Mr. Gregory said he has tried to come up with a way to accommodate the request. Mr. Gregory stated the specific uses in each category and the possible imposition on the neighbors of limited manufacturing which included: noise, dust, and heavy traffic. He stated that CG is the least offensive of the options for accommodating limited manufacturing.

Mr. Driver stated that it would not be in good taste to rezone just one parcel CG and leave others CS, that creates mixed-up zoning. It may be a good time as a committee to see what we think this part of the City should develop into. We should make our recommendation based on that instead of picking out one piece of property of the group.

Commissioner Coombs stated that vacant buildings do not enhance the City. He stated that he is not a fan of spot zoning. He said looking at the property, this is the first time he has seen something that will work to occupy the building and not create a hardship on the surrounding community and adjacent properties. He is very concerned about spot zoning, but in this case, it has some sensibility to it, and we need to think about the common sense factor when we take action.

Discussion between members on what other properties around are zoned and looking at revisiting the whole area and zoning in the future.

Based upon information and discussion held at this meeting, motion made by Mr. Jerry Garrett for approval to recommend to Commissioners to rezone this 2.46 acres from CS to CG. Mr. Garry Franks seconded the motion. The motion passed 7-2 (Mr. Driver and Mr. Hitt opposed)

Mr. Gregory explained to Mrs. Huling (applicant) the process of when it would go before The Commissioners. Mrs. Huling asked if they could occupy the building now to get it ready for business, He stated that they could occupy at their own risk, but would need to check with The Codes department on other issues including if it needs sprinkler system.

Item #3 Consider application for zoning amendment of approximately 29.1 acres located on Loretta Drive, Goodlettsville, TN, Sumner County Tax Map 140P, Parcel 84.09 owned by Braxton Park at Woodwyn Hills, LLC (Eddie Phillips)- to rezone the property from HDRPUD (High Density Residential Planned Unit Development district) to R-40 (Low Density Residential District).

(9.1 #5-12)

Mr. Eddie Phillips was not there to represent. Mr. Gregory stated that he had spoke to Mr. Phillips and that he was in favor of the request, but Mr. Gregory had not informed him that it was on tonight's agenda, but Mr. Phillips was aware that the request was proceeding forward. Commission voted to move forward without Mr. Phillips being present.

Based on the information Mr. Gregory provided and discussion held at meeting, Mr. Garry Franks made a motion to approve request based on staff report. Mr. Grady McNeal seconded the motion and passed unanimously 9-0.

Item #4 Consider reapproval of amended Site Plan for Goodlettsville Church of the Nazarene, 400 Loretta Drive, Sumner County Tax Map 143, Parcel 4.01. (9.1 #6-12)

This proposal will add 98 new parking spaces to the existing Nazarene Church property. Current parking allows for 202 vehicles.

Mr. Phillip Smith represented the Goodlettsville Church of the Nazarene.

Mr. Garry Franks asked if he should remove himself from discussion since he was a member of this Church. The board decided that abstention was not needed.

Staff reviewed. Mr. Gregory stated that this proposal had already been approved about a year and a half ago but the Church had not moved forward. We have an expiration of 6 months on the site plan if there has not been progress or movement toward completion, and it is back before us with the same condition we left it last time. When we reviewed it again, Public Works had a couple of comments about drainage and how the detention pond treats water that runs into it before it enters into an impaired stream. The Fire Marshal wanted fire lane striping/signage to indicate no parking in front of the building. Improvements and corrections were noted. Staff recommended approval.

Commissioner Coombs asked about the site lighting plan and if Mr. Gregory was comfortable with the amount of lighting toward Loretta Drive. Mr. Gregory stated and explained why he is comfortable with it.

Mr. Grady McNeal stated that the site had very extensive landscaping and he asked if an irrigation system was required. Mr. Gregory stated that irrigation is required, and he asked that they look at ways to keep the landscape alive after installation.

Based on the information Mr. Gregory provided and discussion held at meeting, Mr. Scott Trew made a motion to approve the request. Mr. Jim Hitt seconded the motion and the motion passed unanimously 9-0.

Item #5 Consider action on Letter of Credit No. 7100089270 in the amount of \$450,000 for maintenance of infrastructure for Dry Creek Road, Phase I due to expire 06/05/12. The applicant is Investors Land Partners II, L.P., 100 Winners Circle, Ste. 400, Brentwood, TN 37027.

Based on the information Mr. Gregory provided and discussion held at meeting, Mr. Scott Trew made a motion to extend the Letter of Credit for 6 months. Commissioner Coombs seconded the motion and the motion passed unanimously 9-0.

Item #6 Consider action on Letter of Credit No. 7100085310 in the amount of \$160,000 for maintenance of infrastructure for Dry Creek Road, Phase II due to expire 06/05/12. The applicant is Investors Land Partners II, 100 Winners Circle, Ste. 400, Brentwood, TN 37027

Based on the information Mr. Gregory provided and discussion held at meeting, Mr. Scott Trew made a motion to extend the Letter of Credit for 6 months. Commissioner Coombs seconded the motion and the motion passed unanimously 9-0.

Item #7 Commission Comments

Mr. Trew asked what is the ordinance concerning parking on the street. Mr. Gregory stated that there is a restriction that limits parking on the street to no longer than 24 hours.

Commission discussed the letter from John and Nancy Edmondson. Mr. Gregory stated that this is a property owner dispute. Things that can be addressed by the commission or City, we have addressed.

Mr. Gregory discussed the Garrett Family Garden at the library, and said it is a great addition to the library.

Mr. Hitt expressed his concerns about Spot Zoning. Commission discussed revisiting the zoning ordinances in the area.

Chairman Galbreath asked about the traffic light at Long Hollow Pike/Kroger. Mr. Guy Patterson stated that they are working on the synchronization project that will tie all of those signals together.

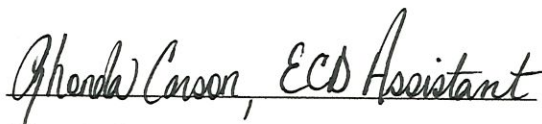
Mr. Guy Patterson stated that Public Works had sent a certified letter to the developer concerning the Dry Creek Road project. He gave them 30 days to clean up the area where that new pavement is and to stripe that roadway. As of April 29th, the area had not been cleaned up. He stated that he would contact the developer one more time, and then he may have to come to commission to clean up the area and call on that Letter of Credit. Mr. Gregory asked Mr. Patterson to talk to him about the issue.

Mr. Tom Tucker stated that things are really looking up for new manufacturing companies looking to come into Middle Tennessee.

City Manager, Tim Ellis stated that many years ago the Planning Commission became a Regional Planning Commission, and according to that, State Law requires a member of this body to live in our planning region in Sumner County. Hopefully at the next Planning Meeting, you will have an 11th member of the Planning Commission. This member will be a full voting member of the board, and they will reside in the planning region. Our hope is that Mayor Manning will have someone appointed by your next meeting time. This is to keep this body in full compliance with State Law.

The meeting adjourned at 6:28 p.m.


Jim Galbreath, Chairman


Rhonda Carson, ECD Assistant