MINUTES OF THE MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

July 12, 2010 5:30 PM Goodlettsville City Hall
Massie Chambers

Present: Jim Galbreath, Jim Driver, City Commissioner John Coombs, Grady McNeal, Jim Hitt, Carol Crews, Bubba Willis and Bill Carter
Absent: Scott Trew and Garry Franks
Also Present: Rick Gregory, Jim Thomas, Tim Ellis, Mayor John Finch, Tom Tucker, Jack Tompkins, Charlie Lowe, Mike Bauer, Greg Waite, Al Jernigan, Teresa Galbreath, Kim & James Sutton, Brock Rust, John Edmondson, Frank & Pat Schmidt, Jeff & Sharon Rogers, Jane Birdwell, Myra Kent, Michael Turceno, Bill Gentry, Eddie Crook, David Ferlisi, Vic Wise and others

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

Item #1 Driver made a motion to approve the June 7, 2010 Planning Commission meeting minutes as corrected to indicate Carol Crews was not in attendance at the June, 2010 PC meeting. Willis seconded the motion. The motion passed unanimously, 7-0.

Item #2 (9.1 #4-10) Consider submittal by Ferlisi Civil Design, 1808 Kara Court, Spring Hill, TN for a site plan for Dollar General Store, 1213 Dickerson Pike South, Davidson County Tax Map 33-0, Parcel 33.00.

Jim Driver made a motion to defer agenda Item #2 until later in the meeting. Bubba Willis seconded the motion. The motion passed unanimously, 7-0.

Item #3 Consider a request by City Commissioner John Coombs to reconsider amending the Preliminary Master Plan for The Vineyards at Twelve Stones Crossing and Cottage Grove at Twelve Stones Crossing. This request for reconsideration will not involve the previous request for annexation, plan of service or rezoning.

Chairman Galbreath informed the Planning Commission that the "request to reconsider" amending a submitted plan which has been denied by the majority of this body sets a precedent. Galbreath requested the Planning Commission to consider establishment of rules for this type of request as follows: 1) The request for "reconsideration" suspends any action of the submitted plan pending the outcome of the "reconsideration request". In this particular matter Planning Commission actions regarding annexation, rezoning and plan of service are not a part of the reconsideration request. 2) The "request for reconsideration" must be made by a Planning Commissioner who voted in the majority action of said plan. 3) A motion to reconsider a ruling is debatable and any arguments may include merits relative to the proposed plan as previously presented with any proposed amendments clearly identified relative to such plan. 4) If a "reconsideration request" prevails, the actual action of reconsideration will be placed on a subsequent Planning Commission meeting agenda for public notification and evaluation. These guidelines follow Roberts Rules of Order regarding such a request. Galbreath shared Commissioner Coombs comments related to the Preliminary Master Plan as presented at the April, 2010 Planning Commission meeting stating "Coombs asked the Commissioners to consider the integrity of the original Master Plans for The Vineyards and Cottage Grove developments and stated that this proposed plan is not in keeping with the intent of the original approved plans". Coombs reiterated that the Preliminary Master Plan submitted for considered in April, 2010 did not provide assurance of the end result of the development. His major concern related to the Cottages at Twelve Stones Crossing and the proposed condominiums located on the slope of the existing hillside. Since that time, Coombs stated that he has had the opportunity to review the overall concept of the developments and completion of the entire development. A reconsideration of the overall development concept will provide the Planning Commission an opportunity to review the entire development and make a more informed decision.

Galbreath asked Gregory to address any modifications or changes to the Preliminary Master Plan for The Vineyards at Twelve Stones Crossing and Cottage Grove at Twelve Stones Crossing. Gregory stated that the intent of the developer was for the property to be utilized at the density allowed within each development which has different zoning districts. Due to the fact the developer did not have control of the property being included in the density for the Cottage Grove

development (identified as the John and Nancy Edmondson property) Gregory asked the developer not to include said property in the amended master plans and the developer complied with the request. Subsequently, the plans submitted depicted less density and a lower utilization of the existing property. The future intent of the stated property must be identified clearly by some method in any future plans submitted relating to the Vineyards and Cottage Grove developments.

Driver made a motion to reconsider amendments to the Preliminary Master Plan for The Vineyards at Twelve Stones Crossing, Sumner County Tax Map 143, part of Parcel 48.01 and Cottage Grove at Twelve Stones Crossing, Sumner County Tax Map 143, part of parcel 48.01. Carter seconded the motion. The motion passed 6-1. Coombs, Hitt, Willis, Carter, Driver and McNeal voted yes; Crews voted nay.

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Item #4 Consider a request to amend language in the Goodlettsville Zoning Ordinance relative to the keeping of animals within the City of Goodlettsville, Special Conditions for Crop and Animal Raising with the R-40 zoning district by adding "chickens and chicken houses".

Mayor Finch informed the Planning Commission that the issue is before them as a result of citizens appearing before the City Commission requesting change in the language in the Zoning Ordinance relative to conditional use requirements for the keeping of animals within the R-40 zoning district, specifically relating to chickens and chicken houses which are currently prohibited. At that meeting, Mayor Finch requested this request be handled through the proper channels and be submitted to the Planning Commission for review and consideration of amending said language. The City Commission would like to hear a recommendation from the Planning Commission should action indicate a change in language is appropriate. Mayor Finch also informed the Planning Commission members that a citizen has threatened civil action should chickens be lawfully permitted on adjoining properties in his area of the city. Kim Sutton, 3280 Patton Branch Road, identified herself and others in attendance as citizens requesting the change in language of the Zoning Ordinance to permit chickens and chicken houses in the R-40 zoning district. The Sumner County 4-H Club provides twenty-five (25) chicks as a project for 4-H Club members. She explained that these families live in a rural area with most properties consisting of over five (5) acres and they assumed residents located in rural areas of the city were permitted to raise animals. She acknowledged that she was informed that chickens and chicken houses were not permitted; however, her interpretation of the Zoning Ordinance language does indicate that the raising of chickens in the city is not permitted. Mrs. Sutton acknowledged residents along Patton Branch with chickens do not want to run commercial ventures. They simply want children to participate in 4-H projects involving chickens and allow the residents and farmers to raise chickens and produce eggs for private use. Galbreath asked if there was any citizens present opposing the amendment to change language in the Zoning Ordinance relating to the keeping of animals. No one spoke in opposition to the request.

Gregory explained that there is some confusion how the subject ordinance reads and the application of the ordinance language. The ordinance is written and mentioned in several locations within the ordinance that "uses permitted are named and omitted uses are not permitted". In this case hog pens and chicken houses are specifically prohibited. Chickens are not listed or considered in animal raising in the "A"- agricultural zoning district or permitted by conditional use in the "R-40" residential zoning district. Assumedly, this specific language referring to livestock was reviewed in the 1989 adoption of the Goodlettsville Zoning Ordinance. The request for an amendment to the Zoning Ordinance would permit the keeping of chickens and chicken houses in the R-40 zoning district limited to properties measuring five (5) acres or larger tracts. Properties affected by this addition of allowing the raising of chickens will primarily affect properties on Patton Branch Road, Madison Creek Road and some lots on Long Hollow Pike identified as R-40 zoning district. Gregory shared with Planning Commission members' background information which was part of the discussion in Metro Nashville relating to a change of application of the ordinance for the keeping of chickens on residential properties. Metro previously mentions "fowl" in their ordinance, whereas, Goodlettsville does not. Primarily, permitting the raising of chickens on properties smaller than traditional farms will create noise, dust and smell. Staff can not recommend a change in the Zoning Ordinance language relating to the raising of farm animals in the R-40 zoning district. Galbreath questioned when and why the properties along Madison Creek Road and Patton Branch Road are zoned R-40. Driver stated the zoning district was determined by the City Commission at the time of annexation of this area into the city. Residential zoning was selected to deter the accumulation of mobile homes in this area. Members discussed specifications relating to the type of fowl to be included, specifically the number of chickens permitted on each property, specific setbacks and location of chickens coops on the property, specifications relating to local agricultural educational programs, the impact of future development in this specific R-40 zoning district, etc. Kim Sutton reiterated that this is a simple issue and requested the Planning Commission to make a logical decision.

Driver made a motion to amend the Zoning Ordinance language to allow chickens and chicken coops in the R-40 zoning district. Willis seconded the motion. The motion failed to pass 5-3. Hitt, Crews, Coombs, Galbreath and Carter voted nay; Driver, Willis and McNeal voted yes.

Mayor Finch urged the Planning Commission to carefully consider this request and be very specific and very clear with any future language. The current language is very vague. The reason this request is before you is due to one citizen's complaint that the city is not enforcing laws which prohibit chickens in the city and the noise ordinance relating to roosters on adjoining property. The mayor suggested the Planning Commission, if they are conceptually in favor of amending the language, take no action at this time and instruct staff to further research the issue, determine how other communities are addressing this issue and bring these specific perimeters for discussion and consideration at the next meeting. Jeff Rogers, 3085 Patton Branch Road, identified himself as the adjoining neighbor to the citizen who requested action regarding chickens being raised within the city limits. His family simply wants to raise chickens for fresh eggs and teach his children responsibility by caring for the chickens. He added that he has complied with all requests from the Goodlettsville Codes Dept.

Coombs made a motion for staff to present to the members detailed language and specific recommendations to permit the raising of chickens and the keeping of chicken coops in the R-40 zoning district in Goodlettsville. Carter seconded the motion. The motion passed unanimously, 8-0.

Item #5 Consider action on Letter of Credit No. L074362 in the amount of $834,000 for installation of infrastructure for The Retreat at Dry Creek Farms, Davidson County Tax Map 33-00, part of Parcel 295 due to expire 9/10/10. The applicant is Pedcor Investments, 770 3rd Avenue SW, Carmel, IN.

Staff reviewed. Gregory reported staff submitted a punch list to the developer to address and resolve the remaining issues prior to the 9/10/10 expiration of the surety on-file. Staff requests permission to act on the commission's behalf as follows: 1) to require a one-year maintenance surety for infrastructure and landscaping at 25% of the current amount of $834,000 if all issues are resolved on-site by the surety's expiration date of 9/10/10, or 2) to require a one-year extension of the existing LOC L074362 in the current amount of $834,000 due to expire 9/10/10 should all punch list issues on-site not be resolved.

Hitt made a motion to grant staff the authority to determine if Letter of Credit No. L074362 in the amount of $834,000 will be reduced to a one-year maintenance surety for infrastructure and landscaping or will be renewed as a one-year surety for installation of infrastructure and landscaping for The Retreat at Dry Creek Farms, Davidson County Tax Map 33-00, part of Parcel 295. This decision will be based on the resolution of the punch list provided to the developer. The motion was seconded by Crews. The motion passed unanimously, 7-0.

Item #6 Consider action on Letter of Credit No. 669 in the amount of $87,000 for installation of infrastructure for The Vineyards at Twelve Stones, Phase III, Sumner County Tax Map 143F, Parcels 11.00, 24.00, 25.00, 26.00, 27.00, 28.00, 34.00 and 35.00 due to expire 7/26/10. The applicant is Villa Properties, LLC, 509 Indian Hills Mound, Goodlettsville, TN.

Staff reviewed. Gregory reported the installation of infrastructure for The Vineyards, Phase II has not been completed as approved on the Final Master Plan and staff recommends the extension of the current surety for installation of infrastructure in the amount of $87,000 for a one-year period.

Willis made a motion to extend Letter of Credit No. 669 in the amount of $87,000 for a period of one-year for installation of infrastructure for The Vineyards at Twelve Stones, Phase III, Sumner County Tax Map 143F, Parcels ll.00, 24.00, 25.00, 26.00, 27.00, 28.00, 34.00 and 35.00 due to expire 7/26/10. Crews seconded the motion. The motion passed unanimously, 7-0.

Item #7 Consider action on Letter of Credit No. 1268 in the amount of $145,500 for installation of infrastructure and landscaping for Copper Creek Subdivision, Phase I, Long Hollow Pike @ Copper Creek Drive, Sumner County Tax Map 143, Parcel 22 due to expire 8/1/10. The applicant is Berhert Land Company, P.O. Box 282766, Franklin, TN.

Staff reviewed. Gregory reported the installation of infrastructure for Copper Creek Subdivision has not been completed

as approved on the Final Master Plan and staff recommends the extension of the current surety for installation of infrastructure in the amount of $87,000 for a one-year period.

Driver made a motion to extend Letter of Credit No. 1268 in the amount of $145,500 for a one-year period for installation of infrastructure for Copper Creek Subdivision, Phase I, Long Hollow Pike @ Copper Creek Drive, Sumner County Tax Map 143, Parcel 22 due to expire 8/1/10. Hitt seconded the motion. The motion passed unanimously, 7-0.

Item #2 (9.1 #4-10) Consider submittal by Ferlisi Civil Design, 1808 Kara Court, Spring Hill, TN for a site plan for Dollar General Store, 1213 Dickerson Pike South, Davidson County Tax Map 33-0, Parcel 33.00.

This item was deferred by the Planning Commission earlier in the meeting. Staff reviewed. Gregory reported this proposal is for consideration of a 9,014 square foot Dollar General store to be constructed at 1213 Dickerson Pike consisting of approximately 3.77 acres in area. All technical issues have been addressed and the site plan meets all zoning regulations. Lowe added that Ragan-Smith reviewed the site plan and confirmed the stormwater system will be controlled by culverts, boxes and detention ponds.

McNeal questioned the applicant as to whether LEED certification had been considered for this project specifically relating to the recycling of rain water. The project engineer stated that this issue was not a requirement for approval and was not considered.

Willis made a motion to approve the site plan for Dollar General Store, 1213 Dickerson Pike South, Davidson County Tax Map 33-0, Parcel 33.00. Crews seconded the motion. The motion passed 7-0.

Item #8 Consider guidelines, specifications, installation and maintenance for a Wind Turbine Ordinance.

Consideration of this item was deferred by staff.

Item #9 Planning 101 – Continuing Educations

Gregory stated the By-Laws and Rules of Procedure for the Goodlettsville Regional/Municipal Planning Commission can be reviewed and considered for adoption at the next Planning Commission meeting.

Item #10 Commissioner Comments

Jim Driver requested the city to contact the Dry Creek Farms development company and have the grass cut and remove piles of wood. Coombs invited the Planning Commission members to a scheduled public meeting at Goodlettsville City Hall next Thursday to meet with representatives of the Nashville Public Library and the Nashville Arts Commission to discuss themes for artwork to be displayed at the new Goodlettsville Public Library. Bubba Willis stated that he has observation that the portion of the Executive Inn Motel previously approved by the Planning Commission for demolition and redevelopment as a retail center appears to be in the process of remodeling after flood related damage.

Jim Galbreath, Chairman

Vicky Ignatz, Planning Assistant