MINUTES OF THE SPECIAL CALLED MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

September 28, 2009 | 5:30 PM | Goodlettsville City Hall Massie Chambers

Present: Jim Galbreath, John Coombs, Grady McNeal, Jim Hitt, Scott Trew, Carol Crews, Gary Franks, Bill Carter and Bubba Willis
Absent: Jim Driver
Also Present: John Finch, Jim Thomas, Tim Ellis, Rick Gregory, Tom Tucker, Dr. Anil Patel, Susan Rotkiewicz, Carter Howard, Doris Lynn, Jane Birdwell and others

Chairman Jim Galbreath called the meeting to order. Grady McNeal offered prayer.

Item #1 (9.1 #28-07) Consider request from Dr. Anil Patel, Sage Hospitality Inc., to discuss architectural plans for the approved Final Master Plan for the Courtyard by Marriott, 865 Conference Drive, Northcreek Commons, Davidson County Tax Map 26, Parcel 152.

Staff reviewed. Galbreath reported that the Planning Commission took action at the September 14, 2009 meeting to approve the use of the proposed wall system which includes an adhered brick tile on designated areas of the exterior of the Courtyard by Marriott. Galbreath invited Dr. Anil Patel to present his request to the Planning Commission. Dr. Patel stated that adding brick to the building will enhance the appearance, but it will add no value relating to revenue for the city or local job opportunities. Ordering and installing the approved wall system will delay the project for ten (10) weeks requiring the opening of the hotel be delayed from approximately the second week of November, 2009 until January, 2010, resulting in temporary layoffs of hotel personnel and incurring significant cost to the city relating to lost revenue. Dr. Patel reported that a previous proposal from the city was considering installing landscaping to the Conference Drive corridor in lieu of the placement of brick on the hotel exterior. His proposal is to contribute $300,000 to the cost of the proposed landscaping for Conference Drive. Dr. Patel asked the Planning Commission to consider this monetary offer to resolve the issue of exterior brick materials and allow the project to proceed.

Mayor Finch apologized that he has put the Planning Commissioners in this position. He stated that he takes full responsibility for the situation. He acknowledged the differing opinions of the Commission members and respects their differing views. After three months of this Commission dealing with the Marriott development, you have worked very hard and done a very good job. Mayor Finch stated that the concept of payment in lieu of the installation of brick on the Courtyard by Marriott is his idea alone. We don't have enough tax base revenue to accomplish what our citizens expect of us. Therefore, we have a multitude of capital expenditures that remain unfunded. I am guilty of thinking outside the box and encouraging staff to do think the same to fulfill our obligations to the citizens. Finch asked Jim Thomas to research and determine if the concept is possible, its legality, and is it a dangerous precedent setting action. If it is an appropriate action, what is the appropriate protocol? Thomas did due diligence regarding the issue by contacting several City Managers and MTAS which handles the city's risk management and insurance requesting positives and negatives regarding the in lieu payment issue. The feedback was all positive. Thomas also consulted the City Attorney whose opinion was that as long as the Planning Commission approved the action, there are no legal issues. Finch questioned several Sumner County mayors regarding this subject. Most mayors had experienced this situation and most of the Planning Commissions had approved the action. None of the mayors thought this action set a dangerous precedent, none thought of the action as bribery. Every person questioned stated that there had been no negatives relating to this type action. The first action was to call the developer to determine his interest in this possibility. After much discussion between the City Manager and the developer, Dr. Patel requested assurances from the city that this proposal of $300,000 in lieu of the approved brick tile and wall system would be approved by the Planning Commission. The City Manager stated that there were no assurances; whereby, the developer stated he was not interested.

Finch stipulated that he received a call approximately a week ago from the developer asking is it possible to consider payment in lieu of installation of the brick at this time? The developer stated that the delay for ordering the brick would cost his business money and cost the city revenue. The Zoning Ordinance does not require brick in this zoning district. The Northcreek Commons Architectural Committee will accept all DryVit on the property according to the written covenant. Therefore, what is in the best interest of the citizens we serve? Would they be better served with brick on the hotel building or having a three hundred thousand dollar ($300,000) nest egg to improve landscaping, lighting and signage on Conference Drive and positively impacting development of this major thoroughfare? There are not issues with precedent. This is not a bribe. It is basically a penalty on the developer for his team not doing their job properly. This is your decision, lady and gentlemen, and I respect your position and your authority in this matter.

The Planning Commissioners had the following questions and made the following statements. Galbreath, Franks and Willis questioned if the monies will be earmarked for this project or placed in the general fund? Finch stated the monies would be earmarked specifically for improvements to Conference Drive based on a legal agreement with the developer and the city. The city has a conceptual plan for improvements to the median on Conference Drive from the Courtyard at Marriott to Gallatin Road with a preliminary cost of $ 450,000 to $500,000. The three hundred thousand dollars ($300,000) figure was determined by estimating the cost of the brick material. Driver stated that the Commission has been working for over two (2) months to work with the developer to reach a viable agreement. After the final decision is made, this proposal is brought back to us for consideration. If the Commission was still in the process of negotiating this issue, then this action might have been feasible. Now it appears that the Commission is agreeing to downgrade their expectations and back down on our standards and accept money. Finch asked the Commissioners if they had every made a decision, taken a position and later decided after additional information has come to light, that maybe the original decision wasn't the best decision and maybe it would be wise to change your mind. That is what I have been conflicting over the statements I made about the project initially. Trew acknowledged that he didn't have a problem with how this development currently appears and agrees that the monies offered in lieu of payment for brick installation is appropriate. Carter shared his concern with this body setting a precedent and compromising the planning process. Finch agreed that this action would be a precedent; however, no other city has experienced negative impact. Crews stated this is a bribe in that it induces us to change our position on this project. We have been told that the planning we are accomplishing today will affect us in the future. Franks stated this is setting a precedent in that any developer who does not meet the standards they are held to, they will be monetarily penalized. He has a problem with the timing of the offer and a problem with establishing a penalty for a developer not performing to standards, not having an established process for determining that penalty, and earmarking any funds that come for the generation of the penalty. Hitt has no basic, moral problem with saying that we've come up with a better solution regarding this issue. However, he is concerned with earmarking the monies to the Conference Drive improvements. Coombs stated that our charge as a Commission is to uphold the laws the Zoning Ordinance. We took countless hours to evaluate an alternative plan to the façade. We accomplished this after much discussion. This new offer is essentially a pay-off for not completing this project as we approved it under the constraints of the established ordinances. Accepting this offer is compromising the integrity of this Commission.

Dr. Patel thanked the Commission for their comments. We are not in Goodlettsville for the short term. We are indifferent to whether the material is brick or stucco. If we analyze the cost, installing brick initially would make no difference on the final project cost. There were multiple parties that did not get everything done right on the front end of the project. Ultimately, I am willing to take full responsibility based on my integrity. I understand that the Commission is working to do what is best for the City. I am sincerely asking each of you to reconsider and assist us in moving forward with this project. We will respect your decision and will comply with your decision.

Galbreath asked for a vote on the issue. Hitt asked for clarification of the specifics of the proposed vote. Gregory stipulated that you are being asked to reconsider former action by the Planning Commission and to consider an amended Final Master Plan for the Courtyard by Marriott. Driver stated that Robert's Rules of Order apply in that we need a motion to reconsider the previous action of the Planning Commission followed by a motion to consider the current request before us. Finch explained that the specific details for payment of funds have not been established. It is my expectation that any agreed upon funds would include the moneys being paid before the hotel opens for business and require a cash transfer of funds to the city.

Trew made a motion to reconsider the decision of the Planning Commission at the September 14, 2009 meeting regarding approval of the proposed wall system design for the Courtyard by Marriott, Conference Drive, Northcreek Commons, Davidson County Tax Map 26, Parcel 152 and to accept the offer by Dr. Patel of a $300,000 payment in lieu of the proposed wall system design for the Courtyard by Marriott, Conference Drive. Willis seconded the motion. Hitt expressed his concern with the Planning Commission taking action on this matter without a clear understanding of the legal aspects of such action. Dr. Patel stated that he would not designate the use of the proposed monies and allow the City's discretion to utilize the funds. After further discussion regarding the consequences of reconsidering the previous approval by the Planning Commission of the Final Master Plan for the Courtyard by Marriott, Trew withdrew the motion and Willis withdrew the second to the motion.

Galbreath asked for a show of hands as to whether the Commission agrees with the proposal made by Dr. Patel regarding the financial offer of $300,000 to be utilized at the City's discretion in lieu of the placement of the brick veneer tile and wall system on the Courtyard by Marriott. Galbreath stipulated the vote indicated two (2) votes – YEAH and seven (7) votes – NAY. Therefore, the proposal by Dr. Patel is denied and the action by the Planning Commission at the September 14, 2009 regarding the Courtyard at Marriott stands.

The meeting adjourned at 6:50 PM.

Jim Salb

Jim Galbreath, Chairman

Vicky Ignatz, Planning Assistant

Vicky Ignatz, Planning Assistant

MINUTES OF THE MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

October 5, 2009 | 5:00 PM | Goodlettsville City Hall, Massie Chambers

Present: Jim Galbreath, Jim Driver, John Coombs, Grady McNeal, Scott Trew, Carol Crews, and Gary Franks
Absent: Jim Hitt, Bill Carter and Bubba Willis
Also Present: Jim Thomas, Tim Ellis, Rick Gregory, Vicky Ignatz and others

Chairman Jim Galbreath called the meeting to order. Scott Trew offered prayer.

Item #1 Minutes of the September 14, 2009 Planning Commission meeting stand as written.

Item #2 Discuss Land Use Policy Plan recommendations highlighted in the Goodlettsville Retail Development Studies, Phases I and II by Parsons/Brinckerhoff, Strategy 5 and Bill Terry & Associates.

Staff reviewed. Gregory prepared a synopsis of the Land Use Policy Plan recommendations for the fifteen (15) areas identified in the Goodlettsville Retail Development Studies. The following is a brief description of each area.

- Phillips Property in Northcreek Commons – Provide for a residential component of a master plan under the CPUD district. Provide standard and requirements for conference center development. Provide standards and requirements for conference center development. The city will need to decide if residential/commercial mixed use should be permitted within the CPUD district or if a master plan can show such mixed uses; however, separate zoning districts will be employed. If these uses are desired to be developed within the same building, a zoning change is required.
- Northcreek Commons – There are no zoning changes recommended at this time.
- Conference Drive – Provide for a residential component of a master plan under the GOPUD district. The city will need to decide if residential/commercial mixed use should be permitted within the GOPUD district or if a master plan can show such mixed uses; however, separate zoning districts will be employed. If residential/commercial uses are desired to be developed within the same building, a zoning change is required.
- Long Hollow Pike - This area has been addressed by review and amendment to the Land Use Policy Plan.
- Downtown Redevelopment - The area under study includes Goodlettsville Plaza and out parcel, World Gym property and Frank Davis Jr. undeveloped property adjacent on Rivergate Parkway adjacent to O.I.C. Two Mile Professional Plaza – The current CSL zoning does not prohibit many types of commercial uses on individual lot development. Consider rezoning the parcels to CPUD. IF a senior