MINUTES OF THE MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

December 4, 2006 5:00 PM Massie Chambers

Present: Jim Driver, John Coombs, Scott Trew, Grady McNeal, Margaret Wall, Jim Galbreath, Garry Franks, Carol Crews
Absent: John Finch, Jim Hitt
Also Present: Rick Gregory, Bennie Lane, Jim Thomas, Vicky Ignatz, Charlie Lowe, Jerry Garrett, Bruce Rainey, Jane Birdwell, Don Tyree, Brock Rust, Alan Ramsey, Tony Azimipour, Bill and Charlotte Baker, Moh Hayati, Rick Schneider, Fred and Mary Jane Peace, Lisa Wachter and others

The meeting was called to order by Jim Galbreath, Chairman. John Coombs offered the prayer. Jim Galbreath welcomed Garry Franks as the newest member of the Goodlettsville Planning Board replacing Mayor Jerry Garrett who resigned his position on the Board on November 6, 2006.

Item #1 – The minutes of the November 6, 2006 Goodlettsville Planning and Zoning Board meeting were approved as written.

Item #2 (9.1 #26-04) Consider the request of Joslin and Son Signs, 630 Murfreesboro Road, Nashville, TN for approval of a Signage Plan for Coldwell Banker Barnes, Conference Drive, Davidson County Tax Map 26, parcel 152.

Staff reviewed. Gregory reported the applicant requested deferral of consideration of the plan until the January 8, 2007 Planning Commission meeting.

Item #3 (Item #25-06) Consider the request of Bruce Rainey and Associates, 116 Maple Row Blvd., Hendersonville, TN for approval of a Final Plat for Jones-Cantrell Subdivision, Bell Street @ Old Brick Church Pike, Davidson County Tax Map 18-16, Parcels 59 and 62.

Staff reviewed. Gregory reported this proposal is to add property to an existing lot of record from an adjoining parcel. A few remaining technical issues remain which can be addressed by staff and the applicant. A straightforward process ordinarily, made more complicated by the April, 2006 tornado devastation to the area. The issue of the existing right-of-way and additional right-of-way dedication is the focus of this complicating factor. The R-7 zoning district requires a thirty (30) feet front setback and a twenty (20) feet rear setback, leaving a building envelope of forty (40) feet. The Goodlettsville Subdivision Regulations requires a twenty-five (25) feet right-of-way from the center line of the roadway. The proposed plat indicates the Bell Street measures twelve (12) feet in road width. Due to non-conforming lots on Bell Street, this regulation can't be accomplished without severe consequences for property owners. Therefore, it is the request of staff that the Board determine an appropriate right-of-way width for this area.

Lowe stated that Ragan-Smith Associates' survey research could not clearly determine the width of the right-of-way due a non-discoverable, non-recorded subdivision plat for the area. The subsequent re-subdivision of lots on Bell Street and Old Brick Church Pike varied significantly regarding right-of-way widths. Lowe offered three options: 1) the City establish a prescriptive right-of-way for Bell Street; 2) if there are no established right-of-way subdivision standards, Subdivision Regulations require the right-of-way be expanded to a fifty (50) foot right-of-way for a public street; 3) as consulting engineers, Ragan-Smith Associates recommends adoption of a thirty (30) foot or thirty-three (33) foot prescriptive right-of-way for Bell Street based on 1920-30 era style subdivisions, subject to contest by property owners. Driver acknowledged that Bell Street is not a connector or high bearing roadway and is in agreement to decrease the required right-of-way width if it does not negatively impact property owners on Bell Street and Old Brick Church Pike. Gregory stipulated that future drainage, utilities and sidewalk improvements will be severely impacted by anything less than ten (10) foot of right-of-way on each side of paved roadway. Coombs questioned if any properties will be negatively impacted to the point property owners would be unable to rebuild residence based on adoption of the proposed thirty-three (33) foot right-of-way. Gregory indicated that three (3) properties could be severely impacted based on future improvements. Coombs explained that the city has no desire to negatively impact residents of Bell Street and Old Brick Church Pike; therefore, the proposed prescriptive thirty (30) foot right-of-way would be less intrusive. Wall asked if the proposed right-of-way dimensions include sidewalks improvements. Lowe acknowledged sidewalk improvements were not a consideration in the recommendation; however, reduction of paved street width can permit sidewalks

Bruce Rainey, RLS, Rainey and Associates, stated the proposed prescriptive right-of-way would not negatively impact the Cantrell-Jones property owner. He stated in previous similar circumstances, the property owner would grant a public use easement on the front of a property to allow public improvement and not affect the setback line requirement. Gregory and Lowe stated an individual public use easement proposal does not permit full use of the property for public improvements and does not provide a final solution to Bell Street in its entirety. Driver added that individual variances can be considered.

Motion by Driver to establish a prescriptive right-of-way of thirty (30) feet for Bell Street based on the absence of a recorded subdivision plat. Motion seconded by McNeal. Motion passed unanimously, 7-0.

Motion by McNeal for approval of a Final Plat for Jones-Cantrell Subdivision, Bell Street @ Old Brick Church Pike, Davidson County Tax Map 18-16, Parcels 59 and 62. Motion seconded by Wall. Motion passed unanimously, 7-0.

<u>Item #4 (9.1 #26-06)</u> Consider the request of Azimtech Engineering, 182 Township Drive, Hendersonville, TN for approval of a Site Plan for a commercial office building on Two Mile Pike, Davidson County Tax Map 25-05, Parcel 135.

Staff reviewed. Gregory reported this is a proposal for a new 3,500 square foot, two-story office building on Old Two Mile Pike. The property adjoins the CSX railroad right-of-way at the rear. Architecture is shown to be all brick. Landscaping appears well developed with a very good mix of plant types and location. A few technical issues remain regarding notation of method of trash collection, the HVAC units have not been appropriately screened, ADA parking space is shown at only eight (8) feet wide with an eight (8) feet wide isle. Pre-development and post-development runoff calculations are not balanced. A landscape variance to eliminate screening of the HVAC is appropriate for this site.

Tony Azimipour, Azimtech Engineering, stated private cart style trash service will be provided. Lowe stipulated that the Stormwater Management Ordinances requires post-runoff cannot measure more than the pre-runoff stormwater calculations and stated the runoff can be managed on site. Azimipour agreed to work with staff to correct drainage runoff and address the ADA requirements for a van accessible parking space is nine (9) feet wide with a nine (9) feet wide isle. Coombs requested the proposed canopy trees be reconsidered due to overhead utility lines. He asked staff to be mindful in the future of landscape plans relating to overhead utility lines.

Motion by Trew for conditional approval of a Site Plan for a commercial office building on Old Two Mile Pike, Davidson County Tax Map 25-05, Parcel 135 based of submittal, review and final approval by staff of a revised site plan indicating: 1) notation on plan regarding private cart style trash service; 2) a variance to the landscape ordinance requiring screening of HVAC; 3) ADA van accessible parking space to measure nine (9) feet wide with a nine (9) feet wide isle; 4) balance pre-development and post-development stormwater runoff calculations, and 5) install appropriate canopy trees compatible with overhead utility lines. Motion seconded by Crews. Motion passed unanimously, 7-0.

<u>Item #5 (9.1 #27-06)</u> Consider the request of Civil Site Design Group, LLC, 1808 West End Avenue, Ste. 1402, Nashville, TN for approval of a Final Plat for The Vineyards at Twelve Stones Crossing, Phase 3, Sumner County Tax Map 143F, Parcels 11.00, 24.00, 25.00, 26.00, 27.00, 28.00, 34.00 and 35.00.

Staff reviewed. Gregory reported this final plat is the creation of six (6) additional two-family lots in The Vineyards at Twelve Stones Crossing development. A few minor technical issues remain to be resolved by staff and the applicant. Lot 39 and Lot 41 require perpendicular lines to cul-de-sac as indicated on Revised Final Master Plan, a few flood plain calculations need to be denoted and drainage pipe on Lot 44 – the headwall needs to be adjusted to not infringe on landscaping and these items are to identified on plat.

Rust agreed to all staff recommendations. Coombs requested clarification of Restrictive Covenants for Lot 43 and Lot 44, Russell-Gentry Property. Rust responded that, according to the notations on the Preliminary Master Plan for The Vineyard at Twelve Stones Crossing, Lots 43 and 44 are not a party to the Restrictive Covenants of The Vineyard. The architecture, building materials and building footprint for Lot 43 must be the same as The Vineyards. The existing single-family residence, Lot 44, remains as it is today. Should it be destroyed, it must be reconstructed according to the architectural guidelines of The Vineyard at Twelve Stones.

Motion by Driver for conditional approval of the Final Plat for The Vineyards at Twelve Stones Crossing, Phase 3, Sumner County Tax Map 143F, Parcel 11, 24.00, 25.00, 26.00, 27.00, 28.00, 34.00 and 35.00 based on submittal, review and approval by staff of the revised plan indicating: 1) Lot 39 and Lot 41 require perpendicular lines to the cul-de-sac as indicated on the Revised Final master Plan for The Vineyards, complete flood plain calculations and noted on Final Plat, alteration of the headwall of the drainage pipe on Lot 44 to not infringe on proposed landscaping. Motion seconded by Trew. Motion approved unanimously, 7-0.

<u>Item #6 (9.1 #38-03)</u> Consider the request of Civil Site Design Group, PLLC, 1808 West End Avenue, Ste. 1402, Nashville, TN for approval of a Revised Final Master Plan (Overall Plan) for The Vineyards at Twelve Stones Crossing.

Staff reviewed. Gregory reported this proposal is for extension of The Vineyards at Twelve Stones Crossing development to adjoining property, using the same architecture and covenants and restrictions as proposed for Phases I and II bringing the total number to forty (40) two-family lots and two single-family lots. A few minor technical items remain to be address by staff and the applicant. Typical tree streetscape for the development, headwall drainage for Lot 44 and floodplain information required on Final Plat need to be included in the Revised Final Master Plan. Rust agreed to all correction comments requested by staff.

Motion by McNeal for conditional approval of a Revised Final Master Plan (Overall Plan) for The Vineyards at Twelve Stones Crossing based on submittal, review and final approval of the revised plan indicating: 1) Typical tree streetscape for the development; 2) headwall drainage for Lot 44; and 3) floodplain information required on Final Plat needs to be included in the Revised Final Master Plan. Motion seconded by Wall. Motion passed unanimously, 7-0.

Item #7 (9.1 #34-03) Consider the request of Wamble & Associates, PLLC, 40 Middleton Street, Nashville, TN for approval of a Revised Final Plat for Dry Creek Commons, Davidson County Tax 33, Parcel 235.

Staff reviewed. Gregory reported this plat is for creation of forty (40) single-family Horizontal Property Regime building envelopes within the Dry Creek Commons – Phase I development. A few minor technical issues need to be addressed by staff and the applicant regarding Surveyor Accuracy Certificate, the common elements should reference Note 8 and Instrument Numbers for offsite water and sewer line easements south of the property need to added to the plat prior to recording.

Allen Ramsey, Marque Homes, agreed with staff comments.

Motion by Driver for approval of a Revised Final Plat for Dry Creek Commons, Phase I, Davidson County Tax 33, Parcel 235. Motion seconded by McNeal. Motion passed unanimously, 7-0.

Item #8 (9.1 #18-05) Consider the request of Wamble & Associates, PLLC, 40 Middleton St. Nashville, TN for approval of a Revised Final Master Plan for Dry Creek Commons – Phase I, Dry Creek Lane, Davidson County Tax Map 33, Parcel 235.

Staff reviewed. Gregory reported this proposal is for the revised Final Master Plan for Dry Creek Commons, Phase I development, a forty (40) single-family Horizontal Property Regime. This plan includes end-to-end residential parking style whereby parking is available in a single car garage and driveway pavement to curb for parking a second car. The utility of the parking plan brings up the issue of residential vehicular parking on the street and concerns with emergency vehicle access. A few minor technical items need to be addressed. Vinyl siding, indicated on most of the upper stories elevations of the buildings, is not an approved building material and must be substituted for an approved building material. Questions remain concerning a previous note about geology of the site and application of a modular block wall to the rock cut.

Allen Ramsey stated this plan was revised to improve the townhome product with carriage style single car garages and individual driveway parking. Research has indicated that the majority of townhome owners are single car owners. The Home Owners Association prohibits on-street parking and nine (9) visitor parking spaces are provided on-site. There is a twenty-four (24) feet roadway section, five (5) feet sidewalk, a minimum of twenty (20) feet driveway and a single car garage. Franks questioned if additional visitor parking can be provided. Ramsey indicated the site has been fully utilized and addition visitor parking in not obtainable. Lowe acknowledged the minimum parking requirements have been met, the street dimensions meet standard subdivision street widths; however, the end-to-end parking would set a precedent. Ramsey agreed to utilize Hardiplank, in place of vinyl, along with brick for building materials. Coombs shared his concern with the absence of architectural breaks on the front elevations of Units 101 and 140. Ramsey agreed to add windows or provide additional landscaping to improve architectural appeal to Units 101 and 140 .

Motion by Trew for conditional approval of a Revised Final Master Plan for Dry Creek Commons – Phase I, Dry Creek Lane, Davidson County Tax Map 33, Parcel 235 based on submittal, review and final approval of the revised plan indicating: 1) utilization of Hardiplank and brick masonry for building materials and 2) providing architectural break for Units 101 and 140 with either windows or appropriate landscaping materials. Motion seconded by Driver. Motion passed unanimously, 7-0.

Item #9 Consider the renewal of Letter of Credit No. 9715, Installation of infrastructure for Caldwell Square/Publix, Long Hollow Pike @ Loretta Drive in the amount of $383,450 due to expire 12/21/06.

Staff reviewed. Staff has received a one-year renewal of Letter of Credit No. 9715 for installation of infrastructure for Caldwell Square/Publix. Official action by the board for the LOC extension is required.

Motion by McNeal to extend Letter of Credit No. 9715, installation of infrastructure for Caldwell Square/Publix, Long Hollow Pike @ Loretta Drive in the amount of $383,450 for a one-year period to12/21/07. Motion seconded by Crews. Motion passed unanimously, 7-0.

Item #10 Consider the renewal of Letter of Credit No. 522, Installation of infrastructure for The Vineyards at Twelve Stones Crossing, Phase I & II, Willis Branch Road in the amount of $215,000 due to expire 1/3/07.

Staff reviewed. Staff requested a one-year extension of the Letter of Credit 522 for installation of infrastructure for The Vineyards at Twelve Stones Crossing, Phases I & II.

Motion by Coombs to extend Letter of Credit No. 522, installation of infrastructure for The Vineyards at Twelve Stones Crossing, Phases I & II, Willis Branch Road in the amount of $215,000 for a period of one year to 1/3/08. Motion seconded by Trew. Motion passed unanimously, 7-0.

Item #11 Consider renewal of Letter of Credit No. 5021023 – Maintenance of infrastructure for Twelve Stones, Phase II in the amount of $10,000 due to expire 1/14/07.

Staff reviewed. Staff reported this project has been inspected, the development completed and requests release of Letter of Credit No. 5021023.

Motion by Wall for release of Letter of Credit No. 5021023 for infrastructure maintenance of Twelve Stones Crossing, Phase II in the amount of $10,000 due to expire 1/14/07. Motion seconded by Driver. Motion passed unanimously, 7-0.

Item #12 Consider renewal of Letter of Credit No. 2030 – Installation of infrastructure for Wynridge, Phase I, II and III in the amount of $50,000 due to expire 1/25/07.

Staff reviewed. Staff has inspected the development and requests release of Letter of Credit No. 2030 and submittal of a new Letter of Credit in the amount of $10,000 for maintenance of infrastructure for a period of one year to 1/25/08.

Motion by Trew for release of Letter of Credit No. 2030 in the amount of $50,000 on 1/25/07 and submittal of a new Letter of Credit in the amount of $10,000 for maintenance of infrastructure for a period of one year to 1/25/08. Motion seconded by McNeal. Motion passed unanimously.

<u>Item #13</u> Discuss proposed revision to the Goodlettsville Zoning Ordinance regarding Chapter 9, Section 14-901© - Accessory Building Regulations and Appendix A, Table I – Land Use Matrix – Agricultural, Resource Production & Extractive Activities in residential zoning districts.

Gregory reported this request is for discussion, not necessarily a proposal for revision to the Goodlettsville Zoning Ordinance, regarding requests from two (2) property owners for building permits to construct an agricultural building for agricultural purposes on their respective land. Bill Baker, 827 Old Dickerson Pike is requesting to build an accessory agricultural building in the R25 zoning district for the purpose of providing shelter for privately owned horses. The Zoning Ordinance provision, as related to this discussion is: 14-603(a)(1) – Principal Permitted Uses are defined in the Land Use Activity Matrix in Appendix A where Crop and Animal Raising are shown as permitted uses in the Agricultural zoning district, in the R40 zoning district by Conditional Use Permit only and is prohibited in the R25 zoning district. William Duke, Louisville Highway, owner of property located near the northern border of the city limits, is requesting to build an accessory agricultural building in the Agricultural zoning district which is permitted by the Goodlettsville Zoning Ordinance; however, an accessory building is prohibited to be constructed prior to construction of the principal structure. The Zoning Ordinance provision, as related to this discussion is: 14-603(a)(2) – Permitted Accessory Uses – "Within the A Districts, private barns, stables, sheds and other farm building" and 14-901(c)(7) – No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal structure to which it is accessory. Does this Board want to consider recommending change either of these provisions of the current Zoning Ordinance taking into consideration the future impact on identical zoning districts in other parts of the city. Driver questioned the reasoning for requiring a primary residential building to be built prior to an agricultural building being constructed on-site. Gregory speculated that the provision was established to insure that the property was to be occupied to oversee the property.

Bill Baker stated the purpose of the barn is to shelter his horses from the weather and protect them from coyotes. He has three (3) acres and leases approximately eleven (11) adjoining acres for grazing purposes. Baker stated his building is approximately three (3) feet from the side yard property line and approximately one hundred (100) feet from adjoining property owner's home. Baker provided pictures indicating construction of the building had commenced. Galbreath asked if there was anyone present who was in opposition to Mr. Baker's request. Lisa Wachter, 819 Old Dickerson Road, stated the horses were not an issue; however, the building is very close to the property line. She is concerned with future owners and future utilization of the barn. Crews and Trew acknowledged their concern with lack of this board's architectural control. Coombs and Driver responded that this present situation lends itself to be approved for this specific request; however, all other R25 zoning districts will be affected and this provision is not appropriate for the entire city. Galbreath requested individual response from members regarding submitting an official recommendation to the City Commission to amend the Zoning Ordinance to allow agricultural buildings on R25 zoning districts: Trew - no, Franks – no, Crews – no, Wall – no, Driver – no, McNeal – no, Coombs – no. There was no official action by the Board. Charlotte Baker asked staff if the building can be used as storage. Gregory stated staff will be happy to work with the Bakers to utilize the building based on compliance with all current regulations relating to accessory buildings in a residential zoning district.

Galbreath asked the board to offer opinions regarding the current requirement prohibiting construction of an accessory building prior to the construction of the principle building in the Agricultural zoning districts in the city. Crews and Trew stated they were not in favor of changing the current ordinance. Driver acknowledged he does not have a problem to permit accessory agricultural structures on agricultural zoned properties prior construction of a principal residential structure. Franks stated he had no problem with non-occupied farm space, but did not believe the issue is strong enough to change the ordinance at this time. There was no official action by the Board.

<u>Item #14</u> Commissioners Comments

Thomas informed the board that the December 14, 2006 City Commission meeting has been rescheduled for December 21, 2006.

Jim Galbreath, Chairman

Vicky Ignatz, Recording Secretary

August, 2005
missing