

MINUTES OF THE MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

June 5, 2006

5:00 PM

Massie Chambers

Present: Jim Galbreath, Jim Driver, Jerry Garrett, Scott Trew, Jim Hitt, Margaret Wall, Carol Crews, Grady McNeal, John Coombs

Absent: John Finch

Also Present: Rick Gregory, Jim Thomas, Bill Brasier, Bennie Lane, Charlie Lowe, Vicky Ignatz, Bobby Jones, Gary Manning, Tompkins, Scott Pulliam, Tim Ellis, Randy Alexander, Darrell Dowdell, Jan Birdwell, Donnie & Cynthia Cantrell, William Carter, Rev. Kelan Moten, Bill Vecchione and others

The meeting was called to order by Jim Galbreath. Prayer was offered by Scott Trew.

Item #1 The minutes of the May 1, 2006 Goodlettsville Planning and Zoning Board stand approved as written.

Item #2 (9.1 #6-06) Consider the request of Wamble and Associates, PLLC, 40 Middleton Street, Nashville, TN 37210 for approval of the revised site plan for Daily's Convenience Market, 150 long Hollow Pike, Davidson County Tax Map 26-1, Parcel 127.

Staff reviewed. Gregory reported this proposal is for a new three thousand seven hundred and fifty (3750) square foot Daily's convenience store to be located at the site of the existing Shell station/Daily's convenience market on Long Hollow Pike. Gasoline/diesel pumps and canopies are to be relocated on-site, the ingress/egress currently located closest to the traffic light on Long Hollow Pike will be removed. A landscape berm is to be added along on the Long Hollow Pike elevation. This site is within the Commercial Core Overlay district but is not subject to the setback provisions of the overlay district. Architecture will be brick and stone veneer with EIFS trim. It is recommended that the interior grade of the site be decreased to align with height of manhole covers.

Randy Alexander, Tri-Star Energy representative, agreed to the addition of the landscape berm and interior site grading. Scott Pulliam, Wamble and Associates, stated the canopy steel columns will be covered by brick, striped parking spaces will designate parking areas and the dumpster pad building materials will match the primary structure. The initial start date for this project is fall, 2006 with completion date spring, 2007.

Motion by Driver for conditional approval of the revised site plan for Daily's Convenience Market, 150 long Hollow Pike, Davidson County Tax Map 26-1, parcel 127 based on final review of plans and approval by staff. Motion seconded by Wall. Motion passed unanimously, 8-0.

Item #3 (9.1 #23-04) Consider the request of Woodmen of the World, 101 Dry Creek Lane, Goodlettsville, TN regarding the electrical service plan approved in the Final Master Plan, ROPUD, Davidson County Tax Map 33, Parcel 202.

Staff reviewed. Gregory reported that during a staff inspection of the site, it was determined that the utilities plan approved by this board was not followed. It has been the practice and policy of this commission for a number of years to require underground utilities in all planned unit developments. As originally approved, electric service and panels were to be located in a storeroom in the southeast corner of the building in the rear of the building, closest to Dry Creek Lane. Staff understands that somewhere in the construction process and review of power supply a combination of the contractor, builder and NES engineers determined that due to problems of easements, access, etc. that the electric service site was changed to allow a power pole be set in front of the building to allow for that electric service extension. Service is brought to the pole from South Dickerson Road by overhead line approximately one hundred and ten (110) feet and extends underground from the pole to the building approximately fifty (50) feet. Therefore, the electrical utility is only partially underground and out of compliance with the approved plan. Staff has met with Woodmen of the World representatives and NES staff to discuss alternatives to bring the underground utilities into compliance with the approved plan. NES has stated that the approved site of the electric service was not feasible due to major expenses relating to the location of TVA lines and site of drainage system. NES indicated that should the power pole be relocated on-site, a gravel access driveway would need to be installed from the parking lot to the electrical pole for service related purposes. Staff is seeking resolution by this board regarding electric service type and location.

Galbreath asked if there is electrical source from Dry Creek Lane. Gregory responded that it would be difficult. There is no power source access within the TVA easement and height restrictions will not allow for an electrical pole within the easement. NES stated that it might be feasible to feed a power line from the back of the building at a considerable expense. Galbreath queried if the approved plans indicated an electrical feed from Dry Creek. Gregory stated it was the assumption of staff that due to the electric service and panels being depicted on the rear of the building, closest to Dry Creek Lane that the underground utilizes would originate from Dry Creek Lane. Garrett questioned if this is an owner error, a contractor error or a combination of both. Gregory categorized the situation as an unintentional oversight possibly by the contractor as it is his responsibility to coordinate with the electrical service provider. NES was not aware of our requirement for underground utilities service to the building, they were not able to communicate this information with the contract and they designed a plan of service as they do with any number of commercial site. NES stated that should the service pole be relocated to the utilities right-of-way on South Dickerson Road, a service access driveway would need to be installed from the parking lot to the service pole at a considerable expense.

Lowe reiterated that this it is the policy of this board that commercial, non-residential plan, particularly planned unit developments to have underground utilities. He is not aware of exceptions to this policy for many, many years. Driver noted that the ordinance doesn't define the specific dimensions of underground utilities required on-site, NES has stated that they will not relocate the electric service at their expense and the Woodman of the World will incur significant expenses for relocation of the pole. The difficult, unintentional situation might warrant a variance. Coombs stated that allowing the service pole to remain in the current location compromises the intent of the approved development and is visually intrusive to the site which has a beautiful building and is an asset to this city. Garrett suggested a compromise would be to move the electrical pole to the tree line on South Dickerson Road. Gregory stated that any relocation of the electrical service would require a service access driveway. Galbreath commented that if the policy does not state the amount of underground utilities to be established

on site, he is not sure the site is actually in violation. Gregory answered that traditionally the utilities have been completely underground from the property line. Galbreath asked Mr. Darrell Dowdell, Woodman of the World trustee, if Woodman of the World would move the pole without a mandate from this board. Dowdell stated he would have to take this request back to the Lodge. He had requested a cost estimate from NES for relocation of the pole. They have been in the middle between NES and the city which is the reason they are here tonight. This is the first time they have been able to gather information to determine what to do. Mr. Dowdell stated that it is his understanding that they contacted NES for service installation, that NES determined the location of pole on South Dickerson Road and that Woodman of the World has fulfilled their obligation. It is the position of Woodmen of the World that NES and the City are responsible for the non-compliance issues for underground utilities, that these entities make clear decisions regarding this issue and then, he will take the information to the Lodge. Note: Jim Hitt exited the meeting.

Motion by Trew to approve a variance to the established policy for underground utilities in a planned unit development, to permit the existing electric service pole to remain as positioned on site at 101 Dry Creek Lane, Goodlettsville, TN known as Woodmen of the World and to require enhanced landscaping around base of pole as permitted by NES and Goodlettsville Zoning Ordinance regulations. Motion seconded by Driver. Motion denied, 3-5. Trew, Driver and McNeal voted yes to the motion, Crews, Wall, Coombs, Garrett and Galbreath voted not to the motion. Darryl Dowdell was instructed by Jim Galbreath, Chairman that the variance motion was denied and that Woodmen of the World work with NES to have the electric service pole repositioned within the utility right-of-way on South Dickerson Road, installation of underground utilities to the building and a service access driveway installed according to NES specifications. Mr. Galbreath addressed Mr. Dowdell and stated that he would personally work with NES to offer Woodmen of the World financial relief for the project.

Driver requested that the regulations specific the underground utilities be initiated at the property line. Gregory indicated that the new ordinance addresses this issue. NES has asked for a copy of the new zoning ordinance. Coombs challenged that planning staff look at point-of-contact of entry for power as a future development checklist. Lowe recommended that a notation on all future submitted plans contain "Applicant is responsible for utility installation" and make it clear to the developer.

Item #4 Consider Ordinance No. 6-674, an ordinance to replace Ordinance No. 89-413 (as amended), the Zoning Ordinance of Goodlettsville, Tennessee, and the Zoning Map of Goodlettsville, Tennessee by changing, adding, and deleting various provision.

Staff reviewed. Gregory reported that new floodplain regulations issued by the State of Tennessee are required to be adopted by the City of Goodlettsville. The revised regulations appear in the Goodlettsville Zoning Ordinance, Chapter 10. The revised Goodlettsville Zoning Map is to be included in Ordinance No. 6-674. Action by this board to adopt the new flood regulations and the zoning map is necessary to consolidate the information into Ordinance No. 6-674.

Motion by Garrett to include revised floodplain regulations and the Goodlettsville Zoning Map in Ordinance No. 6-674 - adoption of the new Goodlettsville Zoning Ordinance. Motion seconded by Crews. Motion pass unanimously, 7-0.

Item #5 (9.1 #5A-94) Consider the request of Heritage Builders, 3012 Business Park Circle, Goodlettsville, TN for a one year extension of Letter of Credit No. 0006 for improvements to Woodwyn Hills, Section IV due to expire June 30, 2006.

Staff reviewed. Gregory reported the developer requested a one year renewal of Letter of Credit for Woodwyn Hills, Section IV at the same rate.

Motion by Garrett to renew Letter of Credit No. 0006 in the amount of \$38,280 for Woodwyn Hills, Section IV for a period of one year. Motion seconded by Crews. Motion passed unanimously, 7-0.

Item #6 Planning Commissioners comments.

Gregory reported to the board in reference to discussion of the Final Master Plan for Copper Creek, Phase II at the May, 2006 meeting regarding slope of sidewalk and the requirement for safety rails for residential sidewalks slopes. This issue is addressed in ADA guidelines, Section 1103.5 denoting "grade of sidewalk is permitted to be as steep as roadway".

Thomas reported discussing the possibility of Cosco locating a retail store in Goodlettsville. A real estate developer representing Cosco stated that Goodlettsville had been considered for a retail store; however, the seventeen (17) acres tract of land required was not available. Since then, negotiations between Cosco and a land owner in Sumner County are progressing.

Chairman Jim Galbreath adjourned the meeting.


Jim Galbreath, Chairman


Vick Ignatz, Recording Secretary