

MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

August 2, 2004

5:00 PM

Massie Chambers

Present: Jim Galbreath, Jim Driver, Grady McNeal, Scott Trew, Margaret Wall, Jim Hitt, John Coombs, Gary Manning, John Finch

Also Present: Rick Gregory, Jim Thomas, Bill Brasier, Bennie Lane, Charlie Lowe, Ray Dwelle, Larry Wynns, George Welch, Brock Rust, Martha Jones, Bobby & Susan Henson, Maxie & Ann Grubbs, Carlos & Sarah Andrews, Jane Birdwell, Carla Hall, Susan Rothiweiz, Marian & Johnny Schablit, Clayburn & Curtis Roberts, Morris Lannom, Patsy Nixon, Ritchie Ross, Dillard & Edna Scott, Tom & David Ross, Chuck Gannon, Roy & Marguerite Duncan, Richard & Margie Buckley, Al & Hilda Jernigan, F. W. & Nell Ralph, Veschel Sadler, Zana & Donald Davis, Al & Connie Lecke, Kim Sutton, Alice & Butch Frost, Lorene & Edward Ray, O.W. Shoulders, Carole Dudney, George Carver, Midge Cranom, Henry Barry, Janice Filson, Nancy Kimbaugh, David Lannom, Suzanne Philpot, Burt Nowers, Bobbie & Claude Gentry, Wayne Mayo, David Douglas, Mark Knowblauch, Susan Smith, James Forward, James Kinsolving, Joe Keef, David Backs, Carl & Brenda Clay, Vernon & Jean Russell, Darnell Clay, Phil Cornett, Lawrence & Darla Hunley, Joanie Trew, David Lannom Jr., Steve Russell, Everett Rice, Frances Smith, Margaret Kizer, Cheryl Stagner, Jeff Duncan, Walter Slater and others.

The meeting was called to order by Jim Galbreath. Prayer offered by John Coombs. Chairman Galbreath informed the board of the resignation of Susan Williams. Jim Driver, Commission Liaison reported that he would be leaving the board as of October 14, 2004.

Item #1 The minutes of the July 12, 2003 Goodlettsville Planning and Zoning Board meeting stand approved as written.

Item #2 (9.1 #08-15-04) Consider the request of Ragan-Smith and Associates, 315 Woodland Street, Nashville, TN for approval of the Preliminary Master Plan for Publix at Caldwell Square, Long Hollow Pike, Sumner County Tax Map 143-J Group A, Parcels 1, 2, 3 & 4 and Sumner County Tax Map 143-J Group B, Parcels 3, 3.03, 4, 5, 6, 27, 28 and 29.

Galbreath stated the initial request by Publix on October 1, 2003 was unanimously denied by the board. The concern of the board at that time was the encroachment of properties on the northern side of Geneva Drive, transition of the commercial property into the residential area, proposed fencing of the commercial property and landscape screening from the residential properties, traffic concerns and the importance of a subdivision's restrictive covenants.

Ray Dwelle, project developer, reported this is a resubmittal of the request for a Publix shopping center at the corner of Long Hollow Pike, Caldwell Lane and Loretta Drive. The issues concerning the Board at the October, 2003 meeting have been addresses as follows. The proposed complex has been expanded to include the four lots on the northern side of Geneva Drive so that there are no houses facing directly into the back of the shopping center. The complex has increased in total square footage to 77,390 square feet. The Publix store is the same size, 45,600 square feet. There are two retail areas measuring, one at 9, 900, square feet and the

second at 7,980 square feet. A restaurant site encompassing 5,800 square feet and two bank sites measuring 4,500 square feet and 3,600 square feet.

There will be three entrances into the complex, two from Caldwell Drive and one from Loretta Drive. There will be an additional 400-450 feet right turn lane installed on Loretta Drive to turn right onto Long Hollow Pike. The traffic signalization at Loretta Drive will be increased to accommodate the high traffic volume turning right onto Long Hollow Pike. An additional traffic study was prepared which determined that the additional footage to the right turn lane and revised traffic signalization will provide proper traffic flow from the site onto Loretta Drive as well as manage the traffic generated from the new H. G. Hill Properties site at Caldwell Lane, Long Hollow Pike and Ellen Drive. Truck traffic will be unable to enter the complex from Loretta Drive due to the turn radius design; however, emergency vehicles will have access to the complex from Loretta Drive. Truck traffic will enter from Caldwell Lane during the hours of 9:00 AM to 6:00 PM only. The plans indicate five hundred parking spaces with nineteen (19) spaces designated for handicapped parking. Brick building materials are to be used for the entire complex.

A seven (7) feet brick and wood fence similar to the existing fence located on the Northcreek Business Park property will be installed encompassing the entire rear portion of the complex and the length of the property facing Loretta Drive with appropriate breaks in the fence provided to ensure proper site distance onto Loretta Drive. The fence area will be heavily landscaped with trees and a sidewalk will be installed along the roadways. The front and both sides of the Publix store will be bricked and the rear wall will be painted split faced block up to approximately eight (8) to ten (10) feet for cleaning purposes and the upper portion of the rear wall will be bricked to ensure that no split faced block will be visible above the fence line. The lighting will be directed internally onto the site. No wall packs will be utilized on the side of the building, thereby preventing glare to adjoining property owners on Loretta Drive.

Two (2) lots and a portion of two (2) additional lots located on Geneva Drive are a part of Cloverbend Subdivision, Section II which have restricted covenants stating commercial use of the lots are not permitted. The restrictive covenants and the subdivision plat were recorded on June 14, 1965. The covenants are to last for a period of forty (40) years and are due to expire on June 13, 2005. There is a provision in the document to change the restrictive covenant and deed restrictions. Dwelle stated he has sent an invitation to the fifty-two property owners to attend a meeting on August 17, 2004 to address the restrictive covenants as it relates to commercial use of the stated lots.

There is a narrow portion of property located on Caldwell Road that is actually a part of the Northcreek Business Park which holds the signage for the complex and mature landscaping. A contract to purchase this portion of Northcreek Business Park has been prepared. The developer will work with the park's business owners association to allow the complex's signage and the majority of the landscaping to remain. The Publix complex signage will be located on Long Hollow Pike.

The proposed site is located in three zoning districts - R25, General Office Planned Unit Development and Restricted Office Planned Unit Development. A request is being made to

rezone the designated lots on Long Hollow Pike, Loretta Drive and Geneva Drive to a Commercial Planned Unit Development district.

Staff reviewed. Gregory reported the greatest change in the plan previously submitted in October, 2003 is the addition of the lots located on the northern side of Geneva Drive. This will expand the site to approximately 9.94 acres. A major issue for consideration is the rezoning request. The lots on the northern portion of the proposed site are zoned R-25. The four lots fronting Long Hollow Pike are zoned Restricted Office PUD and the one lot on the western side of the proposed site fronting Long Hollow Pike is zoned General Office PUD. If this project is to go forward, several elements of the plan will need to be considered including residential and commercial policies and an amendment to the Land Use Plan will have to occur. Gregory provided the board the text from the Land Use Plan regarding residential and commercial policies relating to residential conservation areas and commercial development/concentration.

Gregory stipulated that the impact upon the surrounding area may be substantial. The board will have to make a judgment decision as to whether the proposed fencing, screening and lighting plan will provide the necessary buffer that will adequately protect the adjacent affected properties. There is also the impact on traffic to consider. The developer has prepared a traffic study to analyze that impact. The study indicates that acceptable levels of service can be provided at all intersections with the improvement to the right turning lane and traffic signalization adjustment on Loretta Drive. The board will have to decide whether the city's need for new retail development is a proper justification to impact residential properties that may be impacted negatively and whether the land use policy plan should be amended, and, subsequently, the zoning map.

Galbreath questioned if the staff comments regarding corrections to the preliminary master plan were addressed completely. Gregory stated that Barge Cauthen and Associates reviewed the revised preliminary master plan and traffic study and deemed that all corrections were adequately addressed and staff is in agreement. Galbreath questioned Jim Thomas, City Manager, as to whether cost benefits to the city and the citizens can be assessed as a result of this project. Thomas responded that whenever a new productive retail outlet opens, there is a benefit from the retail sales tax and commercial property tax generated and possibly other taxes related to commercial ventures that may locate in the development. There will be a net revenue increase over expenditures to the city. Dwelle stated he prepared an economic study regarding revenue generated as a result of the development. The commercial property tax would provide \$20,000 annually. Sales tax revenue would be in excess of \$250,000 annually. Approximately two hundred and fifty (250) jobs will be created.

Hitt shared his concern that should the board vote to rezone the proposed properties and the Cloverbend Subdivision, Section II Restrictive Covenants regarding the prohibition of commercial development not be reversed by the homeowners, then there will be a large property that will have to set vacant until after June, 2005. Driver stipulated that the city and this board cannot get involved in the legal issues of restrictive covenants. He added that the second reading of the rezoning request can be scheduled to be considered by the City Commission after the restrictive covenant vote of the subdivision residents. Dwelle stated that Publix wishes to open

the proposed store in November, 2005. It would be the decision of Publix as to whether they want to delay the opening of the store.

Finch asked for an assurance from Dwelle that the brick wall will contain as much brick as the current wall in Northcreek Business Park. Dwelle agreed to this request. He reiterated that the fence is patterned after the existing fence at the business park. Finch questioned if the developer will be willing to bear the cost of a traffic police presence for sixty (60) to ninety (90) days at the Loretta Drive entrance to instruct the truck traffic regarding proper routing into the complex from Caldwell Lane. Dwelle agreed to post the proper signage regarding truck traffic routing and to provide traffic police at the Loretta Drive entrance for a period of sixty (60) to ninety (90) days to insure proper truck traffic flow into the complex. McNeal asked if the sidewalk could be located adjacent to the brick wall and plant the trees closer to the street for screening purposes. Lowe responded that this could probably be accommodated; however, it would be based on the adequate amount of land available after the right-of-way dedication occurs. Also, a minimum of five (5) feet would be needed to allow proper growth for the street trees. Manning viewed that relocating the trees closer to the street could interfere with sight distance and a downed tree would create a major traffic issue.

Galbreath asked for response from the board members as to whether the Land Use Plan should be amended to permit commercial use to extend into a residential zone. Trew asked the board to consider that this proposed complex goes against the established Land Use Policy. The residential area is not obsolete and does not need to be revitalized. Approval of this plan will open up commercial development all along Long Hollow Pike. The traffic, lighting and noise created by this development will be detrimental to approximately two (2) dozen adjoining property owners. It will negatively affect the quality of life along with the property values of these homeowners. Coombs agreed that the plan is a strong guide for this board and the city. The board is challenged with the responsibilities of looking for opportunities that will enhance the overall community with retail and residential opportunities. This development will impact some residents; however, the city is deficient in this type of quality development. There are very few large tracts of land in the city that can accommodate a development at this scale. Coombs stated that the current zoning allows for a fuel station/convenience store. The opportunity to have a quality development as proposed tonight is a much better option. Manning stated that the request does follow the guidelines of the Land Use Plan because it is located on a major roadway at a major intersection. Driver stipulated that streets are considered buffers between residential and commercial districts. The Land Use Plan offers the latitude for change based on the facts of the request. Finch agreed there will be a short term negative impact on the surrounding property owners. Our obligation is to balance the past and the future and take into account the entire community as well as the adjoining residents. McNeal agreed that a quality, positive development is an appropriate use of the property.

Motion by Driver for a modification of the Land Use Plan to change the properties on Sumner County Tax Map 143-J Group A, Parcels 1, 2, 3, 4 and Group B, Parcels 27, 28 and 29 from a Residential Conservation Low Density district to a Commercial Development district. Motion seconded by Coombs. Motion passed 7-1. Trew voted no.

Motion by Finch to rezone the properties on Sumner County Tax Map 143-J, Group B, Parcels 3, 4, 5 and 6 from Restricted Office Planned Unit Development to Commercial Planned Unit Development; to rezone the properties on Sumner County Tax Map 143-J, Group A, Parcels 1, 2, 3, 4 and Group B, Parcels 27, 28 and 29 from R-25 to Commercial Planned Unit Development; and to rezone Sumner County Tax Map 143-J, Group B, Parcel 3.03 from General Office Planned Unit Development to Commercial Planned Unit Development. Motion seconded by Driver. Motion passed 7-1. Trew voted no.

Motion by Finch to approve the request of Ragan-Smith and Associates, 315 Woodland Street, Nashville, TN for approval of the Preliminary Master Plan for Publix at Caldwell Square, Long Hollow Pike, Sumner County Tax Map 143-J Group A, Parcels 1, 2, 3 & 4 and Sumner County Tax Map 143-J Group B, Parcels 3, 3.03, 4, 5, 6, 27, 28 and 29 subject to the following conditions: 1) the fence for the Caldwell Square development will have the exact design and the exact building materials as the existing fence erected on Northcreek Business Park; 2) approval by the City Commission for the abandonment of the right-of-way of a portion of Geneva Drive adjoining Sumner County Tax Map 143-J, Parcels 1, 2, 3, 4, 28 and 29; 3) brick veneer finish materials will be used for the entire complex and 4) all other conditions that were a part of the discussion. Motion seconded by Coombs. Motion passed 7-1. Trew voted no.

Item #3 (9.1 #8-94) Consider the request of Larry Wynns, Wynns Construction Company, LLC, 105 Wynlands Drive, Goodlettsville, TN for the Board to make a recommendation to the City Commission for acceptance of improvements for The Wynlands, Phase I, Phase II Sections I and II, and Phase III, Sumner County Tax Map 140, Groups E & F, Parcels 17.01 and 17.02.

Staff reviewed. Brasier stated that Public Works Department requests that the board recommend to the City Commission consideration of acceptance of The Wynlands, Phases I, II and III. Brasier stated that in a previous meeting, the board established a maintenance bond in the amount of \$10,000 for a period of one year. Wynns acknowledged that he was aware of the maintenance bond requirement.

Motion by Manning to recommend to the City Commission consideration for acceptance of improvements for The Wynlands, Phase I, Phase II and Phase III, Sumner County Tax Map 140, Groups E & F, Parcels 17.01 and 17.02. Seconded by Wall. Motion passed unanimously.

Item # 4 (9.1 #5-94) Consider the request of Ragan-Smith and Associates, 315 Woodland Street, Nashville, TN for approval of a reduction of Letter of Credit No. P000376 from \$141,350 to \$36,876 for Braxton Park, Section VII Sumner County Tax Map 142, Parcel 18.

Staff reviewed. Bill Brasier stated that the Public Works Department recommends a reduction in the performance bond from \$141,350 to \$55,750. George Welch, Ragan-Smith and Associates, agreed with the recommendation.

Motion by Coombs for approval of a reduction of Letter of Credit No. P000376 from \$141,350 to \$55,750 for Braxton Park, Section VII, Sumner County Tax Map 142, Parcel 18. The term of the bond will be one year. Motion seconded by Hitt. Motion passed unanimously.

Item # 5 (9.1 #08-16-04) Consider the request of Crawford Land Surveyors, P.C., 1929 21st Avenue, South, Nashville, TN for approval of the final plat for Gentry & Russell Properties, 1155 and 1175 Willis Branch Road, Sumner County Tax Map 143, Parcels 49.01, 50 and 50.01.

Staff reviewed. Gregory reported that this is a proposal for consolidation of three existing lots of record into two (2) buildable lots. The three (3) lots of record total 7.8 acres and are being divided approximately in half. The western lot would be incorporated into the expansion of The Villas at Twelve Stones Crossing. Corrections have been made and the plat is suitable for approval.

Motion by Coombs for approval of the request of Crawford Land Surveyors, P.C., 1929 21st Avenue, South, Nashville, TN for approval of the final plat for Gentry & Russell Properties, 1155 and 1175 Willis Branch Road, Sumner County Tax Map 143, Parcels 49.01, 50 and 50.01. Seconded by Wall. Motion passed unanimously.

Item #6 (9.1 #38-03) Consider the request of Villa Property, LLC, 509 Indian Hills Mound, Goodlettsville, TN for approval of the revised Preliminary Master Plan for The Villas at Twelve Stones Crossing, LDRPUD, Revision I, Sumner County Tax Map 143, Parcel 50.

Staff reviewed. Gregory reported that there are a few technical details remaining which have been initially addressed. Architectural details, lighting details and an ownership/maintenance statement regarding the fifteen (15) feet ingress/egress easement on Lots 24-34 need to be included on the plan. Rust indicated that the Restrictive Covenants for The Villas at Twelve Stones Crossing previously submitted will apply to these buildings. This additional property allows development of both sides of Tara Lane and does not adversely impact the immediate area in any obvious manner.

Brock Rust, developer for The Villas at Twelve Stones Crossing, stated that Preliminary Master Plan has been amended to include Lot #1 of the Gentry & Russell Properties. This revision will create nine additional lots, eighteen condominium units, for the development. The additional buildings will be built to the specifications previously approved by the board for the development. Rust agreed to include the technical details on the revised plan as enumerated by Gregory.

Lowe questioned why the plan indicates the nine lots have a public right-of-way in the front and a private access easement to the rear of the buildings. Rust stipulated that the final master plan will indicate driveway access to the front of the buildings; however, there is the option to utilize the private access easement to permit the relocation of the garages to the rear of the condominiums. A landscaping buffer will be installed behind the driveway easement for screening purposes of the adjoining property. The easement will be paved, possibly concreted. Lowe added that the Final Master Plan, Revision I for the development will be reviewed by this

board. The plan will indicate the location of the garages, driveways, continuation of the public right-of-way and/or utilization of the private access road.

Motion by Manning for approval of the request of Villa Property, LLC, 509 Indian Hills Mound, Goodlettsville, TN for approval of the revised Preliminary Master Plan for The Villas at Twelve Stones Crossing, LDRPUD, Revision I, Sumner County Tax Map 143, Parcel 50. Motion seconded by Trew. Motion passed unanimously.

Meeting adjourned.



Jim Galbreath, Chairman



Vicky Ignatz, Recording Secretary