

MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

March 1, 2004

5:00 PM

Massie Chambers

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

Also Present: Jim Thomas, Rick Gregory, Bill Terry, Jack Tompkins, Bennie Lane, Charlie Lowe, Vicky Ignatz, Danny Davenport, Kersh Walters, Hugh & Sarah Travis, Debra Head, Tom Head, Adam Head, Audrey Head, Jacque & Ron Parkinson, Larry Wynns, Sandra Lewis, Mark Allison, Perrion Gordon and others

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

Item #1 The minutes of the February 2, 2004 Goodlettsville Planning and Zoning Board meeting stand approved as written.

Item #2 (9.1 #3-04) Consider the request of Boom Sign and Lighting for approval of an amended signage plan for Best Western Motel, 100 Northcreek Blvd., Northcreek Commons CPUD, Davidson County Tax Map 19-14, Parcel 16.

Staff reviewed. Gregory reported that the request involves two signs for the Best Western Motel site. The Planning Commission previously approved on sixty feet high-rise sign with the request for a second high rise sign deferred. The property is located in the Interchange Sign Zone as designated by the Goodlettsville Sign ordinance which allows for one (1) sixty feet high rise sign. Because the street frontage on Northcreek Blvd. extends beyond two hundred fifty (250) feet, a second sign is permitted. However, staff's interpretation of the Goodlettsville Sign Ordinance is that a second sixty (60) feet high-rise sign is not permitted. Gregory cited Sections 5.1(c)(1), 5.1(c)(3), 5.1(d) and 5.5(b) of the Goodlettsville Sign Ordinance as references for this determination. Gregory continued that regulations stated that when there is a conflict between sections of ordinances relating to a subject, the most restrictive ordinance applies.

As requested by the commission, staff contacted Senator Joe Haynes, City Attorney, in regard to the questions concerning city authority to enforce private covenants. Senator Haynes opinion is that the city has no authority to enforce private covenants. Research into the design standards of the Northcreek Commons PUD reveals that an additional sign sixty (60) high rise sign will be in violation of those standards. It should be noted that no other business in the Interchange Sign Zone has two high-rise signs.

Lane stipulated that according to his interpretation of the Goodlettsville Sign Ordinance relating to the Interstate Sign Zone, a second high rise sign is permitted. Lane based his interpretation on the fact that the property was originally developed under the commercial complex zoning district which permits two high rise signs and was rezoned as CPUD in the early 1990's.

Danny Davenport, Boom Sign and Lighting, indicated that he followed the director of the commission regarding obtaining permission from the Northcreek Commons Architectural Review Committee and review of the request by the Goodlettsville Planning Commission. The

Northcreek Commons Manual of Standards stipulates that failure to respond by the ACC after a period of forty-five (45) days is presumed to be approval of said plans. Davenport requested consideration by the Board for realignment of the existing high-rise sign to permit better visibility.

Finch and Driver questioned Gregory as to whether staff's recommendation would change if Best Western Motel requested and received approval for the second high-rise sign from the newly established Northcreek Commons Business Owners Association's ARC. Gregory stated that staff would not recommend approval of the second high rise-sign under those conditions.

Motion by Hitt to deny approval of an amended signage plan to permit a second sixty (60) feet high-rise sign for Best Western Motel, 100 Northcreek Blvd., Northcreek Commons CPUD, Davidson County Tax Map 19-14, Parcel 16. Motion seconded by Williams. Motion passed unanimously.

Thomas informed the commission that staff will seek additional clarification from the City Attorney regarding the city's ability to enforce Manual of Standards regulations approved as a part of a PUD's master plan and the Property/Business Owners Association.

Item #3 (9.1 #05-04) Consider the request of Perrion Gordon, 1014 St. Blaise Trail, Gallatin, TN 37066 for approval of a rezoning amendment to permit institutional care facilities in the R-25 residential zoning district at 1261 Hitt Lane, Davidson County Tax Map 25, Parcel 15.

Staff reviewed. Gregory reported the applicant is requesting permission to allow a residential home for children within a R-25 residential zoning district. Group homes are classified as institutional care facilities which are not permitted in the R-25 zoning district. In this case, institutional care facility would allow for emotionally disturbed children.

Perrion Gordon, applicant, stated that she operates a company named Safe Entry which provides residential housing for children with mental/emotional issues. The company has rented a home at 1261 Hitt Lane with the intention of establishing a second home for children. These children are in custodial care with the State of Tennessee through the Department of Children's Services. Children are temporarily assigned to the group home for a period of three (3) to nine (9) months with the intent to reunite the children with their families. Most children are in custody due to the parent's inability to properly care for the child.

There are six (6) and seven (7) children, ranging from thirteen (13) to eighteen (18) years of age, living in the home at one time. The State of Tennessee requires that twenty four (14) hours supervision is provided by two adults. Medications are dispensed on premises. Family counseling and therapeutic services are provided off-site. The children attend public schools. Extra curricular activities are scheduled with the help of volunteers. There have been no incidents or complaints at the current Safe Entry location at 216 Cumberland Hills Drive in Madison, TN. There is positive interaction with people in the neighborhood.

Driver asked for clarification from staff as to whether this request will require an amendment to the Goodlettsville Zoning Ordinance to allow institutional care facilities in R-25 zoning districts. Gregory confirmed the current request and the amendment action required. Driver further questioned if this amendment is approved, would institutional care facilities be permitted in all R-25 zoning districts throughout the city. Gregory confirmed this statement also. Galbreath questioned if any other zoning districts permit institutional care facilities. Gregory stated that no other zoning districts permit this particular type use.

Manning acknowledge that the services provided by Ms. Perrion are wonderful. However, Manning does not think the commission can amend the zoning ordinance which has been mandated not to permit institutional care facilities in the R-25 zoning district. Ms. Perrion explained that there are no therapeutic services provided on premises and would not be considered institutional in nature. Manning stipulated that Ms. Perrion is being paid to care for these individuals and this makes the residence an institutional care facility.

Hitt asked if the application for a zoning amendment should come from the property owner and not the tenant. Gregory stated that he was not aware of any precedent that would prohibit a tenant from filing an application. Terry added that the applicant is requesting a recommendation for a zoning change for text and use table of the zoning ordinance which effects all properties in this zoning district.

Motion by Manning to deny the request of Perrion Gordon, 1014 St. Blaise Trail, Gallatin, TN for approval of a rezoning amendment to permit institutional care facilities in the R-25 residential zoning district at 1261 Hitt Lane, Davidson County Tax Map 25, Parcel 15. Motion seconded by Trew. Motion passed 7-0. Finch and Wall abstained.

The board instructed staff to study and recommend an amendment to the zoning ordinance which incorporates institutional care facilities in custodial care. Terry stated this type consideration will be a major change in the direction of the zoning ordinance. The board will need to consider what constitutes institutional care facilities for children in custodial are, redefine the definition of family and designate zoning districts permitting this type use.

Item #4 (9.1 #38-03) Consider the request of Civil Site Design Group, 1808 West End Ave., Nashville, TN 37203 for approval of the Final Master Plan for The Villas at Twelve Stones Crossing, LDRPUD, Willis Branch Road, Sumner County Tax Map 143, Parcel 51.01.

Staff reviewed. Item deferred by staff.

Item #5 (9.1 #38-03) Consider the request of Civil Site Design Group, 1808 West End Ave., Nashville, TN 37203 for approval of the Final Plat for The Villas at Twelve Stones Crossing, LDRPUD, Willis Branch Road, Sumner County Tax Map 143, Parcel 51.01.

Staff reviewed. Item deferred by staff.

Item #6 (9.1 #8-94) Consider the request of Wynns Construction Co., LLC for release of Letter of Credit No. 239 for The Wynlands, Phase II, Section I in the amount of \$29,600

due to expire 1/10/05; Letter of Credit No. 271 for The Wynlands, Phase II, Section II in the amount of \$22,000 due to expire 8/1/04; Certificate of Deposit No. 0700108 for The Wynlands, Phase I in the amount of \$18,000; and Certificate of Deposit No. 651000142 for The Wynlands, Phase III in the amount of \$22,000. These properties are located within Sumner County Tax Map 143-B, Groups E and F.

Staff reviewed. Bill Brasier stated that the developer has requested release of the letters of credit and certificates of deposit held by the city for several phases of The Wynlands. Public Works Department recommends a reduction of monies from \$91,000 to \$20,000 and to require only one letter of credit. This decision is based on the remaining issues of slope stabilization and erosion control.

Motion by Manning to release Letter of Credit No. 239 for The Wynlands, Phase II, Section I in the amount of \$29,600, Letter of Credit No. 271 for The Wynlands, Phase II, Section II in the amount of \$22,000, Certificate of Deposit No. 0700108 for The Wynlands, Phase I in the amount of \$18,000 and Certificate of Deposit No. 651000142 for The Wynlands, Phase III in the amount of \$22,000 and to require a single letter of credit in the amount of \$20,000 for slope stabilization and erosion control for The Wynlands development. Motion seconded by Williams. Motion passed unanimously.

Item #7 (9.1 #7-03) Consider the request of Powell Building Group for release of Letter of Credit No. 290 for B. F. Myers in the amount of \$25,000 due to expire 3/28/04 and Letter of Credit No. 291 for B. F. Myers in the amount of \$17,000 due to expire 3/28/04.

Staff reviewed. Bill Brasier stated that based on completion of the required work and final inspection of the site, the Public Works Department recommends release of Letter of Credit No. 290 and No. 291.

Motion by Manning to release Letter of Credit No. 290 for B.F. Myers Furniture in the amount of \$25,000 and Letter of Credit No. 291 for B.F. Myers Furniture in the amount of \$17,000. Motion seconded by Wall. Motion passed unanimously.

Item #8 (9.47-7) Recommend to the City Commission to establish a new street name in the Charleston Square Subdivision.

Staff reviewed. Gregory reported there is an un-named public right-of-way west of Charleston Drive. This section of right-of-way was not given a name at the time of approval and recording of the final plat for Charleston Square Subdivision, Section One in 1979. Staff considers this to be a public safety issue as much as a matter of convenience. The citizen requesting this action is suggesting the name of Luton Place.

Motion by Wall to recommend to the City Commission to establish a new street name for an un-named public right-of-way west of Charleston Drive in the Charleston Square Subdivision, Section One. The street name recommended is Luton Place. Motion seconded by Finch. Motion passed unanimously.

Item #9 Discuss an amendment to the Goodlettsville Zoning Ordinance to include a medium density planned unit development district.

Staff reviewed. Terry and Gregory have established regulations for the proposed medium density PUD zoning district. After further review, staff has determined that more consideration needs to be given to lot size, open space requirements, density and floor area ratio in order to provide a logical pattern for each zoning district. Architectural standards are being considered during the revision process of the zoning ordinance. Options regarding establishing architectural design controls for all zoning districts or developing a separate manual of standards for all zoning districts have been considered.

Staff invites input from the board regarding any issues regarding residential PUD. A revised medium density PUD zoning district proposal will be available for review and discussion at the April, 2004 board meeting.

Item #10 Approve the Goodlettsville Major Thoroughfare Plan Study.

Gregory acknowledged that the Major Thoroughfare Plan was presented to the Planning Commission in June of 2003. The map and text were reviewed; however, formal adoption did not occur at that time. Prior to the recording of the official document, the board must approve the plan.

Terry commented that the Major Thoroughfare Plan addresses traffic signalization. One way to address congestion is through computerized traffic signal phasing system. Tompkins explained that Rick Gregory is working with Metro Planning Commission to identify funding sources to develop a computerized signalization system along Long Hollow Pike. Part of the Conference Drive expansion includes computerized signalization of the traffic lights along Conference Drive to Long Hollow Pike. Bill Brasier has provided Stansell Electric Company with traffic counts to attempt to synchronize the traffic lights on Long Hollow by retiming the signalization clock. Hopefully, retiming of the signals will provide traffic relief to this thoroughfare. Future plans are to tie traffic lights on Long Hollow Pike into the master signalization of Conference Drive.

Motion by Manning to approve the Goodlettsville Major Thoroughfare Plan Study. Motion seconded by Williams. Motion passed unanimously.

Item #11 Elect Chairman and Vice-Chairman positions for the Goodlettsville Planning and Zoning Board.

Motion by Coombs to nominate Jim Galbreath to serve as Chairman of the Goodlettsville Planning and Zoning Board. Motion seconded by Williams. Motion passed unanimously.

Wall nominated Scott Trew to serve as Vice-Chairman of the Goodlettsville Planning and Zoning Board. Trew declined the nomination.

Motion by Trew to nominate Gary Manning to serve as Vice-Chairman of the Goodlettsville Planning and Zoning Board. Motion seconded by Finch. Motion passed unanimously.

Item #12 Discuss the upcoming Countywide Planning Commissioner Training program scheduled for March 30, 2004 at Gallatin City Hall with guest speaker Randall Avenet.

Gregory invited the planning commission to attend a program sponsored by the Sumner County Planners Association which will fulfill the State of Tennessee's requirements for annual continuing education requirements for planning board members.

Non-agenda items:

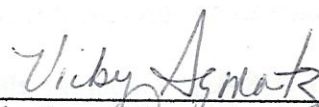
Manning requested staff to review the site plan for Preston Run at Northcreek prior to final approval of the project to determine if the developer is adhering to the approved architectural design plan as it relates to percentages of masonry and vinyl siding to be utilized on-site.

Jim Thomas invited the board to attend the Main Street Streetscape Plan on April 1, 2004 at City Hall. This meeting will address the future development of Main Street and portions of Long Hollow Pike and Rivergate Parkway relating to future traffic, parking and pedestrian walkway design and long-term commercial and residential development.

Jim Thomas thanked Jim Galbreath for his serving as the Acting Chairman for the Planning Commission for the past eight months.



Jim Galbreath, Chairman



Vicky Ignatz, Recording Secretary