

MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

February 2, 2004

5:00 PM

Massie Chambers

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

Absent: Susan Williams, Margaret Wall

Also Present: Jim Thomas, Rick Gregory, Bill Terry, Jack Tompkins, Bennie Lane, Charlie Lowe, Vicky Ignatz, Danny Davenport, Bob Kumar, Milton Smith, Patty & Matthew Self, Robert McCain

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

Jim Galbreath introduced new board member, John Finch.

Item #1 The minutes of the January 5, 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 the original request for approval of a signage plan for two sixty feet high rise sign poles was presented to the Board at the August, 2003 meeting. The request for one sixty feet high rise pole sign was approved by the Board and the request for a second high rise sign was deferred. At the December 1, 2003 meeting, the applicant was directed by the Board to obtain written permission by the Northcreek Commons Architectural Control Committee to erect a second sixty feet high rise pole on the premises.

On behalf of the Goodlettsville Motel Partnership, LLC, the law firm of Harris, Caddell and Shanks, P.C. notified the Northcreek Commons Architectural Control Committee of the request to review the signage plan to permit a second sixty feet high rise pole sign on the property. The ACC did not act on the request within the allotted forty-five day time period provided for in the Northcreek Commons Manual of Standards which states: "If the ACC fails either to approve or disapprove such plans and specifications within forty-five (45) days after the same have been delivered, it shall be presumed that said plans and specifications have been approved." Therefore, the representing attorney deemed that failure to approve within the specified time presumes that the plan is approved. Gregory continued that the ACC did not meet to review the plans and therefore, the request has been approved by default. He reiterated that the request does not fall within the signage requirements of the Northcreek Commons Manual of Standards. Gregory added that based on his knowledge, no other motels within the planned unit development or within this interstate sign zone have been allowed two sixty feet high rise signs.

Danny Davenport, Boom Sign and Lighting, responded that it was his understanding from the previous Board meeting that if written approval for the second sixty feet high rise sign was obtained from the Northcreek Commons Architectural Control Committee permission would be

given to erect this sign. A certified letter was mailed to Mr. Ernie Lehning, the required forty-five day time period was adhered to and no response was forthcoming from the ACC. The Northcreek Commons Manual of Standards stipulates that failure to respond by the ACC is presumed to be approval of said plans. He further explained that during the sign permit process, the Goodlettsville Codes Department stated that two sixty feet high rise pole signs were permitted in this location.

Manning asked Bennie Lane, Codes Director, to address the current signage located on the adjoining properties in Northcreek Commons. Lane stated there are multiple pole signs at other motel locations within the CPUD. The Goodlettsville Sign Ordinance states that a second high rise pole sign is permitted if the road frontage measures in excess of two hundred fifty feet within the Interstate Sign Zone. Lane further stated that it is his interpretation of the ordinance that a second high rise pole sign can measure up to sixty feet in height in the Interstate Sign Zone. The Best Western Motel site meets this requirement. Terry reported that in previous discussion by this Board, it has been determined that this site is entitled to two signs; however, two sixty feet high rise pole signs has not been specifically approved by the Board. Terry acknowledged that no motel properties in the Northcreek Commons PUD have more than one sixty feet high rise pole sign and all properties.

Manning stated he is hesitant to approve the use of two sixty feet high rise pole signs in the Northcreek Commons PUD even if the Goodlettsville Sign Ordinance allows for two high rise signs under certain conditions. It is clear that a second sixty feet high rise pole sign does not meet the intent of the more restrictive sign regulations required in the PUD. Coombs stipulated that the Board is encumbered to make a decision to abide by the established signage requirements based on the zoning of the property. John Finch agreed that there is no latitude to deviate from the standards established for Northcreek Commons CPUD even in the absence of a response from the Architectural Control Committee. Driver acknowledged that if the Board adheres strictly to the Goodlettsville Sign Ordinance, it is his interpretation that the Board has discretion to limit the second permitted sign to a maximum of thirty feet in height.

Lowe stated that Ernie Lehning, Landmark Realty Services and Wood Caldwell, Southeast Ventures, under the corporate name of Northcreek Associates, LTD served as the development and sales entities and Architectural Review Committee for Northcreek Commons until the recent sale of the remaining properties in the development. The Northcreek Commons Manual of Standards was established as the quality guidelines used to govern the architectural review of the development. There is not a recorded Restrictive Covenants document. Therefore, the enforcement authority should revert to the Northcreek Commons Property Owners Association. If the Association chooses not to act, it is the role of the Goodlettsville Planning Commission to maintain the integrity of the approved master plan for the PUD which include the Manual of Standards.

Motion by Coombs to defer action until the Board has time to review the Northcreek Commons Manual of Standards regarding signage, definitions and requirements for Interstate and CPUD sign zone, clarification of the Codes Director's interpretation of the Goodlettsville Sign Ordinance as it relates to this specific application and to request a legal opinion from the City

Attorney as to whether the City has the authority to enforce private agreements. Motion seconded by Driver. Motion passed unanimously.

Item #3 (9.1 #3-04) Consider the request of Dollar General Corporation for approval of a Right-of-Way Abandonment for a portion of Davidson County Tax Map 26, Parcel 144, Northchase at Rivergate, Section II, Lots 1 and 9.

Staff reviewed. Gregory reported that as a result of excess right-of-way due to the Conference Drive expansion and realignment of the entrance to Mission Ridge, Dollar General Corporation has requested abandonment of approximately .494 acre by the City of Goodlettsville. The city is in the process of having approximately .16 acre of the property appraised. Staff has made Dollar General Corp. aware that, in addition to the abandonment of the right-of-way, a final plat must be presented to the Planning Commission for amendment and incorporation of this property into existing Lots 1 and 9 owned by the Davidson County Industrial Development Board.

Milton Smith, Attorney for Dollar General Corporation, stated that Dollar General Corp. is currently leasing the property on Lots 1 and 9. As a result of the development of Conference Drive and realignment of the entrance to Mission Ridge, a quit claim deed will provide the transfer of the right-of-way of property from the city to the Davidson County Industrial Development Board. Dollar General Corporation will bear the costs of the quit claim deed and final plat.

Motion by Coombs for approval of a Right-of-Way Abandonment for a .494 acre portion of Davidson County Tax Map 26, Parcel 144, Lot 9, Northchase at Rivergate, Section II to the Davidson County Industrial Development Board. Motion seconded by Hitt. Motion passed unanimously.

Item # 4 (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.

Item deferred by applicant.

Item #5 (9.71) Consider the request of Northcreek Associates, LTD for an extension of Letter of Credit No. 39403-01 for Northcreek Blvd., Northcreek Commons in the amount of \$49,000 and a request for release of Cashiers Check No. 35312 for Northcreek Blvd., Northcreek Commons in the amount of \$5,000. These properties are located within Davidson County Tax Map 19-D and 26-A.

Staff reviewed. Gregory reported this is a request from the applicant to extend the current Letter of Credit No. 39403-01 for remaining street lighting for Northcreek Blvd and a request for release of the cash bond of \$5,000 for sewer maintenance for Northcreek Blvd. Goodlettsville

Public Works recommends the extension of the bond for street lighting and the release of the bond for sewer maintenance.

Motion by Coombs an extension of Letter of Credit No. 39403-01 for Northcreek Blvd., Northcreek Commons in the amount of \$49,000 and a request for release of Cashiers Check No. 35312 for Northcreek Blvd., Northcreek Commons in the amount of \$5,000. Both properties are located within Davidson County Tax Map 19-D and 26-A. Motion seconded by Hitt. Motion passed unanimously.

Item #6 (9.1 #5-94) Consider the request of Edward Randall Phillips Sr. for extension of Letter of Credit No. P000374 for the Loretta Drive Extension in the amount of \$208,450 due to expire 3/12/04 and Letter of Credit No. P000376 for Braxton Park, Section VII in the amount of \$141,350 due to expire 3/12/04. These properties are located within Sumner County Tax Map 140.

Staff reviewed. Jack Tompkins, City Engineer, recommended the extension of the Letter of Credit for the Loretta Drive Extension and Braxton Park, Section VII for a period of one year. The applicant indicated the City has discussed the possibility of not extending Loretta Drive to Long Drive due to the concern of increased traffic generation on Loretta Drive. Mr. Phillips is requesting clarification as to whether a final decision has been made regarding the extension of Loretta Drive to Long Drive. Gregory reported that the concerns of increased through traffic from Louisville Highway to Long Hollow Pike are valid. However, it is important to obtain additional access for residents of Braxton Park in addition to better emergency access and routine deliveries such as mail, school bus and business routes for the area. Having more access points is key to a functional road system throughout the city.

Motion by Coombs to extend of Letter of Credit No. P000374 for the Loretta Drive Extension in the amount of \$208,450 due to expire 3/12/04 and Letter of Credit No. P000376 for Braxton Park, Section VII in the amount of \$141,350 due to expire 3/12/04. Motion seconded by Trew. Motion passed unanimously.

The Board directed Rick Gregory to contact Mr. Randall Phillips Sr. to present a formal request to the Planning Board to consider amending the approved site plan for Braxton Park, Section VII as it relates to the extension of Loretta Drive.

Item #7 Discuss a proposed amendment to the Goodlettsville Zoning Ordinance to include a medium density planned unit development district.

Staff reviewed. Gregory reported that recent discussions surrounding the undeveloped properties along Old Dickerson Road resulted in a request by the Board to bring an additional zoning category to the residential Planned Unit Development districts. Terry added that the zoning classification can be controlled by dwelling units per acre or minimum lot size. The classification would need to coordinate with the medium density requirements in the Goodlettsville Land Use Plan.

Gregory asked the Board to review the proposed MDPUD regulations. The issue will be included on the March agenda for further discussion.

Item # 8 Appointment of Rick Gregory as Secretary of the Planning Commission.

Thomas stated that Jack Tompkins has been serving as the interim Secretary of the Planning Commission upon the retirement of the former Planning Director. Gregory recommended that Jack Tompkins retain the authority to act as Secretary of the Planning Commission along with the Planning Director.

Motion by Driver to appoint Rick Gregory, Goodlettsville Planning Director, as a Secretary of the Planning Commission and to retain Jack Tompkins as a Secretary of the Planning Commission. Motion seconded by Hitt. Motion passed unanimously.

Non-agenda items:

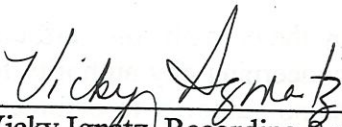
Terry informed the Board that one of his consulting tasks is to rewrite the Goodlettsville Zoning Ordinance. He questioned if the Board wants to appoint a committee to provide input to the needed changes in the ordinance or does the entire Planning Commission want to meet in work sessions to consider the changes to the ordinance. Coombs recommended that the entire Board participate in the discussion of amending the zoning ordinance.

Gregory reported that the Goodlettsville Major Thoroughfare Plan was presented to the Board in the spring of 2003. The thoroughfare plan is one of the long range planning tools to help determine where the major growth corridors will occur in the city and in consideration of the five county Regional Transportation Plan. The Planning Board will need to officially adopt the map and program schedule portion of the Major Thoroughfare Plan prior to the recording of the document. The Board requested copies of the entire Goodlettsville Major Thoroughfare Plan be distributed to the Board for review prior to consideration to adopt the document at the next meeting.

Thomas recommended that the board nominate and elect the positions of Chairman and Vice-Chairman of the Planning Commission at the next meeting.



 Jim Galbreath, Vice-Chairman



 Vicky Ignatz, Recording Secretary