MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

December 1, 2003 6:00 PM Massie Chambers

Present: Jim Galbreath, Jim Driver, Grady McNeal, Gary Manning, Scott Trew, Margaret Wall, Jim Hitt, Susan Williams
Absent: John Coombs
Also Present: Bill Terry, David Wilson, Jim Thomas, Jack Tompkins, Charlie Lowe, Bennie Lane, Rick Gregory, Vicky Ignatz, Ken Karkau, Masud Fahad, Dan Barge, Jr., Steve Brown, Clayton Martin, Mark Baker, Maurice Fentress, David White, Danny Davenport, Stu Phillips, Richard Binkley, Brock Rust, Deborah and Tom Head and others

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

Item #1 The minutes of the November 3, 2003 Goodlettsville Planning and Zoning Board stand approved as written.

Non-agenda item – Discussion regarding the Goodlettsville Land Use Policy Plan

A one hour Public Hearing was held prior to the scheduled Board meeting to receive public input regarding amending the current Land Use Policy for Davidson County Tax Map 25-C, Parcels 60, 67, 101 and 106 and Davidson County Tax Map 25-D, Parcel 17. Galbreath asked the Board for comments on how they want to proceed with the matter. Terry clarified that there are separate issues regarding these properties which include amending the overall Land Use Plan for this area and a rezoning request for Davidson County Tax Map 25-C, Parcel 67. Trew recommended that the Board consider this issue at the next scheduled meeting. Manning suggested that only the Land Use Plan be considered at the next meeting. Driver stated the Board will need to make a recommendation regarding the rezoning of the Jackson property to allow development. He added that the City Engineer has been asked to prepare and present information regarding improvements to Old Dickerson Road.

Motion by Manning to include in the January, 2004 Planning and Zoning Board agenda discussion of amending the Goodlettsville Land Use Plan regarding specific parcels of land in the southern portion of Goodlettsville currently included in the Residential Development Low Density land use category and the Agricultural zoning district. Motion seconded by Driver. Motion passed unanimously.

Item #2 (9.1 #16-03) Consider the request of Tennessee Health Management, Inc. for approval of the revised final plat for Rivergate Manor Subdivision, 813 S. Dickerson Road, Davidson County Tax Map 25, Parcels 63 and 137.

Staff reviewed. Terry reported this plat was approved at the July, 2003 board meeting. As a result of a change in the configuration of the water line and the dedicated easement, an amendment reflecting the change were necessitated. Staff comments have been adequately addressed. The Board will need to grant staff authority to establish a bond for the water line installation.

Motion by Trew for conditional approval of the revised final plat for Rivergate Manor Subdivision, 813 S. Dickerson Road, Davidson County Tax Map 25, Parcels 63 and 137 based on staff authorization to secure bonding for the water line installation. Motion seconded by Hitt. Motion passed unanimously.

Item #3 (9.1 #11-03) Consider the request of Karkau & Associates for approval of the revised site plan for an addition to Vanco Manor, 813 S. Dickerson Road, Davidson County Tax Map 25, Parcels 63 and 137.

Staff reviewed. Terry reported the owners requested a change in the new water line to be installed as a part of the expansion of Vanco Manor. The previously approved plan showed a looped water line around the rear elevation of the building. The revised plan indicates a realignment of the water line to decrease the amount of service line. Madison Suburban Utility District has approved the revised plan. The Goodlettsville Fire Chief has approved the plan with the condition that a letter from MSUD to guarantee a minimum flow of 1000 gallons per minute from the fire hydrant into the building. This letter has been received.

Motion by Driver to approve the revised site plan for an addition to Vanco Manor, 813 Dickerson Road, Davidson County Tax Map 25, Parcels 63 and 137. Motion seconded by Wall. Motion passed unanimously.

Item #4 (9.1 #35-03) Consider the request of H. G. Hill Realty Company for approval of the amended final plat for the resubdivision of William M. Kizer Land, Sumner County Tax Map 143, Parcels 63.01, 63.02 and 64, Lots 1 and 2A.

Staff reviewed. Terry reported the lot fronting Long Hollow Pike is owned by the H. G. Hill Realty Company. The City Commission approved the rezoning of the property to CPUDL. A resubdivision of the lot is needed to obtain an adequate building site on the front which is identified as Lot 1. Lot 2A will be transferred to Faith Presbyterian Church on Caldwell Road.

Motion by Manning for approval of the amended final plat for the resubdivision of William M. Kizer Land, Sumner County Tax Map 143, Parcels 63.01, 63.02 and 64, Lots 1 and 2A. Motion seconded by Trew. Motion passed unanimously.

Item #5 (9.1 #1-97) Consider the request of Barge Waggoner Sumner Cannon for approval of the amended final plat for the resubdivision of Twelve Stones Crossing, Phase 6, Sumner County Tax Map 143N, Parcels 28, 29 and 30, Lots 110, 111 and 112.

Staff reviewed. Terry reported this plat combines three smaller lots into two lots to obtain larger building sites. The plat meets all zoning ordinance regulations.

Motion by McNeal for approval of the amended final plat for the resubdivision of Twelve Stones Crossing, Phase 6, Sumner County Tax Map 143N, Parcels 28, 29 and 30, Lots 110, 111 and 112. Motion seconded by Hitt. Motion passed unanimously.

Item #6 (9.1 #32-03) Consider the request of Easterly, Schneider & Associates Inc. for the site plan for O'Reilly Auto Parts, 422 North Main Street, Davidson County Tax Map 18-16, Parcel 77.

Galbreath noted a correction for the record to indicate the address for O'Reilly Auto Parts is 426 North Main Street.

Staff reviewed. Terry reported the site plan was deferred at last month's meeting due to the applicant not having adequate time to respond to staff comments. The plan has been revised and re-submitted taking into account staff comments. There are several items for the board to decide: 1) consider the pattern of the proposed retaining wall; 2) use of the pre-finished metallic red cap at the top of the wall; 3) architectural design of the building with proposed building materials consisting of split face block in ivory color and drivit in O'Reilly's corporate standard red; 4) alter lighting plan to include downcasting or shielded light poles and verify height of light poles; 5) approval of drainage plan by City Engineer; 6) staff recommends use of heavy duty pavement for dumpster pad; and 6) conditional approval of plan based on submission of letters of availability for water and sewer services.

Clayton Martin clarified that the light poles measure twenty-six and one-half (26 ½) feet in height, the site plan will be revised to indicate the exact height of the poles and shielded pole and wall lighting, the entire parking lot is reinforced concrete which adequately addresses the dumpster pad issue and the retaining wall will be poured concrete with molded vertical lines. McNeal stated that reinforced split-faced block or poured concrete would work for the retaining wall, however, he would prefer the material be split-faced block. Jack Tompkins indicated the drainage plan has been reviewed and approved by staff. Manning, Williams and Driver agreed that the corporate colors are acceptable.

Motion by Williams for conditional approval based on receipt of letters of availability for water and sewer service and submission of a revised plan indicating height of poles and lighting shields for on-site lighting. Motion seconded by Driver. Motion passed unanimously.

Item #7 ((9.1 #26-03) Consider the request of Civil Resource Consultants, LLD, for approval of a Right-of-Way Abandonment of an alley bordering properties on Lindberg Avenue, Davidson County Tax Map 18-16, Parcels 22, 23, 24, 25, 26, 40, 41, 42 and 72.

Staff reviewed. Terry reported this issue was before the Board in September to abandon the alley right-of-way adjoining the Richards and Southern property lines. The Board deferred the item and directed the applicant to obtain an abandonment of right-of-way agreement from all property owners bordering the entire alleyway extending to Church Street.

Mark Baker stated his intent was to come before the Board with the signatures of the five additional property owners indicating their agreement with the action to abandon the alley right-of-way. Due to the concern of some property owners, the agreement has not finalized. Thomas requested the Board address concerns by Maurice Fentress and David White, adjoining property owners. Mr. Fentress stated he was not in agreement with the abandonment of the alleyway adjoining his property. He noted that he has previously established a fence to encompass the ten feet alley right-of-way. Terry responded that he was not aware of the legal standing of a property owner who claims a public easement by adverse possession.

Manning recommended the Board revert back to the original request of the applicant to abandon the right-of-way of the alley adjoining Parcels 38, 39, 40 and 72, Davidson County Tax Map 18-16. Galbreath asked David White, property owner of Parcel 72 which borders the alleyway at the northern elevation. Mr. White asked for clarification of the appropriation of the ten feet of property. Driver stated the regulation requires that the alleyway be divided in equal portions. Mr. White verbally agreed with the request of the applicant. Wilson stipulated that the City should bear no expense for abandonment of the alley right-of-way and asked the Board to indicate that the property owners will be financially responsible for all legal documentation.

Motion by Driver to recommend to the City Commission to consider the Right-of-Way Abandonment of a portion of the alleyway bordering properties on Davidson County Tax Map 18-16, Parcels 38, 39, 40 and 72 and that the petitioner bear the expenses of transfer of property. The motion was amended to include conditional approval based on the receipt of letters of agreement of the Right-of-Way Abandonment from all public utilities prior to consideration of the request by the City Commission. Motion seconded by Wall. Motion passed unanimously.

<u>Item #8 (9.1 #20-03)</u> Consider the request of Boom Sign and Lighting for approval of a signage plan for Best Western, 307 Long Hollow Pike, Northcreek Commons, CPUD, Davidson County Tax Map 19-D, Parcel 16.

Staff reviewed. Terry reported a request for approval of a sign plan for Best Western was considered at the August, 2003 board meeting. The plan included two high rise signs for the site. The Board approved the high rise pole sign fronting Long Hollow Pike and deferred action on the request for a second high rise sign to front Northcreek Blvd.

Danny Davenport, Boom Sign and Lighting, stated the second high-rise pole sign is requested to enhance visibility for interstate traffic. The dimension of the signage is one hundred fifty-six (156) square feet with the overall height of sixty (60) feet. Lane confirmed the stated dimensions meet the Goodlettsville Sign Ordinance and that a second pole sign is permissible when a building fronts two streets. Terry indicated that additional high-rise signage is not permitted in the Design Standards for Northcreek Commons; however, the Board has discretion regarding the decision to permit two high-rise pole signs. The other motels in the Northcreek Commons PUD have been permitted one street sign and one high-rise pole sign. Manning stipulated that he would be hesitant to approve signage that has not been offered to other businesses and that which is not permitted in the design standards of the development. Lowe questioned if the applicant has received permission from the Northcreek Commons Architectural Review Committee. Terry confirmed approval from the NCARC has not been received. Furthermore, the NCARC membership has changed due to the recent change of ownership of the development. Wilson and Thomas suggested that written approval from the NCARC be received prior to further consideration of this matter.

Motion by Manning to defer action on the request until which time the Northcreek Commons Architectural Review Committee has provided written approval for a second sixty (60) feet pole sign on premises of the Best Western, 307 Long Hollow Pike, Northcreek Commons, CPUD, Davidson County Tax Map 19-D, Parcel 16. Motion seconded by Hitt. Motion passed unanimously.

<u>Item #9 (9.1 #36-03)</u> **Consider the request of Stu Phillips, Long Hollow Winery, 665 Long Hollow Pike, for a rezoning amendment for the property from R-40 (Residential) to Commercial Planned Unit Development Limited (CPUDL), Sumner County Tax Map 143K, Parcel 1 and Map 143, Parcel 60.01.**

Staff reviewed. Terry reported the property was annexed as a non-conforming use as a commercial business in a R-40 residential zoning district. Mr. Phillips purchased the property, received permission from the Board to convert the use to a winery based on regulations which allows for a change of use of a nonconforming use if the new use does not increase the use of nonconformity. The regulations do not permit expanding the nonconforming use to any adjoining property; therefore, a request has been submitted to rezone the existing winery property and the newly purchased adjoining lot to CPUDL. The Goodlettsville Land Use Policy Plan provides for this portion of Long Hollow Pike to remain residential; therefore, a precedent would be created regarding the plan should the request be granted.

Stu Phillips, property owner and proprietor of the winery, informed the Board his plans are to expand the winery site to include a grape arbor, increase the parking area and build a storage structure on site. Driver acknowledged that the winery has been an asset to the City and the proposed expansion will greatly improve the adjoining property. He stipulated that he has no problem with changing the zoning of the two parcels to CPUDL due to the current property already being nonconforming. Manning stated that although he is hesitant to impact the Land Use Policy Plan, he viewed the proposed expansion of the development as more appealing than the current residences and will provide low impact to the existing neighborhood.

Jim Hitt, a neighboring property owner on Long Hollow Pike and Board member, commended Mr. Phillips for the improvement to the property as a result of the development of the of the winery. However, he stated that this request is definitely a spot zoning situation and this Board has always been against this type action. His biggest concerns are future utilization of this property and permitting a commercial use property in the middle of a residential area. Terry recommended the zoning district be identified as Commercial Planned Unit Development Limited which allows the City to closer regulate the use of the property by approval of and adherence to a master plan.

Motion by Driver to amend the Goodlettsville Land Use Policy Plan to change Sumner County Tax Map 143K, Parcel 1 and Sumner County Tax Map 143, Parcel 60.01 from Residential Development Low Density to Commercial Development and recommend to the City Commission to consider a rezoning amendment for the property at Sumner County Tax Map 143K, Parcel 1 and Sumner County Tax Map 143, Parcel 60.01 from R-40 (Residential) to Commercial Planned Unit Development Limited (CPUDL). Motion seconded Williams. Motion passed 7-1. Hitt voted no.

Item #10 (9.1 #37-03) Consider the request of Richard Binkley, 414 Bass Street, for a rezoning amendment for the property from Commercial Services Limited (CSL) to Commercial General (CG).

Staff reviewed. Terry reported this property is currently a nonconforming use in a CSL district and being used as offices for a concrete construction contractor. The applicant is requesting that Davidson County Tax Map 18-16, Parcels 102 and 103 be rezoned to Commercial General (CG). The rezoning would eliminate the nonconforming status of the current business.

Richard Binkley stated his intent to have the properties rezoned is due to the potential sale the property. The businesses considering purchasing the property are a specialized parts fabricator and a paint stripping business. Terry stipulated that the stripping business would fall in the category of construction sales and services and would be permitted in the proposed zoning district with outside storage permissible in the rear yard only. The parts fabricator would be classified as a machine shop which is permitted only in a industrial zoning district. Manning questioned if these businesses would fall into the nonconforming use category and be allowed to continue at this location and still maintain the CSL zoning classification. Terry acknowledged that the paint stripping business would have the equal impact of the current business; however, outside storage is not permitted in the CSL zoning district.

Trew indicated this area would support this type of zoning classification and that there would be no adverse impact on the area. Also, the Board recently approved the rezoning of property at the corner of Lindberg and North Main Street to Commercial General. Terry stated this section is a mixed use area with several residential lots still remaining on Bass Street and a few on Lindberg Street located in the middle of commercial and industrial type businesses.

Motion by Manning to recommend to the City Commission to consider approval of a rezoning amendment for the property at Davidson County Tax Map 18-16, Parcels 102 and 103 from Commercial Services Limited (CSL) to Commercial General (CG). Motion seconded by Trew. Motion passed unanimously.

Item #11 (9.1 #38-03) Consider the request of Providence Venture, LLC, for approval of the preliminary master plan for The Villages of Twelve Stones Crossing, LDRPUD, Willis Branch Road, Sumner County Tax Map 143, Parcel 51.01.

Staff reviewed. Terry reported this is a revision to the master plan that was approved in July, 2000 along with the rezoning of the McHan Property on Willis Branch Road to LDRPUD. The approved plan was for the complete development of the 49 acres tract of land into 83 buildable lots. This plan was not developed. The proposed development is a much smaller scale that will include two (2) unit attached housing on each lot on twenty-five (25) lots, fifty (50 units) and one eighteen acre lot. The flood plain along Willis Branch Road will remain in permanent open space.

One of the major concerns of staff was the possibility that this entire development would be cut off from any access in the event of a 100-year flood on the Cumberland River, which could cause flood water to stand over Willis Branch Road for an extended period of time. This issue was resolved by noting that the 100-year flood of the Cumberland River on this property is at an elevation of 432 while the elevation of the eastern most intersection of the development road with Willis Branch Road is at an elevation of 437. The road could be affected by the flooding of Madison Creek which would affect the roadway for a period of one to two hours during a major.

Brock Rust, Providence Ventures, LLC, explained the revised master plan for Phase I of the LDRPUD is a twenty-five unit attached dwelling condominium project specifically targeted as a retirement community. The concept is for an architectural style of seventy-five (75) percent brick or stone, twenty-five (25) percent gables, garage doors, etc., one story structures, low maintenance homes. There will be fifteen acres of dedicated open space. The development's roadways will be above FEMA's newly established flood elevations. The development will provide for extension of utilities by extending a minor portion of the existing twenty-one inch sewer line from one side of Willis Branch Road to the development, upsizing the line to the north in planning for the eventual development of currently vacant properties on Willis Branch Road, and dedication of a sewer easement along the frontage of Willis Branch Road. Phase II of the project is eighteen acres planned for a single family residence.

Motion by Manning for approval of the preliminary master plan for The Villages of Twelve Stones Crossing, LDRPUD, Willis Branch Road, Sumner County Tax Map 143, Parcel 51.01. Motion seconded by Trew. Motion passed unanimously.

Item #12 (9.1 #39-03) Consider the request of Bruce Rainey and Associates for approval of the site plan for John T. McKnight property, 106 East Cedar Street, Davidson County Tax Map 26-01, Parcel 79.

Item deferred by applicant.

Jim Thomas introduced Rick Gregory as the incoming Planning Director for the City of Goodlettsville. Mr. Gregory will begin service on January 2, 2004.

Meeting adjourned.

Jim Galbreath, Vice-Chairman

Vicky Ignatz, Recording Secretary