

MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

January 6, 2003

5:00 PM

Massie Chambers

Present: John Cannon, Jim Galbreath, Jim Driver, Gary Manning, Scott Trew, Margaret Wall, Jim Hitt, Susan Williams

Absent: John Coombs, Grady McNeal

Also Present: Bill Terry, David Wilson, Jim Thomas, Jack Tompkins, Charlie Lowe, Bennie Lane, Sue Blankenship, Troy and Lisa Martin, Dawn Bryant, Larry Dial, Gary O'Brien, Bobby Capers and others

The meeting was called to order by John Cannon. Prayer was offered by Jim Driver.

Item #1 The minutes of the November 2, 2002 Goodlettsville Planning and Zoning Board stand approved as written. The minutes of the December 2, 2002 Goodlettsville Planning and Zoning Board stand approved as corrected to indicate that Gary Manning was not present at the meeting.

Item #2 (9.1 #2-98) Consider the request of Ronnie Lowery, Alley & Associates, for approval of the final plat for The Townhomes at Windsor Green, Phase II, Section I, Davidson County Tax Map 25, Parcels 40 and 115.

Staff reviewed. Terry reported a request was made by staff to change the numbering of the final plat to Phase I, Section II. The final plat is the recording document that will be used for the development of the lots for Section II. There are a number of minor technical corrections to be made to the document. Terry has discussed these corrections with Ronnie Lowery, RLS. Mr. Lowery agreed to make all corrections requested by staff and submit the corrected plat to staff for final review and approval. There is an additional requirement that in the event the sewer and water systems are not installed prior to a request for the recording of the plat, the Board authorize the acceptance of a Letter of Credit to be issued for the guarantee of said improvements. Cannon asked if the plat will meet all zoning requirements when the necessary minor technical corrections are made. Terry confirmed the corrected plat will meet all requirements.

Terry noted the water and sewer will be public; however, the drainage system will be private. Tompkins acknowledged that an amount of one hundred sixty-seven thousand two hundred and seventy-three dollars (\$167,273) is recommended for a bond amount to cover the water lines, sewer lines, record drawings and monuments. This amount does not cover the drainage system which is private. Cannon requested confirmation that this development has had previous drainage problems. Terry stipulated that there had been a failure of the drainage system as a resulting in a wash out due to a heavy rainstorm. Terry reported that it is his understanding this problem with the drainage system has been resolved to the satisfaction of the City. Tompkins noted that the developer is requesting a reduction of the existing bond for Phase I of The Townhomes of Windsor Green. The remaining bond for this phase can be utilized to cover any expenses incurred involving the drainage system.

Motion by Driver for conditional approval of the final plat for The Townhomes at Windsor Green, Phase I, Section II based on the review and final approval by staff and to grant authority

to accept a Letter of Credit in the amount of one hundred sixty-seven thousand two hundred and seventy-three dollars (\$167,273) for Section II and Section III to insure the development of the water lines, sewer lines, record drawing and monuments. Motion seconded by Hitt. Motion passed unanimously.

Item #3 (9.1 #2-98) Consider the request of Ronnie Lowery, Alley & Associates, for approval of the final plat for The Townhomes at Windsor Green, Phase II, Section II, Davidson County Tax Map 25, Parcels 40 and 115.

Staff reviewed. Terry reported a request was made by staff to change the numbering of the final plat to Phase I, Section III. The same comments listed in Item #2 regarding The Townhomes at Windsor Green, Phase I, Section II apply for this final plat also. Mr. Lowery agreed to make all technical corrections requested by staff and submit the corrected plat to staff for final review and approval. Tompkins clarified the bond amount of one hundred sixty-seven thousand two hundred and seventy-three dollars (\$167,273) will encompass both Sections II and III of the development.

Motion by Williams for conditional approval of the final plat for The Townhomes at Windsor Green, Phase I, Section II based on the review and final approval by staff and to grant authority to accept a Letter of Credit in the amount of \$167,273 for Section II and Section III to insure the development of the water lines, sewer lines, record drawing and monuments. Motion seconded by Wall. Motion passed unanimously.

Item #4 (9.1 #9-29) Consider the request of Ronnie Lowery, Alley and Associates, for approval of a bond reduction for The Townhomes at Windsor Green, Phase I

Staff reviewed. Tompkins reported the original bond for The Townhomes at Windsor Green, Phase I is one hundred ninety-two thousand and two hundred sixty-one dollars (\$192,261). Most of the improvements have been completed. There are a few minor improvements remaining to be completed. The Public Works Department is recommending the bond be reduced to twenty-five percent of the original bond amount providing a new bond amount of forty-eight thousand dollars (\$48,000). This amount will be adequate to provide for drainage repairs or additional improvements for the development. Terry concurred with the bond reduction.

Motion by Wall to approve the reduction of bond amount recommended by the Public Works Department for The Townhomes at Windsor Green, Section I, Phase I from one hundred ninety-two thousand and two hundred sixty-one dollars (\$192,261) to forty-eight thousand dollars (\$48,000). Motion seconded by Manning. Motion passed unanimously.

Item #5 (9.1 #5-94 and 9.1 #5A-94) Consider the request of George Welch, Ragan-Smith Associates, for the release of bonds for Braxton Park, Section One in the amount of \$10,000; Braxton Park, Section Five in the amount of \$27,000; Woodwyn Hills, Section One in the amount of \$15,000; and Woodwyn Hills, Section Three in the amount of \$35,000.

Staff reviewed. Terry requested deferral of this item. Tompkins reported there are several construction issues within these developments that have not been addressed. The developer and

the engineering firm will be handling these issues in the next few months. After completion of these detail the request for release of the bonds will be brought back before this board.

Motion by Wall for deferral of the request for release of the bonds for Braxton Park, Sections One and Five and Woodwyn Hill, Sections One and Three. Motion seconded by Williams. Motion passed unanimously.

Item #6 (9.1 #12-02) Consider the request of Sue Blankenship, Dawn Bryant, Troy and Lisa Martin, Kosintana Marrakot, Gaylon Faulkner and Church Prayer Tower Eagles Nest Ministries for a rezoning amendment changing the zoning classification from R-40 to CPUDL for properties on Springfield Highway, Davidson County Tax Map 141, parcels 7, 7.01, 7.02, 7.03 and 8.

Staff reviewed. Terry reported this request was deferred at the September, 2002 meeting. The applicants have stated previously that the homeowners are impacted by the industrial area and the truck terminal that is located across the creek in Metro's jurisdiction which creates truck traffic, excessive noise and unabated illumination at night. The request involves the property on Springfield Highway that was approved on a subdivision plat approximately five years ago. Four houses were built on one lot many years prior to Goodlettsville's annexation of the area. The property was rezoned from Agricultural to R-40 when the subdivision plat was approved. The request has changed in that additional properties have been included in the rezoning request. Most of the property owners in the subdivision have requested the zoning change. Also, an adjoining property owner with a tract of land measuring approximately twenty-seven (27) acres and zoned Agricultural has joined in the request for rezoning.

To consider this request, the board should also consider other properties in the area. The property directly across the street, which has limited commercial uses available, has recently been rezoned CPUDL. The large area on the other side of the creek is the industrial park which is located in Metro's jurisdiction. The applicants properties are zoned Residential (R-40) and Agricultural (A) with the adjoining properties to the north and south of the applicants property zoned Agricultural (A). The properties location further southeast on Springfield Highway are zoned Commercial General (CG). There are only scattered homes in the area, with it unlikely that additional homes will be built, at least fronting the highway.

Some advantages are the larger site would be the preferred site for a new commercial location rather than the houses on one acre lots. In order to justify the extension of the sewer line to this area, a large commercial user would have to locate on the large site. There is no established commercial convenience location after the 31W-I-65 interchange until you reach the City of Ridgetop.

There are mitigating circumstances which currently exist. (1) Sewer is not currently available in this area and this will limit the scope of any commercial activity that might locate here. (2) It is almost always a mistake to rezone residential property commercial in anticipation that an attractive development will occur. Small lot fragmentation usually perpetuates the conversion of homes into small businesses. (3) Two other lots are a part of this subdivision plat, but are not a part of this application. (4) This is speculative zoning since no other use has been proposed.

There is a concern with the current lack of demand for commercial use in the Springfield Highway area. There are currently approximately six houses on lots that are already zoned commercial that have never been converted to commercial use, and the CG district permits a wide variety of commercial and light industrial uses. These properties also have access to the sewer line. It would appear that those properties closer to the intersection with 31W should develop first. A qualifying factor would be for a definite commercial developer to come forward with a genuine interest in developing property in the area proposed with a preliminary site plan for the development. This could justify a review of the Land Use Policy Plan for the area. However, lacking this type request, it appears that rezoning all of this area commercial is premature.

Manning stated the city is not responsible for providing sewer service to these properties. Terry agreed that the city is not mandated to provide sewer service to this area; however, commercial development of this location is limited due to no sewer service. Manning viewed the rezoning of the property to commercial as a means of solidifying this area for commercial activities; thereby, making it more attractive for commercial development. Cannon questioned if the residential preservation concept needs to be considered in this request. Terry responded that this is not a traditional neighborhood where residential preservation would be a factor. Driver and Terry informed the applicants that if the property is rezoned to a commercial district that the property would be appraised by the county as commercial property; however, it would be assessed at the residential rate of 25% of the appraised value as long as the own property is used as residential.

Options for the Board at this point is to vote to recommend to the Commission to change the Land Use Policy Plan to indicate this specific area is intended for commercial development in the future or vote to recommend to rezone the indicated properties to a commercial zoning district. Terry reminded the board that in the last board meeting a determination was made by the members to make it a policy when considering commercial rezoning requests that only Commercial Planned Unit Development zoning would be considered. There is a restriction in the CPUD zoning that applies to existing houses. A commercial business cannot be utilized in an existing house. The house must be demolished and a new commercial building erected.

Trew stated his concern with the residential properties that are adjoining the applicants' properties on the southeast side of Springfield Highway. Terry explained that the three properties in the Agricultural zoning district are currently being utilized as residential properties. These properties would remain residential and be isolated on all sides by commercial or industrial zoning which would create additional problems for the remaining homeowners. There are currently six homes in the Commercial General zoning district on Springfield Highway that are currently utilized as residential properties.

Sue Blankenship, applicant and property owner, indicated that the existing homes in the Agricultural zoning district are not close in proximity to the properties requesting rezoning. The applicants' plans are to attempt to sell the five properties as one commercial development and they are aware the problems that can arise if one piece of property is developed and another one does not develop. The applicants already live with the problems of the large commercial development which exists across the street. Lisa Martin, applicant and property owner,

understands that if the properties are rezoned to commercial there may have to be some restrictions to go along with the zoning.

Jim Hitt asked the applicants if they understood the statement by the planning director that CPUD zoning prohibits a business from utilizing an existing home for commercial purposes. The applicants indicated they understood this restriction. Sue Blankenship asked if another zoning district could be considered to permit the use of the existing houses for commercial purposes. Cannon stated there are commercial zoning districts which permit use of the existing homes; however, this board will recommend only CPUD zoning to the City Commission. Cannon reiterated that the policy of this board has been for some period of time that if commercial rezoning is requested and granted, the zoning will be Commercial Planned Unit Development (CPUD). This zoning classification places certain restrictions on permitted uses, development of the property, architectural design and provides the city with some measure of control the development. Cannon stipulated that the Planning Board is only permitted to make a recommendation on rezoning issues to the City Commission. The City Commission is the legislative board that will vote on the actual rezoning issue. Manning again asked the applicants if they were clear about the restrictions the CPUD zoning will impact their properties. Galbreath recommended the applicants be given an example of an existing CPUD in the city. Manning voiced his concern that the applicants are not being informed of the rezoning procedures prior to the meetings. Cannon requested that Terry explain to the applicants the purpose and advantage of a CPUD zoning. Terry explained the idea of a CPUD is that it is better to have a large, unencumbered tract of land to establish unified designed and architectural continuity as opposed to individual lot by lot development in other types of commercial zoning districts. Northcreek Commons is an example of a CPUD.

Trew asked if the applicants would be amendable to the Planning Board changing the Land Use Policy Plan to indicate commercial use as the future intent of these five properties. Cannon explained that this board has the power to change the Land Use Policy Plan. This means that the properties would remain residential until such time that a commercial developer brought an acceptable site plan before this board which would meet all the requirements of CPUD zoning. This would protect the applicants' investments in the properties should the properties not develop as commercial. Blankenship and the Martins stated that they wish to continue with the rezoning process and believe the commercial zoning will be more advantageous toward commercial development of the properties than simply changing the Land Use Policy Plan to indicated the properties can be considered for commercial use. Blankenship acknowledged that it was her understanding from the September, 2002 meeting that the Land Use Policy Plan would be studied by this Board and a decision made prior to the applicants making a second request for rezoning of the properties.

Trew stated that it would not be a wise decision to rezone the properties commercial without a specific plan for commercial development and he will not vote in favor of this action. Hitt reiterated that he is not certain the applicants fully understand all the aspects involved in rezoning these properties to CPUD. Galbreath recommended that if the Land Use Policy Plan is revised that the remaining residential/agricultural properties along the east side of Highway 41/Springfield Highway be rezoned to commercial use. Manning agreed that the Land Use Policy Plan for this particular section of Springfield Highway needs to be revised.

Motion by Manning to recommend to the City Commission to consider the request for a rezoning amendment changing the zoning classification from R-40 to CPUDL for properties on Springfield Highway, Davidson County Tax Map 141, parcels 7, 7.01, 7.02, 7.03 and 8. Motion seconded by Galbreath. Motion passed 7-1. Trew voted no.

Motion by Manning to change the Goodlettsville Land Use Policy Plan to reflect that all properties along Highway 41W/Springfield Highway shall be changed from residential/agricultural use to commercial use. Motion seconded by Trew. Motion passed unanimously.

Item #7 (9.1 #1-03) Consider the request of AutoZone, Inc. for approval of a site plan for a retail store at the corner of North Main street and Depot Street, Davidson County Tax Map 18-16, Parcel 179.

Item deferred by staff.

Item #8 (9.1 #2-03) Consider the request of CEI, Engineering Associates, Inc. for approval of the revised master plan for Kroger, 123 Northcreek Commons, for the addition of a drive-thru pharmacy, Davidson County Tax Map 19-16, Parcel 14.

Staff reviewed. Terry reported this item was deferred by staff at the December meeting to request additional information due to the concern about traffic stacking and blocking access to the main driveway and fire lane in front of the Kroger center as a result of vehicles in the drive-thru lane. The additional information has been received from the engineering firm. The pharmacy drive-thru would be built perpendicular to the store and located in the first isle way adjacent to the main driveway. The proposal is to remove eight parking spaces and convert this area to a small building with a drive-thru lane for prescription pick-up.

Gary O'Brien, CEI, Engineering Associates, Inc., described the satellite pharmacy's delivery system as an underground 10" pneumatic tube connected to the inside pharmacy. The operational information supplied by Kroger indicates between four (4) to seven (7) visits per hour. Currently there are plans for three (3) vehicles to be parked in the drive-thru lane. The usual operation is for pickup or drop-off. Manning questioned the enormous expense involved in the project to service only seven customers per hour. He stated it is not logical to place the drive-thru lane so close to the main entrance to the store or the main driveway. Cannon agreed that it appears that it will be a traffic nightmare with this location. Hitt viewed the projection of four (4) to seven (7) customers per hour as unrealistic and more visits per hour should be considered in the approval process.

Williams acknowledged her concern regarding the use of valuable parking spaces. O'Brien stated the current parking provided is four hundred fifty (450) spaces. The required parking is three hundred forty (340) spaces. Removing the eight (8) spaces for the drive-thru will decrease the spaces to three hundred ninety-four (394) which is well within the required parking requirement. Lowe stated the parking criteria for Goodlettsville is low at four (4) spaces per thousand (1,000) square feet. The standard is five (5) spaces per thousand (1,000) square feet.

Beyond that, Kroger actually needs more than the standard parking criteria. Thomas and Driver asked the board to consider the fact that the fire lane usually contains one or two parked cars either waiting on passengers or loading groceries into cars. This type activity will provide for additional congestion if the drive-thru lane is in close proximity to the entrance of the store. Terry stated the next item on the agenda is a request to relocate the entrance/exit of the store. This will help alleviate some of the pedestrian congestion that has been discussed to this point. Notation: Jim Hitt departed the meeting.

Bobby Capers, engineer for Kroger, stated the intent of the drawing provided to the board for review is to provide a visual of what the drive-thru pharmacy will resemble. It doesn't indicate the location of the drive-thru in relationship to the entrance of the Kroger store. The statistics regarding four (4) to seven (7) customers per hours is based on a traffic study conducted at a Louisville, KY Kroger store which grosses one million (1,000,000) dollars per week. The Goodlettsville Kroger grosses approximately seven hundred thousand (700,000) dollars per week. The traffic flow and stacking criteria for the Louisville, KY store has been met and the engineers believe the Goodlettsville location's traffic flow criteria will be met as presented. With the relocation of the entrance/exit, a diversion in the parking pattern for customers will shift to the new location. It is anticipated that the second entrance on Northcreek Blvd. will be utilized more due to the relocation of the entrance/exit.

Gary O'Brien stated the plan could be altered to move the drive-thru a few spaces further down toward Northcreek Blvd. He could not commit to a specific measurement without reviewing the capability of the pneumatic system. Manning agreed that shifting the building further west into the aisle way would make a tremendous difference in the stacking pattern. Bobby Capers stated that committing to an extension of more than one parking space would not be feasible without additional study of the delivery system. Lowe described the location of the intersection of the main driveway and the entrance to the store as the most congested location in the entire development. By design, the opinion of staff is that the location of the drive-thru pharmacy is at the worst possible location. The relocation of the front door will help center the parking pattern away from the main drive. However, would it not be more feasible to place the drive-thru on the north side of the main driveway which is closer to the physical location of the pharmacy, a shorter distance for the delivery mechanism and the stacking pattern will be directed away from the building instead of toward the building? Capers stated there are leasing issues which grant crossover parking, but prohibit locating any structure outside of the building confines.

Cannon summarized the situation in that the location designated for the pharmacy drive-thru is the only viable site within the Kroger complex. The board is requesting that the building be relocated approximately twenty (20) feet further westward away from the store which calculates into the length of two (2) parking spaces. Capers agreed to the board's request for relocation of the pharmacy drive-thru twenty (20) feet further westward toward Northcreek Blvd. which will provide another vehicle space in the stacking lane for a total of four (4) vehicles.

Jim Galbreath recommended to the board that before action on this item can be finalized, the agenda item regarding a request for architectural approval of the relocation of the store front for the Kroger store be considered. The board halted the discussion of Item #8 and moved on to consideration of Item #9.

After board approval of Item #9, Driver stated the approval of the new store front will have an positive impact of the current traffic flow in the parking area. Manning stipulated that moving the drive-thru building further away from the curbing at the main driveway entrance will eliminate fifteen (15) to twenty (20) percent of the turn into the lane which will provide an easier transition for drive-thru traffic. Lowe agreed that the decrease in main driveway curb radius will expedite the flow of traffic to the center of the parking area away from the drive-thru. Moving the entrance approximately eighty (80) feet down will encourage drivers to park further away from the drive-thru lane. Cannon recognized that the proposed relocation of the building in the lane will provide positive improvements to traffic flow and provide an additional space in the stacking lane.

Motion by Trew for approval of the revised master plan for Kroger, 123 Northcreek Commons, for the addition of a drive-thru pharmacy, Davidson County Tax Map 19-16, Parcel 14 based on the architectural approval to relocate the entrance/exit of the Kroger store eighty (80) feet southeast of the current location, the reduction of the curb radius at the main driveway and the drive-thru pharmacy lane and the agreement with the project engineer for Kroger to relocate the pharmacy drive-thru building approximately eighteen (18) to twenty (20) feet further west toward Northcreek Blvd. which will provide stacking space for a total of four (4) vehicles. Motion seconded by Driver. Motion passed 7-1. Galbreath voted no.

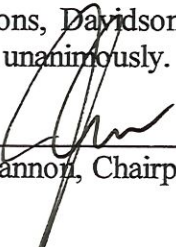
Item #9 (9.1 #3-03) Consider the request of Brian Ewers, Dollar and Ewers Architecture, Inc., for architectural approval of the new store front for Kroger, 123 Northcreek Commons, Davidson County Tax Map 19-16, Parcel 14.

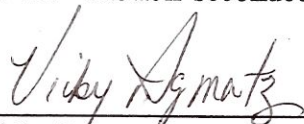
Staff reviewed. Terry reported the Kroger store is a part of the shopping center that was developed as a section of the Northcreek Commons Planned Unit Development. The board has architectural review power within the PUD zoning districts; whereby, the proposal for the new entry/exit and an extended canopy over the sidewalk at Kroger is before you this evening. Wood Caldwell, President of the Northcreek Commons Architectural Review Committee, has approved the pharmacy drive-thru subject to a final review by the committee of the architectural detail. The committee has verbally approved the new store front for Kroger.

Capers, project engineer, described the project as a modification of the existing skylight to highlight the new entrance to the store and an extension of the canopy over the sidewalk. This entryway will give balance to the architectural element of the building and reposition the vehicle flow toward the center of the parking lot and alleviate some of the traffic congestion on the main driveway entrance and proposed pharmacy drive-thru lane.

Galbreath questioned if the proposed sign is in compliance with the current sign ordinance. Terry responded that based upon the wall area in the front of the store, the square footage of the sign is well within the square footage requirements. A new sign permit will need to be obtained to relocate the signage.

Motion by Driver for architectural approval of the new store front for Kroger, 123 Northcreek Commons, Davidson County Tax Map 19-16, Parcel 14. Motion seconded by Wall. Motion passed unanimously.


John Cannon, Chairperson


Vicky Ignatz, Recording Secretary