

**MINUTES OF REGULAR MEETING**  
**GOODLETTSVILLE PLANNING & ZONING BOARD**

April 1, 2002

5:00 PM

Massie Chambers

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

Absent: Jim Hitt

Also Present: Bill Terry, David Wilson, Jim Thomas, Jack Tompkins, Charlie Lowe, Bennie Lane, Vicky Ignatz, John Montgomery, Jane Watt, Ernie Lehning, John Murphy, Kevin Estes, Brian Wray and others

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

**Item #1** The minutes of the March 4, 2002 Planning and Zoning Board stand approved as written.

**Item #2 (9.1 #1-97)** Consider the request of Frank Horton, LandSource Corp., for approval of the revised final plat for resubdivision of Lots 53 and 54, Twelve Stones Crossing, Phase II, Sumner County Tax Map 143, Parcel 81.

Staff reviewed. Terry reported that the lot lines will be replatted per the request of the owner of Lot 53. The replatting will increase the square footage of Lot 53 and decrease the square footage of Lot 54. All zoning requirements will be maintained after the replatting process. There are minor technical details which can be addressed by staff review and approval.

Motion by Coombs for conditional approval of the revised final plat for resubdivision of Lots 53 and 54, Twelve Stones Crossing, Phase II, Sumner County Tax Map 143, Parcel 81 based on final review of corrected technical details and approval by staff. Motion seconded by Wall. Motion passed unanimously.

**Item #3 (9.1#6-02)** Consider the request of James and Jane Watt for approval of a zoning amendment changing the zoning classification of two lots on Springfield Highway from R-40 to CPUDL, Sumner County Tax Map 141, Parcels 7.04 and 6.01.

Staff reviewed. Terry reported that the subject property is located on the west side of Springfield Highway bordering Mansker Creek and is the last property before leaving the city limits. The applicant is asking for rezoning in order to develop a landscaping business. The lots are presently zoned R-40, however, the land is not suitable for residential use. The site is impacted by the flood plain of the creek creating limited uses. The development across the creek from this site is the Northfork Industrial Park.

Several years ago, the adjoining property was rezoned to CPUDL for a similar type of landscaping business. However, the business never developed and that property remains vacant. The lots across Springfield Highway are zoned R-40 and are used residentially. Sewer service is not available to this area.

Lowe asked for clarification regarding the issue before the Board relating to a site plan which was presented to Ragan-Smith for review. Terry stipulated that Mr. Watt had previously submitted a site plan for the property for review by the Planning Department. However, the proposed use did not materialize and the site plan is not applicable to the current proposed use of the property. The site plan was presented to Ragan-Smith to specify the boundaries of the property. The only issue before the Board is the rezoning issue. Terry informed Mrs. Watt that a new site plan would need to be submitted to the Planning Department after consideration and action of the City Commission regarding the rezoning request.

Coombs acknowledged his concern with protecting Mansker Creek's integrity due to the type of business that is proposed for the property and the possibility of the business owner using the creek for irrigation purposes. Terry declared that the site plan will address these concerns by identifying the floodway and floodway fringe and describe the types of materials used on site. A state permit would need to be acquired to utilize the creek for irrigation purposes.

Motion by Driver for approval of a zoning amendment changing the zoning classification from R-40 to CPUDL for two lots on Springfield Highway, Sumner County Tax Map 141, Parcels 7.04 and 6.01 and recommend to the City Commission consideration of the rezoning request. Motion seconded by Williams. Motion passed unanimously.

**Item #4 (9.6) Consider the request of Bruce Hite, Ragan-Smith-Associates, Inc., for approval of the revised preliminary master plan for Northcreek Business Park, Sumner County tax Map 143-J, Parcels 1, 2, 3, 3.01, 3.02, 3.03, 4, 5, 6, 7, 8, 9.01, 10 and 11.**

Staff reviewed. Terry explained that the original developer, Landmark Realty Services, has sold all the designated buildable land and lots in Northcreek Business Park. However, the development company still holds the open space/flood plain areas. An original preliminary master plan was not prepared for the development in 1985 because the zoning regulations did not require it.

The owner is requesting approval of the preliminary master plan which creates an additional lot on Jackson Road adjacent to the Kinder Care property. The proposed building is located between the flood plain and the flood plain fringe of Mansker Creek. Jack Tompkins, City Engineer, confirmed the lot is in the 100 years floodplain but not in the floodway. With proper engineering, planning and adherence to the city's floodway regulations the lot can be developed. The square footage of the proposed building and additional parking spaces required need to be added to the final plan.

Tompkins questioned Ernie Lehning, Landmark Realty Services, as to whether the ownership of the remaining green space will remain with the development company or transfer to other owners. Lehning responded that this issue is under consideration. The property can stay with the partnership or it can be deeded to the Business Owners Association of the business park. The partnership will have a finite life, whereby the property will be deeded to another entity.

Motion by Coombs for conditional approval of the revised preliminary master plan for Northcreek Business Park, Sumner County Tax Map 143-J, Parcels 1, 2, 3, 3.01, 3.02, 3.03, 4, 5, 6, 7, 8, 9.01, 10 and 11 based on the final master plan including the square footage of the

proposed building and additional required parking spaces. Motion seconded by Manning. Motion passed unanimously.

**Item #5 (9.1 #13-0) Consider the request of Kevin Estes, Dale and Associates, for approval of the Final Master Plan for Meadowcreek, HDRPUD, Davidson County Tax Map 25, Parcels 17, 96 and 11.**

Staff reviewed. Terry reported the preliminary master plan was approved in February and the final master plan was submitted and initially reviewed. It is in basic compliance with the preliminary plan. Staff sent the design firm a staff comment sheet relating to the plans and a revised preliminary master plan was submitted. Upon re-review many of the comments were addressed. However, staff was concerned that approximately half of the original comments had not been addressed in a satisfactory manner and needed further consideration. Therefore, a second staff comment sheet was prepared based on the revised plans and presented to the project's engineers. Terry stated that 10 to 12 items need to be addressed at this time.

Cannon requested that the items be presented to the Board in detail. Terry referred the Board members to their packets which contain copies of the staff comments relating to the initial plan review dated 3/15/02 and copies of the staff comments to the revised plan review faxed to Dale and Associates on 3/28/02. Kevin Estes, Dale and Associates, requested permission to respond to each item as it was presented. Cannon concurred with this process. The following items are under further consideration:

A final subdivision plat was requested mainly for the purpose of dedication of easements.

Estes agreed the plat needs to be completed; however, the one item delaying completion of the plat is due to negotiations with Madison Suburban Utility District regarding a decision on the location of water line easement. This decision is to be made within the week. He asked that the preliminary master plan be conditionally approved based on approval of the final plat. Lowe questioned if the plat was to recombine the lots. Terry acknowledged that the three individual lots would be recombined into one parcel. Lowe responded that approval of a plan at this time not specific to any lot would not be proper procedure.

Sheet C3 #2 - A detail for the dumpster enclosure should be provided. The revised plan indicated a larger copy of the footprint of the enclosure. A detailed description is required. On previous projects, the Board has required the dumpster enclosure to be compatible with the building's masonry.

Estes offered to provide more detail for the dumpster enclosure and incorporate the Board's recommendations.

Sheet C3 #3 - Plans and detail for the pool must also be approved by the Metro Health Department. Submission note recognized.

Estes explained that submission had been provided to Metro Health Department last week.

Sheet C3 #7 - More detail is needed for the steps in the sidewalk system in order to demonstrate compliance with the building code for number of steps, handrails and landings. The engineer's reply was that they would comply with the building code whenever three or more steps were involved. The plan submitted is generic and not site specific. From a technical point of view, elevation detail is required.

Estes described this comment difficult to respond to. The plans provide the standard concrete step detail, ADA rules and handrail compliance. He views this detail as a building code issue which should be addressed in the next stage of the project. Lowe commented that the plans describe how to build the steps and is a generic step detail. The level of detail required in the plan needs to indicate where the individual sets of steps will be built and grading issues relate to the buildings. Estes agreed to revise the plan to include a more comprehensive step detail. He stated that a detailed review regarding corrections to the plans would need to be held involving staff and the engineering firm.

Sheet C4 #1 - Does the grading plan affect the protection of the existing trees?

Estes reported that the erosion control plan, Sheet C2.1 complies with the landscaping plan and indicates a tree protection plan which includes the orange fencing located outside the line of existing trees indicating no grading is to be allowed. He viewed this issue as being addressed clearly on the plans.

Sheet C4 #2 - Grades in some areas of the parking lots and driveways are excessive. Generally, five or six percent grade should be maximum. Also, the handicapped parking space in front of the office is 5.5 grade and is unacceptable. The plan indicates some driveways with 6 to 11 percent grade.

Estes indicated that 10 percent grade is normal. There are transitional grades in the driveway areas which are within regulations. Due to the topography of the site, the transitional grades are legitimate and not excessive. He is not against adjusting the parking lot grades to 5 percent. Lowe explained that the standard grading for parking areas is 5 percent. We would like to see a general grade of 2 to 4 percent. The handicapped parking space in the office area is noncompliant with ADA and excessive. It's understandable to have grades from 8 to 10 percent in transitional areas; however, it is not acceptable in parking areas. The Subdivision Regulations allow a standard of 10 percent grade in transitional areas. No public roadways built inside the city have exceeded this grade within the last ten years.

Sheet C4 #3 - More detail is needed on the grades at the entrances to the building including spot elevations to determine the slope of the sidewalks, if steps are needed and slopes of ramps for ADA compliance.

Estes stipulated that now the he is aware of the level of detail staff is requiring, he will provide a specific step plan including spot elevations.

Sheet C4 #6 - Spot elevations are needed at some corners of the parking areas to assure positive flow of storm water and prevent ponding. Terry indicated that enough detail had been added to the revised plans to address this issue.

Sheet C4 #7 – Berms were an important factor in screening and landscaping during the preliminary plan discussion. The height of the berms does not appear to be adequate to accomplish the stated purposes.

Brian Wray, Dale and Associates, offered that a typical landscape border requirement is a 42" wooden fence. Upon the recommendation of the Board, a natural 42" berm was developed as a barrier. The 42" berm will not screen the buildings from the adjoining property owners, however, it will screen headlights from the neighboring properties which is a major concern. He stated that the berm heights will be adequate for the site. Lowe responded that staff is concerned that the elevation of the berms at the site entrance do not adequately screen the buildings from the roadway. The main building closest to Dickerson Pike is an elevation of 566.34 with a right hand berm elevation of 566.5. This berm elevation provides not visual screening from the roadway. Wray stated that berms are not required at the entrance of the site, just along the property lines. Estes acknowledged that the elevation of the berms and the proposed vegetation would provide an attractive entrance while maintaining roadway visibility. Driver questioned the height of the proposed vegetation. Wray responded that the evergreen plantings will measure 2 feet in height at maturity. Lowe commented that the proposed berms are located behind the visibility triangle and placement of trees and shrubbery is very sparse. Wray reported that the landscape requirements had been exceeded.

Sheet C-5 #1 - The city has adopted ordinances requiring sprinklers that are more restrictive than the *Standard Building Code*. The water system plan does not provide for a sprinkler system as required. The plan should indicate that each building is sprinklered and is equipped with a post indicator valve and Siamese connection located near the curb for immediate fire department hook-up. The sprinkler system must meet NFPA standards. The fire hydrant locations are adequate.

Estes agreed to comply with the plan indicating the sprinkler system, post indicator valves and Siamese connection locations as approved by the Goodlettsville Fire Chief.

Sheet C-5 #2 – This is a minor drafting error which needs correction on the plan. The water and sewer lines must have a 10-foot horizontal separation. The plan still shows improper separation and the sewer line is labeled as a water line with an extension connecting with the water main in Dickerson Pike.

Sheet C-5 #3 – TDOT approval is needed for the boring of Dickerson Pike. Can the excavation for the boring and tapping of the water line be accomplished within the TDOT right-of-way?

Estes explained that Madison Suburban Utility District has moved the tap location from Dickerson Road to Old Dickerson Road. This eliminates the boring or open-cut options on Dickerson Road. The water system plans will be revised to reflect changes.

Sheet L1 #2 – The staff comments on the preliminary plan asked for supplemental landscaping in certain areas of the existing tree mass to provide an effective screen. This issue has not been addressed by the designer. Due to the amount of existing trees on the site, the engineer utilized a large credit of caliper inches available to meet landscaping requirements. The landscape requirements have also been supplemented. However, staff is concerned that the existing screen

of trees does not adequately satisfy the screening requirements. The existing tree line is too sparse to be an effective screen. Also, adequate screening of the air conditioning units is not indicated on the plan.

Wray stated that the plan indicates the addition of canopy trees for screening purposes as well as addition evergreens on berm areas. The plan relies on the elevation of the site as a visual barrier. The existing landscaping plan exceeds the zoning ordinance requirements and provides for supplemental landscaping. The landscaping of the HVAC units was addressed by providing landscape masses located in the appropriate locations and with the right species. Lowe, Ragan-Smith-Associates, explained that the plan meets the requirements of the zoning ordinance; however, the landscape plan does not meet the intent of the PUD relating to the re-landscaping of the site. If this site had no existing trees the zoning ordinance would require 846 caliper inches of trees. The developer is getting a large credit for the existing screening. Although the landscape plan includes an additional planting of 321 caliper inches of trees, this is less than half of the amount of trees required if there were no existing trees on-site. The trees screening the rear portion of the property are providing a reasonably effective screen for neighboring lots.

Estes disagreed with Lowe and continued that it is an unfair assessment of the landscape plan not meeting the intent of the PUD. The areas of concern identified by the Planning Board were addressed with supplemental planting of an additional 160 two-inch caliper trees in sensitive areas. There is no intent to short circuit the PUD or the landscape ordinance. Additional trees can be planted along the natural screen areas identified by Terry and Lowe.

Terry reported that two variances are requested for the landscape plan as part of the master plan submittal. The first variance is to waive the requirement for fencing along the upper end of the property bordering Rolling Meadows and leave the area as open space. The second variance is to waive the 42 inch wooden fence requirement along the rear border of the property and replace it with a bermed area and a 6 ft. vinyl coated chain link fence.

Sheet E-1 #1, 2 & 3 – There are minor items which needed to be addressed. The first review indicated the wrong lighting plan was utilized. The revised plan submitted included the corrected plan. However, lighting revisions were not made to the pool and clubhouse. A foot candle grid was requested to determine adequate lighting and on-site glare. The packet contains a response from the electric company relating to the foot candles. A detail of light standards and fixtures was requested. A small picture depicting lighting standards and fixtures was presented. Terry questioned if the picture is adequate to allow a detailed architectural review.

Estes asked the Board to consider approval of the final master plan with the stipulation that all technical corrections will be made prior to the permit phase of the project. All efforts were made to respond to the requested corrections in the amount of period provided by staff. The most drastic change in the plan is the water line location; however, it will not effect the layout of the site. Cannon responded that he has a concern with conditional approval of this plan tonight. There are numerous technical corrections and some issues that have not been resolved including contingencies by third parties which have not been clarified.

Cannon asked for input from Terry and Lowe as to whether any of the comments are major issues. Terry agreed that none of the corrections are major issues; however, there are numerous technical corrections. He has been instructed by the Board to resolve these type issues before bringing a plan for consideration. The only reason this revised plan was submitted for review and for the record is due to the lawsuit pending relating to the property and the proposed project. Cannon stated that for the record the lawsuit has not been non-suited. Cannon asked for Lowe's response to the issue of the grading plan. Lowe asserted that the grading issue needs a lot of attention. A great deal of work will be required to bring the plan into compliance as requested by staff. All of the issues discussed tonight can be resolved. It is the number of issues which need resolution that is of concern to staff. Cannon questioned if staff would be more comfortable to have these multiplicity of comments addressed, as has been the long standing policy of the Board, prior to consideration of final review by the Board. Terry reiterated that the standing policy is to have all comments address prior to the Board's review a complete set of plans. Manning complimented the project engineers for working with the Board to develop a quality project. He asked for the continued cooperation of the designers to address the remaining corrections and enable the Board to review the completed final master plan and take action on the request for approval.

Estes stated that the landscape ordinance has been met. He requested that the specifics of the landscape plan be addressed this evening by the Board to clarify all issues in order to eliminate the need for future corrections. Terry explained that the Board has the authority to address the issue as to whether the plan has achieved the intent of the PUD as well as the intent of the Planning Board to meet the requirements of the project as it relates to the community in addition to the technicality of the ordinance. This type judgmental factor is available to the Board.

John Murphy, developer and property owner, stated that staff has been arbitrary and inconsistent in the review process and requested the Board provide specific items in the plan where the zoning ordinance regulations have not been met. If there are regulations that are not in the zoning ordinance which need to be addressed, please provide the requirements. The outstanding issues, such as grading requirements, will be met or exceeded. Revisions need to be presented by staff in a timely manner to allow adequate response time. If the zoning ordinance requirements are met, this should be sufficient for approval of the final master plan. All other issues are building permit issues and full compliance will be achieved.

Cannon acknowledged that the major concern, other than grading, is the landscape screen fronting Dickerson Road. The sparse existing tree line, scrub debris removal and supplemental caliper inches added to this portion of the landscape plan does not provide an esthetically pleasing landscape presentation. Wall asked that the landscaping screening on Dickerson Road be complimentary of the complex and the city. Murphy recommended that the landscape architect meet with staff to finalize the landscape plan to the satisfaction of the Board. Terry agreed to this meeting.

Estes allowed that the plan will not be approved this evening; however, he requested that the plan review process for the buildings begin prior to final approval of the project due to time constraints. Terry stipulated that the procedure is to approve the final master plan then begin construction plans review. Terry responded that this Board doesn't have the authority to grant the request to begin the construction review process. This action to change policy would need to be agreed upon by the Codes Department and the City Commission. Cannon requested

comments from David Wilson, City Manager, regarding this issue. Wilson viewed the request for a construction plan review prior to approval of the final master plan as totally against established policy. If the Planning Board wants to make a recommendation to the City Commission to alter the current process, the Commission will certainly consider such a request. Wilson added his disappointment with Mr. Murphy's characterization of the Planning Director and the legal action taken by the developer to file a law suit immediately after the January, 2002 work session with the Planning Board to discuss areas of concern with the project. Coombs viewed changing the established review process policy as establishing a precedence and such action would not be a wise decision by the Board.

Murphy acknowledged that the request to initiate the building review process prior to final master plan approval is not a fair request. He agreed to revise the final master plan to address the grading plan, landscape plan and sprinkler system location to the satisfaction of staff and the Planning Board. Cannon suggested a meeting date be set for staff and the project engineers to discuss outstanding issues.

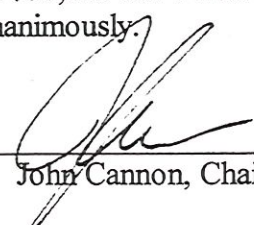
Mr. Murphy addressed the lawsuit issue describing the action taken as a required measure to protect his rights due to the initial denial by the Planning Board of the preliminary master plan for Meadowcreek. He apologized for his frustration this evening and requested the revised final master plan be deferred and placed on the May 6, 2002 Planning Board agenda. He again requested that correction comments from staff are received in a timely manner.

Motion by Coombs to defer action on the Final Master Plan for Meadowcreek, HDRPUD, Davidson County Tax Map 25, Parcels 17, 96 and 11 until May 6, 2002. Motion seconded by Trew. Motion passed unanimously.

**Item #6 (9.1#1-97) Consider the request of the Goodlettsville Planning Department for a one-year extension of Letter of Credit #S993143 in the amount of \$38,335 for Twelve Stones Crossing, Phase I.**

Staff reviewed. Terry reported that the city currently holds a \$38,335 Letter of Credit that is due to expire May 14, 2002. Public Works Department recommends a one-year extension at the same rate.

Motion by Coombs to approve a one-year extension of Letter of Credit #S993143 in the amount of \$38,335 for Twelve Stones Crossing, Phase I. Motion seconded by McNeal. Motion passed unanimously.



John Cannon, Chairperson



Vicky Ignatz, Recording Secretary