MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

February 4, 2002 5:00 PM Massie Chambers

Present: John Cannon, Jim Galbreath, Jim Driver, John Coombs, Grady McNeal, Gary Manning, Scott Trew, Margaret Wall, Jim Hitt
Absent: Susan Williams
Also Present: Bill Terry, David Wilson, Jim Thomas, Jack Tompkins, Charlie Lowe, Bennie Lane, Vicky Ignatz, Brenda Solomito, Allen Taylor, Russell Morris, Richard Pope, Lloyd Gregg, Judy Adkins, Rocky Montoya, Chris Akers, Phillip Piercy, Kevin Hamblin, Bob Harper and others

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

Item #1 The minutes of the January 7, 2002 Planning and Zoning Board stand approved as written.

Item #2 (9.1 #3-02) Consider the request of David Bartley, Warren Construction & Restoration, LLC for approval of a zoning amendment changing the zoning classification from OP to CSL at 400 Two Mile Pike, Davidson County Tax Map 26-5, Parcels 135 and 136. The applicant's representative is Bob Harper, Century 21.

Staff reviewed. Terry reported the property consists of two lots, one of which is vacant and the other of which contains a house that has been used for commercial purposes. The zoning classification is Office Professional, a low intensity commercial district designed to provide a buffer between residential areas and more intense commercial districts. This district only permits a limited number of types of commercial activities.

The applicant has been advised that the aspect of the business which deals with cleaning and storing of damaged household items would be classified as a consumer repair activity according to the zoning ordinance and is, therefore, not permitted in the OP zone. Use of the old house as an office is permitted as long as storing heavy equipment or trucks is not a part of the business.

Kevin Hamblin, business partner of the applicant, stated that the company is a full service insurance restoration business serving approximately twelve clients per year. The company has a need for a location for clients' damaged household contents to be stored/cleaned as well as a business office. There would be limited truck traffic generated. No biohazard cleaning materials are used nor stored on-site. The applicant is willing to meet all restrictions and will place a buffer along the residential side-yard boundary.

Mary Stockett, current property owner at 400 Two Mile Pike, acknowledged that she has managed a full service printing company from this location since 1983. The site has also been used for warehousing and transporting merchandise. Terry stated that the printing business was classified as a non-conforming use for the zoning district when the Zoning Ordinance was established in 1989.

McNeal and Driver asked for clarification as to whether the non-conformity use remains with the property. Terry confirmed the State law allows the non-conformity use to remain with the property and not the owner. The building can be repaired, renovated or rebuilt; however, the area of the non-conformity cannot be increased. Any change of non-conforming use cannot increase the adverse impact of the current non-conforming use. In permitting the vacant lot to be developed as requested would increase the non-conforming use of the property.

Cannon questioned the impact changing the zoning to CSL would have on the area. Terry responded that the rezoning would be a violation of the current Land Use Policy plan. Singling out this one lot for different zoning from the established plan for this area would result in spot zoning which has been determined to be illegal by the judicial system. Any use permitted in the new zoning district could locate on the lot and many of the uses in the expanded list of permitted uses would not be appropriate at this location.

Motion by Coombs to deny the request for approval of a zoning amendment changing the zoning classification from OP to CSL at 400 Two Mile Pike, Davidson County Tax Map 26-5, Parcels 135 and 136 based on compliance with the Land Use Policy and to avoid spot zoning. Motion seconded by Driver. Motion passed 8-0. Manning abstained.

Item #3 (9.1 #4-02) Consider the request of R.L. Montoya, R.L.S., for approval of the final plat for the Sutton Subdivision, Patton Branch Road, Sumner County Tax Map 121, Parcel 135.

Staff reviewed. Terry reported this plan divides an existing parcel into two lots one of which will exceed five acres and therefore, does not require platting. Lot 1 will be a new building site. The plat has been corrected after staff comments; however, two issues remain. The first is a minor issue relating to wording in the certificates and can be addressed by staff. The second issue is that the nearest fire hydrant is over 1,300 feet away from the property corner which is in excess of the standard requirement of a house being located within 500 feet of a fire hydrant. The distance also creates a Class 9 fire protection rating for the residence. By installing a new hydrant, the fire rating will change to a Class 5 and will be in agreement with the Subdivision Regulations. The current water line available will support said hydrant.

Rocky Montoya stated that he was not aware of the fire hydrant regulations and had not addressed the issue with the owner. Cannon acknowledged that a hydrant would need to be installed to meet compliance with the Subdivision Regulations. Montoya agreed to discuss the issue with the property owner. Terry added that installation of the fire hydrant or a surety bond would need to be issued before the Planning Director could sign the final plat.

Galbreath questioned why a fire hydrant was not installed for the existing house. Terry confirmed that this area was developed under Sumner County's jurisdiction. Fire protection was not an issue for county roads at that time. Other properties in this area requesting to be subdivided have included consideration of the distance from nearest fire hydrant in the review process. The Goodlettsville Fire Chief's position is that whenever a house is permitted to be built beyond the required 500 feet of a fire hydrant, the ISO (Insurance Services Organization) downgrades the City's rating based on the number of non-compliant houses.

Motion by Wall for conditional approval of the final plat for the Sutton Subdivision, Patton Branch Road, Sumner County Tax Map 121, Parcel 135 based on installation of a fire hydrant within 500 feet of the property and review and final approval by staff of minor corrections of certificates. Motion seconded by Hitt. Motion passed 8-0. Galbreath voted no.

Item #4 (9.1 #5-02) Consider the request of Chris Akers, P.E., Littlejohn Engineering Associates, for approval of the site plan for the Kabuto restaurant, Conference Drive @ Northgate Circle, Davidson County Tax Map 26-2, Parcel l.

Staff reviewed. Terry reported the proposal is to construct a Japanese restaurant on the site bordered by Conference Drive, Northgate Drive and Northgate Circle. The staff review was submitted, a revised plan has been resubmitted and most of the issues have been addressed. The applicant has applied to the Goodlettsville Appeals Board for a front yard setback on Northgate Drive due to the impact of the expansion of Conference Drive. This request was approved. Two issues to be considered is the City's request for sidewalks around the site and the appearance of the detention pond's retaining walls. Staff's position is sidewalks should be included on all such projects particularly since Conference Drive's expansion will include sidewalks. The applicant has requested that sidewalks not be required. A third issue is the number of parking places available on site. The parking regulations have been met; however, parking generation demand is up based on square footage utilized in buildings. A suggestion was made to the applicant to develop an agreement with the owners of the adjoining shopping area to utilize a designated portion of their parking area for overflow parking for the restaurant.

Phillip Piercy, Littlejohn Engineering, concurred that the owner would like to avoid the expense of providing sidewalks around the building. There are no sidewalks around the Arby's or Cracker Barrel restaurants or the Red Roof Inn; however, the owner is willing to provide a sidewalk on the Northgate Circle roadway. The concrete retaining walls on the public side are approximately one foot tall. A keystone design is planned for the wall surface. Landscaping will be places in front of the wall for screening purposes on Conference Drive. The owner is pursuing a parking agreement with the owners of the Music City Outlet. Driver and Manning stipulated that sidewalks from the shopping center's parking area and adjacent businesses would provide easy access to the site.

McNeal questioned the type of materials to be used for the façade. Piercy stated that drivit with a banding of brown wooden accent will be used. Piercy will request the architect submit samples of materials for architectural review.

Motion by McNeal for conditional approval of the site plan for the Kabuto restaurant, Conference Drive @ Northgate Circle, Davidson County Tax Map 26-2, Parcel l based on the addition of sidewalks on the street fronts and leading to the adjacent parking area and that the retaining wall consist of a keystone design. Motion seconded by Manning. Motion passed unanimously.

Item #5 (9.1 #1-02) Consider the request of Brenda Solomito, ETI Corp., for approval to develop a Walgreens retail store at 100 South Main Street, Davidson County Tax Map 26, Parcels 1 & 2 based on the following considerations: A) Approval of the Final CPUD

Master Plan, B) Approval of an Application for Street Closure for a portion of Two Mile Pike bordering Union Planters Bank and 100 South Main Street and C) Approval of the Revised Final Plat.

Staff reviewed. Terry reported that city staff and our consultants have met with the developer and ETI engineers and planners to discuss all of the issues about the store and the site. Many of the issues have been resolved. Further discussions were held with Ragan-Smith over the traffic circulation problems and additional recommendations were made to the developer and engineers. Jack Tompkins has met with the Director of TDOT regarding an appropriate traffic plan for the site. A major issue remains regarding a recommendation of the reorientation of the building and its position on the lot. This change is currently under review by Walgreen's national office. Depending of the disposition of this issue, more revisions to the plans may be made. Union Planters Bank representatives are working with the developer to finalize a Street Closure Agreement regarding the retention of all bank property bordering Two Mile Pike and the disbursement of the right-of-way.

There are three variances that need to be considered. 1) An eighteen-foot front yard setback variance from the required 60-feet setback on Long Hollow Pike. 2) A five-foot variance from the required 10-foot landscape open space requirement on Main Street. 3) A variance requesting exemption from the required 3 ft. green space foundation planting along the building.

Charlie Lowe, Ragan-Smith-Associates, Inc., stated that ETI's resubmitted traffic plan depicting 40 ft. width full-movement ingress/egress with three lanes on Main Street and Long Hollow Pike did not reflect the recommendations made by Ragan-Smith. Traffic recommendations included that the driveway on Main Street be changed to a two lane, 25 ft. width restricted full-movement with good radiuses and the curb cut aligned with the entrance to West Cedar Street. The same recommendation was made for the ingress/egress on Long Hollow Pike while directing the dominant movement to the bank's parking area. Traffic movement from East Cedar Street does not appear to create any problems. A recommendation was made for the reconstruction of East Cedar Street at Main Street with one ingress lane and two egress lanes continuing approximately 200 feet from the intersection. Jack Tompkins, City Engineer, met with TDOT's State Engineer to review and discuss plans. TDOT recommends a right-in/right-out driveway on Main Street and alignment with West Cedar Street. TDOT will made the final decision during the permit process due to both street being State right-of-ways.

Brenda Solomito, ETI Corp., agreed to driveway designs for Main Street and Long Hollow Pike as determined by the mutual agreement between the City of Goodlettsville and TDOT. ETI is in agreement with the design recommended by Ragan-Smith for East Cedar Street. A landscape variance of 5 ft. from the landscape open space requirements on Main Street, a foundation planting landscape variance and a front yard setback variance on Long Hollow are requested. The overall caliper inches required for the site will exceed the landscaping requirements even should all the landscape variance be granted. A compromise is requested to retain the building's orientation and relocate the drive-thru from the east side to the north side of the building permitting stacking and escape lanes and a loading dock area in the rear of the building and unabated ingress/egress from the driveway on Long Hollow. A previous request for a sign

ordinance variance has been redrawn. Monument signs will be utilized for the site with one located at the entrance on Long Hollow Pike and one located on Main Street.
Motion by Driver for conditional approval of the Final CPUD Master Plan for a Walgreens retail store at 100 South Main Street, Davidson County Tax Map 26, Parcels 1 & 2 based on review and final approval by staff with the following conditions: 1) Final approval of the traffic plan by TDOT. 2) A five-foot variance from the required 10-foot landscape open space requirement on Main Street is granted. 3) A variance requesting exemption from the required 3 ft. green space foundation planting along the building is granted. 4) An eighteen-foot front yard setback variance from the required 60-feet setback on Long Hollow Pike is granted. Motion seconded by Trew. Motion passed 8-0. Galbreath voted no.

Motion by Hitt for approval of an Application for Street Closure for a portion of Two Mile Pike bordering Union Planters Bank and 100 South Main. Motion seconded by McNeal. Motion passed 9-0.

Terry recommended that the approval of the revised final plat be deferred until the Application for Street Closure has been approved by the City Commission and the final plat reflects such action. Motion by Wall to defer the request for approval of the revised final plat for a Walgreens retail store, Davidson County Tax Map 26, Parcels 1 & 2. Motion seconded by Driver. Motion passed 7-1. Galbreath voted no.

Scott Trew asked to be excused and left the meeting.

<u>Item #6 (13-01)</u> Consider the request of Kevin Estes and Brian Wray, Dale and Associates, for approval of the Preliminary Master Plan for Meadowcreek, HDRPUD, South Dickerson Road, Davidson County Tax Map 25, Parcels 71, 96 and 11.

Staff reviewed. Terry reported that the Murphy Development, LLC filed suit against the City for denial of the project based on architectural design incompatibility with the previously approved master plan for this site during the November, 2001 Planning and Zoning Board meeting. In January the developer expressed interest in setting a meeting to discuss issues relating to the project. Staff, several Board members, the developer, project architect and engineers attended a work session to discuss changes in the Preliminary Master Plan which could be considered by the City. Building configuration, landscaping, building materials, decks and visual appeal were discussed. The plans have been resubmitted and appear to incorporate the principle changes requested regarding architecture and landscaping. The larger buildings have been altered to incorporate a single story wing on each end, eliminating the box effect of the buildings. Gables have been added to the front and rear of the buildings. The first level is finished in brick materials with vinyl siding on the second level. Some minor details requested from staff have not been addressed.

Kevin Estes, Dale and Associates, acknowledge that landscape modifications have been made to include a 6 ft. green vinyl fence and berm on the rear portion of the property line and transitional screening has been increased. Berming has been added to the entrance of the complex to assist in shielding parking area. The clubhouse has been relocated to bring additional one-story buildings

closer to the front of the complex. The two-story buildings have been relocated to access natural elevations and transitional screening from South Dickerson Road.

Coombs requested that patios/decks be included in future elevation plans. Terry stipulated that a letter from the architect confirms that the project will be designed to include underground utilities and an "architectural style" of exterior pole-mounted site lighting. The patios/decks will be concrete slabs with PVC railing and all exterior HVAC units will have permanent screening. Coombs questioned why the side elevations did not include full side windows as suggested in the previous meeting. Murphy explained that additional landscaping would be more aesthetic than windows. Coombs requested and Murphy agreed to utilize additional landscaping on the side entrance units.

Motion by McNeal for conditional approval of the Preliminary Master Plan for Meadowcreek, HDRPUD, South Dickerson Road, Davidson County Tax Map 25, Parcels 71, 96 and 11 based on the assurance by the developer that the pending lawsuit will be dismissed upon approval of the project by this Board. Motion seconded by Coombs. Hitt abstained. Wall voted no.

Driver addressed John Murphy describing the site as a very important property on the southern side of the city. His hope is that Mr. Murphy will build and maintain a quality development which will be a benefit to the city in the future.

Non-agenda item:

Cannon requested an update on the status of the review of the ordinance as it relates to phasing of multi-phase PUD projects. Terry explained that the City Attorney and Tom White, legal representative for The Greens of Rivergate, met to review and discuss the ordinance. They concluded: 1) the City did not have authority to cancel a project of a PUD Master Plan after Phase I had been started and completed. The developer had acquired a vested right by the financial expenditure of the initial phase and 2) the subject of phasing needs more research. Terry acknowledged that he is not aware of the final decision by the attorneys. However, he suggested that the aspect of multi-phase projects be discussed in the Board's continuing review of the Land Use Policy.

John Cannon, Chairperson

Vicky Ignatz, Recording Secretary