

MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

January 8, 2001

5:00 PM

Massie Chambers

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

Absent: John Coombs, Margaret Wall, Susan Williams

Also Present: David Wilson, Bill Terry, Charlie Lowe, Bennie Lane, Vicky Ignatz, Steve Bridges, Mark Writesman, Karl Nixon, Wood Caldwell, Ernie Lehning, Tom White

The meeting was called to order by John Cannon. Prayer was offered by Jim Thomas. The minutes of the December 4, 2000 Planning and Zoning Board meeting stand approved as written.

Item # 1 (9.1 #1-01) Consider request of L. Steven Bridges, Jr., Land Surveying & Consulting for approval of resubdivision of Karl Nixon property, 3153 Patton Branch Road, Sumner County Tax Map 140, Parcel 57.0.

Staff reviewed. Terry reported the Nixon property consists of over 17 acres of land. This plat is for a 1.85 acre lot to be subdivided off the large tract with 16 plus acres remaining. There are some minor technical corrections which have been conveyed to the surveyor of record.

Motion by Driver for conditional approval of the resubdivision of Karl Nixon property upon the review and final approval of staff. Motion seconded by Hitt. Motion passed unanimously.

Item #2 (9.1 #4-94) Review preliminary master plan for Lenoxgate Apartments, Northcreek Blvd., Davidson County Tax Map 26, Parcel 179, part of Parcels 4, 119, 147.

Staff reviewed. Terry provided the Lenoxgate PUD development time line. 1) The preliminary master plan for an apartment complex was approved 1/9/95. Phase I contained 260 units and Phase II contained 264 units. 2) The final master plan for Phase I was approved 12/4/95. 3) The first building permit was issued 6/18/96. 4) The last building permit was issued 9/24/96. Phase I was completed in 12/98. 5) No plans for Phase II have been submitted since that time. 6) Staff has been advised that Phase II is under contract for a sale.

Wood Caldwell, Southeast Ventures, developer of the Lenoxgate PUD, informed the Board the property is currently under contract for purchase and that it is vitally important that the status of the PUD doesn't change. He stated that Southeast Ventures has been a good corporate citizen for the last fifteen (15) years. A total of \$10 million dollars has been invested in infrastructure and construction, a quality project has developed with the direction from an Architectural Review Committee and cooperation with the City has been exhibited. Caldwell stated there has been no mention of phasing and views the

Northcreek Commons project as one PUD. Moreover, to reduce the density from thirteen (13) to seven (7) units per acre would create monetary risk. Terry confirmed there has been no delineation regarding phasing. The Board will need to make the decision regarding phasing of the total project.

Ernie Lehning, Northcreek Associates, owner of the Phase II property, stated the purchase contract process is in the third month of a six month process. The 7 units per acre maximum density requirement decreases the property value in half. He does not feel the action to cancel the PUD would be in the best interest of the community.

Cannon asked Caldwell if he agreed with the factual basis of the project's history offered by Bill Terry. Caldwell stated he agreed with the project's history presented by staff. Cannon requested clarification that Phase I and Phase II are under separate ownership. Caldwell confirmed separate ownership of phases. Driver questioned if Phase I and Phase II have been subdivided into two parcels. Caldwell verified the subdivision of the property. Terry stated the latest approved resubdivision of Phase II includes 3 commercial lots and 1 HDRPUD.

Caldwell stated that other municipalities do not delineate between phases and questioned the reason for considering cancellation of the project. Cannon stated the Board has the authority for review and has in the past reviewed and cancelled plans. Caldwell questioned if any of the cancelled plans had been cancelled in phases. Terry responded that the projects had been cancelled in their entirety. Lehning asked for clarification of the definition of a PUD. Terry responded that the assumption is when Northcreek Commons CPUD was resubdivided to include a HDRPUD, the residential parcel became a separate PUD. Lehning stated that he assumed the HDRPUD is part of Northcreek Commons. Caldwell added that the infrastructure and traffic study is based on one PUD. Hitt asked Caldwell if the purchase contract is canceled, would the developer consider returning to the Planning Board with a request to rezone of the property which would eliminate the concept of one PUD, one zoning classification. Caldwell stated this could be a scenario.

Terry asked the Board to consider that Northcreek Commons has approximately twelve (12) phases including infrastructure. Therefore, does the residential PUD impinge on the impact of the development? Do we or can we separate the Lenoxgate PUD from the remainder of Northcreek Commons? Cannon inquired if staff had discussed the phasing issue with the City Attorney. Terry responded that a legal opinion has not been solicited from the City Attorney.

Motion by McNeal to defer the item and request the City Attorney to review the ordinance as it relates to phasing of the project and how it will impact future projects, meet with the Planning Board and provide guidance relating to the issue. Motion seconded by Driver. The Board voted 6 to 1 to approve the motion. Galbreath voted no.

Item #3 (9..1 #19-94) Review preliminary master plan for The Greens of Rivergate, Davidson County Tax Map 33, Parcel 236.

Staff reviewed. Terry provided The Greens of Rivergate development time line. 1) The preliminary master plan for an apartment complex containing 210 units was approved 11/7/94. 2) The final master plan containing 210 units was approved 1/9/95. 3) The building permits for all buildings for a total of 140 units were issued 3/28/95. 4) The project was completed 12/95, however, the total number of units approved on the master plan was not built. The project as built contained 140 units. A revised final master plan was submitted and approved 1/13/97. The revision created two phases with Phase I being the completed section and Phase II containing 70 units being a future development. 5) A plat was approved at the same time dividing the property into two parcels with the boundary between the two parcels being on the phase line. 7) No plans for a Phase II have been submitted since that time.

Tom White, Tune, Entrekin & White, P.C., stated many of the points of concern had been covered in the discussion of the proceeding item. There are a few differences in the PUDS. The Greens of Rivergate is under single ownership. Academically, the PUD is one phase. The building permit issued encompassed the entire project. Tennessee state statute does not differentiate between phases of a project. White is not aware of another city with a one year time limit for review of project, nor any action taken by another city regarding review status findings. Vested rights would need to be considered in the decision making process.

Cannon asked White if he agreed with the factual basis of project's history offered by Bill Terry. White concurred the review information was factual. Cannon also asked White if he agreed with the rationale that to acquire a vested right one had to incur substantial construction in good faith reliance on a valid building permit. White agreed, but countered that in his opinion the construction of Phase I met that test.

Motion by Driver to defer the item and request the City Attorney to review the ordinance as it relates to phasing of the project as well as the impact on this project and provide the Board with this information. Motion seconded by Hitt. Motion passed unanimously.

Non-Agenda Item

Item 4. Consider action to initiate review of preliminary master plans for Steeplechase Meadows and Conference Park.

Terry stated that the plan review ordinance provides the Board review of active and projected PUDs. The review is to establish a clear record of status of each PUD. Preliminary master plans for Steeplechase Meadows were approved in 1974, 1997 and 2000 with no construction begun at any time. Conference Park preliminary master plan was approved in 1991 with no development. A revised master plan approved in 1998 resulted in the construction of the State Auto building. There has been no further development of the PUD.

Motion by Manning to defer the calling of a public meeting for review of status of Steeplechase Meadows and Conference Park until legal clarification regarding phasing is determined. • Motion seconded by Hitt. Motion passed unanimously.



John Cannon, Chairperson



Vicky Ignatz, Recording Secretary