

MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

July 10, 2000

5:00 PM

Massie Chambers

Present: John Cannon, Jim Driver, Scott Trew, Grady McNeal, John Coombs, Mary Ann Gourley, Susan Williams, Jim Hitt, Jim Galbreath

Absent: Margaret Wall

Also Present: David Wilson, Jim Thomas, Bill Terry, Jack Tompkins, Charlie Lowe, Vicky Ignatz, Ralph O'Mara Garcia, David Chandler, Bruce Bennett, Frank Horton, Brock Rust, Steve Brown, Ann Crawford, Richard Pope, Bennie Lane, James Gilmore, Paul Sauve

Prayer was offered by Jim Galbreath. The minutes of the June 5, 2000 Goodlettsville Planning and Zoning Board stand approved as written.

Item #1 (9.61) Consider request of David Johnson, Ragan Smith & Associates, to approve the final plat for Northcreek Business Park, Section 12, Lots 1, 2 & 3, Business Park Circle, Sumner Co. Tax Map 143-5, Parcel 4.

Staff reviewed. Terry, Planning Director, stated this plat creates three additional lots within the business park. All infrastructure is installed and the lots will be ready for development. A final master plan for each lot will still need to be presented to the Board. There are a few minor technical details on the final plat which need to be addressed. Paul Sauve, Ragan Smith & Associates, stated he had no comments for the Board.

Motion by Coombs for conditional approval of the final plat for Northcreek Business Park based on final staff approval. Motion seconded by Williams. Motion passed 8-0.

Item #2 (9.1 #4-00) Consider request of Jason Blakeman, DDS Engineering, to approve the site plan for the Immigration and Naturalization Services Building, Northcreek Commons, Sect. 8, Lot 12, Northcreek Blvd., Davidson Co. Tax Map 26, Parcel 153.

Staff reviewed. Terry stated this plan is for development of an office and servicing facility for the Immigration and Naturalization Service. There are two issues for the Board to decide. The first item is to determine the permitted use of the building. The Board has the power to decide the basic issue of interpretation of whether the facility is classified a detention facility under the City's zoning ordinance. The Board needs to consider the overall impact of the facility on the continued development of the Northcreek Commons PUD. The second issue is the site plan as it relates to the grading plan and other minor adjustments.

David Chandler, Chandler Real Estate and developer of the site, introduced Ralph O'Mara Garcia, INS Project Architect. Mr. Garcia stated the proposed facility is a QRT, Quick Response Team, location. They are located in communities to assist local law enforcement agencies in the investigation, apprehension and deportation of illegal immigrants. The building will contain three holding rooms, a processing room for interrogation, fingerprinting and computer background checks as well as staff facilities. The building is secure to insure the safety of the officers and the public should a suspect have a criminal background. The building is not a detention center or a jail. Suspected illegal aliens will be brought to the facility for interrogation,

fingerprinting and processing. If any person is found to be an illegal alien, he/she is transported to a local county/state/federal facility for detention.

Cannon asked for clarification as to whether the INS officers would be federally sworn officers with weapons, would be placing the suspects in federal custody and transporting the suspects by federal vehicles into the building via a sally port. Garcia stated this information is correct. Trew asked why Goodlettsville had been chosen as a site for a QRT and the location of other area facilities. Garcia stated INS initiated a market survey that suggested the general location of Nashville. The developer, upon being awarded the bid, determined the site of the QRT. Other area QRT facilities are located in Louisville, Bowling Green and London, KY and Memphis, TN.

Williams asked about the safety factor of locating this type facility in a retail development. Garcia stated the INS prefers that any new facility is located in a secure environment. The configuration of the building minimizes any danger to the officers and the public. Some illegal immigrants are found to be involved in illegal activities; however, the majority of the illegal immigrants brought to the facility are simply here looking for employment. Williams asked if there would be any overnight detention. Garcia stated that federal law prohibits overnight detention of suspects. The county/state/federal facilities that have an agreement with the INS must guarantee detention space upon request.

Gourley asked the length of time a QRT is located in a city. Garcia stated the current facilities are leased from the owners for a ten year period. The facility will remain open based on the need for the services of the INS. The staff size will adjust to the needs of the office and will close should the level of work warrant such action. McNeal asked if the facility is owned by the federal government. Garcia stated the property and proposed facility is owned by David Chandler, the developer, and can be converted to office space after the end of the lease. This is not a public facility. Immigrants will not be able to have their documents processed at this office. The office has no signage, the officers cars are unmarked and the officers wear plain clothes.

Trew asked if this facility is a deterrent to the presence of illegal aliens in a community. Garcia stated this has not been proven in other cities because of the low key presence of the QRTs. Coombs commented that since the QRT officers work closely with the local law enforcement officers, it would seem to be more beneficial that the proposed office be located in a more centralized location of Davidson County. Garcia stated criteria for the location of the building is easy access to the interstate system, professional office environment and adequate parking. Hitt asked if a known felon would be brought to the proposed facility. Garcia stated the federal officers would have the option of bringing the felon to this facility for processing or transport the person to a county detention facility. Tompkins asked the procedure used for persons who are processed and are found to be legal aliens. Garcia stated in this situation the staff would allow the person to make arrangements for proper transportation from the facility.

Terry stated the zoning ordinance issue to consider is the interpretation of what constitutes a detention facility. The ordinance has a list of uses the Board may consider in a commercial planned unit development. A detention facility is a non-permitted use in this type development; however, the ordinance does not define what constitutes a detention facility, either overnight capabilities or temporary detention measures. The Board has the power and authority to make an interpretation of the definition of a detention facility. Cannon asked Deputy Chief Richard Pope if the Goodlettsville Police Department's facilities were considered detention facilities.

Deputy Chief Pope stated the facilities are considered holding cells or secure rooms, not a detention facility based upon the regulations of the State of Tennessee, and certification was not required by the State Fire Marshall's Office. Cannon asked the original intent of the commercial planned unit development. Terry stated the plan depicted the overall plan for the site as commercial retail. There is currently the Kroger Store, one office development with several smaller spaces leased as retail and office businesses.

Assistant City Manager Jim Thomas reported he had contacted administrators in Fort Smith, AR, Manchester, NH, Dover, DE and Charleston, WV that have QRTs located in their communities. The administrators reported there were no instances of additional services requirements by the city governments due to the presence of a QRT. Driver asked if future retail development had been affected by the presence of these facilities. He stated the proposed site is in the last area of raw land in the City for retail development. Thomas stated he did not specifically ask this question nor did any administration volunteer any information regarding the development issue. Cannon informed the Board that the Goodlettsville Chamber of Commerce's Economic Development Committee submitted a letter to the Planning Board expressing concern for the negative impact of the proposed facility might have regarding future economic development of Northcreek Commons. McNeal stated he had a problem with the location of the proposed building. He asked if an alternate location of an area industrial park would be acceptable to the INS. Coombs stated he views this proposed site as a detention facility and the use of the land does not comply with a viable retail area.

David Chandler, site developer, stated the General Services Administration's, the leasing agent of the federal government, SFO (Solicitation For Offer) specifically calls for a professional office environment, no industrial parks. Signage can be placed on the building if required by the Board. Chandler stated that Wood Caldwell and Ernie Lehning, owners of Northcreek Commons, have approved the plan based on the Board's decision. Cannon clarified the main concern of the Board is not the type of facility nor the function of the facility, rather it is the proposed location in a prime retail planned unit development, its effect on future retail growth and compliance with the intended use of the PUD. Trew asked if permitting construction on this site will encourage additional development or is a vacant lot the better option. Terry stated there is no way to gauge how this type facility will affect future growth of the development. He suggested the Board look at the 1985 master plan and whether an office facility of this nature complies with the overall plan of predominantly retail space with office showroom, general office and restaurant space.

Terry stated the second issue for the Board to address is technical issues relating to the site plan.

1. Heavy duty paving should be installed in the common access easement.
2. The driveway and parking lot in the front are too steep at a 10% grade, should be no more than 5%.
3. The landscape plan schedule and requirements are not completely addressed on the submitted landscape plan.
4. The handicapped sign location needs to be addressed.
5. A flat spot along the front curb could create a ponding situation.
6. The entrance detail shows a 15' radius, it should be 20'.
7. The construction materials on the front/rear of the building elevations need to be labeled.

Terry suggested the Planning Board schedule a fact finding tour of the new QRT facility in Bowling Green, KY.

Motion by Williams to defer action on this item and schedule a fact finding tour of the new QRT facility in Bowling Green, KY prior to the August 7, 2000 Planning Board meeting. Motion seconded by McNeal. Motion passed 6-2.

Item #3 (9.1 #2-00) Consider request of Rob Porter, Barge Waggoner Sumner Cannon, to approve the final master plan for the McHan property, Willis Branch road, Sumner Co. Tax Map 143, Parcel 51.01.

Staff reviewed. Terry stated there are technical details that can be addressed by staff; however, there are two major issues which need to be addressed. In low density residential developments, most of the engineering details are contained in the construction drawings and the Board does not normally review such plans. The importance of this practice is that the flood study is not yet complete for the McHan property, but will be included with the construction drawings. This affects the actual location and elevation of the regulatory flood, but those details can't be shown of the master plan. The Board will need to decide if they want to continue to allow staff the authority to review and approve said practice.

Hitt was concerned about approving the final master plan before the flood study is completed and reviewed by staff. Tompkins, City Engineer, stated the flood study would be critical and would dictate what the developer can and cannot do relating to development. The City's staff and FEMA staff will both review and approve plans prior to the final plat stage of planning. Lowe, consulting engineer, stated additional checks and balances are in place prior to final plat approval.

Other issues needing additional attention are : 1) the drain pipe ending at lots 60 & 61 should be extended to the pipe at lot 63 ; 2) staff would prefer that the drain pipe and ditch between lots 66 & 67 be eliminated and a drain pipe be extended along the frontage of lots 67 & 68 and then run to the drain at the rear corner of lots 69 & 71; 3) sewer easements should be 20 feet rather than 10 feet wide; and 4) lots 50 & 64 need to be adjusted to meet the minimum lot requirement of 15,000 sq. ft. Terry stated Steve Brown, project engineer, has verbally agreed to the alterations listed above.

Approval of the declaration of covenants and restrictions and the creation of the homeowners association is also a part of the master plan. Staff received this document prior to the meeting and will need to review. Brown stated the covenants and restrictions has the same language as Twelve Stones Crossing and the Estates at Twelve Stones after deleting the language relating to the golf course.

Terry stated the McHan property has been tentatively named The Reserve at Twelve Stones.

Motion by Trew for conditional approval of the final master plan for the McHan property based upon approval by staff and FEMA of the flood study and the declaration of covenants and restrictions. Also, to permit the continuation of the level of engineering detail for low density residential master plans. Motion seconded by Driver. Motion passed unanimously.

Item #4 (9.1 #2-00) Consider the request of Rob Porter, Barge Waggoner Sumner Cannon, to approve the preliminary plat for the McHan property, Willis Branch Road, Sumner CO. Tax Map 143, Parcel 51.01.

Staff reviewed. Motion by Hitt for conditional approval of the preliminary plat for the McHan property based upon approval by staff and FEMA of the flood study and the declaration of covenants and restrictions. Motion seconded by Williams. Motion passed unanimously.

Item #5 (9.1 #1.98) Consider the request of L. Steven Bridges, Jr., Land Surveying and Consulting, to approve the final master plan for The Hill Place HDRPUD, Brick Church Pike, Davidson Co. Tax Map 18-16, Parcel 114.

Staff reviewed. Terry stated this request was an agenda item for June; however, it was deferred due to multiple corrections required on the master plan. The resubmitted plan addressed all the corrections. One minor issue remaining is the need for a durable surface to be added to an existing gravel maintenance road on the property. Mark Writesman, the owner/developer of the property, stated the gravel driveway will be paved and the complex's driveway entrance surface will be changed from asphalt to concrete.

Motion by Drive for approval of the final master plan for The Hill Place HDRPUD which will include the paving of the existing gravel maintenance road. Motion seconded by McNeal. Motion passed unanimously.

Item #6 (9.1 #1.98) Consider request of L. Steven Bridges, Jr., Land Surveying and Consulting, to approve the final plat for The Hill Place HDRPUD, Brick Church Pike, Davidson Co. Tax Map 18-16, Parcel 114.

Staff reviewed. Terry recommended combining the existing lots with the new lots into one plat. A subsequent plat will need to be submitted for condominium use of this LDRPUD.

Motion by Williams for approval of the final plat for The Hill Place HDRPUD. Motion seconded by Galbreath. Motion passed unanimously.

Item #7 (9.1 #3-99) Consider request of J.R. Par Company, Inc. to release the \$14,275 letter of credit for Northcreek Plaza, Phase I.

Staff reviewed. Motion by Galbreath to defer item due to the absence of the applicant. Motion seconded by Trew. Motion passed unanimously.

Item #8 Discussion of the zoning amendment to provide development standards for commercial properties.

Terry stated the zoning amendment has been revised to exclude the use of temporary buildings or structures in all commercial, industrial or planned unit development districts. The prohibition shall include tents, trailers, mobile buildings, storage buildings or similar structures that are not permanent buildings constructed on a legally established lot. Coombs stated he was concerned about the terminology of a temporary building. Terry stated the Standard Building Code addresses what constitutes temporary structures. Non-complying structures cannot be viewed as grandfathered projects in this amendment.

Non-agenda item

The Metropolitan Planning Organization is scheduled to begin preparation of a thoroughfare plan within the next two weeks. The study will detail traffic patterns, traffic signals, intersection capacity, safety issues, etc. A citizen advisory committee will be formed. At the end of the study a presentation of proposals will be made to the committee.

David Wilson announced Mary Ann Gourley submitted her resignation from the Planning Board effective 7/10/00.

The meeting adjourned at 7:08 PM.



John Cannon, Chairperson



Vicky Ignatz, Recording Secretary