

MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

January 3, 2000

5:00 PM

Massie Chambers

Present: John Cannon, John Coombs, Scott Trew, Susan Williams, Jim Galbreath, Mary Anne Gourley, Jim Driver, Jim Hitt, Margaret Wall

Absent: Pat Lydon

Also Present: David Wilson, Bill Terry, Charlie Lowe, Jack Tompkins, R.L. Montoya, Rusty Tinnin, Jo Roth, Diane Frakes, Mike Anderson, Roy Dale, Suzanne Herron, Brock Rust, Steve Russell, John Edmondson, Don Pratt, Russell Pitzer, David Kuehnen, John Cavin, Tim Carver

Minutes of the December 6, 1999 regular Planning Board meeting were adopted as submitted.

Item # 1 (9.1#16.99) Consider request of R. L. Montoya Land Surveying, Inc. to approve plat amendment for a minimum building setback at 523 Alta Loma Road, Davidson Co. Tax Map 33-4, Parcel 45.

Staff reviewed. The subject property was subdivided in 1953 and houses were built during that time. A recent loan survey turned up a setback encroachment by Lot 30. The setback on Lot 30 was established by the plat at 55 feet; however, the house was built at the 50 foot line. The houses on the two adjacent lots have 50 feet setbacks. Since the setback was established by a plat and not by a zoning ordinance, a plat amendment is required to correct the encroachment on the title insurance policy. The current setback is greater than the current setback requirements of 40 feet.

Motion by Trew to approve the plat amendment for a minimum building setback. Motion seconded by Jim Hitt. Motion passed unanimously.

Item #2 (9.1#16.95) Consider request of Fran & Judi Tinnin to rezone property on Dorris Drive from CS/R10 to CS, Davidson Tax Map 18-16, Parcel 191.

Staff reviewed. Terry stated this request was heard by the Planning and Zoning Board on November 6, 1995. Because the property was split zoned, the Planning Board gave conditional approval of rezoning property based upon the property owners acquiring approval from adjacent property owners. On January 11, 1996 the City Commission considered this zoning change. The Commission was concerned about the objections of the adjoining property owners and the request was denied. Nothing related to the physical conditions of the property have changed.

Cannon questioned the current status of adjoining properties. Terry stated two houses on adjoining properties are residential and the third parcel is vacant. One or two parcels on the south side of Dorris Drive are occupied as residences but are zoned commercial. The property has a 60 foot frontage on Dorris Drive with no direct access to Dickerson Road. The property line begins approximately 150 to 200 feet from Dickerson Road.

Rusty Tinnin, representative of Fran & Judi Tinnin, stated the property owners wish to sell the

property due to health related problems. The property is of no value to potential buyers due to the split zoning. Driver asked if Mr. Tinnin would consider residential zoning. Mr. Tinnin stated he would prefer commercial zoning due the fact the adjoining property is zoned commercial on three sides, the property would be more valuable for resale and there have been potential buyers interested in commercial property.

Galbreath asked for the results of the City Commission's public hearing on Jan. 11, 1996. Terry read from the minutes "adjacent property owners have signed the letter approving the change to commercial, but all the other property owners on Dorris Avenue indicated their disapproval". Mr. Tinnin informed the Board that the current adjacent property owners have not been contacted regarding the request for rezoning.

Charlie Lowe stated a possible use of property without rezoning would be to locate a commercial building on the property and place parking area on the residential property. Terry stated a conditional use permit would be required to permit a parking area in residential space. Cannon stated a major concern for rezoning and developing commercial property on Dorris Drive would be the limited road frontage.

Williams asked if the residents need to be polled for their opinion. Terry stated the Board could call a public hearing to determine public opinion; the Board could recommend to the City Commission to consider the rezoning request or the Board could deny the request whereby the property owner can appeal the decision to the City Commission..

Motion by Coombs for the Board to conduct a public hearing on the rezoning issue. Motion seconded by Williams. The adjoining property owners and other residents on Dorris Drive will be notified by mail and the meeting will be published in the newspaper. The meeting will be held on the first Monday of February during the Planning and Zoning Board meeting.

Item #3 (9.1#12-92) Consider request of John & Jo Roth, 201 Dry Creek Road, and Diane Frakes, 199 Dry Creek Road, for the City to a abandon dedicated right-of-way know as Milwell Drive, Davidson Co. Tax Map 33-3, Plat of Solitude Acres.

Staff reviewed. Milwell Drive was dedicated by the plat of Solitude Acres in 1965. The street was not constructed but the right-of-way was left for a future street to provide access to the property behind the tier of lots fronting Dry Creek Road. In 1985 or 1986, the adjoining property owner to the rear of the Roth's and Frame's property built a home on the vacant property and used Milwell Drive for a private driveway. The property is currently owned by Diane Anderson. Prior to the purchase of the property by Mrs. Anderson, the property was apparently subdivided into 3 lots by the former owner, Butch Worrell, by deed recordings. There was never a plat approved by the City; therefore, the subdivision is illegal. The City recognizes only one piece of property with a dedicated right-of-way providing access. A future subdivision could occur if one person acquires all the parcels sold off by deed, builds a public street on Milwell Drive and extends the road into the property to provide proper access.

Mike Anderson, representing the Anderson family, stated the adjoining parcels have all been reacquired by the Anderson family. Diane Anderson, the current property owner, derives her access from the right-of-way and opposes the abandonment request. Mike Anderson stated there is no immediate plans for development of the property; however, approval of this issue would severely limit future options.

The two adjoining property owners to Milwell Drive, Jo Roth and Diane Frakes, requested the 50 x 200 feet of property bordering the current gravel driveway be divided between the Roths and Frakes. Roth suggested an 8' to 10' driveway easement be established and offered they would be willing to cover the costs of surveys for recordings required for a driveway easement to assure access to Mrs. Anderson's property. Diane Frakes has maintained the property bordering the driveway for approximately 15 years, the Roth's for 11 ½ years. The Roth's have spent approximately \$8,000 to redirect the natural storm water runoff away from the foundation of their home. The water is traveling down from the Anderson property. With the additional 25 feet of property, they would perform additional grading to redirect the natural runoff further away from the home. Mrs. Frakes is also having drainage problems due to the natural runoff coming from the Anderson property.

With a possibility of a future housing development, Mrs. Roth feels her property would suffer greatly from the water drainage created by such a development. Another concern for future development is the location of an Indian burial site in the area adjacent to the rear of her property. Galbreath asked if the Anderson property was developed would the drainage issue be addressed. Terry stated site drainage would be factored into the construction of homes as well as storm drainage for the public street of Milwell Drive.

Driver asked how a 15' driveway easement as opposed to a 50' easement would affect the number of homes which could be constructed on the Anderson property. Terry stated that a subdivision cannot be built on a private easement. A public street is required for access into subdivisions.

Roth asked if there is a road connected to Hasty Drive which could provide public access to the Anderson property. Terry stated Hasty Drive connects Dry Creek Road a little northwest of the Roth & Frakes properties. It does have a dedicated right-of-way related to another vacant parcel of property. Cannon stated the approval of this request would land lock the Anderson property. Cannon asked Terry if the long range plan is for residential development. Terry stated yes it would land lock the property.

Motion by Trew to deny a recommendation to the City Commission to abandon the right-of-way at Milwell Drive. Motion seconded by Hitt. Motion passed 7-0. Margaret Wall abstained from voting.

Item #4 (9.1 #7-93) Consider request of Kevin Estes, Dale & Associates, to approve a revised final master plan for Steeplechase Meadows, Davidson Co. Tax Map 25, Parcel 71.

Staff reviewed. The Planning Board previously approved a preliminary and final master plan for Steeplechase Meadows. The current plans still have a number of technical issues which the staff feels can be resolved. There are two issues the Board needs to address. One is the approval of the architectural drawings of the buildings including the type of materials. Staff has requested more detail to be presented. The other issue is the screening requirement along the rear adjoining an R-40 zone.

The landscape provisions require a 72" privacy fence and landscape materials. The Board has the option of waiving the fencing requirement if it deems it unnecessary. The developer is asking that the fence requirement be waived due to the existing tree line which will be supplemented and the distance of adjoining houses from the property line.

Terry stated the existing tree line adjacent to the Scott property would require additional landscaping. Since the existing tree line, with vegetation, is not a solid visual barrier. Roy Dale, Dale & Associates, stated Mr. Kirby Clifton spoke with the adjoining property owner, Mr. Scott, regarding the existing tree line. An existing chain link fence with thick vegetation and evergreen trees are located on the crest of the hill on Mr. Scott's property. Mr. Dale suggested the most beneficial planting for screening purposes would be for more evergreen trees to be planted with the existing trees on Mr. Scott's property.

Coombs and Driver stated if a letter of release is acquired from Mr. Scott then he would have no problem waiving the fencing requirements; however, if a letter of release is not provided, the fencing requirement should be maintained.

Terry stated that the staff has been giving and will continue to give this project a very rigorous examination of the drainage issues in order to avoid the drainage situation which currently exists in Rolling Meadows.

Terry stated the brick and siding materials are depicted on the plans without indicating the colors of the materials. Coombs noted the roof line is exposed and that the placement of cosmetic dormers would benefit the appearance of the roof line from the Dickerson Road view. Dale stated he didn't think the addition of dormers would be create any problem. At this time no color indications have been selected. Terry stated the color selections need to be brought back to the Board for approval.

Motion by Trew for conditional approval of the revised site plan for Steeplechase Meadows based upon receipt of a letter of release from Mr. Scott, adjoining property owner, to waive fence requirements. Architectural approval will be granted provided that it is redesigned to include dormers on the backside of the 3 ½ units facing Dickerson Road and the Board is allowed final approval of color schemes for exterior building materials, and final staff approval of the technical issues. Motion seconded by Williams. Motion passed unanimously.

Item #5 (9.1 #7-93) Consider request of Kevin Estes, Dale and Associates, to approve final plat for Steeplechase Meadows, Davidson Co. Tax map 25, Parcel 71.

Staff reviewed. This plat records and dedicates the necessary easements on the properties for the utilities and drainage works. Some minor corrections to the plans are needed. However, another issue has arisen with regard to the property line adjoining Mason Motel. Apparently, a land swap has occurred between Kirby Clifton and Paul Finholt that changed the original property lines. This action was done without a plat and a possible building setback violation was created on the motel property.

Terry stated the bond amount for the development would need to be discussed prior to plat approval.

The sewer lines on this development will be public; therefore, they will be dedicated to the City. The water lines will also be public and dedicated to the Madison Utility District which also requires a bond.

Dale made a request to defer the item until the issue of resubdivision of the Clifton and Finholt properties can be studied and determine a bond amount. Cannon stated the item stands deferred.

Item #6 (9.1#6-94) Consider a request of Suzanne Herron, Ragan Smith & Associates, to approve revised site plan for Capital Bank& Trust, Long Hollow Square, Long Hollow Pike, Davidson Co. Tax Map 251, Parcel 25.0.

Staff reviewed. Terry stated when this final master plan was approved it included a large parking lot behind the bank facing East Cedar Street. The bank has now decided to reduce the size of the parking area. The remaining area will be left as open space and maintained as grass with trees planted along the perimeter.

Suzanne Herron stated that due to the fact that the site will not have direct access to East Cedar Street a reduction in parking spaces is requested. The landscape plan provides for a tree line along East Cedar Street and down the property line. Williams asked if the reduction will provide enough customer parking. Terry stated the final master plan provided for excess parking spaces and the reduction will maintain adequate parking. One issue that needs to be addressed is the bank property and the adjoining property now being developed as Phase III of Long Hollow Square will share a joint driveway. They should have a recorded instrument for access/cross-access use. When the plat was recorded there was no indication that the two adjoining lots would be developed so the instrument for access/cross-access was left off the plat.

Motion by Williams to approve the revised site plan for Capital Bank and Trust to reduce the amount of parking spaces for the development with the condition that an access/cross-access use agreement between the two properties is recorded to facilitate the drive pattern created by a joint driveway. Motion seconded by Galbreath. Motion approved unanimously.

Item #7 (9.1-97) Consider request of Steve Brown, Barge Waggoner Sumner & Cannon, to rezone properties and to approve revised preliminary master plan for Twelve Stones Crossing, Sumner Co. Tax Map 143, Parcels 51.01, 80, 80.01, 80.02, 92, Sumner Co. Tax Map 163, Parcel 6.0, 6.01.

Staff reviewed. Terry reported the developer is proposing to acquire additional land across Willis Branch Road and north of the existing development. To meet the requirements of the Low Density PUD, this property needs to be considered as part of the overall PUD. This request will also require rezoning of the new area from R40 to LDPUD. In order for this project to go forward the Board will need to give preliminary approval to the revised master plan and recommend a rezoning request to the City Commission. There are several corrections/changes that need to be addressed as part of the master plan; however, the basic issue that needs to be addressed relates to land use policy.

Brock Rust, developer of Twelve Stones Crossing, stated the concept is to bring the area into one

development providing the existing restrictive covenants and home owners association guidelines to the new area and produce a back entry feature to the property by reworking the existing intersection.

Driver asked ^{if} there is currently an entrance to Twelve Stones from Willis Branch Road. Rust stated there is one now; however, the intersection will be reworked and a new road built which is above the 100 year flood plan. This would allow adjoining property owners access out of Willis Branch Road through Twelve Stones Crossing during a flood event. Driver asked how much traffic would be generated back toward Long Hollow Pike. Rust stated a traffic study has not been completed. Cannon stated his concern regarding the impact on the traffic due to the physical condition of Willis Branch Road. Driver asked if the new proposed road which will offset Willis Branch Road will have the potential to go straight on through the development and continue on outside the property. Rust stated this design could be changed if required to by the Board; however, he would prefer to keep this design. Driver stated from the City's point of view if they have the choice of using old Willis Branch or the new proposed road, the City will have to rebuild Willis Branch Road to Twelve Stones Crossing.

Cannon asked if all current amenities will be offered to the proposed property owners. Rust stated that the residents will be under the same home owners association, access to common area and restrictive covenants. There will be a few minor changes is the restrictive covenants with regard to square footage and house design. Coombs stated his concern over the lack of additional green space as is required in any new low density PUD. Rust stated they are open to the concept of open space. There is additional capacity for open space along Willis Branch Road. Some areas will be graded down because of building sites, drainage and flood plain issues. Trew asked if the proposed development will make the current swimming pool and club house too small for this area. Rust said it is a possibility that the development could create that situation and that additional amenities will need to be considered other than swimming.

Cannon asked if this development meets with the land use policy for this area. Terry stated the land use policy plan shows this area to be low density residential development. The 15,000 square foot lots do not meet standards; however, when this property is incorporated into the PUD, you get an overall net density which is low density by combining the lots with permanent open space. The Board has two options regarding this request. The first option is to approve the request resulting in the density of Twelve Stones Crossing increasing to .99 dwelling units per acre. This is well within the permitted density of 1.7 dwelling units per acre. The second option is to consider the additional land as a freestanding PUD creating a density of 1.87 dwelling units per acre; whereas, the maximum density permitted in the PUD is 1.7 dwelling units per acre.

Hitt stated the concern whether it is appropriate to "piggyback" this area on the Twelve Stones Crossing PUD. He has a problem with the extension of the PUD, the possibility of future PUD extension requests, thereby avoiding the requirements of low density zoning. Coombs asked if this PUD could be developed as a freestanding PUD. Rust stated it would create a loss of revenue. Wall asked if there were plans for other land to be added to the PUD. Rust stated he had talked with adjoining property owners who may be interested in selling their properties and would have to consider purchasing adjoining property.

Cannon opened the floor for public comments. Steve Russell stated he is an adjoining property owner located on the edge of the flood plain. He is concerned about the proposed elevation of certain areas during the development which might elevate the flood plain approximately 2-3 feet and box in his property to create flood water drainage problems for his property. John Edmondson is an adjoining property. His concerns regarding the proposed development are the issues of density, widening of Willis Branch Road and the impact on schools. He appreciates the 40' buffer between his property line and the development. Don Pratt stated he has 11 acres for sale to the development company.

Cannon stated he is not comfortable to go forward with this issue without a traffic study. Terry stated the City will have to consider improvement to Willis Branch Road. He asked Jack Tompkins, Public Works Director, about the cost to reconstruct Willis Branch Road. Tompkins stated after a brief study of the reconstruction costs, he estimated \$400,000 to widen and rebuild the road down to the existing Twelve Stones Crossing entrance.

Motion by Coombs to defer the item and ask for an announced public hearing in regards to the request to approve the revised preliminary master plan to Twelve Stones Crossing and place this on the agenda at the earliest possible time. The notice will be addressed to the people that will be most directly affected by this issue. Motion seconded by Hitt. Motion passed 7-1.

Item #8 (9.1#9.71) Consider request of Russell Pitzer, Gresham Smith & Partners, to approve revised master plan for Northcreek Commons PUD, Davidson Co. Tax Map 19-14, Parcel 14 & 18.

Staff reviewed. Terry stated when the master plan for the Northcreek Commons complex was approved in the 1985, that only the first part of the project was completed. The remainder of the property has been vacant, however, the master plan indicated a continuation of the concept of the existing Kroger store and other attached businesses. The owner is requesting an amendment to that plan in order to create an outparcel to build a free-standing Dollar General Store.

Russell Pitzer stated the proposed plans are staying with the original concept of the CPUD with the same retail square footage, the same parking, and the existing curb cuts. David Kuehnen stated the outparcel tends to break up the large expanse of parking lot making it more pedestrian accessible. Coombs asked if this would have any effect on the architectural appearance and how will it effect the architectural review. Terry presented the Board with a copy of the original renderings of the CPUD for review. Terry stated he didn't know how it will affect the architecture appearance in relationship to the remainder of the building.

Driver asked how many parking spaces will be reduced with the relocation of the proposed building. Pitzer stated no required parking spaces will be reduced. Terry stated the revised master plan shows 812 parking spaces while the original master plans shows 1034 parking spaces with parking in the rear of the building. There is a discrepancy in the numbers which would have to be worked out in some way. Kuehnen stated there is approximately a 20,000 sq. ft. reduction of retail space shown on the revised master plan; therefore, a reduction in the required number of required parking spaces. The reduction of retail space was created by relocating the building to the outparcel.

Wall asked if the original proposed building not feasible for the Dollar General site. John Cavin stated that Dollar General is more interested in an outparcel as it relates to better sales and traffic. He stated the exposure to Long Hollow Pike is a major factor for relocation of the building. The original plans would provide minimal exposure to Long Hollow. Wall asked how the relocation of the building will affect parking and traffic flow. Pitzer stated the relocation of the outparcel would not create a traffic flow problem. A common access easement to allow the originally proposed Y shaped driveway will permit vehicle traffic along the left side of the outparcel.

Motion by Trew for conditional approval of the revised preliminary master plan for Northcreek Commons PUD to include an outparcel for the Dollar General Retail Site subject to staff approval of plan and details. Motion seconded by Driver. Motion passed 7-1.

Item #9 (9.1#9.71) Consider request of Tim Carver to approve architectural plans for Long Hollow Square, Section III, East Cedar Park Offices, 203 East Cedar Street, Davidson Co. Tax Map 26-1, Parcel 24.

Staff reviewed. The conditional approval of the revised master plan last month for the new office building on East Cedar contained a provision that the architectural elevations needed additional detail and would need to be reviewed by the Board for approval. Tim Carver presented the color drawings of architectural elevations for review. Split face block with a painted color fascia will be used to break the long expanse of building. The concept of canopies over the back entrances was eliminated by the developer due to high maintenance costs. Terry stated the conditional approval of landscaping plan included the planting of poplars and additional species along with existing trees.

Motion by Trew to approve architectural plans for East Cedar Park Offices of Long Hollow Square. Motion seconded by Hitt. Motion passed unanimously.

Item #10 Consider Ordinance 99-581 regarding standards for apartment dwelling.

Terry stated the first part of the ordinance changes the approach to master plans. A revised draft to the amendment states: "In the event that actual construction has not begun within one year from date of approval of any master plan the Planning Commission may, after official notice to the property owners of the date and the time of the meeting in which the matter is to be considered, act to cancel the master plan as previously approved. The Planning Commission may consider cancellation of any phase of any master plan." Should the Planning Commission choose to cancel the master plan for an PUD, the owner/developer has the option to resubmit a new master plan. Any new master plan submitted will have to meet all current zoning standards.

The second part of the amendment removes the power of the Planning Board to approve a multi-family development at a density higher than 7 units per acre.

The third amendment states "Any existing development which is destroyed by fire or any natural disaster can be reconstructed with the same number of units on its site."

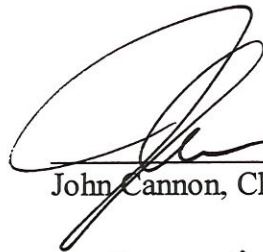
Coombs stated a consistent tracking system will need to be developed by staff in order reevaluate the

construction status of approved PUDs. Cannon asked if this amendment will be retroactive regarding current PUDs. Terry stated the existing PUD master plans are currently subject to this review if the board wishes to pursue a review.

Several years ago during the study of a new zoning ordinance, a zoning standard was developed for a high density PUD of 7 units per acre. The Planning Board would have the option to approve a higher density, if it chose, up to a maximum of 13 units. This amendment removes this option.

Motion by Coombs to approve a recommendation to the City Commission to adopt the alternative language in Ordinance No. 99-589 . Motion seconded by Gourley. Motion passed 8-0.

The meeting adjourned at 8:00 PM.



John Cannon, Chairperson



Billy Terry, Acting Secretary