

surveying and replatting has not occurred and the owner's wish to proceed with this improvement on their home, which requires the variance. If approved, the sun room will come within about 8 feet of the property line. Jimmy Anderson indicated the Association has been trying to execute their decision to replat the property for five years with no action and he would like to proceed with the sunroom. He indicated the room will have a tiled roof with lighting, HVAC, and half walls and half glass on three sides.

Pat Lydon made a motion to approve the variance. John Cannon seconded the motion and the board unanimously approved.

Item #6 (9.1 #4-94) to consider request of John Politis for approval of a flag display site plan for Lenoxgate Apartments sign, Davidson Co. Tax Map 26, Parcel 151.

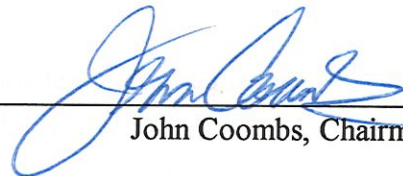
Staff reviewed. Bill Terry indicated the owner wishes to permanently install real flag poles with the sign structure which will be in accordance with the sign ordinance. Detailed engineering plans for Conference Drive indicate the sign structure is fully on the right-of-way and will be removed during construction on Conference Drive. Staff recommends a hold harmless agreement should be required from the owner agreeing that the sign structure will be removed when Conference Drive is reconstructed.

John Cannon made a motion to conditionally approve the request, subject to the execution of a hold harmless agreement from the owner as described by staff. Gary Webster seconded the motion and the board unanimously approved.

The meeting was adjourned at 6:15 p.m.



Claudia Davis, Recording Secretary



John Coombs, Chairman

MI NUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

September 14, 1998

5:00 PM

Massie Chambers

Present:

Jim Galbreath John Cannon Pat Lydon Margaret Wall Susan Williams
Jim Hitt Gary Webster Jim Thomas Mary Ann Gourley

Absent:

John Coombs

Also Present:

Bill Terry	David Wilson	Claudia Davis	Charlie Lowe	Jack Tompkins	Richard Pope
Jack Hunnicutt	Ann Crawford	David Dial	Jim Irwin	Carmen Pico	Ed Galbreath, Jr.
Paul Finholt	Judy Finholt	John Hancock	Sally Havene	Rachel Johnson	Eddie Galbreath
John Carpenter	Daniel Leech	Don Walden	Sadie Stubbs	Judy Vecchione	Mike Glabreath
Nelle Liggett	Carl Minchey	Duane Phillips	Doris Ruskin	Billie Eby	Ginny Blair
Sarah Crabtree	Jack Polk	John E. Polk	Bill Geiger	Brenda Irwin	Randy Robertson
Earl Simmons	Jean Simmons	David Kuehnan	Aaron Walker	Mr. & Mrs. Ed Capps	
Vicky Ignatz	Helen Hitt	Bobby Jones	Ricky Robertson		Angela Vaughan
Woody McGlathery		Darlene Robertson		Dr. & Mrs. Warren Hill	

The meeting was called to order by Jim Galbreath, Acting Chairman. Prayer was offered by Jim Thomas. Minutes of the August 3, 1998 meeting were adopted as submitted.

Item #1 (9.1 #6-90) to consider request of Ed Corlew for release of the performance bond for improvements in Rolling Meadows.

Staff reviewed. Bill Terry indicated Mr. Corlew requested this item be deferred as he would be out of town. However, Terry wanted to bring the board up to date on this issue. Previously the board requested the staff determine if the requirements of the original plan have been met. Staff's report indicates outlets from the downspout pipes should be found and opened and relocate some pipes that were cut off by the sidewalk in front of section 10. Jack Tompkins requested a meeting with association's engineer regarding the swale, to review his recommendations and compare them with the original plan. That meeting has not occurred. Jim Thomas indicated he was not comfortable discussing this item in the absence of the petitioner. Terry indicated this information was to bring the board up to date on the issue, not to make a decision at this point.

Item #2 (9.1 #13-98) to consider request of Randy Robertson for approval of a minor plat amendment, Lot 73, Long Hollow Place, Section 2, Sumner County Tax Map 140-P-C, Parcel 5.

Staff reviewed. Bill Terry indicated this pie shaped lot has a large drain which runs along one side of the lot. The owner wishes to keep the corner of the home away from the drain and due to the shape of the lot and width of the house, he believes the house will look better if moved closer to the street. He is requesting a 30 feet setback instead of 40 as platted. Randy Robertson indicated the drainage easement limits the back yard space and due to the configuration of the lot in relation to the adjoining lots, there will be no way to detect that the house has been moved 10 feet forward. Jim Galbreath questioned the neighbor's driveway encroaches on this property. Terry indicated the owner is in the process of giving an easement.

Jim Hitt made a motion to approve the request to amend the setback requirements. Margaret Wall seconded the motion and the board unanimously approved.

Item #3 (9.41) to consider request of several homeowners in Emerald Cove to approve document regarding conveyance of common open space in Emerald Cove, Davidson Co. Tax Map 18-12-0-A.

Staff reviewed. Bill Terry noted in September 1997, the original request was made to approve a reconfiguration of common open space. The board instructed the residents that certain requirements would have to met. In another request in November 1997, the board agreed the homeowner's association should remain in place and leave the same number of lots in place, incorporating the common open space into the adjoining lots that were effected. In May 1998, it was suggested that an attorney draft an agreement that would bind the effected homeowners to the expense of the replatting and commitment to the upkeep of the property. One owner that would be involved in this replatting has not signed the form that has been drafted.

Steven Sullivan, representing the homeowner's association, indicated that homeowner just recently purchased the property and no one has contacted them to sign the form. John Cannon expressed that the participation must be 100% for the matter to proceed. Carmen Pico, another homeowner, indicated he and other homeowner's had no knowledge of these proceedings.

Jim Thomas made a motion to defer the issue to allow the homeowner's association to re-evaluate and come to some agreement in writing from every property owner, including also written documentation from the homeowner's association meeting minutes. John Cannon seconded the motion and the board unanimously agreed.

Item #4 (9.1 #2-98) to consider request of Charles P. Gallagher to approve final plat for Townhomes of Windsor Green, Davidson County Tax Map 26, Parcels 140 and 115.

Staff reviewed. Bill Terry indicated this is the final plat, to be recorded, for phase 1 of the condominium project. The master plan was previously approved by this board. Revised plans have been submitted and appear to have addressed all the comments recommended by the staff, however the City Engineer and consulting engineer have not had an opportunity to review the resubmittal. Approval to accept a bond for this project is also requested. David Dial and Jeff Hall indicated they feel the recommended bond amounts from the developer should be good numbers and appropriate.

Jim Thomas made a motion for conditional approval, subject to the comments and recommendations from the final review of the city engineer and consulting engineer; and authority to accept a landscape bond for \$34,745; and authority to accept a bond for the storm drainage, sanitary sewers, and infrastructure improvements, amount to be determined by the city engineer. Pat Lydon seconded the motion and the board unanimously approved.

Item #5 (9.1 #12-98) to consider request of Bruce Rainey & Associates to approve final plat for Resub Lots 6, 7 and Part of 5, Roscoe Place, Block B, Davidson Co. Tax Map 26-5, Parcel 54.

Staff reviewed. Bill Terry indicated this plat will create two lots, one vacant and one with an existing home. A revised plat has been resubmitted and it appears that all the technical corrections have been made except they did not show the sewer line. The resubmission has not been reviewed by the city engineer and consulting engineer. The major item is utility service. It appears that a sewer and water line will have to be installed in order to serve the new lot. The public sewer line will need to be bonded. Feller Brown, representing the Wildman Estate, noted it would be in the best interest of the estate to divide the lot. The house is in very poor condition and there is room for another new home.

Margaret Wall made a motion for conditional approval subject to final review and approval of the city engineer and consulting engineer and the city engineer is to establish a bond amount. Gary Webster seconded the motion and the board unanimously approved.

Item #6 (9.1 #28-96) to consider request of David Kuehnen, Gresham Smith & Partners, to approve revised preliminary master plan for Dollar General Corporation, for Northchase at Rivergate GOPUD, Davidson Co. Tax Map 26, Parcel 10 and 129.

Staff reviewed. Bill Terry indicated the previous master plan was approved in 1997 and included a lot for a day care center and another lot directly across from the existing Northchase One building. The engineering for widening Conference Drive has realigned Northchase Drive which caused the day care center lot to be lost. Dollar General would now like to build a 96,000 square foot building, to include their day care, on lot 4, and will include an underground parking garage. A revised preliminary master plan has been resubmitted and appears to respond to all the staff's comments, however, Charlie Lowe and Jack Tompkins have not reviewed the resubmitted plan.

David Kuehnen presented a display of the previous plan and the revised plan resulting from the changes in the Conference Drive configuration, eliminating lot 10 and adding to the size of lot 4. Bill Terry noted there were a number of considerations that the staff looked at, including configuration of drainage, detention, fire protection plans, etc. Basically the building they propose is the result of lot 10 being eliminated and they need to have their day care open when the corporate headquarters building opens which is now under construction. The new building on lot 4 would also house a fitness center, store training facility, and expansion space. Northcreek Boulevard will be relocated and reconstructed to intersect with Conference near the interchange for the bypass.

Jim Hitt made a motion for conditional approval, subject to the final review by the city engineer and consulting engineer. Susan Williams seconded the motion and the board unanimously approved.

Item #7 (9.1 #28-96) to consider request of David Kuehnen, Gresham Smith & Partners, to approve final master plan of Northchase II for Dollar General Corporation, Davidson Co. Tax Map 26, Parcel 10 and 129, Tract 4.

Staff reviewed. Bill Terry noted this is the final master plan for lot 4 for the 96,000 square foot office building proposed and discussed in Item #6 above. This lot is at the end of Northchase Drive and across from the Northchase One building. When the final master plan for Phase 1 was approved, there was a condition that Dollar General would construct an additional lane on Northchase Boulevard from Conference Drive to their building. As Conference Drive plans have progressed, that lane is now part of Conference Drive and Dollar General does not have to construct the lane. The lane was to have been bonded before they could get an occupancy permit. That issue will have to be looked at in the future. Staff requested an emergency access to the back side of this new proposed building. So that fire equipment could access the rear of the new building, they have included a fire lane constructed of block pavers and covered with sod. David Kuehnen indicated the pavers will meet specifications to carry the weight of a fire engine, with the lane designated as a "fire lane" with the appearance of a lawn.

Gary Webster made a motion for conditional approval, subject to the final review of the city engineer and consulting engineer and the fire chief. Jim Thomas seconded the motion and the board unanimously approved.

Item #8 to consider zoning amendments:

a. Extended Stay Motels Requirements

Bill Terry indicated the previous request of Paul Finholt to expand Mason Motel prompted the board to request that staff research the issue, defining extended stay motels, and see how other cities regulate them. He indicated staff is not prepared to make a definitive recommendation but would like to discuss the information he has obtained so far. Most cities do not differentiate between motels and extended stay facilities but some do. Some have requirements for extended stay motels which include hallways, dividing walls for suites, etc. Also there is a question of whether extended stay motels are semi-permanent residences. Our ordinance defines semi-permanent housing but does not address extended stay motels. If it is determined to consider this type housing as semi-permanent residence, the board should decide whether to permit semi-permanent residential in which district and under what sort of limitations.

Jim Thomas questioned if further research would clarify some of the remaining questions on this issue and Bill Terry indicated it should. The consensus of the board was to allow staff to continue researching the matter.

b. Consider Ordinance 98-569, an ordinance to enable the Board of Appeals to consider alternative uses for churches, schools, and similar uses which are permitted on appeal in residential districts.

Staff reviewed. Bill Terry noted the Nazarene Church is selling their church and also their activity building on East Avenue. Our zoning ordinance permits churches in a residential district. This area is zoned R10. The Church has a buyer for the sanctuary which is also a church related entity. The activity building is on a separate parcel and the question is what the church can do with this property. The Goodlettsville Help Center wants to purchase the property for their use. There are seven churches located in residential districts in the city. The land use policy states that residential neighborhoods are to be protected from influences that would adversely affect them. The Help Center is a non-profit organization set up to provide assistance to needy families and they have a thrift shop. It has similar characteristics as the Goodwill Store with retail sales and donations dropped off. These characteristics suggest a commercial type operation which is not permitted in a residential zone. The Ordinance was passed by the Commission on first reading and is now referred to the Planning Board for a recommendation. The ordinance would authorize the Board of Appeals to consider an alternative use for this property other than a church. This is a general amendment but it would only apply to this property and the Goodlettsville Help Center or something very similar to it.

Jerry Garrett, board member of the Goodlettsville Help Center, expressed that the church needs to sell the property and the Goodlettsville Help Center needs a new home. He further stated the Help Center is a missionary activity of the ministerial association to assist people in Goodlettsville. He indicated approximately 25 years ago there were unhappy neighbors when a building permit was issued to the Nazarene Church for this building. He added that most of the current neighbors knew the building was there when they purchased their property in the area. He added the Help Center has never had a disturbance, rarely has transients, and in his opinion would be as good a neighbor as the church has been. He added they have very little traffic and would operate during regular business hours.

Richard Pope, 203 Roscoe Street, as representative for the neighborhood, expressed the primary objection is any change that would alter the usage of the property to other than residential. This is a residential area since the 1930's. The encroachment of any use other than residential will set a precedent for all church and school properties located in the residential areas of the city. He added that the Cumberland Presbyterian Church and Goodlettsville Middle School are located in this same area. Once one change is made he feels it would be very difficult to deny a change in use request for those properties. He expressed the neighborhood is not anti-Help Center, but this use would mean more days of operation and more traffic. Also, this type organization becomes a drop off for after hours. This is already a problem at their current location and neighbors feel a larger center will create an even greater problem. The questions the neighborhood would like the board to consider are whether this action would be legally defensible if another similar request is made for another church or school parcel, and what happens if the Help Center decides to sell the property in the future? He stated the majority of residents in the area have responded to him from a letter sent to the homeowners about this issue. All of the neighbors who have contacted him have expressed their opposition to any change of use for this property.

Mike Galbreath, homeowner across the street from the activity building, expressed opposition to the Help Center occupying this building. He stated in his opinion this would adversely effect the value of his home and added all the neighbors he has talked with are also opposed.

Woody McGlathery, Pastor of the Nazarene Church, expressed his opinion that part of the representation that is against the zoning issue, deals with the commercial enterprise that offered a contract on that same piece of property. When the Church turned down that contract, their consideration was the neighbors. The Church wanted the most conducive neighbor without upsetting the neighborhood and have the least adverse effect. He added that the concern of what happens to this property if the Help Center decided to move in the future, is not the issue. In his opinion, another occupant would have to meet the same requirements to use that building or the City would have the right to revisit and revoke such a request. He added that the Church has allowed Galbreath Bros. Plumbing employees to park in the Church parking lot and have always tried to be good neighbors.

Mike Galbreath expressed that his concern is in regard to his residence and protecting his investment as a homeowner. Even though he works for Galbreath Brothers, his representation in this matter has nothing to do with his employment.

Jim Galbreath called an end to the discussion and offered Jerry Garrett the opportunity of rebuttal. Mr. Garrett expressed that due to the audio system he was unable to hear the statements of Mike Galbreath and asked him to restate his comments. Garrett expressed that he hoped everyone understands that this is a very restricted area which only runs from Drake Street to East Court. The people that are going to be directly effected by this are the people on Two Mile Pike who back up to this building and those who currently reside close to the church on East Avenue. The people on Roscoe, Hollywood, further down Two Mile Pike and those areas are not going to be effected by this because they will not be close enough for it to effect their property. Mr. Galbreath then restated his comments regarding the investment in his home. Mr. Garrett stated that it is his opinion Mr. Galbreath's home is in an area that is in a transition in this community. His home is almost adjacent to commercial property now and in the next 20 to 25 years or sooner, this property may very well go commercial and he would think Mr. Galbreath's investment is going to be enhanced and not hurt by the Help Center.

Bill Geiger, Broker for Advantage Properties, stated he has no monetary interest in this transaction but is a member of the church. Regarding encroachment, he noted this commercial type building and parking lot was built approximately 25 years ago and is not a physical encroachment to the neighborhood that hasn't been there for some years. There is office type zoning adjacent to the building and the new fire hall has commercial zoning. He questioned what type of secondary market there is for this building if not for the Help Center. They stated the Help Center receives 25% of their revenue from the thrift store with limited open hours. In his opinion, it creates the best buffer they could hope for between the property that is there and the other commercial properties.

Bill Terry stated the church sanctuary faces East Avenue. The rear part of the actual church is the zoning boundary line between residential R10 and CSL zoning district on Dickerson Road. The activity building in question is across the street from the church sanctuary and fronts on East Avenue, joining to the east to residential property on Two Mile Pike and to the south to residential property on East Avenue. The building in question is zoned R10. Mary Ann Gourley questioned if this would constitute spot zoning. Terry stated this is not a map amendment. It will have the same impact but it is an amendment to the text of the ordinance to give the Board of Appeals the authority to deal with this specific question. All conditional use permits, according to the context of the zoning ordinance, are a use that is permitted in the district but only if certain conditions are met. The Ordinance itself spells out what those conditions are. Once the Board of Appeals determines that those conditions are met, and that there is no adverse impact on the adjoining properties, then the conditional use permit is a permitted use. Therefore, it is given some kind of legal standing. The Board also has the option to attach other conditions and it may or may not put something in the record that if this property were sold some time in the future that its use would have to come back to the Board for another hearing. There is the possibility that another entity would be a similar use and another hearing would not be required.

In reply to Jim Galbreath's question if there has ever been another situation where a church sold property to another business, David Wilson stated he did not recall any. Jerry Garrett noted a Assembly of God building became a cabinet shop in the Connell Street area. Wilson replied that the property was in an industrial zone and not residential.

Margaret Wall stated she would abstain from any participation on this issue due to a conflict of interest as she is the Chairman of the Board of Directors for the Help Center.

John Cannon questioned what conditions could be included in the ordinance that would insure this would not be an encroachment on the residential district. It has always been the policy of this Board to preserve the integrity of residential neighborhoods, particularly this area in question. We have had similar issues come before this board on several occasions and have staunchly defended the residential area for residential use.

Bill Terry responded that the Commission would have to put in the ordinance whatever conditions you would want to put on the property that the Board of Appeals has to apply which could range from such things as architectural treatment, screening, landscaping, etc. The problem here is that there is no new construction involved so you would not have architecture issues to consider. You could address such things as hours of operation or limitations on square footage for certain activities within the building.

Susan Williams questioned if traffic pattern restrictions, screening and limitations regarding donations dropped off could be incorporated into the conditions. Bill Terry indicated those type conditions would be appropriate.

David Wilson noted the City has always tried to work out the most equitable solutions to conflicts and issues, and suggested that a committee be appointed to meet with representation from the neighborhood, the Help Center, the Nazarene Church, the Planning Board, the City, and legal counsel to determine what can legally be put in the ordinance that can be defended. Jerry Garrett requested this item be placed on the October Planning Board agenda. Bill Terry, David Wilson, Joe Haynes, Richard Pope, Dr. Warren Hill, Ben

Cunningham, Judy Vecchione, Susan Williams, Pat Lydon, Bill Geiger and Woody McGlathery were named to serve on this committee and to meet within one week.

Jim Thomas stated he feels the Help Center is an important and needed entity of our community. However, as John Cannon pointed out, this board has a historic tradition of maintaining the residential integrity of our neighborhoods. Over and over again the board has replied to requests for other activities being permitted in residential districts and spot zoning and the board has consistently come to the same conclusion, that they would not allow it. There is a standing commitment to preserve the integrity of the residential aspect of our neighborhoods.

John Cannon added that this commitment is written policy under the adopted land use policy of the city, that the residential neighborhoods shall be protected and preserved from any adverse impact.

Mary Ann Gourley asked Bill Terry if the Help Center at some point in the future for whatever reason did not occupy this building, could the Goodwill Store go into that building under the proposed ordinance? Bill Terry replied yes.

c. Consider Ordinance to amend the Municipal Code regarding site plans, etc. and an ordinance regarding telecommunications towers.

Bill Terry gave an overview of the ordinance under consideration for the board to study and offer their recommendations. Items addressed in this ordinance include:

Alteration of existing buildings and other structures. When existing buildings which are not in compliance are altered, this would designate at what point would the total site have to be brought into compliance. Charlie Lowe and Jim Galbreath suggested an "either/or" "value/size" amount be determined as the benchmark for total compliance.

Preliminary and final master plans shall be prepared and stamped by registrants of the State of Tennessee who are licensed to practice the particular discipline being prepared.

Building plans shall be detailed showing front, rear and side elevations including materials detail.

Landscape plans shall include trees, shrubs, and flowering plants with species, quantities and sizes indicated. Bond or cash deposit shall be required to cover the cost of installing improvements, landscape, drainage and utilities. Jack Tompkins recommended access be identified for instances where the city has to use the bond and go on the property to complete the improvements.

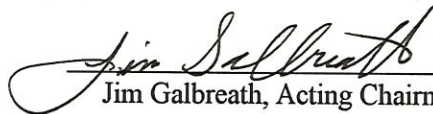
Site plans shall lapse at the end of six months, must meet the requirements of the code prior to submission, and the licensed professional that prepared the plan shall certify to the Codes Administrator that the final construction including all site improvements are in conformity with the plans and specifications which were approved.

Bill Terry indicated the Commission recently passed a telecommunications tower ordinance providing the city a 90 day moratorium for new towers. The proposed zoning ordinance change would put additional restrictions on communication towers, require them to "co-locate" and if that is not possible, they must provide detailed proof of why they cannot share towers.

The board members were encouraged to study these two ordinance drafts and offer any questions and recommendations at the next meeting.

The meeting was adjourned at 7:25 p.m.


Claudia Davis, Recording Secretary


Jim Galbreath, Acting Chairman