

Jim Hitt expressed that he feels everyone on the board wants to see this property developed. However, he believes the board does not have sufficient knowledge of all the codicils that should be included in a motion for preliminary approval.

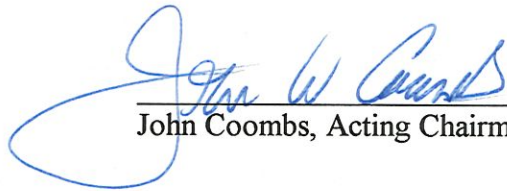
Joe Griffin added that his recommendations are to achieve the highest degree of comfort with all the issues involved to achieve some middle ground where the project would have a chance.

John Coombs recommended the engineering of the project be evaluated with all entities involved and brought back to this board with the best possible workable plan.

John Cannon made a motion to defer this request and allow the developer to examine and address the traffic issues based on the concerns of the engineers and this board regarding traffic. Jim Galbreath seconded the motion and the board unanimously approved.

The meeting was adjourned at 6:40 p.m.


 Claudia Davis, Recording Secretary


 John Coombs, Acting Chairman

MINUTES OF REGULAR MEETING GOODLETTSVILLE PLANNING & ZONING BOARD

Date: April 7, 1997

Time: 5:00 P.M.

Place: City Hall

Present:

John Coombs	Jim Hitt
Jim Galbreath	Margaret Wall
Jim Thomas	Pat Lydon
Gary Webster	Bobbie Ann Wilson

Also Present:

David Wilson	Roy Dale
Charlie Lowe	Chuck Crook
Jack Tompkins	Dixie Sutton
Claudia Davis	Mrs. Sudberry

Absent:

John Cannon	Mary Ann Gourley
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Terry Simmons
Wolfgang Sauerman
Dixie Sutton

The meeting was called to order by John Coombs. Prayer was offered by Pat Lydon. Minutes of the March 3, 1997 meeting were adopted as submitted.

David Wilson indicated Item #4 of the agenda will not be considered as revised plans have not been submitted to fulfill the corrections and recommendations of the staff after their review. Items #8 and #9 are also questionable for the same reasons. As no representatives were present yet for Item #1 or #2, he suggested these items be considered later in the meeting to allow for traffic problems which might have delayed these people.

Item #3 (4-89) to consider request of Chuck Crook for the release of construction bond and acceptance of improvements for Squires Point.

Staff reviewed. David Wilson indicated this subdivision is now finished and the infrastructure has been approved by the respective departments. The improvements are ready for official acceptance with the exception of the final as built drawings being submitted and approved by Public Works. The original letter of credit has been previously reduced and a \$3,000 bank check is being held to secure the final improvements. One of the sewer service lines to a home in this development had to be repaired due to sewage backing up to the house. The sewer line had been crushed by the installation of a drainage pipe over the sewer pipe. The cost of the repair was approximately \$500 and the Sewer Department recommends this repair expense should be borne by the developer.

Chuck Crook noted when his letter of credit was reduced and the \$3,000 check submitted to secure the remaining improvements, he received a letter to that effect which indicated specific items such as markers, drainage riprap, putting monuments in, shoulder of the road, etc. that the \$3,000 would be securing. He indicated he was not notified of the problem in his development and given the opportunity to repair it himself at a lesser cost. He did not feel the charge for the repair should be retained from the \$3,000 check.

David Wilson indicated Mr. Crook previously submitted this matter to the Commission who appointed a committee to review the request. The committee recommended this matter go to the Planning Board for a recommendation to the Commission. Jim Thomas chaired this committee and he indicated that they realized the public improvements of this development had not been accepted for public maintenance and upkeep. Once all departments have reviewed the improvements and given their acceptance, they will sign off as such and the request is made to the Planning Board for recommendation to the Commission for acceptance. Jack Tompkins indicated the as built drawings for this developments have been submitted. They were received the previous week and have been reviewed and approved by the Public Works Director. Jim Thomas noted the committee determined that the reason for the damage to the sewer line was the placement of a drainage structure. Jack Tompkins confirmed the drainage pipe placed on top of the sewer service line caused the sewer line to be crushed. He also noted that he attempted to reach Chuck Crook by telephone and was unable to contact him. He indicated it was prudent to take care of the situation immediately in the interest of the homeowner involved.

Chuck Crook indicated he saw the city vehicles at the site doing the work. Jim Thomas inquired if he attempted to find out what they were doing as this was on property within his development. Mr. Crook indicated he did not, that he was too busy to stop and investigate.

Jim Galbreath inquired when and by whom were the sewer and drain lines installed. Chuck Crook indicated they were installed at the same time, approximately one year before the first home was built. Galbreath indicated that staff reported that the sewer service line was crushed by the drainage pipe. Crook disagreed, stating the drainage pipe and the sewer line are some distance apart. Galbreath expressed if the contractor or his agent is responsible for the installation and operation of these lines that until the city officially accepts responsibility for the maintenance of such improvements the contractor remains liable for maintenance and repairs until that responsibility is accepted by the City, and Chuck Crook agreed.

Bobbie Ann Wilson made a motion for conditional release of the bond with the stipulations recommended by staff: final submission and approval by Public Works of the as built drawings, the City to reimburse Crook with the balance of the bond less the cost of sewer line repairs, and recommend to the City Commission that the improvements be accepted for public maintenance. Pat Lydon seconded the motion and the board unanimously approved.

Item #1 (#25-96) to consider request of Wolfgang Sauerman, Westwood Properties, for approval of a Preliminary Master Plan for proposed Commercial P.U.D., Conference Drive at Rivergate Mall, Davidson County Tax Map 26-14, Parcels 7, 46, 127.

Staff reviewed. David Wilson indicated a revised plan had been submitted to take into account the comments and concerns of the consulting traffic engineer, the staff, and this board. A meeting was held with Wolfgang Sauerman, Jack Tompkins, Bill Terry, Danny Wamble, and Charlie Lowe.

Charlie Lowe indicated the revised plan was received on Thursday and they had tried to review the plans and specifically focus on the traffic issues. He distributed a letter from Joe Griffin, Traffic Engineer, Ragan Smith & Associates, which recaps the ten items from his previous letter. The deficiencies in the approach to traffic, particularly on the Ring Road, were described by an accompanying sketch with the letter. The sketch represented the traffic issues that were outlined twice in their letter in comparison to the revised plan before the board. Basically, the studies and the recommendations they made subsequent to the studies were adding lanes to the Ring Road area for three things: 1. An additional left turn movement at the intersection of Conference, segregating the right/left that is there now. That has been accomplished and on the revised plans there are five lanes, two in and three out at the intersection. 2. A d-cell lane, a right-turn lane off of the Ring Road into Rivergate Drive has not been done correctly. Instead of creating new asphalt and creating a right turn movement into that drive, they have taken the asphalt that is there and restriped it, basically taking the two through lanes on the Ring Road and reducing them to one through lane and the d-cell lane. The intent of this was to add a d-cell lane, not to restripe and reduce the capacities in the Ring Road area. 3. Past the intersection, a left turn movement into Rivergate Drive was requested. They did not add a lane but restriped the four lanes that are there which takes away one of the through lanes going into the mall on the Ring Road and makes a left turn out. That is not what was requested to be accomplished.

Charlie Lowe further noted that the intersection of Rivergate Drive onto Ring Road has been moved away from Conference Drive approximately 75' as requested. John Coombs added that the access points along the drive have been reduced to two as requested. Also, they have aligned the access of the western end of Rivergate Drive to the driveway through the parking lot next to the theaters which improves that issue.

Coombs suggested that the motel site be changed to proposed retail, with the understanding that this board would give some consideration to an upscale motel. If certain uses such as a motel were approved, pedestrian traffic would present a problem. Wolfgang Sauerman indicated that each tenant would bring individual needs and he recognizes that depending on the usage, the infrastructure needs could change and require additional improvements. Coombs also suggested that more landscape areas be shown on the preliminary plat, recognizing that the landscape detail is addressed later in the approval process. He expressed concern that there is sea to sea asphalt and concrete on this plan and

he feels there has been little effort to make this development somewhat attractive. Another serious issue is drainage.

Charlie Lowe indicated the 18" and 12" drainage pipe shown on the plan are probably indicated just for the intersection and in no way would be adequate for this development. There are serious drainage problems with this site and detention would be the only practical solution. There is no detention shown on this revised plat. He added that the developer has an obligation and a liability to provide adequate drainage so that the post development flows do not exceed the capacities of the pipes downstream. That basically falls back to the engineer for the project to make those determinations of the capacities downstream on existing sites and if those sites are not adequate, then a determination is made on how much acre feet volume of detention area is needed on the proposed site and equate that to an area on the site to accomplish the necessary capacity of post development flow. Typically 5 - 8% of the land area is dedicated to detention which would certainly encroach on the usable space.

Jim Thomas noted this is the fourth review of this property. He and Pat Lydon commented that there are still a lot of modifications needed on the plan. John Coombs added it appears to be unanimous that the intention of the board is to approve this development. However, there are still major concerns that have to be addressed in the preliminary; drainage, landscaping, traffic, and users. He encouraged that a more accurate rendering of this project be submitted that appropriately addresses these issues.

Jim Galbreath made a motion to defer this item in good faith the developer can come back with a revised plat with the issues resolved. Margaret Wall seconded the motion and the board unanimously approved.

Item #2 (9.32) to consider request of Bruce Rainey & Assoc. for approval of Plat Amendment for Lot 30, Crencor Manor, Sumner County Tax Map 143B-D, Parcel 33.

Staff reviewed. David Wilson indicated this item was considered and approved last month for lot 32 but the surveyor made an error and discovered the actual lot needing the setback amendment is lot 30. This lot is 200 feet deep and currently the setback is 140 feet. The setback for lot 29 is 120 feet and lot 31 is 130 feet. Dixie Sutton, the prospective owner, wants to build a home which is about 60 feet deep. The lot has a rear setback of 30 feet.

Dixie Sutton indicated she would like to have an 80 to 85 foot setback. This would allow them to build the 60 foot depth home and also have a larger back yard. She handed out a plat copy with the footprint of the proposed house. She indicated by her measurement the home on lot 31 is 128 feet from the front line and the home on lot 29 is 110 feet from the front line, not counting the front porches.

Charlie Lowe indicated the real disadvantage of this situation is to the neighbors who have already built on the lots and were required to maintain the deep setbacks on these lots. He noted 112 foot setback would be the minimum setback to accommodate the home she wants to build and meet the 30 foot rear setback.

Jim Hitt made a motion for conditional approval of an amended setback to 110 feet on lot 30 subject to written approval of this change from the property owners of lot 29 and lot 31. Pat Lydon seconded the motion and the board unanimously approved.

Item #5 (9.62) to consider request of Mark D. Spalding, Barge, Waggoner, Sumner & Cannon, for approval of a minor plat amendment, Northchase Office Park Phase II, Davidson County Tax Map 26, Parcel 137.

Staff reviewed. David Wilson indicated when construction began on this building, a water line was discovered and had to be moved. This amendment records an easement for the relocated water line. Charlie Lowe indicated actual meets and bounds of the area of abandonment and the area of the new easement placement should be added to be adequately described on the amendment.

Pat Lydon made a motion for conditional approval subject to the recommendation of the staff. Margaret Wall seconded the motion and the board unanimously approved.

Item #6 (#5-97) to consider request to use an abandoned right-of-way as access to a lot for building purposes on an unbuilt, undedicated portion of Bell Street, Map 18-16, Parcel 21.

Staff reviewed. David Wilson noted Bell Street runs between Old and New Brick Church Pike. Tax maps indicate a right-of-way north of New Brick Church Pike with three small lots fronting on the right-of-way. There is no street there or any indication that a street was ever dedicated. Apparently the three lots were created by deed and not platted some years ago with the intention of using the right-of-way as access. Now one of the owners wishes to build on lot 21 and must have access to the property to obtain a building permit. It must be determined if this is a public right-of-way or a private easement for access with a public utility and drainage easement provided. A copy of a letter from Joe Haynes was distributed to the board members to offer his legal opinion. He indicated in the letter that there is not a dedicated right-of-way but a right-of-way does exist on older maps.

John Coombs indicated the board has an issue where, according to the letter from Joe Haynes, there is a right-of-way recorded on other maps. The fact that it has not been used for over forty years lends that it is an abandonment and as an abandonment the right-of-way footage typically goes to the adjoining property owners. Pat Lydon questioned if it is abandoned, perhaps an easement could be negotiated with the adjoining property owners to give him access. Jim Hitt questioned if the board could assume the right of way is abandoned as that would create a landlocked parcel. John Coombs noted that the board could not take any action that would landlock any piece of land.

Margaret Wall made a motion to defer this item to clarify the legal opinion and determine the options the board has to provide access to these lots. Gary Webster seconded the motion and the board unanimously approved.

Item #7 (#7-93) to consider request of Dale & Associates to rezone from HDRPUD to R7, property of Kirby Clifton, Davidson County Tax Map 25, Parcel 71.

Staff reviewed. David Wilson indicated the owner wishes to develop this property into a subdivision of single family homes with 8,000 square foot lots. Staff recommends the board consider if a single family development of this kind can be done under the existing PUD zoning which would allow the board more design control than with R7 zoning.

Roy Dale indicated Mr. Clifton is aware this type development could be built without changing the

zoning, however he thinks it would be less complicated as a simple subdivision with restrictive covenants and no owners organization and fees required. Mr. Clifton wants to develop this property and Mr. Dale wanted to find out what the board would be willing to approve and they would proceed to submit such a plan to the board.

John Coombs noted one of the things in the past in considering development of this property is that the integrity of the property around this tract lends the board to insure this be a nice development.

David Wilson asked if Mr. Clifton had given any consideration to a complex similar to Rolling Meadows which has been extremely popular and successful. Mr. Dale indicated Mr. Clifton preferred building single family residences.

John Coombs noted there are serious issues regarding screening, access and egress, parking in the street, drainage, road configuration, etc. and he felt the board would be best served with a PUD. At this point, Mr. Dale withdrew the request for rezoning and asked for direction from the board of what they would like to see developed on this property. David Wilson indicated that he and Bill Terry would welcome the opportunity to meet with Mr. Dale to discuss the best workable plan for the development of this site.

Item #8 (#7-93) to consider request of Dale & Associates to approve a subdivision plat for Steeplechase Meadows, Davidson County Tax Map 25, Parcel 71.

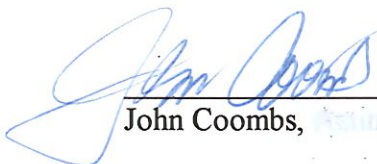
This item was not considered due to the action taken on the previous item.

Item #9 (#6-97) to consider request of Dale & Associates to approve resubmitted preliminary plan for Indian Hills Subdivision, Davidson County Tax Map 25-3, Parcel 11.

This item was not considered as revised plans were not submitted to fulfill the corrections and recommendations of the staff after their review.

There being no further business, the meeting was adjourned at 7:15 p.m.


 Claudia Davis, Recording Secretary


 John Coombs, Chairman