

MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

Date: March 6, 1995
 Time: 5:30 P.M.
 Place: City Hall

<u>Present:</u>	<u>Also Present:</u>		
John Coombs	Bill Terry	David Wilson	Evelyn Matthews
Charlotte Morris	Claudia Davis	Charles Lowe	Ronald Denton
Bobbie Ann Wilson	R. L. Montoya	Terry Douglas	Doris Ruskin
Jim Driver	Lynn Anderson	Jae W. Shim	Robert Notestine
Jim Thomas	Choon H. Shim	Ann Crawford	Fred Cobb
	Phillip Gibson	Jack Hunnicutt	Ricky Lanius
	Ricky Ray	Richard Binkley	

Absent:

Jim Hitt	Mary Ann Gourley
Pat Lydon	Gary Webster

The meeting was called to order by Chairman Coombs, and prayer was offered by Jim Driver.

Minutes of the previous meeting were approved as submitted.

Item 1 (#9-64), consider a request by R. L. Montoya for approval of site plan for Rivergate Professional Plaza, Parkway Annex, Section 2, Davidson County Tax Map 26-9, Parcel 95.

Staff reviewed. An improved revised plan was submitted. However, several technical items in design and drawings were recommended by the staff. One item recommended extending proposed retaining wall 30' and enlarging the interior island to provide better turning radius for vehicles. Montoya indicated this would be acceptable or he suggested the wall could be eliminated completely. Lowe indicated that would be acceptable also.

Bill Terry said he had met with the Principal of the Goodlettsville Elementary and the Facilities Manager of the Metro Board of Education. They indicated there are a couple of additions to the drawings they would require, including three bars on the drainage opening and the assurance that any work on the school property would not take place until school is out for the summer. Montoya noted the project would be scheduled to be started and completed on the school property during the summer when school is not in session. Montoya requested board's guidance on specifications for the fence and in turn would provide this information in the plans. Consensus of the Board was that a 5' chain link would be adequate.

Jim Driver made a motion to conditionally approve the site plan subject to the recommended revisions from the staff and board. Charlotte Morris seconded the motion and the board approved unanimously.

Item 2 (#2-95), consider the request of R. L. Montoya to change the minimum setback line from 50' to 20' on Lot 31 Echo Meadows, Davidson County Tax Map 34-1, Parcel 27.

Staff reviewed. The 50' setback line established in the original residential

subdivision plat is still in effect on this lot. The house on this property was converted to an office and an addition was constructed in the early 1980s. The addition was in violation of the 50' subdivision setback line but it met the requirements of the zoning ordinance in effect at that time.

Jim Thomas made a motion to approve the plat amendment as requested. Charlotte Morris seconded the motion and the board approved unanimously.

Item 3 (#11-94), consider the request of R. L. Montoya to approve the Final Plat of Rollins Subdivision, Davidson County Tax Map 18 Parcel 88.

Staff reviewed. A preliminary plat for this property was approved last June, then withdrawn, and now resubmitted. Staff recommended several technical corrections and additions to be made. Additionally, Bill Terry noted the location of the driveway going onto Lot 1 goes across the sewer taps. Charles Lowe note the sewer and water (private) lines to Mike Rollins house should be indicated as private lines, not to be maintained by the City.

Bobbie Ann Wilson made a motion for conditional approval of the final plat subject to the recommendations of the staff and other comments from the City Planner and City Attorney. Jim Driver seconded the motion and the board approved unanimously.

Item #4 (#5-92), to consider the request of Terry Douglas for approval of plat amendment on Lot 4 Conners Subdivision to change building envelope and size of the subsurface sewage disposal area, Sumner County Tax Map 1450 Parcel 135.

Staff reviewed. Slides were show. This board approved a plat amendment to change the building envelope and drain field reserve area on the adjoining parcel, Lot 3, when the owner of Lot 3 began construction of his home outside the building envelope. Mr. Douglas, owner of Lot 4, wants to build on a similar line with the house on Lot 3. Bill Terry indicated a signature block is needed on this amendment for the Planning Director.

Jim Driver made a motion to approve this plat amendment with a 150' setback subject to adding signature block described. Jim Thomas seconded the motion and the board approved unanimously.

Item #5 (#1-95), to consider the request of Lynn Anderson to rezone from Agriculture to Residential and subdivide property of Matthews Estate, Sumner County Map 141, Parcel 7.

Staff reviewed and slides were shown. This property consists of 11 acres, including 7.57 acres on the east side of Springfield Highway with 4 separate homes, and an additional 3 acres on the west side of the highway adjoining Northcreek Industrial Park. Owners would like to divide off one house and lot so that it can be sold to generate income to the Estate. The balance of the property would be sold all together. Several options were discussed of how the property might be divided. Current zoning is Agricultural, which requires a 5 acre minimum lot size. The land use plan shows this area to be low density residential.

John Coombs noted this change would represent spot zoning. Jim Thomas noted if one tract in this area is rezoned to residential, the board creates a precedent

for others who want to rezone this area to residential. Bill Terry indicated rezoning one small lot is not appropriate, that it would be better to rezone the approximate 8 acres. Charles Lowe noted that it would be in everyone's best interest to clear up issues for the entire acreage at one time. However, he felt that more information should be provided to make such a decision.

John Coombs recommended possible division options be prepared and presented to the board at the next meeting. Lynn Anderson indicated this could be done. John Coombs recommended this request be deferred.

Item #6 (#3-95), to consider the request of Jae W. Shim to rezone from Residential to Commercial to open an animal hospital, Sumner County Tax Map 143 K-C, Parcel 1.

Staff reviewed. Slides were shown. The Long Hollow Market is located on this property. There is an apartment behind the market and two trailers. A second house is beside the market, all on this same parcel, which F. K. Panya wishes to renovate and open an animal hospital. When this property was annexed the area was zoned R40. All the existing structures are nonconforming uses but are permitted to continue as a nonconforming use. The land use plan shows the best use for this area to be residential. Previous requests to rezone residential properties on Long Hollow Pike have been denied.

Bob Notestine, Attorney representing the owners, indicated they have been paying taxes on this property as commercial. Bill Terry indicated that taxes are based on the use of the property. Notestine submitted a petition of neighbors in the area indicating the requested rezone on this property would be acceptable to them. Jim Driver noted the requirements for CSL would be one structure per acre. If two buildings are on one lot this would constitute a Commercial PUD, noting that enough off street parking requirements and numerous other items would have to be met. Bill Terry reiterated that the land use plan in 1989, adopted from an extensive study to determine the best uses for properties, specifies residential to be the best use for this area. Rezoning to commercial would not be consistent with the adopted plan, and this would create a spot zone.

Jim Thomas made a motion to deny this request to rezone subject property. Bobbie Ann Wilson seconded the motion and the board approved unanimously.

Item #7 (#9.94 & 2.7), consideration of ordinances and plan of service for areas proposed for annexation in Sumner County.

The City Commission has passed on first reading ordinances to annex this territory and at the last meeting referred them to the Planning Board for comment. In 1993 the planning board recommended areas in Sumner County to be annexed. The only change is that the area along Hogans Branch Road has been deleted and an area along Long Hollow Pike just beyond Allen Road has been included. Bill Terry reviewed the Plan of Service for this proposed annexation. The property would all be zoned Agriculture until a study could be undertaken to look at the existing land development pattern and determine if other zoning would be more appropriate.

Jim Thomas made a motion to recommend to the Commission that the original recommendation of the Board in 1993 be accepted with the revisions and exceptions discussed above, that the area under consideration be annexed and that the Plan

of Services as outlined be accepted. Charlotte Morris seconded the motion and the board unanimously approved.

Item #8 (#9.80), To review zoning revisions related to outside storage in commercial districts. John Coombs requested this item be deferred. See below.

Non-Agenda Items:

1. Bill Terry indicated there is an urgent problem regarding assigning street numbers for the new construction projects on Dry Creek Road. Assigned street numbers for the new development are needed this week. If the new Dry Creek Road is connected through the Worrell Farm to the old Dry Creek Road, there will be no house numbers. In meetings with the Post Office, etc., Bill Terry said it had been suggested that the street be renamed from Alta Loma to Dickerson Road and through the Worrell Farm. "Dry Creek Boulevard" has been recommended. The Postmaster objected to "New Dry Creek Road".

The board discussed and decided to rename this road to Dry Creek Lane by a vote of 4 in favor and 1 opposed.

2. Bill Terry indicated he has found an apparent typographical error in the table of permitted and nonpermitted uses in commercial districts. The Commercial Services Limited District permits a variety of uses such as retail sales, offices, and service stations, and certain types of convenience sales such as drug stores and beauty shops, but prohibits convenience stores sales and services. There is no record or memory from anyone that this was the intent of the board at that time to prohibit convenience sales and services from the permitted uses of the CSL district. This omission is inconsistent with other uses that are permitted. Apparently it is an error in that table which needs to be corrected.

John Coombs agreed there is no reason it should not have been included in the detail and ideally a business of this type should belong in this zoning district. He asked if the board had any problem with addressing the ordinance as a change to correct an apparent error rather than going through the process of three readings. Jim Thomas asked if this was discovered as a result of someone challenging the ordinance. John Coombs indicated there was a request and as Bill Terry researched the request he discovered the apparent error. Bobbie Ann Wilson noted that where else could this type use be than CSL.

Johh Coombs asked if the board had no objection, we will take the necessary action to correct the table. There was no objection and the board members agreed this should be taken care of as suggested.

Other Comments:

John Coombs indicated he has furnished a copy to each of the board members of a letter he sent to the developers who had proposed the Worrell Farm development. He communicated that the proposed density was too heavy and the city would best be served with single family homes and a retirement center with a decreased commercial area.

Several in the audience indicated they would like the board to address Item #8

previously deferred.

Item #8 (#9-80), to review zoning revisions related to outside storage in commercial districts.

Bill Terry noted there is a provision in our zoning ordinances that outside storage is prohibited in certain circumstances. CSL prohibits outside storage all together and only behind main buildings in CS and CG. Many businesses display certain things in front of or behind their business. Some businesses have permanent storage in some form. An example is K-Mart who is establishing outside storage of plants. There is some question in interpretation of what constitutes outside storage and outside display. One of the new antique stores is setting furniture outside. The question is if this constitutes outside storage or not. Most of the convenience markets have some kind of outside display of merchandise. Should this be permitted or prohibited?

John Coombs noted the ordinance does not properly distinguish between displays and outside storage and is very difficult to interpret and enforce the intended regulation. David Wilson stated our ordinance is inconsistent and does not distinguish between businesses and the types of product they would each have outside.

John Coombs felt that setting goods for sale outside a business does not constitute outside storage but should be described as outside display. Jim Driver agreed there is a definite distinction. Bill Terry noted as a result of the vagueness and inconsistency in this ordinance, the city has not been enforcing any of the regulations.

It was agreed this issue should be corrected to be able to identify the differences in outside display and outside storage. Ricky Ray asked that this change include more detail about requirements regarding covered areas.

John Coombs asked that Bill Terry research this terminology and with the board members recommendations, study alternatives to consider.

The meeting adjourned at 7:05 P.M.

Claudia Davis

Claudia Davis, Secretary

John Coombs

John Coombs, Chairman