

MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

Date: October 3, 1994
 Time: 5:00 P.M.
 Place: City Hall

Present:

John Coombs	Pat Lydon
Grady McNeal	Charlotte Morris
Billy Hitt	Jim Driver
Gary Webster	Jim Thomas
Bobbie Wilson	

Also Present:

Bill Terry	John Cannon
David Wilson	Claudia Davis
Charlie Lowe	
Randy Tatum	
Ronald Lewis	
Galara Kelly	
Michael Kelly	
Wayne Meadows	

Absent:

Mary Ann Gourley

The meeting was called to order by Chairman Coombs. Prayer was offered by Grady McNeal. Approval of the previous minutes was deferred until the November meeting.

Item #1 (16-94), to consider the request of Ronald A. Lewis and Galara Kelly that their adjoining property be rezoned from residential to commercial, Davidson County Tax Map 025-120 Parcels 27 and 28. These parcels front on Dickerson Road and border Shevel Drive on the north and La Petite Day Care on the south.

Staff reviewed. These two individual requests are being considered together since they are adjacent and are being proposed for commercial development. There have been numerous requests in the past by residents in this area for rezoning which in all cases were denied. Reference was made to the minutes of the Planning Board on February 1, 1988, the most recent time properties in this area were examined, in which the board adopted a policy that said this issue would not be considered until a study and plan were completed. In 1989 the Goodlettsville Land Use Policy Plan was adopted with the current zoning ordinance. The map charting the land use policy was presented for the board to examine the area in question. This plan recommends that all existing stable residential neighborhoods be preserved as residential conservation areas. Further, it recommends that future strip commercial zoning along major highways be avoided. Therefore, this request is not in agreement with the adopted plan.

John Cannon, representing the property owners, pointed out that as the property is faced on three sides by the day care, shopping center, and First Baptist Church, that perhaps the board should reconsider using Shevel Drive as the border in the residential plan. The plan states that a commercial core should be restricted by other boundaries, in this case Shevel Drive. Cannon suggested this line could be moved down to another street or property boundary. The land use boundary of Shevel Drive is arbitrary considering that the day care is operating within the residential conservation plan area. Rezoning these two parcels

would have no effect on the adjoining property other than the rear property facing Shevel Drive. He indicated the owners have approval from the adjoining property owner on Shevel for the property to be rezoned. Regarding the restrictions for highway use, these two parcels should fall into the acceptable purposes. Rezoning these two parcels would not be invading the entire residential use zone. Again, these are two separate requests. Dr. Lewis is interested in operating his dental practice out of his residence. Mrs. Kelly is a senior citizen interested in securing the best economic use of her property.

Bill Terry noted that when the day care center was approved, such a facility was permitted in a residential district. While this is not permitted in the existing ordinance, the center may continue to operate. As this use pre-existed our plan, it is a legal nonconforming use. Also, under the use classification system in the zoning ordinance, a day care center is a community facility activity, not commercial. All the existing businesses in the area in question were in operation prior to the adoption of the new land use policy plan in 1989.

McNeal noted that a lot of consideration was given to all the property on Dickerson Road in establishing the Land Use Policy Plan. It was our feeling that Shevel Drive was the best place to start the residential land use plan for this area. If we alter the decision made at that time then we will be faced with subsequent requests from area property owners to again alter the original plan. McNeal stated that he would like to see the residential area remain unchanged, preserving the aesthetic benefit of the residential area coming into the city. Chairman Coombs agreed that the previous study and adopted plan for this area should remain in place.

Billy Hitt noted that approximately thirty years ago when the shopping center was approved and developed, the city required a buffer zone be maintained between the retail portion of the development and the residents across Shevel Drive and this area could not be encroached upon. This condition was to protect the homeowners in the area and through the years this has been honored. This buffer has in the past and continues today to serve the purpose intended at that time.

Billy Hitt agreed with McNeal regarding the policy plan and made the motion to deny the request to rezone two parcels owned by Ronald A. Lewis and Galara Kelly respectively from residential to commercial. Motion was seconded by Bobbie Wilson and was approved.

Item #2, (#9.45), to consider the request of Randy Tatum on behalf of the owners/developers Edward R. Phillips and C. Wayne Meadows for approval of the Final Plat of Section One, Braxton Park at Woodwyn Hills, (formerly called Deer Ridge, formerly called The Highlands of Mansker Hills), a residential Planned Unit Development off Loretta Drive, Sumner County, Tax Map 142, Parcel 18.

Jim Thomas requested to abstain from any discussion and decision for both Item #2 and Item #3.

Staff reviewed. The board previously approved a master plan for Mansker Hills which has been dormant for numerous reasons for many years. In January the property was purchased and resubmitted. The development has been under construction for several months and the final plat is the last step in the process leading to the construction of homes. In addition to approving the final plat, the board should also approve the name change, the deed restrictive covenants, and the articles of the homeowners association. The board also needs to authorize the city to accept a bond or letter of credit to secure all improvements, the amount to be determined by an estimate from the city engineer and Public Works Director. These additional items are part of the city's requirements to approve the final plat.

The final plat has a few minor technical corrections to be made which have been discussed with the engineer and the developer and are being corrected. Bill Terry stated he has examined the restrictive covenants and aside from the customary items, there are some technical questions on the following items. The Architectural, Maintenance, and Use restrictions are for single-family residential construction, maximum three stories, minimum 1,600 square feet, and may have an attached garage for not less than two cars. It was agreed that the word "may" would be changed to "shall". Exterior surface shall be a combination of brick and/or siding, or other materials as approved by the Developer. Pat Lydon noted this statement including "and/or siding" bothered him. Wayne Meadows noted that in this development the homes will be in the \$120,000 to \$130,000 price range, 2,200 to 2,400 square feet in size, and that in reality there will be no "all siding" exteriors. Other items in the restrictive covenants include, two full baths required, aggregate concrete driveways required, restrictions on clotheslines, roofing, swimming pools, paint and stain, etc.

This development and the development in Item #3, Woodwyn Hills, parallel each other, however they are two separate Planned Unit Developments with two separate owners associations, bylaws, restrictive covenants, and common areas. Braxton Park at Woodwyn Hills will be the lesser of the two in price of homes and size of development. Each development will have underground utilities.

Charlie Lowe noted that Lots 1 and 181 show a 15' setback on Loretta Drive. Bill Terry said the master plan was either for 40 or 50' setback, as well as lots on Braxton Park facing Loretta were at least a 40' setback. The building envelopes required on this development will show consistent 40 to 50' setback lines.

There is a cemetery in this development within the common area. The homeowners association is to maintain this cemetery behind Lot #3. David Wilson noted this is a historic cemetery and he would encourage the homeowners association to cooperate with citizens in

the community who have an interest in historical preservation.

Bill Terry would like approval to be subject to meeting with the developers one additional time in ensure the technical corrections, building envelopes, etc. are made.

Driver made the motion to conditionally approve the Final Plat of Section One, Braxton Park at Woodwyn Hills and the articles and bylaws of the homeowners association, the restrictive covenants, and the name change of this development subject to technical corrections presented above; and to authorize the City to accept a bond or Letter of Credit to secure all improvements. Webster seconded the motion and it was approved.

Item #3 (9.45), to consider the request of Randy Tatum on behalf of the owners/developers Edward R. Phillips and C. Wayne Meadows for approval of the Final Plat of Section One, Woodwyn Hills, (formerly called Crowne Point, formerly called Mansker Hills), a residential Planned Unit Development off Loretta Drive, Sumner County, Tax Map 142, Parcel 18.

Staff reviewed. This development will extend Loretta Drive, Lynn Drive, and Park Drive, and a connection will be made to Kimberly and Yvonne. There are several minor corrections to be addressed. In particular, the flood retention pond located in the open common space at the corner of Park and Yvonne, next to Lot 37. Bill Terry would like to see a public utility easement to be on this area in the event the homeowner's association does not take care of this situation. One issue in this matter is the city's liability. David Wilson noted this is a rather large area, over 25,000 square feet and very deep. There is a tremendous concern about the depth of water this area will retain in a heavy rain and the danger of someone sliding into the area and drowning. This causes a great deal of concern for the city's responsibility involved to properly maintain and monitor this structure.

There is a drain in the bottom of the reserve which is 9" and a secondary drain which is 6' high. Water would be 6' deep at the point the secondary drain would function. Chairman Coombs suggested fencing and/or terracing the area to prevent anyone from sliding completely into the depth of this area. Wayne Meadows noted that engineers had designed this system so that water is released in a controlled manner. If in fact the system does not do what it is designed to do, he will insure that the area would be fenced and secured. There has been a great deal of concern from residents of Cavalier Estates about the amount of water that will come through their property and how the control system is going to work. If the system works properly, they should not experience any more flow than in the past. David Wilson would like to see as a minimum that until we get some experience on how it is going to work, we retain the right to take whatever action necessary to correct any undesirable situation, such as requiring a structure around the area. Meadows noted that any fencing needed or required would be ornamental, not chain link, to be as visually aesthetic as

possible. However, he would like to see how the system works before making a fence mandatory. Driver agreed that a conditional approval should be made on handling this matter until we see how the system is going to perform. The developer will stabilize the area with seed and straw, and Public Works will monitor the system with the developer and the engineers. If the system does not perform satisfactorily, the developers will be required to secure this area with a fence. Wayne Meadows will furnish a letter to the board agreeing to these conditions.

Charlie Lowe noted whether there should be a public utility easement on the property. From an engineering standpoint, there is a concern in the amount of water upstream that will charge this area. The city needs the ability to go in and maintain the detention facility if the homeowner's association does not maintain it properly. Secondly, the dam overflow is 6' deep. There is a 9" pipe at the bottom of the overflow. These type areas are designed for flash storms. Water should drain from this area within 45 minutes to an hour for a 1" to 2" rain in a 15 minute period. This 6' depth of the secondary drain meets the requirements of a 100 year storm. The 9" throttling pipe is to control how the water goes out. In Metro, the 6' range is where they begin requiring fences to keep people out of the area. They do not require any fencing for depths under 5'. We are right on the border with what Metro requires. Primary maintenance of the retention area should be to the homeowners. There should be incorporated into the homeowner's association agreement appropriate language to establish the City as secondary in responsibility to clean up any problems.

Bill Terry reviewed the restrictive covenants of this development with the board. Requirements include 2,000 square feet minimum, no exposed block foundations, bricked to grade, no manmade stone unless allowed by the Developer, if brick is used the exterior must be no less than 60% brick except for Lots 103-111 which shall be no less than 75% brick and the balance to be siding or other materials as approved by the Developer. Meadows noted that this was left in the restrictions as there may be a possibility of a stucco or masonry drivet faced home in this price range of homes. There will be no all siding homes. He also noted the lot numbers are incorrect and will be corrected to Lots #1 through 11 shall be no less than 75% brick.

Driver made the motion for the board to conditionally approve the Master Plan, requiring a letter from the developer concerning the acceptable changes be made to the detention pond; inserting a statement into the restrictive covenants concerning the city's responsibility as a secondary to clean up any problems; a letter of credit is furnished for an amount determined by the staff to secure all improvements; and a final technical review by the staff with developers concerning changes. The motion was seconded by McNeal and was approved with Jim Thomas abstaining.

Bill Terry noted the developers for the two items above propose to install ornamental street lights which have been approved by N.E.S.

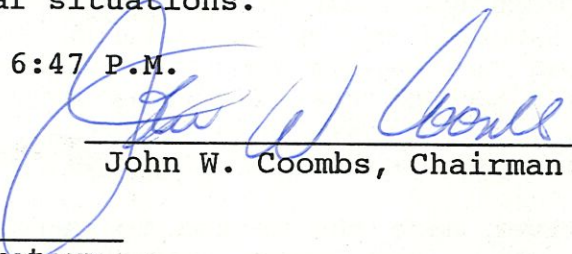
He feels the city needs to establish a firm policy regarding street lights. Currently the city pays a monthly charge from N.E.S. for safety lights. Generally developers install street lights and the city pays the monthly charge. The estimate of annual cost to the city for these two developments is \$4,500. The annual budget for street lighting at this time is \$60,000. As more of these type developments go in, it increases the city's cost and budget. These particular developments are about 1/3 of the total future development proposed for this property. Currently, there is no cost comparison of the standard safety street lights versus the ornamental lights proposed for these developments. Wayne Meadows noted that N.E.S. charges monthly 1/2 of 1% of the original cost of each light. Each of these lights will cost approximately \$1,000 plus another \$1,000 to install. While these lights, spaced much closer than ordinary lights, offer added safety and beauty, the city must consider the long range costs. Chairman Coombs recommended that Bill Terry research how other cities have addressed this situation. Billy Hitt also recommended that costs to maintain conventional lights compared to the ornamental lights be determined as criteria for making a decision on this matter. Driver noted that this is a matter that will need to be recommended to the Commission. Billy Hitt recommended the city consider paying the portion equal to what would normally be provided and the owners and developers would pay for the balance of the costs. Charlie Lowe and David Wilson agreed to gather data to take to the commission on this matter.

Other Business:

Bill Terry noted that a request has been made by the developer to reduce the Letter of Credit for Long Hollow Place, Section 2 from \$430,000 to \$39,000, the amount needed to secure the remaining improvements. Billy Hitt made the motion to reduce said Letter of Credit to \$39,000, seconded by Charlotte Morris, and was approved.

Regarding permitted uses on Planned Unit Developments where there are existing buildings, existing uses are allowed to continue. All uses in a Planned Unit Development must be approved by the board according to our regulations. When one use changes, typically the change has been allowed if the use is similar. Bill Terry questioned if a completely different use is requested, should this be approved by the Planning Board. In particular, the building next to the railroad, fronting on Long Hollow Pike, Davidson County Map 26-1, Parcel 96, is being considered to house a church. The board indicated they are comfortable with the manner Bill Terry has been handling this and similar situations.

The meeting was adjourned at 6:47 P.M.


John W. Coombs, Chairman



Claudia Davis, Recording Secretary
/cd.