MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

Date: February 7, 1994
Time: 5:00 P.M.
Place: City Hall

Present:
Grady McNeal
Charles Moore
Bobbie Wilson
Gary Webster
Billy Hitt
Mary Ann Gourley
Pat Lydon
Charlotte Morris

Also Present:
Charles Lowe
Wayne Meadows
Randall Phillips
Pete Ragan
Wood Caldwell
Robert Calonge
Jim Martin
Randall Phillips, III
Joe Hinkle
Also, a large number of interested citizens

City Staff:
David Wilson
Bill Terry

The meeting was called to order by Vice Chairman McNeal. Prayer was offered. The minutes of the January 1994 meeting were approved as submitted.

ITEM 1 **Consider a request for approval of the final plat of Rolling Meadows Townhomes, Phase I, Section 7.**

Staff reviewed. The final master plan for this section of the PUD was approved several months ago, and the units are nearing completion. Final plat approval is now needed. Several corrections and additions need to be made. These relate to easements, measurements and wording of certificates.

Billy Hitt moved that the plat be conditionally approved pending corrections and additions being made to the degree required by city staff. Charlotte Morris seconded, and the motion carried unanimously.

ITEM 2(a) **Consider a request for rezoning of a portion of the development known as Northcreek Commons from CPUD to HDRPUD.**

Staff reviewed and showed slides of the property and general area. The subject property is located on an uncompleted section of NORTHCREEK Boulevard bordered by the post office, Mansker Creek, Windsor Green, and Picadilly Apartments as well as undeveloped commercial land. This property is now zoned CPUD in accord with a preliminary plan approved in 1987 and zoning adopted in 1989. Existing development of the "Commons" consists of the Kroger center, Comfort Inn, Crye-Leike, Lazyboy and the post office.

Development has occurred much slower than originally expected. The owners of the property believe that a market exists for multi-family units in this area and that a project can be built which will complement the commercial development. There are good points and bad points about the proposal. The board needs to consider the following issues.

1. Long-Range Plan - The board adopted a plan in 1989 and recently reaffirmed that plan in the cooperative Subarea 4 Plan with Metro. The area in question is indicated for commercial development as currently zoned. The board may change the plan if conditions and situations warrant such change. However, the plan should be amended first before recommending any zoning change, and the board needs to consider all ramifications below.

2. Planning Considerations - The overall schematic plan on which the development of Northcreek Commons is based was approved in 1987. The area in question is shown on that plan as containing three sites varying in size from 6 to 8 acres as retail and two sites containing over 15 acres as office/showroom. Due to the existing topography, this type development will require some massive earth movement with extensive cut and fill and will create at one point a 65-foot high rock wall. If the use of the land is changed from office and retail to apartments, the impact on the land will be far less. Much less excavation will be required.

   This area shares a boundary with Windsor Green and Picadilly Apartments, residential developments. The proposed use will create a better transition and buffer for the existing residential. However, apartment buildings will be located within 50 feet of the boundary line with Windsor Green.

3. Traffic Impact - A comparison of traffic generation factors based upon the current plan and zoning classification with the proposed change in zoning and lot layout reveals that in general daily traffic will be reduced by about 5,000 vehicles per day. Still, there is no information regarding which way traffic may go at Conference Drive, and the level of service will likely drop on Conference Drive. Obviously, Northcreek Boulevard will need to completed to Conference Drive, and the roadway design needs to take into account the widening plan for Conference Drive. A traffic signal will be needed at the intersection with Conference Drive. There may be more traffic impact at the intersection of Northcreek and Long Hollow Pike, and no signal is planned there. A complete traffic study may be needed.

4. Impact on the Sewer System - The project will have a major impact on the sewer system. Dwelling units will generate far more sewage than office or retail. The flow is estimated to be 85,600 gallons per day. The question of how this complies with the Agreed Order with the state was, therefore, asked of

the city attorney. He advised that the Mansker Creek trunk line could be under construction within the time period of the construction of these units. Thus, we would be on weak legal ground to deny approval solely on the basis of sewer capacity. The question of availability of capacity at the pump station behind Kroger is another matter, and if it is not adequate, then it will be the responsibility of the developer to correct the problem.

5. Other Impacts - The impact upon the tax base might be considered. The city gets about 65 percent of its operating revenue from the sales tax. If all of the acreage now proposed as retail were to develop, more income would result for the city. However, the likelihood of this happening within the foreseeable future seems remote. The Kroger Center is less than 1/2 developed. Another way of looking at the issue is that the occupancy of 428 living units would create more demand for retail and other types of sales thereby increasing the tax revenue.

It was noted that since Ragan-Smith & Associates, our city engineers, was the firm working for Southeast Ventures, the plans had been submitted to Barge, Waggoner, Sumner & Cannon for an independent review. Comments were submitted by BWSC and were addressed by the Charles Lowe in the developer's presentation.

All above items were discussed as well as the comments of the developer's engineer in addressing the issues. It was noted that NORTHCREEK Boulevard would be completed to its intersection with Conference Drive and that the design would be coordinated with the future widening of Conference Drive. Also, the need for a stop light at that intersection was discussed. Wood Caldwell, representing Southeast Ventures, agreed to installing the light if a warrant study justified it.

After discussion, Billy Hitt moved that based on the changing conditions in the area and the feasibility of the plans presented, the land use plan be amended to reflect the high density residential use and that a recommendation for rezoning from CPUD to HDRPUD be made to the city commission. Second by Mary Ann Gourley, and motion carried unanimously.

(b) Consider approval of a preliminary master plan of NORTHCREEK Commons Apartment Complex.

Staff reviewed the issues on the design and layout of the project. Since Ragan-Smith prepared the plans, an independent review was obtained from BWSC. Their comments relate to drainage and floodplain issues, layout & grading, traffic and transition buffering. Most of these issues can be addressed at various stages. There are three major concerns: drainage along the southeast boundary leading into Windsor Green, a steep grade to one of the clusters and traffic congestion at the intersection of Northcreek and Conference. Transition screening should be required

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at the point where the development approaches the lots fronting on Lidgate Terrace in Windsor Green. Also, access to a private street from commercial lots 19 & 20 should be determined. Other issues include: phasing, construction of the amenity package, covenants & restrictions and parking ratio.

After discussion, Pat Lydon moved that the preliminary master plan be given conditional approval pending resolution of all the issues. Gary Wester seconded, and motion carried unanimously.

<u>ITEM 3(a)</u> Consider the request for approval of a revised preliminary master plan for the Mansker Hills Planned Unit Development.

Staff introduced the plan to the board and presented slides of the site and surrounding area. The original plan zoning this development was approved in 1977. The plan now in effect was approved in 1985. The latest action was an extension of the approval at the request of the FDIC in 1990.

The property has now been purchased and a revised plan submitted. The change in this plan from the previously approved plan is a removal of many of the apartment units and replacing them with single-family lots in the 8,000 square foot range. The larger lots ranging in size from 15,000 to 25,000 square feet located along the extended Loretto Drive and east of it remain unchanged. The total number of dwellings units is reduced from 748 as approved to 448 as proposed.

Pete Ragan, Ragan-Smith & Associates, presented the plan for the developers, The Meadows Group, and discussed all aspects of the project. There will be 153 single family lots in the 15,000 to 25,000 square foot range, 182 lots in the 8,400 to 20,000 square foot range and 113 Townhomes. The townhomes will be on the northern section of the property on terrain that is too steep for single family construction. Homes on the smaller lots will be a minimum of 1,600 square feet in size, consist of brick and siding, include a two-car garage and have aggregate concrete driveways. The homes will sell in the $110,000 to $130,000 price range.

The larger lots will be at least 100 feet wide by 150 feet deep with homes no smaller than 2,000 square feet. They will be brick to grade with no less than 60 percent brick or as approved by the architectural committee with a two-car garage and aggregate concrete driveway. There is a market for larger (2,500 to 3,000 square feet) homes, so the price range will probably be from the $140,000s to the low $200,000s.

Drainage from the site into the other subdivision was noted as a concern. Ragan noted that detailed drainage plans would be developed as a part of the construction plans and that they would take care of the surface drainage to the extent of constructing on-site detention if needed.

The vice-chairman announced that the meeting was not a public hearing but due to the interest of the large number of people in attendance one or two spokesmen would be heard.

Michael Drury at 801 Loretto Drive spoke and stated that he was not opposed to the development but wanted to ask questions. Specifically, the biggest concerns were traffic on Loretto Drive and possible rezoning of the school-age children in the area from Beech to Millersville. It was noted by the city manager that the city had no control over the school district but that the city would continue to work with the Board of Education to reach an agreeable solution to school zoning controversies. Also, it is planned for Loretto Drive to be extended through to Louisville Highway thus dispersing traffic.

Jim Thomas representing the Long Hollow Woods Homeowners Association spoke to the board concerning several issues which the existing homeowners wanted addressed. The issues included: 1) requiring construction traffic to use the terminating end of Loretto Drive for access, 2) size, type and style of houses, 3) control of vandalism and theft by workers from outside the area, 4) traffic control during construction, 5) storm water control after completion, and 6) the need to widen and improve Loretto Drive in its entirety. A written report was filed for the record.

Bob Murrey, resident of Long Hollow Place, wanted the lot sizes to be compatible with those in Long Hollow Place on Rachel Drive that touch along the rear lot lines.

Hitt noted that the plan as presented represented a vast improvement over the existing plan along with a reduction in the number of total units. Wilson raised the question of the cemetery that is located on the property and how it will be protected. Ragan noted that it will included in the common area with access.

After further questions by various members of the board, Terry explained the specific request: 1) approval of a revised master plan for the whole development and 2) approval of a preliminary plat for the first phase of the development.

Charlotte Morris moved and Charles Moore seconded that the revised preliminary master plan of Mansker Hills be approved. Motion carried unanimously.

Vice-chairman McNeal asked Pete Ragan to meet with the city staff and representatives of the neighborhood before the next board meeting to discuss all concerns and attempt to work out solutions to any problems.

<u>ITEM 3(b)</u> Consider a request for reapproval of the preliminary plat of single family lots to be known as the Highlands of Mansker Hills

Terry reviewed the plat. This plat covers only the larger single-

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family lot area previously approved as being zoned R-25 and R-15. No change is proposed from the street and lot pattern. There are some technical details that need to be addressed. Specifically, these are:

1. according to the zoning map the zoning district boundary between the R-25 and R-15 splits several lots. The major impact is on lots 93 & 102 which need to be 25,000 square feet.

2. more attention and detail needs to be given to surface drainage. This can be handled on the construction plans, but the board should provide guidance for the design of the plans. A major drain outlet is shown on lot 38 draining toward the adjacent lots in Cavalier Estates. This drain continues across several lots and Lynn Drive until it gets to the creek. These lots (26, 27, 28, 29, 30, 31, 35, 36, 45 & 46) could be affected by the stormwater. Alternatives to this should be proposed. Also, stormwater is to "sheet flow" along the eastern boundary of the property adjoining lots in Long Hollow Woods and Long Hollow Place. Again, consideration should be given to alternatives to this. Once the creek leaves this property at the point in the fence with I-65 at lot 153, a question arises as to the downstream effect on other properties.

3. one short length of Lynn Drive exceeds 10 percent grade. This can be addressed on the construction plans, however, any variance request must be approved by the board.

4. three areas are too far from fire hydrants to meet the 500-foot standard. Additional hydrants can eliminate this problem.

After discussion, Charles Moore moved that the plat be given preliminary approval subject to the city planner's comments being satisfactorily addressed. Billy Hitt seconded, and the motion carried unanimously.

<u>ITEM 4(a)</u> Consider request to approve a Preliminary Master Plan for Long Hollow Square

Staff reviewed. This is a commercial development proposed for Long Hollow Pike. The property under consideration is located between East Cedar and Long Hollow Pike. The house that fronts on East Cedar is now a rental house and is to be continued in that use for the present. There is a sight distance problem the closer you get to the railroad, and this should be considered when looking at driveways for this development.

The proposal has driveway entrances on this lot as well as the second lot. On the north side of the property, East Cedar is a narrow street, and the railroad underpass is extremely narrow with a sight distance problem. There are potential problems for traffic movement in this area.

The specific proposal is for a three lot development with the first lot being a proposed drive-in restaurant, which would be a Sonic Restaurant, the proposal on the adjoining lot would be a either a retail possibility or another drive-in type restaurant, and the third lot would be proposed for a small office building with access to East Cedar Street. Currently, the zoning line splits this property with the Long Hollow Pike frontage zoned Commercial PUD and the lot fronting on East Cedar zoned Restrictive Office PUD with the specific intent that would be an office as opposed to other types of uses. The issues that need to be resolved are that the plan as submitted here shows a canopy and island area on the front of this proposed restaurant that intrudes into the required sixty foot (60) building set back line, the sign is too close to the right-of-way, there are two drive ways-one in and one out-but there should be a consideration to use a one drive-way plan which would come around and loop and exit out the same drive-way by eliminating one curb cut into Long Hollow Pike.

There is also another problem which is a city problem but it is also a problem for the developers in that the sewer line that provides sewer service to these lots currently is a fifteen (15) inch line and when we have wet weather events and a lot of rain that line is at capacity. That is the line that both of these outlets would have to tie into. This restaurant would not generate that much additional sewerage flow into the line, but if the line is running full, whatever is generated would have a hard time getting into it, and there is a possibility that sewerage could back up into their service line. The city is acknowledging this problem on the front end so that developer is fully aware that it exists.

Some other minor details need to be addressed. One is drainage. All surface water should be directed into the drainage system and kept out of the public street.

Charles Lowe, representing the owner, discussed the project in general and addressed the problems with sight distance and drainage.

The discussion related to right and left turns from the Sonic site and to the left turn movement from lot 2 onto Long Hollow Pike. It was agreed that this will be studied again when lot 2 is developed.

There was also discussion about the over capacity of the sewer line and sewer availability. Mr. Lowe stated that currently there was sewer available on all four sides of the property. It was noted that a back flow preventor be installed. Staff stated that the city has advised the developer on the front end of the problem and they have acknowledged that they are aware that the line runs at full capacity in heavy rains.

Discussion continued regarding the canopy setback, using one

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driveway for two lots, increasing the building setback, the amount of landscaped area compared to paved area and adequacy of parking.

Pat Lydon moved for a deferral pending resolution of all the design issues and working out with staff the best possible design of the property. Gary Webster seconded, and the motion carried unanimously.

<u>Item 4(b)</u> - Deferred with item 4(a).

<u>Item 5</u> - Consider the request of Randall Phillips, III for an amendment to the sign ordinance to permit off-site directional signs for new subdivision under development.

Staff introduced Randall Phillips, II who has now bought all the remaining lots in Emerald Cove and is currently building new homes. The problem which Mr. Phillips wants addressee involves the restriction in the sigh ordinance that prohibits off-site advertising. He would like to have some kind of directional sign on Dickerson Road to let people know the Emerald Cove is there. The sign ordinance permits a residential development to have a development sign advertising the sale of lots and announcing the new development but it is restricted to a sign located on the property itself and nothing off-site.

Mr. Phillips stated that it would not be a permanent sign but temporary for about six months. It would help to make people aware that new homes are being built in Emerald Cove.

Staff noted that this issue would have to be an amendment to the sign ordinance and, as such, would apply to any similar development.

After discussion, no motion was made. Chairman McNeal declared that the matter died for lack of a motion.

<u>Item 6</u> The request of Joe Hinkle to use an existing building and lot in the CPU District for a used car lot (Davidson County Tax Map 25, Parcel 66).

Staff reviewed. The property in question is the property at the corner of Old Dickerson Pike and Dickerson Pike which at one time housed Riley's Carpets. There was also at one time a proposal to build some multi-family housing on it, and then a commercial development was proposed, but those plans never came about. The property stayed in the current status for a number of years. When the new zoning ordinance was adopted in 1989 the property was classified in a CPUD classification. Riley's Carpets or a similar use could continue to be there as a non-conforming use. Riley's Carpets went out of business, and Mr. Riley attempted to open up a used car lot on the property. The city required the used car lot to close. About two or three months ago, the owner, Mr. Joe Hinkle moved his business there which is a used car lot. He was advised that he was in violation of the ordinance, and after a discussion, it was pointed out to him this board has the authority to approve uses thru a master plan. Therefore, he requested to appear before the board to request that the existing building be permitted to be used as a used car lot.

Joe Hinkle stated that the property has been in his family for years. He stated that he has been trying to clean up the property after years of rental abuse. This business would not be a large car operation. There would be a privacy fence between the apartments. He showed pictures of signs that were to erected. On 08/16/93 he was issued a business license by Nancy Allen. He is requesting that the board grant him permission to use his property for the sale of vehicles.

Mr. McNeal asked if there were anyone in the meeting that opposed the request of Mr. Hinkle. Mrs. Deborah Lee McCoin who lives a 818 South Dickerson Road across the street from this property spoke to note that she and others in the area are opposed to the request of Mr. Hinkle. She presented a letter to the board from the concerned citizens.

Herb Murphy at 112 Garrett Drive spoke, and he was also opposed to this request. He noted that he does not want the city to become a car lot city on Dickerson Road.

After discussion, Charles More moved that the request be denied. The motion was seconded by Charlotte Morris, and the motion carried unanimously.

The meeting was adjourned.

Grady McNeal, Vice Chair

Bill Terry, Secretary