MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

Date: November 4, 1991
Time: 5:00 P.M.
Place: City Hall

Present:
John Coombs
Jim Driver
Grady McNeal
Bobbie Wilson
Charlotte Morris
Billy Hitt
Jerry Garrett
Sonny Ponder
Johnny Long

Absent:
Charles Moore

Also Present:
Jim Brown
Rev. Paul Baggett
Gail Sorrells
Mark Allison
Rocky Montoya
Bill Fuson
Pete Ragan
David Wilson

Cont'd:
Vicky Klein
Lawrence, Virginia and David White
Paula Allman
Joe Haynes
Bobby Davis
Richard Uselton
Kirby Davis
Terry Simmons
Bill Terry
Nancy Allen

The meeting was called to order by Chairman Coombs; prayer was offered by Driver. Minutes of the October meeting were approved as submitted.

Item #1 (#4-91), consider the request of Wiggins Associates for Site Plan approval of the proposed addition to the K-Mart Shopping Center. This was approved April 1, 1991, however, the expansion was delayed to work out lease agreements with the other tenants. Agreement has been reached for Domino's to move into a freestanding building on the site. This plan locates that building on the site. There are no other changes.

Staff reviewed. Terry showed slides of the property. He had requested that the electrical line to feed the building be placed underground. An overhead line with three power poles is shown on the plat. Due to extensive cost in placing the line underground, a compromise was reached to run overhead half the distance to the building and the rest underground.

This property is in the flood fringe area, and the city engineer cautioned that final certification be required, to Codes, stating that the floor elevation is to be above flood level.

Wilson said he had a call from Cindy Howard with Wiggins Associates regarding industrial development bonds. Since the construction of K-Mart (W. B. Wiggins, Jr.) was financed by revenue notes and bonds through the Goodlettsville Industrial Development Board in 1980 (Resolution No. 80-110), this expansion must be approved by the Industrial Development Board. A meeting of that board will be called for that purpose; however, this has no bearing on the decision of the Planning Board for Site Plan approval of the expansion.

On a motion by McNeal, seconded by Driver, the Site Plan of the proposed addition to the K-Mart Shopping Center was approved, subject to certification, to Codes, regarding floor elevation of the Domino's building being above flood level, and subject to final approval of the city planner and city engineer.

Item #2 (#19-91), consider the request of the Millersville Assembly of God to rezone their property on Springfield Highway (Sumner County Tax Map 141, Parcel 15) from Agricultural to some commercial classification.

Staff reviewed; following is the Planning Director's analysis. "The subject property is situated on the east side of Springfield Highway and is zoned Agricultural. It is used for residential purposes but has been advertised for sale for some months, and being promoted as 'potential' commercial property. Commercial zoning exists on the south boundary of the site and across the highway; however these areas are currently occupied as residential.

"The site itself appears to have marginal potential for commercial development. There is a significant slope rising from the highway, and considerable grading and excavation would be required. Most likely, if the site were developed, only the highway frontage would be involved, leaving a high wall and unusable land behind.

"Sewer is not available at the site, thus requiring a septic tank installation. This also limits potential uses for the area. Ample water is available, and Highway 41-A has capacity for increased traffic generation.

"The adopted land use policy plan would be violated by this rezoning. The policies for full utilities for commercial zones and in prohibition of strip commercial zoning are involved."

Opinion of the staff: "Goodlettsville is already overzoned for commercial land, particularly for areas of marginal development potential. Houses which are in residential use in various locations are zoned commercial. Basically, there is little demand for that type commercial property, and the houses are devalued for residential use. It also introduces commercial uses which are incompatible with the continuing residential use of the other properties and creates conflict between the residents and the businesses.

"This rezoning is premature. If the industrial park across the highway starts to develop and new uses are introduced, and when sewer is made available, then it may be appropriate to reconsider. Even then, topographic limitations of this site will be a factor. When proper conditions exist, a CPUD classification might be appropriate."

Slides of the subject property and adjacent area were shown. Rev. Baggett said the church has no plans for a commercial use; rather, they want to sell the property.

It was pointed out that because sewer is not available, approval of zoning that would allow commercial development would go against our policy that all infractructure should be available for any commercial development. Also, on August 1, 1989, a request to rezone Parcel 8 (approximately 400' farther out Springfield Highway) for commercial use was denied, based on the same reasons.

On a motion by Driver, seconded by Hitt, the request to rezone was denied, based on the fact that this would be in violation of the City's land use policy; and because sewer is not available to this location and the city is under a State moratorium for sewer extension.

Item #3 (#20-91), consider the request of Mrs. Allie Eubank to rezone her property at 114 New Brick Church Pike, Parcel 72, Davidson County Tax Map 18-16, from CPUD (Commercial Planned Unit Development) back to Residential.

Staff reviewed. This property was zoned CPUD, along with other property, with the expectation that the Brick Church Village Shopping Center would be developed. That proposal died, and the options to buy the property were not exercised; thus, the use remains the same as before. However, the Eubank's property tax bill has increased substantially and they are requesting that the previous zoning be reinstated. Apparently, when property in Davidson County is zoned commercial but still used residentially, the assessor revalues it in the following way: a new appraisal is assigned, based on the land's commercial value, but a residential assessment of 25% is applied rather than the 40% commercial assessment; however, the end result is an increase in taxes.

Prior to the meeting, John Eubank came with his father, Mr. E. D. Eubank, and asked that this request for rezoning be deferred until they see if the problem can be resolved through Metro Board of Equalization or the Tax Assessor's office.

Item #4 (#11-90), reconsider the Master Plan of Conference Park, located at the intersection of Conference Drive and Windsor Green Blvd., Davidson County Tax Map 26, Parcels 106, 110, 113 and 114.

Staff reviewed this plan, as it has been over a year since approval and the property has changed hands. It is now owned by South Trust Bank under the name S. C. Realty, and First Management Services is the managing and sales agent. Items considered were:

1) If the master plan is cancelled, sewers could no longer be extended due to the sewer moratorium. This would prevent any development and devalue the property for a period of time.

2) The location and disposition of the brick entrance features should be discussed as well as access points on Windsor Green Blvd.

3) The mix of approved uses should be addressed, i.e. how much retail as a part of an office park.

4) Any alteration of access points would affect the internal circulation system of the plan. The issue of Conference Drive is still unsettled; however, such internal circulation is required in order to reduce turning movements on Conference Drive.

Jim Brown and Kirby Davis, with First Management Services marketing this property, asked to continue the plan as it is, in order to give them time to work with the former associates on issues that concern them to alleviate any negative feelings there might be toward any commercial development coming in. They requested a 6-month extension. This will be a long-term project. They feel sure there will be some modifications to the plans because the market has changed--there will not be a concentration of retail such as shown on Tract A. They will be meeting with the Windsor-Green Homeowners' Association in January.

On a motion by Long, seconded by Ponder, a 6-month extension to the Master Plan of Conference Park was granted.

Item #5, consider a 6-month extension of Letter of Credit for Indian Hills Club, Section 2.

The streets are not ready to be accepted and staff recommended an extension. On a motion by Garrett, seconded by McNeal, a 6-month extension of Letter of Credit was granted Indian Hills Club, Section 2.

Item #6, reconsider the request of Bill Fuson, Third National Bank, for release of Letter of Credit for Northchase at Rivergate. The "as builts" have been prepared, per Fuson, and all other work has been completed. On a motion by Ponder, seconded by Morris, release of the Letter of Credit for Northchase at Rivergate was approved subject to receipt of the "as builts".

Item #7(a) (#14-91), reconsider the request of Richard Uselton for abandonment of right-of-way of Williams and Central Avenues, Davidson County Tax Map 18-12.

Staff reviewed. This request was previously deferred pending resolution of an agreement between the parties of interest. Thus far, there has been no basic agreement between parties. However, the issue of access, which is apparently the concern of adjoining property owners, has been settled by the inclusion on the plat of Uselton's proposed subdivision of a statement guaranteeing access to parcels 71, 72, 78, 79 and 80.

Attorneys Joe Haynes, Vicky Klein and Bobby Davis were present representing the City, the Whites and Uselton, respectively. Haynes stated his opinion as to the proper action to be taken by the Board, in two steps: 1) It is his opinion that, because there never has been a rejection, we accept the dedication; and, 2) After accepting the dedication, we could abandon the right-of-way, then it would become a private collective easement, reserved for use by all the adjoining property owners. Asked about the status of that property pertaining to the ratio of taxes, etc., Haynes said that each of the three would share in ownership and property taxes.

An alternative, said Haynes, would be to abandon the ROW to Uselton if he would make a commitment to the plat for the adjoining property owners to use. Then he would be the sole person liable for taxes, etc. Uselton has already made this commitment on the plat, and was willing to accept financial responsibility to curb and pave the road. However, Garrett felt that abandoning to one person would be creating a precedent, as the City policy has always been to split a ROW evenly among adjoining property owners.

On a motion by Hitt, seconded by Long, the dedication was accepted.

Hitt made a motion to abandon the ROW, but no second was made before the other two attorneys made appeals for their clients, Uselton and White. Disappointment was expressed by the Board that the parties could not work out an agreement among themselves; rather, there seemed to be a concerted effort <u>not</u> to reach an agreement.

Terry explained that, if we abandon the ROW to the adjoining property owners, the first 123' would be abandoned to White and Allman, with right of access to Uselton. If Uselton develops his property, the City will require that a driveway be built and maintained. An agreement to maintain will be needed from the three property owners. The plat will have to be redrawn.

With any agreement seeming to be at an impasse, and following the recommendation of the City Attorney, a motion was made by Long, seconded by Driver and passed unanimously, to abandon the right-of-way to the three adjoining property owners.

Item #7(b) (#15-91), reconsider the request of Richard Uselton for approval of Final Resubdivision Plat of D. B. Kimmel Addition, Davidson County Tax Map 18-12, Parcels 71 and 78 (North Dickerson Road at Williams Avenue). Because consideration of this request is dependent upon the abandonment request in item 7(a), it was deferred. An ordinance to abandon the right-of-way will have to be presented to the City Commission and pass three readings.

Following the published agenda, Lee Worrell requested and was granted approval to be heard. (File #21-91) Worrell's house is located on Old Dickerson Pike and the property contains about six acres. He would like to sell the house and about two acres. There is a dedicated right-of-way down the north side of the property that he is requesting the City to abandon. If the City will so act, then he will dedicate another right-of-way to the remainder of the property to be located a few hundred feet farther south.

Terry pointed out that the ROW is a part of a proposed extension of Hitt Lane from its present terminus at Old Dickerson Pike to a new intersection with Dickerson Pike. It is also a part of the adopted major street plan. To abandon would require that the plan be amended and the result would be a loss of the opportunity to have a continuous Hitt Lane from Brick Church Pike to Dickerson Pike.

After some discussion, Chairman Coombs appointed a study committee to report to the Board at its next meeting. The committee will consist of Jim Driver, Chairman, Charlotte Morris and Billy Hitt, with Pete Ragan and Bill Terry as staff.

The meeting adjourned at 6:30 P.M.

John W Coombs

John W. Coombs, Chairman

Nancy W. Allen

Nancy W. Allen
Recording Secretary

/nwa

MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

Date: December 2, 1991
Time: 5:00 P.M.
Place: City Hall

Present:		Also Present:	
John Coombs	Jerry Garrett	E. D. Eubank	David Wilson
Johnny R. Long	Charlotte Morris	John Eubank	Bill Terry
Sonny Ponder	Bobbie Wilson	Michael Baron	Pete Ragan
Billy Hitt		Steve Maxwell	Nancy Allen
Jim Driver		Ken Belcher	
Charles Moore	Grady McNeal	Brian Dam	

The meeting was called to order by Chairman John Coombs; prayer was offered by Johnny Long.

Item #1 (#20-91), consider the request of Mrs. Allie Eubank to rezone her property at 114 New Brick Church Pike, Parcel 72, Davidson County Tax Map 18-16, from CPUD (Commercial Planned Unit Development) back to Residential.

This request was reviewed, having been deferred from November in order to contact Metro to determine the best way to handle the situation in order to give the Eubanks a break on their increased property taxes. Metro advised that the only way to remedy the situation was to rezone back to the original zoning. This will require three readings by the City Commission..one regular and two special called meetings to be approved by December 31, 1991, in order for the reassessment to affect 1991 property taxes.