

MINUTES OF REGULAR MEETING
GOODLETTSVILLE PLANNING & ZONING BOARD

Date: July 1, 1991
 Time: 5:00 P.M.
 Place: City Hall

<u>Present:</u>	<u>Absent:</u>	<u>Also Present:</u>	
John Coombs	Johnny Long	Fay Fox	Wm. Turner
Sonny Ponder	Bobbie Wilson	Charlie Lowe	Vickie Kline
Charlotte Morris		David White	Paulia Allman
Jim Driver		Lawrence White	W. M. Means, Jr.
Grady McNeal		Rocky Montoya	Pete Ragan
Billy Hitt		Richard Uselton	Bill Terry
Charles Moore		Harry Johnson	David Wilson
Jerry Garrett		Terry Simmons	Nancy Allen

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

Item #1 (#12-91), consider the request of Harry Johnson, Jr., to rezone his property at 1227 S. Dickerson Road, which is Lot 2 of the Worrell Subdivision, Davidson County Tax Map 33, Parcel 214. Property is presently split-zoned A (Agricultural) and CS (Commercial Service). He is requesting that it all be zoned commercial.

Staff reviewed and following is the analysis of the City Planner. The property proposed for rezoning fronts on S. Dickerson Road approximately 60 feet, then widens to over 300 feet in width, is 710 feet deep and contains 4.2 acres. The zoning district boundary line bisects the property at a depth of about 480 feet from the right-of-way with the front portion zoned CS and the back zoned A. This zoning pattern was established when the area was first zoned commercial and a line was drawn a certain distance from the highway bisecting all properties so situated. This same condition affects seven parcels lying immediately to the north which have similar depths.

Generally, it is not good zoning policy to split lots or properties into different zoning classifications. In this case, however, the depth of the lot must be considered. Also, the lot extends partially up a steep hill which then is contained in the Echo Hills PUD. The potential effect on Echo Hills is a factor that must be considered.

In order to use the remainder of the property for commercial purposes, the hillside will have to be leveled. Such an excavation into the natural lay of the land, in addition to being environmentally destructive, could create soil erosion problems and a high wall visible from the road. If rezoning is granted, any further excavation into the hill should be preceded by soil testing to determine the potential for landslides and soil slump.

The effect on Echo Hills should be assessed. Phase 4 of the development extends to the top of the hill and houses will have views down to Dickerson Road. There is an approximate 100-foot buffer between property lines and the subject property. If the subject site is developed more fully, additional landscaping and screening will be required. Still, the difference in elevation means that residential property will look down upon this lot and whatever is built.

The potential use is also a consideration. Currently, the lot is used as office and warehousing and storage for Johnson products. Staff is unsure of the kind of materials stored. Heavy trucks are used in the business. The warehousing aspect of the business is actually not permitted in a CS zone, but it was there before the current zoning ordinance was adopted. Therefore, under the state act exemption for non-conforming commercial uses, the business is allowed to operate and expand as if it were a permitted use. Rezoning would, of course, permit the expansion of non-conforming activity into the remainder of the lot.

The adopted land use policy plan also has a bearing on this issue. The map indicates that commercial development should be restricted to the area fronting the highway in the manner it is currently zoned. A zoning change should be preceded by an amendment to the policy map.

Another way of examining this issue is from the owner's point of view. Since there is an area of land lying between the zoning district line and the property line, for what can this area be used? Is Agricultural the proper zone or some other zone? The area is not suitable for residential use, so what is the best use?

Slides of the subject property were shown. After viewing the slides and considering all the potential problems, the Board was not in favor of rezoning to commercial; however, at some time the entire block of CS zoning may be considered for upgrading to CPUD. Mr. Johnson was asked about plans for use of the property. He said he has no plans other than what it is presently used for. The Board suggested that if Mr. Johnson brought in plans for the remainder of the property, the Board may consider a CPUD rezoning.

Johnson said one problem he had encountered because of the split zoning was that the zone line comes across the back of one of his buildings and NES would not provide electrical power to that building because of the zoning. On a motion by Garrett, seconded by McNeal, this item was deferred until the City Planner consults with NES about the electrical problem and a possible solution.

Item 2 (#13-91), consider the request for approval of a sign at 835 S. Dickerson Road, location of Carpet House, a new carpet business (formerly Riley's Carpets), zoned CPUD.

The use as a carpet shop was permitted because the building had previously been used for a carpet shop. However, since the

property is now zoned CPUD, Planning Board approval of signs is required. Terry said the proposed sign meets size requirements and detailed standards; however, the appearance is his concern. Turner did not have a drawing, but said it is the same sign that was there, freshly painted. He described the sign as being sheet metal supported on each side by 2 x 4's. The ordinance does not specify materials to be used, but we would like something more permanent than 2 x 4's. He needs to put the very best sign he can afford, something that would enhance his property as well as the City.

Turner was asked to produce a rendering, showing 4' metal posts, with framework around the sheet metal to support the sign, and landscaping around the sign. On a motion by McNeal, seconded by Hitt, Terry was asked to meet with Mr. Turner and show him examples of signs with landscaping, come to a meeting of the minds, then make a decision on an acceptable sign for that location.

It was agreed that the Sign Committee, at its next meeting, should take into consideration problems such as this and grant the City Planner the authority to work with applicants and make decisions as to acceptable signage without bringing to the Board.

Item 3(a) (#14-91), consider the request of Richard Uselton for abandonment of right-of-way of Williams and Central Avenues, Davidson County Tax Map 18-12.

Slides of the area were shown. Staff reviewed and the City Planner's analysis follows: There is a small piece of land located on what is known as Williams Avenue on which Richard Uselton would like to build a small building. Williams Avenue is actually only a driveway that gives access to three pieces of property. Upon investigation, it was discovered that there is considerable doubt regarding the legal status of the street. Williams Avenue, along with Central and Tinnon Avenues, was originally platted in 1911 as a part of D. B. Kimmel Addition and recorded in the register's office. There was no planning commission approval at that time. Consequently, the streets have never been officially accepted as public streets. In order to build on this property, a determination has to be made regarding the streets.

A legal opinion from the city attorney states that these are not public streets. However, in order to clear up title and ownership of the rights-of-way questions, the easiest method is for the city to officially abandon them, and then the legal status would be settled.

In further analysis on the issue, the City Attorney opined that: 1) where a dedication such as this is made, it cannot be lost or forfeited by non-use by the public and is not subject to adverse possession; 2) there is no problem with the city now expressly accepting and abandoning the rights-of-way; and 3) once the city abandons the rights-of-way, the abutting landowners will retain collectively a right-of-way for access purposes, thus preventing any property from being landlocked.

At this point, Vickie Kline, an attorney representing Messrs. Lawrence and David White, made a statement and questioned the City Attorney's opinions in part. Therefore, on a motion by McNeal, seconded by Ponder, it was determined that there is not enough evidence to make a decision at this time and the item was deferred.

Item 3(b) (#15-91), consider the request of R. L. Montoya, Land Surveyor, 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). As this request is directly related to Item 3(a), it was automatically deferred.

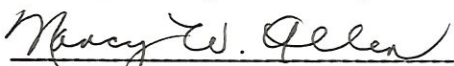
Item #4 (#16-91), consider the request of Fay P. Fox for abandonment of right-of-way of a portion of Moss Trail, Davidson County Tax Map 26-9, parcel 39. This was reviewed by the staff. Mr. Fox wants to rebuild his driveway. The right-of-way on Moss Trail at the intersection of Two Mile Parkway and in front of parcels 38 and 39 has an unusual configuration. It was thought that an abandonment of some of that area would clear up the situation. All utilities involved must sign a release. However, discussions with the Madison Suburban Utility District indicate that they may have a problem in releasing any of this area. Also, it must be determined whether the State was involved in this right-of-way acquisition. Terry said he should be able to obtain this information by next meeting. Also, Mr. Fox needs to provide a map showing what to abandon to. On a motion by Ponder, seconded by Morris, this item was deferred.

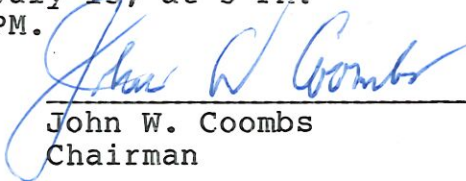
Item #5, consider revision of Bylaws of Rules of Procedure. The rules of procedure adopted by the Planning Board in 1979 need updating and a proposed draft was provided for review. One suggestion was to clarify the word "commission". With no further suggestions for change or revision, on a motion by Ponder, seconded by Driver, the revised Rules of Procedure were adopted.

Following the published agenda, a request was made and granted to consider an additional item, as follows.

Item #6, consider the request of Charlie Lowe for an amendment to the rear setback of lot 57, Section 1 of Indian Hills Club. Lowe explained this was the first house built in the development and has been used for 3 years as a model. At one point, the house is just 23' from the rear lot line. On a motion by Moore, seconded by Garrett, the request to amend the minimum rear setback requirement for lot 57, Parcel 14, Sumner County Tax Map 161-C, from 30' to 20' was approved.

Terry distributed a draft of changes to the sign ordinance. A work session was scheduled for Monday, July 15, at 5 PM. The meeting was adjourned at 6:30 PM.


Nancy W. Allen
Recording Secretary


John W. Coombs
Chairman