

MINUTES OF REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

Date: January 9, 2003

Time: 6:30 pm

Place: City Hall

Present: Bobby Jones, Johnny Long, Jerry Garrett, Jim Driver, Jeff Cordell

Also Present: Joe Haynes, David Wilson, John Wright, Bill Terry, Terry Hutcherson, Mike Alsup, Bennie Lane, Claudia Davis, Steve & Susan Snyder, Bertie Hartman, Dirk Wiley, Daniel Johnson, Susan Rotkiewicz, Matthew Self, Patty Self, Peggy Schroeder, Frank & Pat Schmidt, Cleo & Diane Anderson, Sarah Winn Terry, Keith Hopper, Mark Allison, Sandra & David Lewis, Jim Himelrick, Edgar Lowe, Scot Head, Doris Ruskin, Randy Caldwell, Dr. & Mrs. Grady Bryant, Emily Ann Wiley, Allen Wiley, Lisa Wachtre, John Finch, Bob Erwin, Carlos Andrews.

The meeting was called to order by Mayor Jones. Prayer was offered by Johnny Long. Motion was made by Cordell, seconded by Long to approve the minutes of the November 14, 2002 regular meeting and the December 23, 2002 special called meeting. Passed 5-0.

Consider Ordinance No. 02-627, an ordinance to amend Title 11, (the official zoning map of the Goodlettsville Municipal Code Ordinance No. 89-413, as amended) by changing the zoning classification of certain property at and adjoining 117 French Street from CSL and R10 to CPUD - Commercial Planned Unit Development. The Mayor declared the public hearing open. No one spoke for or against the issue. The Mayor declared the public hearing closed. Motion by Garrett to approve Ordinance No. 02-627 on second reading, seconded by Driver. Passed 5-0.

Consider Ordinance No. 02-628, an ordinance to amend Title 11, (the official zoning map of the Goodlettsville Municipal Code Ordinance No. 89-413, as amended) by changing the zoning classification of certain property on South Dickerson Road known as Worrell Farm from HDRPUD - High Density Residential Planned Unit Development to CPUD - Commercial Planned Unit Development. The Mayor declared the public hearing open. Cleo Anderson, 115 Millwell Drive, asked for an explanation of what is being considered.

Terry provided a history on this property. In the early 1980's this property was zoned multi-family residential with an allowable density of between 15 and 16 units per acre. A plan was submitted and approved for this property. The approval was renewed a couple of times but never developed and ultimately the approval for that plan expired and was cancelled. In 1989, multi-family zoning was changed to "High Density Residential Planned Unit Development" (HDRPUD). The maximum density was reduced to 13 units per acre. A couple of master plans for development were submitted that met the density requirements but were denied by the Planning Board. Around 1997 or 1998, the density allowances were reduced again, down to 7 units per acre. The preliminary master plan approved by the Planning Board in November, 2002 includes 527 residential units on 90.47 acres which computes to 5.83 dwelling units per acre. The development includes 312 apartment units, 72 condominium units, 137 single family small lots, and 6 estate lots, which take in the very steep terrain portion of the property. The plan also includes a commercial section and retail and office space. The only reason this item is considered before the Commission is to rezone the proposed commercial space from HDRPUD to Commercial Planed Unit Development (CPUD). The development will require further approval from the Planning Board of a Final Master Plan. The overall plan presented as the preliminary master plan has been approved and cannot be substantially changed. The CPUD is the most restrictive commercial zoning, allowing the most power to

the Planning Board including architectural review and the selection of appropriate uses for that development. Allen Wiley inquired about the small single family lots. Terry indicated the smallest are approximately 5,500 square feet. The minimum distance between homes is 15 feet, however, actual setbacks will be determined on the master plan, with consideration of issues such as firewall separation. Dirk Wiley stated he and his neighbors built their homes in good faith that there would be a quality development like Twelve Stones Crossing on this farm. Terry stated the City cannot force development. This developer has chosen these different types of housing and they are well within the requirements of the zoning on this property.

David Lewis, 312 Highland Heights Drive, stated he is concerned about property values, security, traffic and the quality of the proposed development. He felt the Commission cannot decouple the rezone issue from the overall project. He recommended that they look at the issues with a holistic approach. He questioned what the rezoning does if an anchor tenant is not found to go into this property. He suggested the community and the developer should have preliminary discussion rather than a back end discussion like this meeting. He felt the two should be tied together rather than a position of take it or leave it. He would like to see changes in the process. Garrett asked Lewis, as a representative of the neighborhood, what the minimum lot size should be to make the adjoining neighborhoods more satisfied with the development. Lewis stated he could not say what the size needs to be. Lot size coupled with traffic flow can make things more appealing with medians, parking arrangements, cul-de-sacs and more sense of community. All these things can work together to make a development more integrated with existing neighborhoods. Lot size should be open for discussion but 1/3 acre or so would be much more palatable. Lewis recommended the item be deferred and reopen communications. Terry stated the Planning Board held meetings on this project and invited representation from the neighborhood. Mr. Lewis came to one of these meetings and also a representative of Rolling Meadows. The Board listened to what they had to say but it was not in a public hearing format. Terry suggested the land planner describe the concepts of the plans to the audience.

Dirk Wiley asked the status of the investors in the development. Jim Himelrick, Investors Real Estate Services, Inc., who represents investors in the project, explained that funding for the project is still underway, with under \$1 million of the required \$2.3 million committed to date. The opportunity to invest in the project will be offered to individual investors with a minimum investment of \$10,000. Currently the property is owned by a limited partnership in Germany consisting of approximately 25 individuals. The rezone is a major part of making the property more valuable than it is today. They will be buying all the total acreage and then selling off the different sections for development. The developer(s) will have to get further and final approval.

Randy Caldwell, Ragan-Smith & Associates, Inc., presented in detail the specifics for each section of the proposed development. He said the restrictive covenants will guarantee the control of components of all the construction and they will be included in the the Final Master Plan approval and not effected by any ownership changes. He reiterated that there are a total of 527 residential units which is 330 units, almost 40%, less density than the current zoning allows.

Allen Wiley requested the Commission vote against the rezone. Dirk Wiley also requested the Commission not approve the rezone. Mrs. Hartman questioned how this development would effect her safety. Lewis encouraged revisiting the plan to determine what could be given up and still make the plan work. Garrett asked Himelrick, if he were willing to vote for the rezoning, would Himelrick be more willing to reconsider the lot size and house size. Himelrick stated he is not the developer himself and did not know. The

developer would have to look at it very carefully before he could answer. The concept of the smaller lot size is market driven and what consumers want. Garrett stated he has a real problem with 5,500 square foot lot and small house size.

The Mayor declared the public hearing closed. Long asked Terry if this would be before the Commission if the rezoning was not a part of the development. Terry responded no. Long asked if a plan meets the zoning requirement, if the Planning Board is obligated to approve it. Terry stated that the overall preliminary plan meets the criteria for the HDRPUD zoning. If a proposed plan meets all the criteria for the zoning on a property, the Planning Board does have some discretion, which can be challenged, but they are obligated to approve such a plan. The Board cannot specify what types of units someone must build, only to the extent that they meet the requirements of the zoning.

Cordell expressed concern that this plan has gone through the approval process and the neighborhood was asked to form a committee to give their input and it doesn't look like they had any input. It concerns him what someone could propose for this property. If this rezone passes, he hoped the neighbors will have some input going forward if that is possible.

Driver stated the Planning Board is not a public hearing format, but traditionally the Chairman of the Planning Board offers people from the community who might be effected from an item on the agenda, the opportunity to speak. The Planning Board has a job to do and if you open up discussion with forty different people, you get nothing done. He stated we could talk for two years about what we would like to see developed on Worrell Farms. The Planning Board has to gather all the information it can get and then tries to and makes the best decision. They appreciate and accept the input of the community, but in the final analysis, the ten members of the Planning Board have to make the decision. His personal preference would be an executive golf course with high-rise apartments be built on this property, but in his eighteen years on the Planning Board, no one has made that proposal for this farm. At some point in time, someone could get this property at a price that they could afford to do some things that you don't want to see on that property and the City would be hard pressed to do anything to stop it. You may not like some of the decisions of the Planning Board and you may feel you have not had as much of an opportunity to have input, but I can assure you that the Board listens. But in the final analysis, they have to make a decision. These are ten volunteer citizens who get paid nothing. It is a thankless job. They are trying to do the best that they can to get a development on this property that will be the best possible for the City. There will be opportunities for the neighbors input in the tweaking of the final approvals and he encouraged their involvement.

Motion by Driver to approve Ordinance No. 02-628 on second reading, seconded by Cordell. Jones, Long, Cordell and Driver voted aye. Garrett voted no. Passed 4-1.

Consider approval of Ordinance No. 03-629, an ordinance to abandon a dedicated right-of-way known as Highland Heights Drive. Terry stated this right-of-way was dedicated when Solitude Acres was approved and was never built and is not a public street. Ownership of one half of the property in this right-of-way would go to the ownership of the property known as the Worrell farm and one half would go to the Rolling Meadows condominium property. Motion by Long to approve Ordinance No. 03-629 on first reading, seconded by Garrett. Passed 5-0.

Consider request of Wally Folad to amend City ordinance to permit more than two liquor stores in the City.

Mr. Folad was not present. Motion by Driver to deny, seconded by Cordell. Passed 5-0.

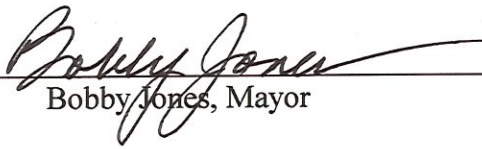
Long inquired on the status of the Fitzpatrick property behind the Waffle House and Rivergate Mall being cleaned up. Wilson agreed to contact Mr. Fitzpatrick after Terry stated he has his phone number. Long inquired about Codes regarding weeds and trash on Commercial property. Terry stated the requirements are the same for residential and commercial property regarding tall grass and issues such as trash and junk cars, however, he stated on undeveloped property, the City has never cleaned up and cut grass and charged the owner for the costs.

The Mayor asked that appointments for board members with expired terms be placed on the next agenda.

The meeting was adjourned at 7:48 p.m.



Claudia Davis, City Recorder



Bobby Jones, Mayor

MINUTES OF REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

Date: January 23, 2003

Time: 6:30 pm

Place: City Hall

Present: Johnny Long, Jerry Garrett, Jim Driver, Jeff Cordell

Absent: Bobby Jones

Also Present: David Wilson, John Wright, Terry Hutcherson, Tommy DeLoach, Mike Alsup, Claudia Davis, Russell Freeman, Bill Brasier, Grayson and John Cannon, Susan Rotkiewicz

The meeting was called to order by Vice Mayor Long. Prayer was offered by Jeff Cordell. Motion was made by Cordell, seconded by Driver to approve the minutes of the January 9, 2003 regular meeting. Passed 4-0.

Consider Ordinance No. 03-630, an ordinance to amend Title 11, (the official zoning map of the Goodlettsville Municipal Code Ordinance No. 89-413, as amended) by changing the zoning classification of certain property at the corner of Dickerson Road and Dry Creek Road, Davidson County Tax Map 33 Parcel 221, belonging to Peggy Schroeder and C. W. Evilcizer, from HDRPUD to CPUD. Motion was made by Driver to approve Ordinance No. 03-630 on first reading, seconded by Cordell. Passed 4-0.

Consider Ordinance No. 03-631, an ordinance to amend Title 11, (the official zoning map of the Goodlettsville Municipal Code Ordinance No. 89-413, as amended) by changing the zoning classification of certain property from R-40 to CPUDL, of certain property on Springfield Highway, Davidson County Tax Map 141, Parcels 7, 7.01, 7.02, 7.03 and 8, belonging to Sue Blankenship, Dawn Bryant, Troy and Lisa Martin, Kosintana Marrakot, Gaylon Faulkner and Church Prayer Tower Eagles Nest Ministries. Motion was made by Cordell to approve Ordinance No. 03-631 on first reading, seconded by Driver. Passed 4-0.

Vice Mayor Long stated the Mayor recommends the following board members be reappointed for another term: Scott Trew and Margaret Wall on the Planning and Zoning Board, Mike Cunningham on the Board of Zoning Appeals and Sign Appeals, James E. Smith on the Beer Board, Walter Todd and Johnny Childers on the Goodlettsville Hearing Authority, and Wayne Mayo and James C. Ford on the Construction Board of Adjustments & Appeals. Motion was made by Garrett to reappoint these members for another term on their respective boards, seconded by Cordell. Passed 4-0.