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MINUTES OF THE MEETING

GOODLETTSVILLE PLANNING & ZONING BOARD

March 3, 2006

5:00 PM

Massie Chambers

Present: Jim Galbreath, Jim Driver, Jerry Garrett, Scott Trew, Jim Hitt, Margaret Wall, John Finch, Carol Crews

Absent: John Coombs, Grady McNeal

Also Present: Rick Gregory, Jim Thomas, Bill Brasier, Bennie Lane, Charlie Lowe, Vicky Ignatz, Lynn Ealey, Allan Crawford, Gary Manning, Jane Birdwell, Phil Cornett and others

The meeting was called to order by Jim Galbreath. Prayer was offered by John Finch.

Item #1 The minutes of the February 6, 2006 Goodlettsville Planning and Zoning Board stand corrected by deleting John Coombs' name from the board members in attendance at the meeting and correcting Item #6 by deleting February, 2006 and inserting March, 2006 to consider recommendation to the City Commission for approval of the amendments to the Goodlettsville Zoning Ordinance.

Item #2 (9.1 #31-05) Consider the request of Ragan-Smith-Associates, 315 Woodland Street, Nashville, TN for approval of the Preliminary Master Plan for Copper Creek, Phase II, LDRPUD, Sumner County Tax Map 143, Parcel 37, Plan of Service, Request for Annexation and Request for Rezoning of property from the current RR1 Sumner County Zoning Classification to the LDRPUD Goodlettsville Zoning District Classification.

Staff reviewed. **Annexation** - Gregory reported the 100 acres for the proposed development in Sumner County Tax Map 143, Parcel 37 is not located in the city limits and it will be necessary to annex the property for the proposed development. The property is contiguous with the current corporate limits along the boundaries of the recently annexed property for Copper Creek, Phase I. The developer is extending public sanitary sewer to this property in order to develop at the requested density. The sewer extension is proposed to be accomplished through a series of pump/lift stations to connect to the gravity sewer system being developed with Phase I of Copper Creek. Staff recommends the preferred sanitary sewer method by establishing a provision of sanitary sewer to this development by crossing properties to the south of this development currently located outside the corporate limits of Goodlettsville. The extension of gravity sewer service along Willis Branch will necessarily open the discussion of sewer service outside our city limits. Good planning dictates that annexations are done in an orderly fashion. It is not necessary to annex other properties at this time, but since other properties along Willis Branch will be involved in extension of this sewer system, it becomes necessary to examine the area and anticipate the type of development(s) that extension of the sewer network will likely bring. **Plan of Service** - A Plan of Service for any annexed territory is required to be approved by the governing body after referral to the planning commission for study and a written report. The proposed plan of service may be adopted only after a public hearing following fifteen (15) days public notice. Staff prepared and recommends the enclosed plan of service for the requesting annexation. **Rezoning** – A request to rezone this property from a Sumner County zoning district to Low Density

Residential Planned Unit Development (LDRPUD) is reasonable. This property has significant grade changes and PUD zoning allows the developer to incorporate greater flexibility into the overall design. The adopted Growth Plan for the City of Goodlettsville identifies this area for LDRPUD. **Preliminary Master Plan** – The preliminary master plan notes one hundred sixty-three (163) building sites on approximately ninety-nine acres. The only remaining issues unanswered are the development schedule and projected completion dates. The preliminary master plan meets all current requirements. Lynn Ealey, Ragan-Smith-Associates, stated this request is in line with the approved master plan for Copper Creek, Phase I and attaches the same restrictive covenants. Several discussions regarding sewer service have occurred with the developer and the city. Galbreath questioned as to whether this development will follow the proposed Long Hollow Pike Corridor Study. Gregory responded that it is possible the proposed development will not be included in the scope of the Long Hollow Pike Corridor Study. However, the project is in compliance with the Urban Growth Boundary Plan. Finch asked why this board reviews Restrictive Covenants if we have no power to enforce the language. Thomas clarified that the city requests a copy of the document for review to insure there are no direct conflicts between city ordinances and Restrictive Covenants. Gregory stated the Restrictive Covenants are a required step in the approval process of a Planned Unit Development. Once the Restrictive Covenants are approved and adopted, if the developer goes outside what has been approved, the developer runs the risk of being in violation of Restrictive Covenant regulations during the building process and may cause problems for the entire development. Finch asked for clarification relating to the approval process, in that, if we are relying on design criteria within the restrictive covenant as part of our decision to approve the PUD and they didn't build according to the approved criteria, Planning, Codes or whomever could enforce the violation based on the part of the approval of the PUD and not as a part of the Restrictive Covenants. Gregory stated this is one possibility. Gregory stated that he thinks that once the Restrictive Covenants are approved and properties are transferred based on these restrictions, it will be up to the Architectural Review Committee and the homeowners of the development to enforce. Until the time of approval, this board gets to review the language and request the language be amended. Finch requested the developer to provide a defined list of other building products considered "as equal" for the board's review at the final approval stage. Finch requested a typical or detailed design of all four elevations be provided in the final approval process. Finch questioned Ealey as to whether the developer is agreeable to staff's recommendation for extension the sanitary sewer system in lieu of the preliminary plan for pump/lift stations. Ealey acknowledged that the developer is agreeable; however, the details of these plans have not been finalized with staff.

Garrett stated that he looks in favor of Phase II for Copper Creek. He shared with the board that the City Commission has requested the State legislature create a private act on behalf of the city for an Adequate Facilities Tax. As a result of the pending action, he is hesitant of further annexation of land until the outcome of the legislative act is determined and the city has time to assess future capital needs and how best to utilize the funds generated by Adequate Facilities Tax once it is in place. Jim Thomas explained the purpose of an Adequate Facilities Tax is a privilege tax on new development, whereby, the funds will be utilized for scheduled capital improvements. Garrett explained that further annexation in the Urban Growth Boundary could possibility result in the need for an additional fire station, personnel and equipment. The proposed tax would assist in these type expenditures. Driver responded that the responsibility of

this board is to made recommendations based on each applicant's planning request independent of the City Commission fiscal considerations. Trew and Hitt agreed with Driver's view of the responsibility of the board members.

Motion by Trew for recommendation to the City Commission to rezone Sumner County Tax Map 143, Parcel 37 from the current Sumner County RR1 Zoning District to the City of Goodlettsville's Zoning District designation of Low Density Residential Planned Unit Develop (LDRPUD) for the development of Copper Creek, Phase II. Motion seconded by Driver. Motion passed 6-1. Garrett voted no.

Motion by Hitt for recommendation to the City Commission for annexation of Sumner County Tax Map 143, Parcel 37 into the corporate city limits of Goodlettsville, TN. Motion seconded by Crews. Motion passed 5-2. Finch and Garrett voted no.

Motion by Driver for recommendation to the City Commission for acceptance of the Plan of Service for Copper Creek, Phase II, Sumner County Tax Map 143, Parcel 37. Motion seconded by Trew. Motion passed 5-2. Garrett and Finch voted no.

Motion by Driver for approval of the Preliminary Master Plan for Copper Creek, Phase II, Sumner County Tax Map 143, Parcel 37. Motion seconded by Trew. Motion passed 6-1. Garrett voted no.

Item #3 (9.1 #25-05) Consider the request of Civil Site Design Group, LLC, 1808 West End Avenue, Suite 1402, Nashville, TN for approval of the revised Final Plat for The Vineyard at Twelve Stones Crossing, Phases I and II, Sumner County Tax Map 143, Parcels 51.01, 50.01 and a portion of Parcel 50.0.

Staff reviewed. Gregory reported this revised plat creates reconfigures eight (8) lots, creates one additional lot on the west elevation of the plat, dedicates a small section of public street and relocates a small section of Willis Branch Road. The need for this document was created by the proposal for the high-rise residential development recently approved. There is no increase in density. There are minor technical corrections relating to ownership signature lines, open space calculations, etc. The proposed plat is in general compliance with subdivision regulations.

Motion by Garrett for approval of the revised Final Plat for The Vineyard at Twelve Stones Crossing, Phases I and II, Sumner County Tax Map 143, Parcels 51.01, 50.01 and a portion of Parcel 50.0. Motion seconded by Hitt. Motion passed 7-0.

Item #4 (9.1 #1-97) Consider the request of First Tennessee Bank, 165 Madison Avenue, Suite 92B, Memphis, TN for reduction of Letter of Credit S993301 in the amount of \$63,000 due to expire 4/12/06 for Twelve Stones Crossing, Phase 4, for installation of infrastructure.

Staff reviewed. Brasier reported the developer has revised the request to include a six (6) month extension of the current Letter of Credit with no reduction in surety amount.

Motion by Finch to extend Letter of Credit S993301 in the amount of \$63,000 for a period of six (6) month with a revised expiration date of October 12, 2006 for Twelve Stones Crossing, Phase 4, for installation of infrastructure. Motion seconded by Crew. Motion passed 7-0.

Item #5 Consider approval of the proposed amendments to the Goodlettsville Zoning Ordinance and recommendation of amendments to the City Commission.

Staff reviewed. Gregory reported the proposed amendments to the Zoning Ordinance are administrative in nature. The document has been made more user friendly to include use classification indexing, specific plant lists, FEMA flood revisions, etc. Gregory requested additional time to review grammatical and typographical issues and verify accuracy of multiple referenced sections. Garrett asked if staff would be agreeable to recommending the proposed amendments to the City Commission where first reading could be considered on caption and the public hearing could take place within the near future.

Motion by Driver to recommend to the City Commission consideration of adoption of the proposed amendments to the Goodlettsville Zoning Ordinance and to permit staff to conduct a final review of the document. Motion seconded by Wall. Motion passed 7-0.

Item #6 Planning 101 – Discuss differences in powers and duties of a Municipal Planning Commission and a Regional Planning Commission.

Gregory stated this board has the power to act as a legislative body, a quasi-judicial body or an administrative body. Board members were provided with Tennessee Code Annotated documentation regarding creation, powers and functions of regional planning commissions: Section 13-3-101 thru 13-3-409 and municipal planning commissions: Section 13-4-101 thru 13-4-309 and a brief analysis of each section. Gregory acknowledged that the Goodlettsville Subdivision Regulations can currently be applied within the Goodlettsville Urban Growth Boundary in Sumner County. Staff will prepare an InterLocal Agreement with Sumner County to begin the process to acquire zoning authority within the Goodlettsville Urban Growth Boundary. This authority will allow the Goodlettsville Zoning Ordinance to govern development in all of the Urban Growth Boundary in Sumner County.

Item #7 Planning Commissioners Comments –

Finch stated that MTAS is sponsoring Planning and Zoning seminars in Smyrna, TN on March 14, 2006. Gregory stated that Parson Brinckerhoff will conduct the Long Hollow Pike Corridor Study. The initial pricing of the project came in around \$100,000. The selected engineering group, Parsons Brinckerhoff Quade & Douglass, Inc., Nashville, TN suggested the first phase of the study should focus on financial feasibility to determine the demographics of a viable, upscale retail development in the designated area. Therefore, the Scope of Service has been revised to cost \$35,000 which has subsequently been approved by the City Commission. There will be scheduled meetings with staff and the public to discuss these issues. Galbreath encouraged members to attend these meetings. Finch continued that the first phase of the study will last for three months which extends beyond the established six (6) month moratorium of rezoning along the Long Hollow Pike Corridor. The entire corridor study process could take an addition six (6)

or eight (8) months and the board may want to consider the possibility of revising the duration of the moratorium. Thomas informed the board the City Attorney is working on an Ethics Policy for the City of Goodlettsville which will impact board and commission members as well as staff and city employees.

Meeting adjourned.

Jim Galbreath, Chairman

Vicky Ignatz, Recording Secretary