

OFFICIAL MINUTES OF THE MEETING
GOODLETTSVILLE PLANNING AND ZONING COMMISSION

February 6, 2017
5:00 PM

Goodlettsville City Hall
Massie Chambers

Present: Chairman Tony Espinosa, Vice-Chairman Jim Galbreath, Mayor John Coombs, Commissioner Jeff Duncan, David Lynn, Jim Hitt, Scott Trew, Jerry Garrett, Judy Wheeler, Grady McNeal

Absent: Bob Whittaker

Note: Jim Hitt departed the meeting at 5:33, Jerry Garrett departed the meeting at 5:45, and Grady McNeal joined the meeting at 5:14.

Also Present: Addam McCormick, Tim Ellis, Jeff McCormick, Greg Edrington, Mike Bauer, Rhonda Carson and others

Chairman Tony Espinosa called the meeting to order and Scott Trew offered prayer.

Jerry Garrett made a motion to adopt the agenda. Commissioner Duncan seconded the motion. Motion passed to adopt the agenda, 9-0.

Mayor Coombs moved for approval of the minutes from the January 12, 2017 meeting as written; seconded by David Lynn. Motion passed 9-0.

Item #1 *Copper Creek Section 2-Phase 5 /Ragan Smith Associates, Inc.: Requests final master plan approval for forty-two (42) lots on Old Stone Road. Property is zoned MRPUD, Medium Density Residential Planned Unit Development. Property is a portion of the 57.80 acre property referenced as Sumner County Map 143, Parcel 37. Property Owner: Meritage Homes of Tennessee Inc. (9.1 #4-17){Deferred from January 12, 2017 Meeting}*

Staff advised that this item had been deferred from the January meeting. The request concerns the drainage on the southwest property boundary of Copper Creek, section 2-5, containing 42 lots. The drainage plan has been revised to drain the water into the cul-de-sac, and carry it to the detention pond by lot's 64 and 65. Mr. Jake Vincent with Ragan Smith Engineering spoke to the members of the Planning Commission. He informed them that the revised plan now is to remove the drainage pipe between lots 49 and 50 and drain all the water down to the end cul-de-sac in the area of lot 66. Mr. Vincent stated that they had looked at the runoff from the rear of the lots. The drainage amount was compared to the previous design, and based on the current calculations, the post runoff amount is less than the pre-runoff amount. Staff advised that many of the lots now have their drainage going to the front of the lot. Mr. Vincent also stated that he did check the calculations on the size of the detention pond, and it is adequate to handle the revised drainage flow amounts. Mr. Galbreath asked for the definition of a Storm Water Runoff Analysis. City Engineer, Greg Edrington related that it is used to show the net effect of the development, on the pre-existing drainage. Mr. Galbreath then asked Mr. Edrington what regulations governed storm water runoff. Mr. Edrington advised that it is governed by both the city storm water ordinance as well as the state storm water quality regulations. Mr. Galbreath then asked for information on the C values that were used for the drainage calculations. Mr. Vincent advised that these were standard values, that were taken from a table to make the

calculations, and that the higher the C value, the more water is going to run off. Mr. Galbreath stated that he had a concern with the new plan contours on sheet C3.0, showing a swale area between the houses that causes water to flow to the rear, and not to the front in the direction of the street, as the new proposal indicates. Mr. Galbreath also asked Staff, in the event the post development erosion below the lot occurs, would the city be liable, if this request is approved. Mr. Edrington advised that the site work would have to pass a final inspection by the City Engineer before the City would accept the project as part of the city's responsibilities. Chairman Espinosa asked Staff if they would like to respond to Mr. Galbreath's concerns. Mr. Edrington advised that the initial concern was to the lady on the downstream side before it reached the common point. He stated that Mr. Vincent has addressed this and the runoff has been both lessened and redirected away from her property. Discussion continued with Commissioner Duncan stating that he has looked at the contour lines around the building envelopes, and Mr. Vincent has shown that the calculations of drainage flows are still less than the pre-development calculations. Commissioner Duncan stated that it appeared to him that the drainage design was in keeping with the Planning Commission's request to keep the water off of the adjoining properties. Mr. Vincent stated that it was a standard design to have swale areas between the houses, so that the water to the front of the lot flows toward the street and the water in the rear goes to the back drainage areas. This is in keeping with the requirement that states one property owner cannot put water onto another property owner's lot. Mr. Garrett stated that he would like to see agreement among the members of the commission with an engineering background before this matter proceeded forward. He further stated that he had some concerns with the items that have been raised at this meeting. Commissioner Duncan stated, that he felt if a special clarification note were added to the drainage plan, they would all be in agreement. The note should state that between lot 39 thru lots 65, the drainage in the swale areas would flow in the frontal areas to the front of the property, and to the rear on the back part of the swales. City Engineer, Mr. Edrington advised that he was in favor of this note and Mr. Vincent also agreed to it. Chairman Espinosa summarized the agreement, stating that as part of approving the proposed drainage design plans with a conditional item relating to the note on the plans, concerning the drainage flows in the swales areas. Chairman Espinosa then called for a motion for conditional approval on the item. Commissioner Duncan made the motion for conditional approval based on the Chairman's comments. The motion was seconded by Mayor Combs. The motion passed 9-1. with Vice-Chairman Galbreath voting to deny.

Item #2 North Creek Commons Lots 23-27/ Suiter Surveying & Land Planning, Inc: Requests construction master plan approval for five (5) lots on Conference Drive across from Windsor Green Boulevard. Property contains 9.29 acres and is referenced as Davidson County Map/Parcel# 02600010600. Property is zoned GOPUD, General Office Planned Unit Development. Property Owner: Armed Services Mutual Benefits Association. (9.1 # 6-17) {Deferred from January 12, 2017 Meeting}

Chairman Espinosa began to introduce agenda Item #2 concerning Northcreek Commons, when he was interrupted by a citizen in the front row of the public seating area. Mr. Mc Coin raised a Point of Order question to Chairman Espinosa. Mr. Mc Coin asked if the Planning Commission operated under the same protocols as the City Commission concerning citizen responses. Chairman Espinosa deferred to Staff for an explanation of public hearing rules as it related to the Planning Commission. Staff advised that they did not have anything on the current agenda that

was a public hearing. Chairman Espinosa asked for a moment to review the Planning Commission bylaws. Mr. Mc Coin then appealed to the Commission members to be able to speak to them, concerning a legal matter that concerned an item that was before them tonight. Staff directed the Chairman to the section in the bylaws that stated all meetings are open to the public, but not all meetings are public hearings. Comments and opinions of the public are heard at the option of the Planning Commission members. City Manager Tim Ellis then asked Mr. Mc Coin if he wanted to address the board concerning item #7, which he had contacted him about. Mr. Mc Coin stated he wanted to address the board concerning some items that he believed was on the agenda. Both Mr. Ellis and Commissioner Duncan noted that the items being brought up, were from a study session agenda, and only two of the items were similar to the current agenda. Chairman Espinosa thanked Mr. Mc Coin for his comments and advised the Commission members that he was going to move on to item #2 on the agenda.

Staff presented Item #2, as a five lot commercial subdivision, presented the site master plan as a General Office Planned Unit Development. Staff went over the layout of the proposed subdivision and its location. Discussion was held on a notation concerning the amount of trees on the plan, adding that this development site will require major brush and undergrowth clearing. Staff advised that as each site development plan is presented, Staff will review the landscaping to verify that it is installed to meet the requirements and also advised commission members that there is a landscape plan with the project. The applicant was able to rework the site entrance, and now the slope and grade are acceptable. Staff advised that the detention pond will be looked at to be reworked, pending approval from TDOT. Staff will not approve the final plat until approval is received from TDOT. Staff is looking at possible future changes to the left turn lane and curb in this section of Conference Drive in the area of this project. Staff advised that the applicant has addressed all the corrections that were presented to him. City Engineer Greg Edrington stated that sedimentation will be a problem in the bio-detention pond outlet, and requested a deferral on that section of the plans until a more in-depth engineering solution is presented. Commissioner Duncan asked about access to lot 27 on the master plan. Previously, access had been discussed via an easement. Matt Suiter with Suiter Surveying & Land Planning, Inc. represented this request. Mr. Suiter stated that he looked at this request, and the contours of the land did not make this possible. Commissioner Duncan stated that he still had concerns with the curb cuts and median changes, but Staff had already advised that they were being reviewed as part of the traffic light and curb changes in the area. Public Works Director Jeff McCormick advised Commission Members that with regard to lot 27, it may have future access from the Mission Ridge area above the project. Chairman Espinosa summarized the motion as a conditional approval of items 1, 2, and 3 with the deferral of item #4 (drainage Item). Jerry Garrett made the motion as stated and it was seconded by Commissioner Trew. Motion passed unanimously 9-0.

Item #3 Best Western Plus / J&S Construction and Thomsen Engineering: Request site plan approval for a 57,549 square feet/ eighty-eight (88) unit hotel project on Conference Drive adjacent to the Lennox Place Apartments. Property is zoned GOPUD, General Office Planned Unit Development. Property is referenced as Davidson County Tax Map/Parcel 02600010300 and contains 2.85 acres. Property Owner: Shiv Sai Hospitality Group Inc. Partial Site Plan approval at the November 7, 2016 Meeting. (9.1 # 15-16)

Chairman Espinosa introduced Item #3, Best Western Plus. A representative for this item was not present. Chairman Espinosa asked Staff for a recommendation on how to proceed with this Item. Staff requested it be deferred due the multiple items that still needed to be addressed. Commissioner Duncan made a motion to defer the item and it was seconded by Mayor Combs. Motion passed unanimously 9-0.

Item #4 Allen Road Annexation Resolution 16-693 Progress Report: Planning and Development Services Staff will present report on city services in annexed area.

Chairman Espinosa introduced Item #4. This item concerns the Allen Road Annexation Resolution. Staff informed Commission Members that about 7 months ago the city annexed the roadway only from Long Hollow Pike to the entrance into Copper Creek. By law, six months after annexation the City is required to present a Plan of Services and a progress report. Historically this came before the City Commission but Staff advised it was more appropriate to begin this resolution as a Public Notice Item before the Planning Commission before it moved to the City Commission. Staff advised that currently all services are being provided to the annexed roadway section. Police, Fire and Emergency Medical Services are aware that this is in the city limits. Nashville Electric Service has installed new electrical poles in the area with street lighting. Currently the City has a bond with the developer of Copper Creek to put a final top coat on Allen Road when the development is complete. Staff advised that all services have been provided within the correct time frame. Staff advised the Chairman that this was a report only to the Commission Members and did not require any action. Planning Commission members had no questions or comments.

Chairman Espinosa requested that items 5 and 6 be discussed separately. This request was agreed upon by Staff and all Planning Commission members.

Item #5 Zoning Ordinance Amendment/ Planning and Development Services Staff: Requests recommendation to the City Commission to amend the Zoning Ordinance Section 14-208(4)(b) to define the scale of site development plans for staff approval.

Item 5 is a discussion item concerned a Zoning Ordinance Amendment change. This change would be presented to the City Commission, allowing Staff to approve minor site plan changes. This would include additions up to 25% and no more than 5,000 square feet, the addition of parking to existing parking areas, and the approval of small accessory buildings in commercial areas. Staff stated that they would still follow the site plan review process, and the cities design standards, and this would not apply to new projects. Staff advised this would allow for a timelier approval process for the minor addition projects. Due to the current application process, this would normally take thirty to forty days before Planning Commission review. Mayor Combs addressed the Commission and wanted to make sure the members were comfortable with the 5,000 square foot allowance. Staff advised that he would report to the Planning Commission each month, and present what had been approved so they would be kept up to date. Scott Trew asked staff if there was a way to shorten the application and advertising process. Staff advised that the process has been streamlined as much as it can be in relation to application and review

time. Commissioner Duncan requested clarification that, all the items listed above under consideration for review, would still have to meet all the City Zoning standards prior to Staff approval, and even then if they were denied by staff, would still have the remedy of appealing the decision to the Planning Commission. Staff advised that this was correct. Chairman Espinosa requested Staff benchmark and review other commissions, and see what has been determined to be reasonable, in relation to size of projects, which would be moved to the proposed consent agenda. Staff agreed and this item was concluded.

Item #6 Zoning Ordinance Amendment/Planning and Development Services Staff: Requests Recommendation to the City Commission to amend the Zoning Ordinance Section 14-208(4)(b) to define review procedures for successive site development plan applications.

Staff reviewed and discussed options to define review procedures for successive site development applications. No questions or comments from the Planning Commission, and no action was taken on this item.

Item #7 Planning Commission By-Laws Amendment/Planning and Development Services Staff: Requests an amendment to include provisions for consent agendas.

As Chairman Espinosa opened up Item #7, he asked Planning Commission members to entertain the option of taking a vote to allow public comments, as Mr. Mc Coin has requested. Mayor Combs made the motion to allow comments and it was seconded by Judy Wheeler. The vote passed unanimously. Staff addressed the board and advised that Item #7 was a request to amend the bylaws of the Planning Commission. Staff is requesting to amend the bylaws to allow for a consent agenda that would allow for a single vote to cover multiple minor items at one time. Staff advised that the meetings would begin with the approval of the regular agenda, as well as the consent agenda. It would be at this point that Commission Members would have the option of moving items either into or out of the consent agenda if they felt the need. Staff advised that examples of these agenda items would be site plan amendments, two lot subdivision plats, possibly 3-4 lots, that did not include roadway or utility construction, and the extension of subdivision bonds. Addam McCormick also advised that he has noted that in the bylaws, the secretary's position is listed as an elected position. Currently members of the city staff have been fulfilling these duties. Staff requested that the bylaws be changed to state that the duties of the Planning and Development Director, be to act as secretary for the Planning Commission. Mr. Galbreath asked if the consent agenda was being used to shorten the meetings, and Staff advised that it was going to be used to improve the efficiency of the Planning Commission. Mr. Galbreath asked if there would be discussion on the items on the consent agenda. Staff advised that if an item on the consent agenda needed discussion, it would be moved to the regular agenda. Staff advised that the staff comments on each item would still be in depth for review. Commissioner Duncan stated that this would allow for smaller items, which met the standards already, to move forward with a quicker approval. City Manager Tim Ellis addressed the Planning Commission and stated that it does not take a vote to move an item from the consent agenda to the regular agenda. A single commission member can make the request and have the item moved to the regular agenda.

Chairman Espinosa then recognized Mr. Mc Coin who was standing at the podium requesting to speak to the Commission members. Mr. Mc Coin introduced himself and stated he lived at 818 S. Dickerson Road. Mr. Mc Coin stated he had a concern with the minutes, and noted some items that might be considered for future legislation. He further continued with comments about a June, 6th 2016 planning meeting where staff got up and temporarily left the meeting, which Mr. Mc Coin did not feel was correct. Additionally he noted that at a meeting on July 11th, 2016, staff was speaking to people that were presenting items to the Planning Commission. Commissioner Duncan then noted that, in his position as Planning and Development Director, it was Staff's position to meet and discuss projects with these people. Mr. Mc Coin then stated he had a concern with a vote on the July 11th, 2016 meeting in regard to a second to a motion that had been made. Mr. Mc Coin went on to advise commission members that the video tape of the meetings, in his opinion, had been cut and spliced after the meeting. Chairman Espinosa then asked Mr. Mc Coin to culminate what he was trying to say and provide some documentation as to the claims he was currently making. Chairman Espinosa then asked Mr. Galbreath if he had any comments to Mr. Mc Coin's statements, as he was the previous Chairman of the Planning Commission. Mr. Galbreath stated he did not recall any items noted by Mr. Mc Coin and requested he also conclude his comments, so they could move back to the current agenda item. David Lynn asked Mr. Mc Coin if anyone has suffered any damage or financial loss due to the allegations he was making. Mr. Mc Coin's response to the question was, that he was not going to debate the matter with him, since he was not an attorney and the wrong conclusions could be made. (At this point due to an unexpected technical occurrence, the video taping of the meeting stopped. The audio recording of the meeting continued uninterrupted throughout the entire meeting). Mr. Mc Coin reiterated comments concerning the cutting and splicing of the video tape and made remarks about commissioners leaving the meeting early, at which time Chairman Espinosa asked the other commission members if they had any questions of Mr. Mc Coin. Chairman Espinosa thanked Mr. Mc Coin, and related that he did a good job expressing his concerns to the commission, and that they were now going to move back to the agenda item. Mr. Mc Coin did not agree with this and asked to go on record that he was not allowed to complete his comments. The Commission thanked Mr. Mc Coin and moved on with the agenda item. Discussion continued on Item 7 with Staff bringing up two more items for consideration for changes to the bylaws. The first item was that applicants are usually present for the hearing, though it does not require this in the bylaws. The second item was to discuss the possibility of opening up a public forum at planning commission meetings, with a time line. Jim Galbreath stated that historically applicants were required to be present for the commission meetings, except for bond hearings and he would like to see that requirement made a stipulation in the bylaws. Chairman Espinosa presented the idea of holding the public hearing comments to a two minute limit. Staff then recommended Item 7 be deferred until all the proposed bylaw changes have been reviewed and action can be taken on them at one time. Scott Trew told the Commission members that he found the citizen comments helpful when the public hearings were held on items that have been brought before the Planning Commission. He also stated that the Planning Commission had the benefit of the items being reviewed by the City Commission, and accepting citizen comments. Commissioner Trew requested the board use discretion and allow for a time limit when public forums are allowed. Mayor Coombs praised the level of expertise

within the city departments that made it easier for the Planning Commissioners to make their decisions. He stated that it did not seem acceptable to make the chairman solely responsible for making the decisions as to if a person can speak to an item. Mayor Coombs felt it would be better addressed as whole board allowing the comments. Commissioner Duncan noted that he has benefited from citizen input on agenda items as well. Motion to defer Item #7 made by Mayor Coombs and seconded by Grady Mc Neal. Motion passed to defer unanimously 8-0.

Mr. Mc Neal asked about drainage of pads in Copper Creek. Staff advised that 30-40% of the lots would still be covered in grass which would assist in the drainage of the individual pads. Chairman then asked if Commission members had any further items for discussion. Mr. Galbreath stated that he frequently goes by the detention pond on Conference Drive and Windsor Green Blvd, and has never seen water in it. Mr. Galbreath then asked Staff if there was a time limit on a Building Permit in relation to the Towne Place Hotel Project. Staff advised that as long as work is progressing, the permit will remain valid. Scott Trew brought up the point of trying to attend all the meetings so a quorum will be achieved. He stated that he saw the importance of checking in with either the Chairman or Staff if he had to miss a meeting or leave early. He advised that he hoped the other Commissioners felt the same importance as him concerning this item.

Discussion Items:

Subdivision Regulations Amendments and March 6th Public Hearing for Planning and Development

Services Staff approval of minor two-lot subdivision plats and successive development plan applications

Agenda Items: **Davidson County/ Sumner County**

Meeting adjourned at 6:21

Tony Espinosa, Chairman

Mike Bauer, Building Official ECD