

**MINUTES**  
**OF THE**  
**METROPOLITAN PLANNING COMMISSION**

Date: February 1, 2001  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

James Lawson, Chairman  
Frank Cochran  
Tonya Jones  
William Manier  
Ann Nielson  
Councilmember Phil Ponder  
Douglas Small  
Marilyn Warren

**Absent:**

Mayor Bill Purcell  
Vicki Oglesby

**Staff Members:**

Ann Hammond, Planning Director  
Jerry Fawcett, Planning Division Manager  
Ryan Latimer, Planning Technician I  
Jeff Lawrence, Operations Director  
Robert Leeman, Planner I  
Carolyn Perry, Administrative Assistant II  
Jennifer Regen, Planner III  
John Reid, Planner II  
Jeanne Stevens, Planner III  
Jeff Stuncard, Planner I  
Cynthia Wood, Planner III  
Chris Wooton Planning Technician I

**Others Present:**

Jim Armstrong, Public Works  
Brook Fox, Legal Department  
Chris Koster, Mayor's Office

Chairman Lawson called the meeting to order.

**ADOPTION OF AGENDA**

Ms. Nielson moved and Councilmember Ponder seconded the motion, which unanimously passed, to adopt the agenda.

## **APPROVAL OF MINUTES**

Ms. Nielson moved and Mr. Small seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of January 18, 2001, with changes made to include Mr. Small's remarks regarding 18-84-U-10, Covenant Presbyterian Church, playground equipment.

## **RECOGNITION OF COUNCILMEMBERS**

Councilmember Lineweaver spoke in favor of 99S-279G-06 Bellevue Highlands, Phase 1 (Revised), 99S-287G-06, Bellevue Highlands, Phase 2 (Revised) and 97P-019G-06, Trace Creek Center of Pasquo.

## **PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS**

At the beginning of the meeting, staff listed the deferred items as follows:

2001Z-012G-14 Deferred indefinitely, by applicant.  
2001P-002G-14 Deferred indefinitely, by applicant.  
2001Z-019U-08 Deferred indefinitely, by applicant.

Ms. Nielson moved and Councilmember Ponder seconded the motion, which unanimously passed, to close the public hearing defer the items listed above.

## **PUBLIC HEARING: ADOPTION OF CONSENT AGENDA**

Ms. Nielson moved and Councilmember Ponder seconded the motion, which unanimously carried, to close the public hearing approve the following items on the consent agenda:

## **GENERAL PLAN with ZONING MAP AMENDMENTS**

Subarea 12 Plan Amendment Request

Residential Low-Medium Density to Mixed Use (approximately 14 acres) and Residential Medium Density (approximately 85 acres) Policies  
Nolensville Road, opposite Bradford Hills Drive

The public hearing was set for March 1, 2001.

## **CODE TEXT AMENDMENTS**

**2000Z-028T, 2000Z-030T, 2000Z-031T,  
2000Z-032T, 2000Z-033T, 2000Z-038T,  
2000Z-039T**  
(Council Bill No. BL2000-560)  
(Referred back to the Planning Commission  
by Metro Council)

A council bill to amend various sections of the Zoning Ordinance as follows: by creating three new land uses "Temporary Outdoor Storage", "Outdoor Storage", and "Mobile Storage Unit"; by modifying the location of billboards in PUDs; by modifying the development and establishment of zoning fees; by

eliminating a floor area ratio for multi-family developments in the OR20 and OR40 zoning districts; by modifying the definition of a boarding house; by creating a definition for hotel/motel; and by modifying final site plan review requirements. (Deferred from meeting of 01/18/01).

**Resolution No. 2001-50**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-028T, 2000Z-030T, 2000Z-031T, 2000Z-032T, 2000Z-033T, 2000Z-038T, 2000Z-039T is **APPROVED (8-0)**:

**These amendments improve the Zoning Ordinance by clarifying, modifying, and establishing definitions and standards. The temporary outdoor storage and outdoor storage uses are not appropriate (2000Z-028T) in zoning districts permitting residential uses. The boarding house definition should be amended to clarify what constitutes transient accommodation and living area."**

**ZONING MAP AMENDMENTS**

**2001Z-020G-06**  
Map 114, Parcel 172  
Subarea 6 (1996)  
District 23 (Bogen)

A request to change from CL district to CS district property at 623 Old Hickory Boulevard, approximately 400 feet south of Interstate 40 (.95 acres), requested by David Thompson, appellant, for Wal-Mart Stores, Inc., owner.

**Resolution No. 2001-51**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-020G-06 is **DISAPPROVED (8-0)**:

**The CS zoning is consistent with the Subarea 6 Plan's Retail Concentration Supercommunity (RCS) policy calling for large concentrations of commercial development at major interchanges such as I-40/Old Hickory Boulevard. Since the CS district should be restricted around the vicinity of major interchanges, it should not extend south of Tolbert Road."**

**88P-040G-06**  
Autobody America (Sams Club Commercial PUD)  
Map 114, Parcels 172, 308 and 323  
Subarea 6 (1996)  
District 23 (Beehan)

A request to amend the existing Commercial (General) Planned Unit Development District located abutting the west margin of Old Hickory Boulevard, 400 feet south of Interstate 40 (6.06 acres), classified CL and proposed for CS District, to add .95 acres and a 10,900 square foot autobody repair shop, requested by Barge-Cauthen and Associates, for Wal-mart, owner.

**Resolution No. 2001-52**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-040G-06 is given **CONDITIONAL PRELIMINARY PUD APPROVAL FOR A PUD AMENDMENT (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Submittal to Planning Commission staff by February 9, 2001 revised plans which show the access driveway's pavement width increased to 28 feet. This driveway will be shared by the auto body repair shop and the Sonic Restaurant and is located off the main driveway to Sam's Club.
3. Prior to any revised preliminary or final PUD submittal for any portion of this Sam's Club PUD, the recording of a revised PUD boundary plat to include the addition of parcel 172 into this PUD.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. Prior to the issuance of any building permits, the requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met."

#### **FINAL PLAT SUBDIVISIONS**

##### **99S-279G-06**

Bellevue Highlands, Phase 1 (Revised)

Map 155-8-E, Parcels 1-30

Subarea 6 (1996)

District 35 (Lineweaver)

A request for final plat approval to reconfigure 30 lots abutting the west margin of Old Harding Pike, approximately 430 feet south of Poplar Creek Trace (8.0 acres), classified within the R15 Residential Planned Unit Development District, requested by The Jones Company Custom Homes of Tennessee, owner/developer, Walter Davidson and Associates, surveyor.

##### **Resolution No. 2001-53**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-279G-06, is **APPROVED (8-0).”**

##### **99S-287G-06**

Bellevue Highlands, Phase 2 (Revised)

Map 155-8-E, Parcels 33-91

Subarea 6 (1996)

District 35 (Lineweaver)

A request for final plat approval to reconfigure 59 lots approximately 575 feet west of Old Harding Pike and approximately 430 feet south of Poplar Creek Trace (15.27 acres), classified within the R15 Residential Planned Unit Development District, requested by The Jones Company Custom Homes of Tennessee, owner/developer, Walter Davidson and Associates, surveyor.

##### **Resolution No. 2001-54**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-287G-06, is **APPROVED (8-0).”**

**PLANNED UNIT DEVELOPMENTS (revisions)**

**91-71-G-14**

Olson Tire Car Care (Lennox Square)  
Map 64-15, Parcel 5  
Subarea 14 (1996)  
District 11 (Brown)

A request to revise the preliminary plan and for final approval for a phase of the Commercial Planned Unit Development District located abutting the north margin of Lebanon Pike, east of Shute Lane (.64 acres), classified SCR, to develop a 5,677 square foot auto service facility, replacing an approved 2,312 square foot restaurant, requested by Ragan-Smith Associates, for Doos Development Group, Inc.

**Resolution No. 2001-55**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 91-71-G-14 is given **APPROVAL OF A REVISION TO PRELIMINARY PUD PLAN AND CONDITIONAL FINAL PUD APPROVAL FOR A PHASE (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, the recording of a final subdivision plat and the posting of a bond for any required public improvements.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. Prior to the issuance of any building permits, the requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans, as approved by the Planning Commission, will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

**109-71-G-14**

Priest Lake Park, Section Six Car Wash  
Map 136-11, Parcel 21  
Subarea 14 (1996)  
District 29 (Holloway)

A request for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the northwest corner of Old Smith Springs Road and Anderson Road (.84 acres), classified

R10, to develop a 2,860 square foot car wash facility, requested by Dale and Associates, for Super Wash, Inc., owner.

**Resolution No. 2001-56**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 109-71-G-14 is given **CONDITIONAL FINAL PUD APPROVAL (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, a final plat shall be recorded, including all necessary bonds for utilities and public improvements.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. Prior to the issuance of any building permits, the requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met.
6. These plans, as approved by the Planning Commission, will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

**103-79-G-14**  
Riverfront Shopping Center  
Map 53, Parcel 36  
Subarea 14 (1996)  
District 11 (Brown)

A request to revise a portion of the preliminary plan and for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the southwest margin of Robinson Road, 410 feet north of Merritt Street, classified R10 (5.3 acres), to permit a 31,600 square foot mini-warehouse facility, and an open-ended boat storage facility, replacing a 34,000 square foot undeveloped retail facility, and for final approval for a 2,900 square foot mini-storage facility and the boat storage facility, requested by Waste Water Engineers, for Charles Byrd, owner.

**Resolution No. 2001-57**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 103-79-G-14 is given **APPROVAL OF A REVISION TO PRELIMINARY PUD PLAN AND CONDITIONAL FINAL PUD APPROVAL FOR A PHASE (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. Prior to the issuance of any building permits, the requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revise plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans, as approved by the Planning Commission, will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission."

**82-84-G-14**

Greer Meadows, Section 3, Phase 2  
Map 75, Parcel 101  
Subarea 14 (1996)  
District 12 (Ponder)

A request to revise the preliminary plan and for final approval for a phase of the Residential Planned Unit Development District located abutting the western margin of Tulip Grove Road and the western terminus of Scott's Creek Trail, classified within the RS10 District (13.41 acres), to redesign a phase to develop 56 single-family lots, replacing 55 single-family lots, requested by Barge, Waggoner, Sumner and Cannon, for Southeastern Building Corporation, owner.

**Resolution No. 2001-58**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 82-84-G-14 is given **APPROVAL OF A REVISION TO PRELIMINARY PUD AND CONDITIONAL FINAL PUD APPROVAL FOR A PHASE (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, a final plat shall be recorded, including all necessary bonds for utilities and public improvements.
3. Prior to the issuance of any building permits, the requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met.

4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans, as approved by the Planning Commission, will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

**14-85-P-13**

Big K Express Convenience Store  
Map 149, Parcel 321  
Subarea 13 (1996)  
District 28 (Alexander)

A request to revise the preliminary plan for a phase of the Commercial (General) Planned Unit Development District located abutting the southwest margin of Murfreesboro Pike and the north margin of Shumate Lane (1.55 acres), classified within the R15 District, to permit a 1,680 square foot convenience market, replacing a 3,600 square foot and a 4,000 square foot retail/restaurant/service station use, requested by Reeves and Associates, for K-Mart Corporation, owner.

**Resolution No. 2001-59**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 14-85-P-13 is given **CONDITIONAL APPROVAL TO REVISE A PORTION OF THE PRELIMINARY PUD PLAN (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, a final plat shall be recorded, including all necessary bonds for utilities and public improvements.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. Prior to the issuance of any building permits, the requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met.”

**18-86-P-14**

Rivertrace Estates  
Map 52, Parcel 9  
Subarea 14 (1996)  
District 15 (Loring)

A request to revise a portion of the preliminary plan of the Residential Planned Unit Development District located abutting the east margin of Lock Two Road, 1,300 feet north of Cain Harbor Road (72 acres), classified within the RS10 District, to permit 91 single-family lots, replacing the approved preliminary plan with 45 single-family lots, a dedication of 47 acres of wetlands, and the construction of a greenway trail/boardwalk in exchange for an encroachment into the 50 foot stream buffer of the Cumberland River, and where the original preliminary plan was approved for 131 single-family lots, requested by Dale and Associates, for John Cain and George Hicks, owners. (Deferred from meeting of 01/04/01).



**Resolution No. 2001-60**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 18-86-P-14 is given **CONDITIONAL APPROVAL OF A REVISION TO PRELIMINARY PUD PLAN (8-0)**. The following conditions apply:

1. In conjunction with any final plat, a landscape agreement, requiring the homeowner’s association to maintain all medians and islands, shall be submitted to the Planning Commission, and reviewed by the Planning Commission and Public Works Department, for the maintenance of the circular islands in the public right-of-way. This agreement shall be signed by the Metro Public Works Department prior to the issuance of any building permits.
2. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
3. Prior to the issuance of any building permits, a final plat shall be recorded, including all necessary bonds for utilities and public improvements.
4. Prior to the issuance of any building permits, the requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met.
5. This preliminary plan approval for the residential portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final PUD plan if a boundary survey confirms there is less acreage.”

**96P-006G-12**  
Mountain View  
Map 172, Parcel 30  
Subarea 13 (1996)  
District 31 (Knoch)

A request to revise the preliminary plan and for final approval for a phase of the Residential Planned Unit Development District located south of Old Hickory Boulevard at the southern terminus of Woodland Hills Drive (37.16 acres), classified within the R20 and R15 Districts, to permit one single-family lot, replacing the approved preliminary plan with 10 single-family lots, requested by Littlejohn Engineering Associates, for Centex Homes, owner.

**Resolution No. 2001-61**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-006G-12 is given **APPROVAL OF A REVISION TO PRELIMINARY PUD PLAN AND CONDITIONAL FINAL PUD APPROVAL FOR A PHASE; APPROVAL OF A VARIANCE TO THE SUBDIVISION REGULATION FOR MAXIMUM LOT SIZE AND LOT WIDTH-TO-DEPTH RATIO (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, the recording of a final subdivision plat upon the posting of a bond for any required public improvements.

3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission."

**97P-019G-06**

Trace Creek Center of Pasquo  
Map 155, Parcel 274  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to revise a portion of the preliminary plan and for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the south margin of Highway 100, opposite Collins Road (0.98 acres), classified RS40, to develop 3,100 square feet of restaurant uses and 2,700 square feet of retail uses on an undeveloped outparcel, replacing 7,500 square feet of retail/restaurant uses on the approved plan, requested by Gary Batson, for Kroger Limited Partnership, owner.

**Resolution No. 2001-62**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-019G-06 is given **APPROVAL OF A REVISION TO PRELIMINARY PUD PLAN AND CONDITIONAL FINAL PUD APPROVAL (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, the requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met.
3. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans, as approved by the Planning Commission, will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission."

**MANDATORY REFERRALS**

**2001M-008U-09**  
Close Remaining Portion of Alley #269  
District 19 (Wallace)  
Subarea 9 (1997)

A request to close the remaining portion of Alley #269 from South Third Street to its terminus at I-65, requested by Greg Gillespie of Philip Metals, Inc., appellant and abutting property owner. (Easements are to be abandoned).

**Resolution No. 2001-63**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0) with conditions** Proposal No. 2001M-008U-09."

**2001M-010U-00**  
Franchise Agreement for Fiber Optic Cable by  
American Fiber Systems, Inc.  
No council district since countywide  
No subarea since countywide

A request for a franchise agreement by American Fiber Systems, Inc., requested by Peter Corea of Swidler, Berlin, Shereff, Friedman, LLP, appellant for American Fiber Systems, Inc.

**Resolution No. 2001-64**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0) with conditions** Proposal No. 2001M-010U-00."

**2001M-011U-08**  
Council Bill No. BL2001-583  
M.D.H.A. Lease Agreement  
Map 92-9, Parcel 31  
Subarea 8 (1995)  
District 21 (Whitmore)

A council bill approving a lease by and between the Metropolitan Development and Housing Agency ("MDHA") and The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Public Schools of Nashville and Davidson County, to provide a facility at 3810 Georgia Court for the one Room Drop-in-School for educational services to be offered to at-risk families, classified within the RM9 district, requested by the Metropolitan Public Schools of Nashville and Davidson County.

**Resolution No. 2001-65**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 2001M-011U-08."

**OTHER BUSINESS**

2. MPO Contract with the Tennessee Department of Transportation for Fiscal Year 2001 FTA (Federal Transit Administration) Planning and Research

**Resolution No. 2001-66**

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the MPO Contract with the Tennessee Department of Transportation for Fiscal Year 2001 FTA (Federal Transit Administration) Planning and Research."

This concluded the items on the consent agenda.

## **PUBLIC HEARING**

### **GENERAL PLAN with ZONING MAP AMENDMENTS**

#### **Subarea 4 Plan Amendment Request**

Industrial to Commercial Policy  
Myatt Drive, 900 feet east of  
Gallatin Pike

Ms. Wood stated staff is recommending approval of this amendment request to change the current Industrial policy to Commercial Mixed Concentration policy. The current boundary is a boundary of convenience and this property has always been potential commercial policy.

Ms. Wood stated this agenda item is a public hearing on a proposal to amend the Subarea 4 Plan: 1996 Update for an area near the intersection of Gallatin Pike and Myatt Drive. Staff is recommending approval of the amendment proposal as amended. The applicant for the plan amendment is Phillip Warren of Warren Commercial Real Estate. The proposal is to change the current Industrial and Distribution policy to Commercial Mixed Concentration, and the impetus for the proposal is a desire to develop a shopping center within the amendment area.

Mr. Paul Shoudberg expressed concerns regarding traffic.

Ms. Nielson moved and Mr. Manier seconded the motion, which carried unanimously, to close the public hearing and to approve the following resolution:

#### **Resolution No. 2001-67**

#### **METROPOLITAN PLANNING COMMISSION OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE**

WHEREAS, the Metropolitan Planning Commission adopted the *Subarea 4 Plan: 1998 Update* on July 23, 1998; and

WHEREAS, Chapter 3 Section 3.42 C on page 61 of this plan contains an Industrial and Distribution land use policy for Area 14C; and

WHEREAS, a public hearing was held on February 1, 2001 to consider the merits of changing the land use policy category for a portion of Industrial and Distribution Area 14C to Commercial Mixed Concentration policy as shown on Attachment A; and

WHEREAS, the Metropolitan Planning Commission finds that this change is warranted;

NOW THEREFORE BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** Amendment No. 1 to the *Subarea 4 Plan: 1998 Update* as set forth in "Attachment A" to this resolution and incorporates the amendment into the *Subarea 4 Plan: 1998 Update*."

"Attachment A" to Resolution 2001-67"

### **AMENDMENT NO. 1 TO THE SUBAREA 4 PLAN: 1998 UPDATE**

The *Subarea 4 Plan: 1998 Update* is amended as follows:

a) by changing the text for the first full sentence in the second column on page 59 to read as follows:

CMC policy applies to five areas identified as 12A-12E on the Land Use Policy Plan.

b) by inserting the following into page 60 of Chapter 3, Section 3.42.C.3 immediately after the paragraph describing Area 12D:

Area 12E: CMC policy is applied an area south of the intersection of Myatt Drive and Gallatin Pike. The northern boundary of this area begins at the intersection of Edenwold Road and Gallatin Pike. It follows Edenwold Road to the rear property lines of properties fronting on Gallatin Pike, then follows those property lines to Myatt Drive. The southern boundary of this area begins at Gallatin Pike and is formed by Dry Creek until the point where the creek meets the CSX rail line. The southern boundary then follows the rail line to the rear property lines of properties fronting on Shepherd Hills Drive. The eastern boundary follows Myatt Drive to its intersection with Plum Street and then follows the rear property lines of properties fronting on Shepherd Hills Drive. The western boundary is formed by Gallatin Pike.

CMC policy is applied to this area to provide additional commercial development opportunity close to the RiverGate Mall and also to provide for other high-intensity land uses, such as offices and medium-high to high density residential development, in close proximity to the RiverGate Regional Activity Center. Area 12E has historically been an industrial area, but the demand for industrial development has weakened in this area. This trend is expected to continue over the long term, although it is understood that some of the existing industrial businesses in the area will continue their operations well into the foreseeable future. Therefore, zoning implementation of the CMC policy is expected and intended to occur gradually as market trends continue.

#### **2001Z-001G-04**

Map 34-6, Part of Parcel 3 (27 acres)

Subarea 4 (1998)

District 10 (Balthrop)

A request to change from IR district to CS district a portion of property at 710 Myatt Drive, approximately 900 feet east of Gallatin Pike (27 acres), requested by Phillip A. Warren, appellant, for Dylan Custom Mixing, L.L.C., owner.

Ms. Wood stated staff is recommending approval of the zone change for the proposed development of a shopping center.

No one was present to speak at the public hearing.

Ms. Nielson moved and Mr. Manier seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

#### **Resolution No. 2001-68**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-001G-04 is **APPROVED (8-0)**:

**The proposed CS zoning is consistent with the Subarea 4 Plan's Commercial Mixed Concentration (CMC) policy. That policy calls for a mixutre of commercial, retail, office, and residential uses."**

#### **ZONING MAP AMENDMENTS**

**2000Z-070U-13**  
Map 148, Part of Parcel 65  
Subarea 13 (1996)  
District 28 (Alexander)

A request to change from AR2a to RM4 district a portion of property at Franklin Limestone Road (unnumbered), approximately 140 feet west of Billingsgate Road (25.32 acres), requested by Kevin Estes, appellant, for M. K. Stevenson, owner.

Ms. Regen stated this item had been re-referred to the Commission from Council. Staff had recommended disapproval of this zone change because of surrounding residential property with a single family pattern. Staff is still recommending disapproval and also have concerns regarding traffic on Franklin Limestone Road.

Ms. Nielson moved and Mr. Small seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

#### **Resolution No. 2001-69**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-070U-13 is **DISAPPROVED (8-0)**:

**Franklin Limestone Road does not have the capacity to support new residential development at this time. The road should be upgraded to collector street standards before any additional zoning intensification occurs in this area. When the road is upgraded, the RS7.5 district is the preferred zoning district since it is consistent with the area's single-family development pattern."**

**2000Z-126G-12**  
Council Bill No. BL2000-532  
Map 188, Parcels 8, 13 and Part of Parcel 5  
Subarea 12 (1997)  
District 31 (Knoch)

A council bill to rezone from AR2a to RS15 district a portion of property at 7107 Carothers Road, 7211 Carothers Road, and Carothers Road (unnumbered), approximately 1,000 feet east of Battle Road (135.0 acres), requested by Mike Anderson, appellant, for Phillips Builders, Inc., optionee and R. E. Carothers, owner. (Deferred from meetings of 10/26/00 and 11/9/00).

Ms. Regen stated staff was proposing to recommend disapproval because the road network, and schools and other infrastructure needed to be researched. Staff has met with the developer to discuss and plan roads and other infrastructure, and is now recommending approval.

No one was present to speak at the public hearing.

Ms. Nielson moved and Mr. Manier seconded the motion, which carried unanimously, to close the public hearing.

Mr. Cochran moved to approve.

Ms. Warren asked when the road improvements would be in the Capital Improvements Budget.

Ms. Regen stated there is no funding available at this time and this would be a challenge of timing working through the MPO.

Mr. Manier stated this would be a skip zoning with no infrastructure in place. It would also be a disservice the Metropolitan Government and that he was opposed to it.

Councilmember Ponder stated he had a timing concern also. He asked if this development actually went into Rutherford County.

Ms. Regen stated it did.

Chairman Lawson stated Rutherford County would not be supporting the infrastructure.

Ms. Regen stated the sewer would come from Rutherford County.

Mr. Tom White stated that in meetings with staff he felt the leap-frogging effect had been discussed and many of the Commission's concerns had been addressed.

Mr. Cochran moved and Ms. Jones seconded the motion to approve, which failed, with Ms. Warren, Mr. Manier, Ms. Nielson, Mr. Small, Councilmember Ponder and Chairman Lawson, in opposition, and with Mr. Cochran and Ms. Jones in favor.

Mr. Manier moved and Ms. Nielson seconded the motion, which carried, with Mr. Cochran and Ms. Jones in opposition, to approve the following resolution:

**Resolution No. 2001-70**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-126-12 is **DISAPPROVED (8-0)**:

**It is premature to intensify zoning in this area without a traffic impact study, necessary transportation improvement commitments, and an overall design plan for this general area. Additionally, the area road network is not sufficient to accommodate traffic generated by the introduction of RS15 zoning at this time. The Subarea 12 Plan recommends this area be developed in a contiguous pattern to promote the efficient delivery of public facilities and services. Rezoning this property to RS15 now and extending sewer service to it would not promote efficiency. Instead, the RS15 zoning will open the remainder of this intervening rural (AR2a) area within Davidson County for development, placing significant demands on infrastructure and services beyond those currently anticipated."**

**2001Z-017U-10**

Map 117-12, Part of Parcel 1.01 (1.38 acres)

Subarea 10 (1994)

District 25 (Shulman)

A request to change from R40 and R20 districts to R10 district a portion of property located at 3427 Richards Street, north of Woodmont Boulevard (.30 acres), requested by Allen Crawford of Crawford Land Surveyors P.C., appellant, for Nashville Y.W.C.A., owner.

Mr. Reid stated staff is recommending approval. One portion of the property contains a duplex and the remaining portion contains the YWCA and its parking lot. There are 2 other duplexes on the street and all the other property in the area is single family.

Mr. Alan Crawford, representing the YWCA, spoke in favor of the request and urged the Commission to approve it.

Councilmember Jim Shulman stated no one in the area had expressed concerns and that he had no problems with it.

Ms. Nielson moved and Ms. Warren seconded the motion, which carried unanimously, to close the public hearing.

Councilmember Ponder stated he had mixed emotions and asked if there was any control for what type of structure that would be built. Would it be single family?

Mr. Reid stated the zoning would allow single family or duplex.

Councilmember Ponder asked if there were any other duplexes in the area.

Mr. Reid stated there were two other duplexes on this street and the rest are single family.

Councilmember Shulman stated the person that owns the two other duplexes is the potential buyer of this property.

Mr. Jones stated that maybe the only other thing that could be done is to subdivide the property with the R20 and then get a permanent for them to be able to access their required parking facilities.

Ms. Nielson asked if the applicant took the two adjacent lots that he owns with the duplexes on them and subdivided them would there be enough land.

Mr. Crawford stated he had looked at that and you can get up to 15,000 square feet, but that's still not enough.

Mr. Reid stated that there might be one option the applicant could pursue. This is a convoluted situation that has occurred over the years partially because the Y has created that parking lot so close to the duplex. Our research has indicated that in 1967 there was an old lot line that was created for the duplex, which part of their parking lot encroaches over, because they had to get a variance for that parking lot. That lot line is still valid and they might be able to pursue going to the Zoning Administrator and getting that old lot line approved for the duplex with an easement for the parking lot.

Ms. Nielson asked that if they were to do that, then does that lot line then make that lot such that we could approve.

Mr. Reid stated that would just allow them to possibly do what they are wanting to do without a rezoning to R20. The Zoning Administrator has indicated that lot line is something that needs to be resolved.

Ms. Jones stated it would be worth the applicant's while to defer this until the lot line is explored.

Chairman Lawson asked why defer it.

Ms. Jones stated because they have an option that just makes it go away.



Ms. Warren moved and Ms. Nielson seconded the motion to disapprove, which failed, with Ms. Warren, Mr. Manier, Ms. Nielson in favor and with Mr. Cochran Councilmember Ponder, Ms. Jones Mr. Small and Chairman Lawson in opposition.

Councilmember Ponder moved and Ms. Nielson seconded the motion, which carried unanimously, to defer this matter indefinitely.

**2001Z-021U-11**  
Map 106-1, Parcel 53  
Subarea 11 (1999)  
District 19 (Wallace)

A request to change from CS district to OR20 district property at 410 Murfreesboro Pike, approximately 800 feet east of Elm Hill Pike (.51 acres), requested by Nancy Wood Stabell, appellant, for Mobsen and Aghdas Ghiassi, owners.

Mr. Reid stated staff is recommending approval of the MUL district because it is consistent with the current Commercial Mixed Concentration policy in the area.

Mr. Jack Dunn, spoke in opposition to the proposal and expressed concerns regarding shared parking problems, traffic and property depreciation.

Mr. John Lewis spoke in favor of the proposal and explained the project.

Councilmember Ponder asked what exactly was planned for the property.

Mr. Lewis stated it would somewhat of a halfway house.

Councilmember Ponder moved and Ms. Nielson seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution.

**Resolution No. 2001-71**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-021U-11 is **APPROVED (8-0)**:

**The OR20 district is consistent with the Subarea 11 Plan's Commercial Mixed Concentration (CMC) policy calling for office, commercial, and higher density residential uses. The OR20 district will provide an opportunity to revitalize this area with more office and apartment uses."**

**2001Z-022U-14**  
Map 85-11, Parcel 101  
Subarea 14 (1996)  
District 14 (Stanley)

A request to apply the Neighborhood Landmark Overlay District to property at 3052 Lebanon Pike, approximately 360 feet south of Danyacrest Drive (1.51 acres), requested by David R. Kennedy, appellant, for Howard K. Hale et ux, owners.

Mr. Reid stated staff is recommending approval because it is consistent with the Residential Medium policy. This stretch of Lebanon Pike contains three historic residential structures with unique architectural features, one of which is this property. This change will preserve this structure that is considered an asset to the community.

Councilmember Stanley spoke in favor of this proposal and expressed concerns regarding protection of the homes in this immediate area and gave the Commission some history of the area.

Mr. Manier expressed concerns regarding this new type of overlay and what is considered a landmark.

Chairman Lawson stated this landmark overlay does not have to be historic but a landmark that is unique to the neighborhood and a structure the neighborhood wants to preserve.

Mr. Small said it would help him if he could see pictures of the other houses and properties Councilmember Stanley had described.

Ms. Nielson moved and Councilmember Ponder seconded the motion, which carried unanimously, to approve the following resolution:

**Resolution No. 2001-72**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-022U-14 is **APPROVED (8-0)**:

**The Neighborhood Landmark Overlay District (NLOD) implements the Subarea 14 Plan by retaining the historic structure and preserving the existing residential character along Lebanon Pike. The NLOD will help to preserve the existing home which is eligible for the National Register of Historic Places. By allowing the reuse of this structure along this stretch of Lebanon Pike, an important element of this neighborhood's fabric will be preserved. Without the protection of the NLOD, this structure could be torn down and displaced with a new single-family and/or duplex subdivision. The NLOD is also appropriate for the properties on either side of this property which also contain architecturally unique residential structures which add value to the surrounding residential neighborhood."**

**PLANNED UNIT DEVELOPMENTS (revisions)**

**206-69-G-13**  
South Perimeter Park Drive  
Map 134, Parcel 103.01  
Subarea 13 (1996)  
District 28 (Alexander)

A request to revise a portion of the preliminary plan and for final approval for a portion of the Commercial (General) Planned Unit Development District located abutting the southeast corner of Harding Place and Interstate 24 (.10 acres), classified CS, to add a 38 foot high 14 x 48 square foot billboard in the parking area of an existing Denny's restaurant, requested by Goodview Outdoor of Tennessee LLC, for Drury Inns, Inc., owner.

Mr. Leeman stated this request is to locate a new 254 square foot billboard in the Denny's parking lot located at I-24 and Harding Place. Since the staff report the sign location has been revised to be moved to the parking island further back into the PUD. Staff is still recommending disapproval because it is not appropriate to locate a billboard at this location. There was a text amendment approved earlier in the agenda that prohibits billboards within a PUD. Off site advertising could be posted on this billboard.

Mr. John Jennings stated CS zoning is required for billboards and this PUD is zoned CS. The location of the billboard has been moved 30 feet to address staff concerns.

Mr. Richard Smyer stated these businesses were interested in receiving the revenue from this billboard and asked the Commission for approval.

Ms. Nielson moved and Ms. Warren seconded the motion, which carried unanimously, to close the public hearing.

Mr. Small stated putting the billboard into the PUD up this point has been acceptable. He agreed with staff that billboards should not be in PUD's, but that the Commission should be fair to the applicant because his application was in before today's change.

Mr. Leeman stated earlier approvals were made for billboards on the perimeter of the PUD and that the problem with this particular billboard is that it is in the middle of the parking lot.

Chairman Lawson stated that whoever makes the motion that they make it very specific in that this proposal was in before the text amendment was approved.

Ms. Warren moved and Ms. Nielson seconded the motion, which carried with Mr. Cochran abstaining, to approve the following resolution:

**Resolution No. 2001-73**

**“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 206-69-G-13 is given APPROVAL (7-0-1).”**

**18-84-U-10**

Covenant Presbyterian Church (Burton Hills)

Map 131-6-A, Parcel 11

Subarea 10 (1994)

District 33 (Turner)

A request to revise a portion of the preliminary plan and for final approval for a portion of the Residential Planned Unit Development District located abutting the east margin of Hillsboro Pike and the north margin of Harding Place, classified within the R15 District (15.4 acres), to permit the use of the existing church facility for a 77,455 square foot elementary school, requested by Benjamin Sensing, attorney for Covenant Presbyterian Church, owner. (Deferred from meeting of 01/18/01).

Mr. Leeman stated this proposal was deferred from the last meeting so the applicant could develop a more comprehensive plan for the site. Staff mailed public hearing notices to all property owners located within 300 feet of the property.

The first issue was the restricted access to Harding Place. There were no conditions placed on the PUD regarding that restriction. The second issue discussed was the playground. Previously there was no playground shown on the plan, but the new plan does show the playground. Also, staff feels the traffic signal at Hillsboro Road and Burton Hills Boulevard, which presently only flashes, be activated to be fully functional. Staff is recommending conditional approval.

Ms. Sandra Lipsay, area resident, spoke in opposition to and expressed concerns regarding changing the plan to include a school, lighting on the hill, undesirable appearance and landscaping, removal of trees for the church building and drainage.

Ms. Karen Borren stated the residents have had good dialogue with the church, and there was always a possibility of a school at the church. She agreed with the problems concerning the lighting.

Mr. David Cole, president of the Burton Hills Homeowners Associations, stated there were some concerns regarding lighting and drainage but they were working on improvements. The school was possibility and stated that he was in favor of the proposal.

Mr. Thomas L. Cummings, III, spokesperson for the church, gave an overview of the plan and asked for the Commission's approval.

Ms. Nielson moved and Ms. Warren seconded the motion, which carried unanimously, to close the public hearing.

Ms. Nielson stated her concerns had been addressed.

Ms. Warren stated she was glad that everyone in Abbeywood was aware of the school plans. There is more than one of the Commission members that had visions the study center would deal with church functions and not a school.

Mr. Cochran asked what was being built at the present time.

Mr. Cummings stated the building under construction was the fellowship hall, classrooms and kitchen.

Mr. Cochran stated all the school facilities are under construction and that it made him wonder if there would ever be a church built.

Mr. Cummings assured the Commission there would be a church built when the funds were available.

Mr. Manier asked if the traffic study included the school.

Mr. Cummings stated it very specifically included the school.

Mr. Manier moved and Mr. Cochran seconded the motion, which carried unanimously, to approve the following resolution:

**Resolution No. 2001-74**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 18-84-U-10 is given APPROVAL OF A REVISION TO PRELIMINARY PUD AND CONDITIONAL FINAL PUD APPROVAL FOR A PHASE (8-0). The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of a use and occupancy permit for the elementary school, a locked and gated ingress/egress on Harding Place shall be installed. This gate shall be locked at all times, except during church related services or functions.
3. After the completion of each phase of the elementary school and the church, a traffic count survey shall be completed by the school or church, and submitted to the Metro Planning Department and Metro Traffic Engineer. The survey will determine when the existing traffic signal at the Burton Hills Boulevard/Hillsboro Pike intersection should be activated based on traffic counts. The intersections to be included in the traffic count survey shall be determined by the Traffic Engineer.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. Prior to the issuance of any building permits, the requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met.

6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. These plans, as approved by the Planning Commission, will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

**OTHER BUSINESS**

1. Major Street and Collector Plan Update Presentation

Ms. Stevens explained the reason for the Major Street Collector Plan update and introduced John Palm, with Gresham Smith.

Mr. Palm presented the plan and the procedure that would be taken for the update.

3. Legislative update

Councilmember Ponder provided an update on the current legislative status of items previously considered by the Commission.

**ADJOURNMENT**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:20 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Minute Approval:  
This 15<sup>th</sup> day of February, 2001

