

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: February 15, 2001
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Bill Purcell
Tonya Jones

Staff Members:

Richard C. Bernhardt, Executive Director
Ann Hammond, Planning Director
Jeff Lawrence, Operations Director
Carolyn Perry, Administrative Assistant II
Jennifer Regen, Planner III
John Reid, Planner II
Robert Leeman, Planner I
Jeff Stancard, Planner I
Chris Wooton, Planning Technician I
Jerry Fawcett, Design
Cynthia Wood, Planner III
Ryan Latimer, Planning Technician I

Others Present:

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

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Staff announced the following changes to the agenda:

97P-041U-10 The square footage should 51,933.

200IM-027U-09 Addendum item.

Chairman Lawson stated the Commission has been asked to consider adding a second addendum item.

Councilmember Gilmore asked the Commission to consider allowing her to add an item to the agenda concerning property on Ashland City Highway.

Mr. Bernhardt stated that item was scheduled for the March 1, 2001 agenda and that the staff had no report on that case for this meeting.

Councilmember Ponder reminded the Commission this item concerned outdoor storage.

Chairman Lawson stated the item would be presented at the March 1, 2001 meeting and that time there would be a staff presentation. The Commission is not in favor of adding that addendum at this time and would prefer to hear the item on March 1, 2001. That would not interfere with the item moving forward to the Council public hearing

Councilmember Gilmore stated she would accept the March 1st date.

Ms. Regen stated the public hearing had been announced for March 1.

Mr. Peter Curry, representing Mr. David Patterson, requested an item be added to today's agenda regarding a PUD amendment to allow for the construction of a billboard, and that it be voted up or down so it could proceed to Council.

The Commission agreed to add that item to the agenda.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

Ms. Nielson moved and Mr. Small seconded the motion, which unanimously passed, to approve

the minutes of the regular meeting of February 1, 2001.

RECOGNITION OF COUNCILMEMBERS

No Councilmember were present to speak at this point in the agenda.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS

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

1. Subarea 11 Plan Amendment Deferred indefinitely, by staff.
5. 2000Z-073G-06 Deferred indefinitely, by applicant.
6. 2001P-003G-06 Deferred indefinitely, by applicant,

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

ZONING MAP AMENDMENTS

2001Z-023U-09

Map 92-4, Parcel 301
Subarea 9 (1997)
District 20 (Haddox)

A request to change from CS, IR and OR20 districts to IWD district property at 1000 Herman Street, abutting the west margin of 10th Avenue North (1.4 acres), requested by Don White, appellant, for Athens Distributing Company of Nashville, Tennessee, owner.

Resolution No, 2001-75

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-023U-09 is APPROVED DISAPPROVED:

These properties fall within the Hope Gardens Neighborhood Plan (HGNP). The HGNP recognizes the existing industrial uses along Herman Street and rails for protection of the residential neighborhoods. The IWD district will accommodate the warehouse on this property and is more restrictive than the existing IR zoning. Therefore, the IWD district is more compatible with the surrounding residential neighborhood and is consistent with the HGNP."

2001Z-024G-04

Council Bill No. BL2001-597

Map 63, Parcel 5

Subarea 4 (1998)

District 9 (Dillard)

A council bill to rezone from CN to R540 district property at 1524 Neelys Bend Road, abutting the south margin of Hidden Acres Drive (1.46 acres), requested by Jerry Beck, appellant, for Mary G., Robert J., and Sharon Beck, owners.

Resolution No, 2001-76

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 200 IZ

0240-04 is APPROVED (8-0):

This property falls within the Subarea 4 Plan's Residential Low Medium (RILM) policy calling for up to 4 units per acre, The RS4O district is consistent with that policy and the area's established zoning pattern."

FINAL PLAT SUBDIVISIONS**2001S-049G-14**

Merritt Downs, Section 1

Map 64, Part of Parcel 25

Subarea 14 (1996)

District 11 (Brown)

A request for final plat approval to create 41 lots abutting the southeast margin of Saundersville Road, approximately 85 feet west of Cascade Drive (16.81 acres), classified within the RIO district, requested by Phillips Builders, Inc., owner/developer, Anderson-Delk and Associates. Inc., surveyor.

Resolution No. 2001-77

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-049G-14, is APPROVED SUBJECT TO A BOND OF \$1,124,500.00 (8-0)."

2001S-050G-06

Glenwood Trace, Section 1, Resubdivision

of Lots 14-18 and Open Space

Map 128-7-A, Parcels 14-18 and Open Space

Subarea 6 (1996)

District 23 (Bogen)

A request for final plat approval to consolidate five lots, open space and abandon Ridgelake Parkway into one lot and open space abutting the east margin of Sawyer Brown Road and both margins of Ridgelake Parkway (29.65 acres), classified within the R10 and RM4 districts, requested by New Hope Associates, LLC, owner/developer, Walter Davidson and Associates, surveyor.

Resolution No. 2001-78

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-050G-06, is APPROVED (8-0)."

2001S-053G-06

River Road Estates
Map 88, Parcels 64, 66, 67, 68 and 70-76
Map 89, Parcels 59 and 6 1-65
Map 101, Parcel 193
Subarea 6 (1996)
District 23 (Bogen)

A request for final plat approval to record 18 parcels as 18 lots to extend utilities abutting the west margin of River Road Pike, approximately 1,805 feet south of Lakeview Drive (130.0 acres), classified within the R80 and AR2a districts, requested by R. R. P. O. A., owners/developers, Crawford Land Surveyors, surveyor.

Resolution No. 2001-79

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-053G-06, is APPROVED (8-0)."

PLANNED UNIT DEVELOPMENTS (revisions)

97P-041U-10

West End Extended Stay America
Map 104-6, Parcel 168
Subarea 10 (1994)
District 18 (Hausser)

A request to revise the preliminary plan and for final approval for the Commercial Planned Unit Development District abutting the southeast margin of West End Avenue, north of Murphy Road (1.68 acres), classified within the ORI district, to develop a 15,933 square foot, four story, 114 room Extended Stay Motel where a 51,020 square foot hotel was previously approved, requested by Ragan-Smith Associates, for Extended Stay America, owner.

Resolution No. 2001-80

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-041U-10 is given APPROVAL OF A REVISION TO THEE."

PRELIMINARY PUD PLAN AND CONDITIONAL FINAL PUB APPROVAL (5-0).

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. 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. Deviation from these plans will require reapproval by the Planning Commission.

7. The building shall be constructed in conformance with the final PUD plan approval and the agreements reached between the owner/developers, councilmember and the Hillsboro West End Neighborhood Association:

a) The façade of the hotel structure shall be a combination of "stucco like" material and red brick, with a 'brick band' on the first-floor elevation facing West End Avenue and wrapping around the sides of the hotel structure to the transition point where the hotel's parking garage arches begin. No brick band shall be required on the rear of the building at the first-floor level. In addition to the first floor brick band, the hotel structure's facade facing West End Avenue shall have brick siding to the top of the building on the two gabled sections. The brick color shall match as closely as possible the facade of the office building on the same side of the street at the corner of 33rd Avenue and West End Avenue.

b) Ornamental stone caps shall be placed over all windows of the hotel structure's elevation that faces West End Avenue, except at the top row of windows that are not in the gabled section since the roof line does not provide enough space to permit the stone caps.

c) One double-faced, ground monument sign not exceeding 8 feet in total height shall be permitted on West End Avenue bearing the hotel logo. The sign shall be supported by a solid column base of brick. The brick shall be of the same color used on the hotel structure's facade as provided in "A" above. Within the 8 foot tall sign, a vertical space measuring no more than two feet tall may be devoted to a reader board for hotel advertising.

d) The hotel sign to be placed on the top of the hotel structure shall not be placed on the rear of the hotel structure facing Orleans Drive.

e) A cut stone wall with a height of six feet tall shall be constructed along the back excavation line (or 3 feet or 4 feet off of that line, if necessary for safety) of the property facing Orleans Drive and along the property line adjacent to St. Charles Place. From Orleans Drive to the alley, the wall shall be six feet in height. From the alley to West End Avenue, the wall shall step down in height incrementally to where the wall intersects with the public sidewalk on West End Avenue, ending

with a height of approximately two feet tall. The developer may use a wrought iron "cap" of pickets as a substitute for the last foot of the wall if deemed necessary for safety purposes. This wall will be heavily landscaped along Orleans Drive and beside the St. Charles Place condominium complex to the east with evergreens and other ornamental plants as agreed to in the original PUD plans. A designee from Orleans Avenue and St. Charles condominiums will work with the landscaper on the selection of the landscaping plants.

f) A 5 foot sidewalk with a 4 foot landscaped strip between the sidewalk and Orleans Avenue curb face, as required by the Subdivision Regulations (amended on 10/26/00).

g) The trash dumpster for the hotel shall be located on the west side of the property along the boundary with the Crystal Terrace office building.

h) All parking lot and perimeter site lighting shall be located and directed inwards away from the side and rear property lines. Accent lighting will be directed towards the hotel structure only.

i) Any increase in the height of the structure in excess of five feet from the height indicated on the Council approved of 1998 (098-1103) shall require a PUD amendment and Council approval.

j) The hotel shall not have a swimming pool.

k) All vehicular and pedestrian ingress and egress to the hotel both during construction and after the hotel is open shall be limited to West End Avenue.

l) A temporary construction fence shall be installed along the property line abutting St. Charles Place condominiums and at the rear of the property abutting Orleans Avenue.

m) The hotel shall not have a restaurant or other retail sale business except for limited sundry items as may be customary for extended-stay facilities.

n) All landscaping on the hotel property shall be maintained in a health condition at all times. Any diseased or dead material shall be replaced with similar material at the cost of the owner/developer. Proper maintenance shall include fertilization of all trees, shrubs, etc. to promote healthy growth material."

MANDATORY REFERRALS

2001M-014U-11

Council Bill No. BL2001-615
Desoto Drive Property Sale
Map 119-2, Parcel 27
Subarea 11(1999)
District 16 (McClendon)

A council bill approving the sale of property at 225 DeSoto Drive owned by Metropolitan Government, classified within the R10 district on .53 acres, requested by the Public Property Administrator.

Resolution No. 2001-81

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No.

2001M-014U-I 1 is APPROVED (8-0)."

2001M-O15U-08

Council Bill No. BL2001-616
Eden Street Property Sale
Map 92-6, Parcel 57
Subarea 8 (1995)
District 21 (Whitmore)

A council bill approving the sale of property at 2713 Eden Street owned by Metropolitan Government, classified within the R6 district on .09 acres, requested by the Public Property Administrator.

Resolution No. 2001-82

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 200 iMOISU-08 is APPROVED (8-0)."

2001M-016U-12

Council Bill No. BL2001-613
Ash Grove Drive Property Sale
Map 162-9, Parcel 73
Subarea 12 (1997)
District 31 (Knoch)

A council bill approving the sale of property at 284 Ash Grove Drive owned by Metropolitan Government, classified within the R10 district on .15 acres, requested by the Public Property Administrator.

Resolution No, 2001-83

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001M-016U-12 is APPROVED (8-0):

2001M-017G-07

Council Bill No, BL2001-617
Pendleton Avenue Property Sale
Map 116-11, Parcel 116
Subarea 7 (2000)
District 34 (Williams)

A council bill approving the sale of property at Pendleton Avenue (unnumbered) owned by Metropolitan Government and located within the City of Belle Meade on .02 acres, requested by the Public Property Administrator.

Resolution No. 2001-84

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001M017G-07 is APPROVED (8-0)."

2001M-018U-12

Council Bill No. BL2001-618
Tusculum Road Property Sale
Map 162-1, Parcel 125
Subarea 12 (1997)
District 30 (Kerstetter)

A council bill approving the sale of property at Tusculum Road (unnumbered) owned by Metropolitan Government, classified within the R10 district on .05 acres, requested by the Public Property Administrator.

Resolution No. 2001-85

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001M-018U-12 is APPROVED (8-0)."

2001M-019G-14

Council Bill No. BL2001-619
Westeru Shore Drive Property Sale
Map 121-4, Parcel 5
Subarea 14 (1996)
District 13 (Derryberry)

A council bill approving the sale of property at Westeru Shore Drive (unnumbered) owned by Metropolitan Government, classified within the R10 district on .09 acres, requested by the Public Property Administrator.

Resolution No. 2001-86

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001M-019G-14 is APPROVED (8-0)."

2001M-020U-08

Council Bill No. BL2001-614
Cedarvalley Drive Property Sale
Map 162-13, Parcel 110
Subarea 12 (1997)
District 31 (Knoch)

A council bill approving the sale of property at Cedarvalley Drive (unnumbered) owned by Metropolitan Government, classified within the R10 district on .03 acres, requested by the Public Property Administrator.

Resolution No. 2001-87

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001M-020U-08 is APPROVED (8-0)."

2001M-021U-08

Transfer of Property to M.D.H.A.

Map 91-12, Parcel 216
Subarea 8 (1995)
District 18 (Hausser)

A request to approve the transfer of property at 4005 Indiana Avenue owned by Metropolitan Government to the Metropolitan Development and Housing Agency, classified within the 0R20 district, requested by the Public Property Administrator.

Resolution No, 2001-88

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001M-021U-08 is APPROVED (8-0)."

This concluded the items on the consent agenda.

PUBLIC HEARING

ZONING MAP AMENDMENTS

2001Z-009G-02

Map 7, Parcels 78 (78.62 acres) and 82 (4.4 acres)
Subarea 2 (1995)
District 10 (Balthrop)

A request to change from AR2a to R520 district property located at 1969 and 2091 Tinnin Road (83.02 acres), requested by William D. Castleman, appellant, for Ronald W. Gourley, Chief Manager of Gourley & Associates, LLC, owner. (Deferred from meeting of 01/18/01).

Mr. Reid stated staff is recommending conditional approval. The AR2a district is intended for single-family homes, duplexes and mobile homes at 1 unit per 2 acres of land. The proposed R520 district is intended for single-family homes at 2 units per acre. This R520 district is consistent with the area's zoning patteru. The Traffic Engineer is still studying the sight distance issues to determine if any additional improvements are necessary, including realignment of Tinnin Road. The applicant is not in favor of realigning the road.

Mr. Tom Oldham, Mr. Tim McCain, Mr. Enis C. Moore, Mr. William Bridwell, Ms. Pearl Whitehead and Ms. Doris Bois spoke in opposition to the proposal, asked that the property remain AR2a and expressed concerns regarding water runoff and flooding, traffic, unsafe conditions on Tinnin Road, overcrowding the area, destmction of lifestyle, and school overcrowding. Ms. Nielson moved and Mr. Manier seconded the motion, which carried unanimously, to close the public hearing.

Ms. Oglesby stated she was concerned about the developer not being willing to straighten out the road, and that the school overcrowding was also an issue. Mr. Manier expressed his concerns regarding the school overcrowding.

Mr. Small reiterated the preferred zoning is R520 and asked when the R540 subdivision to the south was established.

Mr. Reid stated that subdivision dated back to the 1970's.

Councilmember Ponder stated the developer has dramatically reduced the amount of homes since the first proposal Chairman Lawson stated the he did not like the idea of approving something the staff recommends and the developer is not in favor of - the realignment of Tinnin Road.

Ms. Warren agreed and stated the Commission should disapprove until the developer agreed to the road realignment.

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

Resolution No, 2001-89

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-009G-02 is DISAPPROVED (8-0):

While the R520 district is consistent with the Subarea 2 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre, it is premature to intensify zoning in this area until Tinnin Road is realigned and improved.

99S-007G-12

The Ridge at Stone Creek (Revision)
Map 180, Parcel 112
Subarea 12 (1997)
District 31 (Knoch)

A request for revised preliminary approval for 95 lots abutting the northeast margin of the Davidson/Williamson County Line, approximately 850 feet south of Holt Road (40.0 acres), classified within the RS 10 district, requested by Beech Hill Properties, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Jeff Stuncard stated staff is recommending approval with variances for the maximum length of a dead-end street in the Subdivision Regulations and for portions of the plan to be exempt from sidewalks on both sides of the road because of steep topography.

Mr. Small stated there was an approval on this subdivision that has expired and now this request is back with changes and asking not to have sidewalks on both sides of the road. He asked what the variance was for not to have the sidewalks on both sides.

Mr. Bernhardt stated the slopes are over 9% and that variance is allowed as part of the Subdivision Regulations.

Mr. Mike Anderson, developer, explained the problems the topography created.

Mr. Manier suggested these type variances should be explained with the consent agenda or not put any items with variances on the consent agenda.

Chairman Lawson disagreed and stated some variances were simple and should be on the consent agenda.

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

Resolution No. 2001-90

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-007G-12, is APPROVED (8-0)."

28-79-G-13

Hickory Manor Apartments and Townhouse
Map 163, Parcels 128 and 365
Subarea 13 (1996)
District 29 (Holloway)

A request to revise the preliminary plan for a phase and for final approval for a phase of the existing Residential Planned Unit Development District abutting the west margin of Hamilton Church Road, north of Zelida Avenue (19.33 acres), classified within the RiS district, to permit a new access to the undeveloped Phase 2 and to develop 42 multi-family units in Phase 2 for a total of 195 multi-family units, replacing the approved 240 units, requested by BA Engineering, for Hickory Manor Ltd. L.P., owner.

Mr. Leeman stated staff recommends conditional approval with variances. This proposed plan reduces the overall number of units in this section of the PUD from 240 units to 195 units and eliminates on ingress/egress driveway from Hamilton Church Road. The Metro Traffic Engineer supports this plan since it eliminates one driveway onto 1-lamilton Church Road and reduces the total number of units.

Mr. Small asked that in these cases staff show the approved PUD and also the change.

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

Resolution No. 2001-91

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-79-G-13 is given APPROVAL OF A REVISION TO THE PRELIMINARY PUB PLAN AND CONDITIONAL FINAL PUB 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 recording of a revised final subdivision plat for parcels 365 and 128 on map 163 to provide a joint access easement from Hamilton Church Road through parcel 365 to 128.
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. Deviation from these plans will require re-approval by the Planning Commission."

ADDENBUMS

2001M-027U-09

Cummins Station Lease Agreement
Arts Commission and
Historical Commission

The council resolution is to extend the existing lease of the Arts Commission and Historical Commission at Cummins Station until June 30, 2001, the end of this fiscal year. The monthly rent is \$3,054.51 for the office space that both commissions use and share. Total value of lease is \$9,163.53 for the four month period. Staff recommends approval.

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

Resolution No. 2001-92

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 20011V1-027U-09 is APPROVED (0-0)."

155-79-U-11

Santa Fe Restaurant
Map 132-15, Parcel 28.01
Subarea 11(1999)
District 33 (Turner)

A request to revise the preliminary plan and for final approval to a phase of the Commercial (General) Planned Unit Development District located abutting the northwest corner of Elysian Fields Road and Sidco Drive, classified CL (.01 acres), to add a 14' x 48' monopole Type II billboard not to exceed 50 feet in height along 1-65 at the rear of the Santa Fe Restanrant bnilding, requested by DBA Patterson Signs, for Realty Income Corporation, owner.

Mr. Leeman stated staff is recommending disapproval. The applicant deferred this request from the September 28, and October 26, 2000 meetings to further discuss with staff the proposed billboard's use and location. As a Type II billboard, this sign will be located at the rear of the properties facing Sidico Drive and will be oriented to motorists on 1-65. With 672 square feet of sign area, this sign is three square feet less than the maximum sign area of 675 square feet permitted by the Zoning Ordinance.

While the CL zoning district does permit billboards, this area along 1-65 currently has several large signs facing 1-65 advertising the Red Roof Inn, Laquinta Inn, Cracker Barrell and the Santa Fe Restaurant. Adding a 50-foot billboard would be visually intrusive in the small and highly visible area along 1-65. The proposed billboard would conflict with the other signs along 1-65 within the PUD due to the large sign area, scale and mass. Furthermore, billboards were not permitted in PUDs at the time the master plan for this site was originally approved.

Mr. Small stated the Commission had this same discussion at the last meeting. At that meeting staff did not like the location of the sign and ask that the applicant move it over 30 feet.

Mr. Leeman stated that in that case, it was the same situation, where there were already a lot of existing signs and another one would create more unnecessary clutter and it was proposed in the center of a parking lot. Staff felt that was an inappropriate location.

Mr. Small stated there are already too many signs there, but because the bill to change PUD signage is still in Council and has not been approved, this item should be approved.

Ms. Nielson stated that there are already specific signs there advertising the businesses that are presently on the location that this sign would block and for that reason she would be in opposition to this proposal. Mr. Manier asked legal counsel if this were a permissible usage under the Zoning Ordinance. He stated he didn't like it but wondered if the Commission had the right to deny it.

Mr. Fox stated the Commission has the discretion to make the decision.

Mr. Leeman stated this sign is before the Commission because it is in a PUD. Typically the Commission doesn't review signs except in a PUD, then the Codes Department sends them over for review before they issue a building permit.

Ms. Warren stated she felt this proposal was different from the one at the last meeting because the previous one was trying to get in before Council approved the signage bill. This one was deferred twice to work with staff.

Mr. Fox stated the case law is very well settled that even if this applicant, or any applicant, had a building permit in hand, issued, would not give someone a vested right to preclude the change that might occur from a Zoning Ordinance amendment. The only thing that does preclude them is substantial construction or liability towards construction.

Ms. Warren stated she did not like the signs but they are allowed until the bill passes Council so she would have to vote in favor.

Mr. Cochran stated the Commission just approved one last meeting and he didn't see how they could turn this one down.

Ms. Oglesby stated previously signs were not allowed in PUD's, now they are, but that will soon be changed so she would vote against the proposal.

Chairman Lawson this signage concerned him because the construction of this signage for rent creates a competitive disadvantage for the visual effects of the other signage that has been approved.

Mr. Beruhardt stated this PUD was approved by this Commission and Council without the permission for a billboard. The Council, two years ago, amended the PUD ordinance to allow the Commission to consider billboards. They did not amend the ordinance to say that billboards are permitted regardless. It said the Commission shall consider those. In your consideration the Commission needed to determine if the billboard is appropriate with the overall design of the PUD. Whether it is appropriate in light of existing buildings and existing signage. If you find it is appropriate in those regards then it should be approved. If you don't feel it is appropriate in light of what exists out there now then it should be disapproved. It is not a question of right of the property owner to have it - it is a determination this Commission will make as to whether you think it is consistent with development pattern in the plan as it exists.

Mr. Peter Curry explained the history of this situation and asked for approval.

Ms. Nielson moved and Ms. Oglesby seconded the motion, which carried with Ms. Nielson, Mr. Manier, Councilmember Ponder, Ms. Oglesby and Chairman Lawson in favor and with Ms. Warren, Mr. Cochran and Mr. Small in opposition, to approve the following resolution:

Resolution No. 2001-93

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 155-79-U-11 is given DISAPPROVAL (5-3)."

OTHER BUSINESS

1. 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 2:50 p.m.

Chairman

Secretary
Minute Approval:
This 15th day of February, 2001

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Send comments and suggestions to [Anna Kuoppamaki](mailto:Anna.Kuoppamaki@metro.nashville.org) or error reports to webmaster@metro.nashville.org
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