

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: January 18, 2001
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Bill Purcell

Executive Office:

Richard C. Bernhardt, Executive Director
Ann Hammond, Planning Director
Jeff Lawrence, Operations Director
Carolyn Perry, Administrative Assistant II

Current Planning & Design Division:

Jennifer Regen, Planner III
John Reid, Planner II
Robert Leeman, Planner I
Jeff Stuncard, Planner I
Jimmy Alexander, Planning Technician II

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Advance Planning & Research:

Sherry Williams, Planner III

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

Staff announced the following changes to the agenda:

2001-006U-10 The acreage should be 1.46.
2001Z-009G-02 The requested change should be to RS20.
2001M-009U-19 Should be 2001M-009U-09.

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

APPROVAL OF MINUTES

Councilmember Ponder moved and Ms. Oglesby seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of January 4, 2001.

RECOGNITION OF COUNCILMEMBERS

Councilmember Brenda Gilmore spoke in favor of 2000S-357G-03, Ole Orchard Subdivision, Phase 2, and 2000S-358G-03, Ole Orchard Subdivision, Phase 1. She asked the Commission to reconfirm their position of approval on Zone Change 2001Z-014U-03.

Councilmember Bettye Balthrop asked the Commission to remove Zone Change Proposal 2001Z-009G-02 from the consent agenda and that they take no action at this time.

Councilmember Vic Lineweaver spoke in favor of 153-79-G-06, Sonic America's Drive in at Bellevue.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS

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

2000Z-099U-07 Withdrawn.
2000P-010U-07 Deferred indefinitely, by applicant.
2001Z-007U-13 Deferred indefinitely, by applicant.
20001Z-018G-13 Deferred indefinitely, by applicant.
88P-054G-13 Deferred indefinitely, by applicant.
99S-300G-06 Deferred indefinitely, by applicant.
2000S-396G-04 Deferred indefinitely, by applicant.
2001S-026U-13 Deferred indefinitely, by applicant.
94-71-G-06 Deferred indefinitely, by applicant.
96P-023G-04 Deferred indefinitely, by applicant.

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

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

ZONING MAP AMENDMENTS

2001Z-006U-10 (Public Hearing)

Map 104-6, Parcels 58 (.62 acres), 59 (.26 acres)
and 60 (.58 acres)
Subarea 10 (1994)
District 21 (Whitmore)

A request to change from CS district to ORI district properties at 3415, 3417, and 3419 Murphy Road, abutting the west margin of Murphy Court (.88 acres), requested by Martin Fugardi, appellant, for Fitzgerald, Greer, & Wilson, owners.

Resolution No. 2001-26

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-006U-10 is **APPROVED (9-0) with conditions:**

These properties fall within the Subarea 10 Plan’s Commercial Mixed Concentration (CMC) policy calling for a mixture of commercial, office, and higher density residential uses. The ORI district is consistent with that policy and is appropriate near the West End/I-440 interchange. The ORI district is also consistent with the zoning pattern along West End Avenue (north and east)."

2001Z-010U-10 (Public Hearing)

Map 92-11, Parcels 101 (.17 acres), 102 (.39 acres)
and 103 (.89 acres)
Subarea 10 (1994)
District 21 (Whitmore)

A request to change from IR district to CS district property located at 2406, 2408, and 2410 Charlotte Pike, approximately 580 feet west of 22nd Avenue North (1.46 acres), requested by G.A.P. Realty #1, LLC, appellant/owner.

Resolution No. 2001-27

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-0110U-10 is **APPROVED (9-0):**

These properties fall within the Subarea 10 Plan’s Mixed Use (MU) policy calling for a mixture of office, commercial, and residential uses. The CS district is consistent with that policy and the zoning pattern across Charlotte Avenue to the south and to the east."

2001Z-014U-03 (Public Hearing)

Map 69, Parcel 76 (11.68 acres)
Subarea 3 (1998)
District 1 (Gilmore)

A request to change from AR2a and RS15 districts to IWD (4.2 acres) and AR2a (7.48 acres) districts property at 4032 Stewarts Lane, abutting the Nashville-Ashland City Railroad (4.2 acres), requested by Terry Flatt, appellant, for Terry F. Flatt and Kim L. Flatt, owners.

Resolution No. 2001-28

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-014U-03 is **APPROVED (9-0)**:

This property falls within the Subarea 3 Plan's Industrial (IND) and Natural Conservation (NC) policies. The IND policy calls for manufacturing, warehousing, and bulk distribution uses, and the NC policy calls for the protection of Whites Creek. The IWD and AR2a districts are consistent with those policies."

2001Z-016U-14 (Public Hearing)

Map 75, Parcels 15 (1.28 acres) and 100 (1.92 acres)
Subarea 14 (1996)
District 14 (Stanley)

A request to change from CL district to CS district properties at 4120 Lebanon Pike and Hermitage Road (unnumbered), abutting the eastern margin of the Nashville and Eastern Railroad (3.20 acres), requested by Bruce Olderman, appellant, for Joe Sam Hurt, Sr., et al, owners.

Resolution No. 2001-29

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-016U-14 is **APPROVED (9-0)**:

The CS district is appropriate at the intersection of two major arterial roads (Old Hickory Boulevard and Lebanon Pike) and the Nashville and Eastern Railroad. CS zoning is appropriate in the vicinity of major intersections along major commercial roads. Therefore, no additional CS zoning should be permitted along Lebanon Pike east and west of the Old Hickory Boulevard/Lebanon Pike intersection."

FINAL PLAT SUBDIVISIONS

2000S-199G-14

The Lakes Apartments, Section 3
Map 109, Parcel 8
Subarea 14 (1996)
District 13 (Derryberry)

A request for final plat approval to record one parcel as one lot abutting the south margin of Lincoya Bay Drive and the east margin of Bell Road (4.13 acres), classified within the RM15 Residential Planned Unit Development District, requested by Lakes Multi-Family, LLC, owner/developer, Crawford Land Surveyors, surveyor.

Resolution No. 2001-30

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-199G-14, is **APPROVED SUBJECT TO A BOND OF \$126,000.00 (9-0)."**

This approval will expire after 180 days have lapsed if the conditions of approval (if applicable) have not been satisfied and recorded in the Register's Office of Davidson County, Tennessee. Upon resubmittal of a final plat, all applicable fees shall be due.

2000S-357G-03
Ole Orchard Subdivision, Phase 2
Map 49, Part of Parcel 52
Subarea 3 (1998)
District 1 (Gilmore)

A request for final plat approval to create 13 lots abutting the south margin of Lloyd Road, approximately 217 feet west of Whites Creek Pike (6.0 acres), classified within the RS15 District, requested by Country Maid Farms, Inc., owner/developer, Walter Davidson and Associates, surveyor.

Resolution No. 2001-31

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-199G-14, is **APPROVED SUBJECT TO A BOND OF \$126,000.00 (9-0).”**

This approval will expire after 180 days have lapsed if the conditions of approval (if applicable) have not been satisfied and recorded in the Register’s Office of Davidson County, Tennessee. Upon resubmittal of a final plat, all applicable fees shall be due.

2000S-358G-03
Ole Orchard Subdivision, Phase 1
Map 48, Part of Parcel 34.01
Subarea 3 (1998)
District 1 (Gilmore)

A request for final plat approval to create eight lots abutting the north margin of Lloyd Road, approximately 876 feet west of Whites Creek Pike (5.98 acres), classified within the R15 District, requested by Country Maid Farms, Inc., owner/developer, Walter Davidson and Associates, surveyor.

Resolution No. 2001-32

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-358G-03, **APPROVED SUBJECT TO A BOND OF \$63,000.00 (9-0).”**

This approval will expire after 180 days have lapsed if the conditions of approval (if applicable) have not been satisfied and recorded in the Register’s Office of Davidson County, Tennessee. Upon resubmittal of a final plat, all applicable fees shall be due.

2000S-370G-12
Cane Ridge Farms, Phase 2, Section 1
Map 174, Part of Parcel 17
Subarea 12 (1997)
District 31 (Knoch)

A request for final plat approval to create 45 lots abutting the southwest terminus of Blairfield Drive, approximately 1,350 feet southwest of Cane Ridge Road (11.87 acres), classified within the RS10 District, requested by Cane Ridge Farms, owner/developer, Dale and Associates, Inc., surveyor.

Resolution No. 2001-33

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-370G-12, is **APPROVED SUBJECT TO A BOND OF \$560,000.00 (9-0).”**

This approval will expire after 180 days have lapsed if the conditions of approval (if applicable) have not been satisfied and recorded in the Register's Office of Davidson County, Tennessee. Upon resubmittal of a final plat, all applicable fees shall be due.

2001S-031G-13
Woodland Pointe, Phase 4
Map 121, Part of Parcel 74
Subarea 13 (1996)
District 13 (Derryberry)

A request for final plat approval to create 32 lots abutting the east terminus of Lake Deep Woods Trail, 118 feet east of Deep Woods Court (7.8 acres), classified within the RM9 Residential Planned Unit Development District, requested by Bell Road Development Company Group, owner/developer, Crawford Land Surveyors, surveyor.

Resolution No. 2001-34

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-031G-13, is **APPROVED SUBJECT TO A BOND OF \$516,000.00 (9-0).”**

This approval will expire after 180 days have lapsed if the conditions of approval (if applicable) have not been satisfied and recorded in the Register's Office of Davidson County, Tennessee. Upon resubmittal of a final plat, all applicable fees shall be due.

2001S-035U-08
Thomas Harding Estate, Resubdivision of Lot 4
Map 92-3, Parcel 382
Subarea 8 (1995)
District 19 (Wallace)

A request for final plat approval to subdivide one lot into three lots abutting the northeast corner of Jackson Street and Dr. D. B. Todd, Jr. Boulevard (7.77 acres), classified within the RM20 District, requested by Fisk University, owner/developer, Thornton and Associates, Inc., surveyor.

Resolution No. 2001-35

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-035U-08, is **APPROVED WITH CONDITIONS (9-0).”**

This approval will expire after 180 days have lapsed if the conditions of approval (if applicable) have not been satisfied and recorded in the Register's Office of Davidson County, Tennessee. Upon resubmittal of a final plat, all applicable fees shall be due.

2001S-036U-08
G. W. Harding, Resubdivision of Lots 8-22,
23 and 24 – Weitzel Subdivision
Map 92-3, Parcels 379, 384 and 391-393
Map 92-4, Parcels 8-11 and 47
Subarea 8 (1995)
District 19 (Wallace)

A request for final plat approval to consolidate and reconfigure 20 lots into three lots abutting the western margin of 16th Avenue North, between Meharry Boulevard and Jackson Street (5.21 acres), classified within the RM20 District, requested by Fisk University, owner/developer, Thornton and Associates, Inc., surveyor.

Resolution No. 2001-36

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2001S-036U-08, is **APPROVED WITH CONDITIONS (9-0).**”

This approval will expire after 180 days have lapsed if the conditions of approval (if applicable) have not been satisfied and recorded in the Register’s Office of Davidson County, Tennessee. Upon resubmittal of a final plat, all applicable fees shall be due.

PLANNED UNIT DEVELOPMENTS (revisions)

192-69-U-12
Hickory Plaza (Pizza Hut)
Map 161, Parcel 150
Subarea 12 (1997)
District 30 (Kerstetter)

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 west margin of Nolensville Pike and the north margin of Old Hickory Boulevard, classified within the SCR District (0.53 acres), to develop a 2,290 square foot restaurant, replacing a 3,026 square foot restaurant, requested by Barge, Waggoner, Sumner and Cannon, for R. L. Hitchcock, CPM, and Pizza Hut of Knoxville Corporation, owner.

Resolution No. 2001-37

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Proposal No. 192-69-U-12 is given **APPROVAL TO REVISE THE PRELIMINARY PUD PLAN AND CONDITIONAL FINAL APPROVAL FOR A PORTION (9-0).** 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 Metropolitan Department of Public Works shall have approved the construction plans for the new sidewalk panels and ramps to be installed for the existing sidewalk along Old Hickory Boulevard and Nolensville Pike, including the replacement of 6 of the sidewalk panels along Old Hickory Boulevard.”

153-79-G-06
Sonic America’s Drive in at Bellevue
Map 142, Parcel 320
Subarea 6 (1996)
District 35 (Lineweaver)

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 south margin of Memphis Bristol Highway, east of Coley Davis Road, classified within the SCR District (0.96 acres), to develop a 1,538 square foot restaurant, replacing a 1,440 square foot restaurant, requested by Barge, Waggoner, Sumner and Cannon, for Montclair Investments Corporation, owner. (Also requesting final plat approval).

Resolution No. 2001-38

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Proposal No. 153-79-G-06 is given **APPROVAL OF REVISION TO THE PRELIMINARY PUD AND CONDITIONAL FINAL PUD APPROVAL FOR A PHASE; APPROVAL OF FINAL PLAT (9-0).** 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 plat.”

73-85-P-06

Nashville Highlands
 Map 128, Parcel 154
 Subarea 6 (1996)
 District 23 (Bogen)

A request to revise the preliminary plan and for final approval for a portion of the Residential Planned Unit Development District located abutting the east margin of Old Hickory Boulevard, 1,847 feet south of Ridgelake Parkway, classified within the R20 and R15 Districts (12.23 acres), to relocate the northern access driveway to the residential complex, and to realign an internal access driveway, requested by Barge, Waggoner, Sumner and Cannon, for Nashville Highlands LLC, owner. (Also requesting final plat approval).

Resolution No. 2001-39

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 73-85-P-06 is given **APPROVAL OF REVISION TO THE PRELIMINARY AND CONDITIONAL FINAL PUD APPROVAL FOR A PHASE; APPROVAL OF FINAL PLAT (9-0)**. 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 any building permits the recording of a revised final subdivision plat.”

95P-009G-06

Robertson Highlands Commercial PUD
 Map 128, Parcel 119
 Subarea 6 (1996)
 District 23 (Bogen)

A request to revise the preliminary plan of the Commercial (General) Planned Unit Development District located abutting the east margin of Old Hickory Boulevard, approximately 1,800 feet south of Ridgelake Parkway, classified within the SCN District (4.91 acres), to permit a 2,800 square foot convenience market/gas station and a 12,200 square foot retail center and the relocation of the driveway from Old Hickory Boulevard to the private access drive serving the Residential PUD to the rear, replacing a 15,000 square foot convenience center approved on the preliminary plan, requested by Barge, Waggoner, Sumner and Cannon, for Nashville Highlands LLC, owner.

Resolution No. 2001-40

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-009G-06 is given **CONDITIONAL APPROVAL FOR A REVISION TO PRELIMINARY PUD APPROVAL (9-0)**. 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 the staff of the Planning Commission, by January 25, 2001, revised site plans relocating the access driveway to the convenience market a minimum of 125 feet from Old Hickory Boulevard.
3. Prior to the approval of any final PUD plan, the Public Works Department shall have approved a consolidated Stormwater Management Plan for the residential and commercial areas.
4. The area within this commercial PUD to the north of the access road shall remain permanently undisturbed, undeveloped open space.”

MANDATORY REFERRALS

2001M-006U-12

Swiss Avenue Water Storage Reservoir
 Map 161, Parcel 93
 Map 172, Parcels 79 and 179
 Subarea 12 (1997)
 District 31 (Knoch)

A request to acquire easement acquisitions or fee simple take for Project No. 99-WG-240, to accommodate the construction of a water storage reservoir, located at the southern terminus of Swiss Avenue, classified within the R10, RS15, and RM15 districts on 1.67 acres, requested by the Department of Water Services.

Resolution No. 2001-41

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (9-0) with conditions** Proposal No. 2001M-006U-12."

2001M-007U-10

Belmont College Water Easement Abandonment
 Map 104-12, Parcels 307, 308 and 312
 Subarea 10 (1994)
 District 18 (Hausser)

A request to abandon a portion of a water line and easement (approximately 24,333 square feet). The existing line will then be turned into a private service line located between Belmont Boulevard and 15th Avenue South, classified within the RM20 district on 22.83 acres, requested by the Department of Water Services.

Resolution No. 2001-42

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (9-0) with conditions** Proposal No. 2001M-007U-10."

2001M-009U-19

Council Bill No. BL2001-577
 Nashville Electric Service Easement Acquisition
 Map 93-07, Parcel 41
 Subarea 9 (1997)
 District 19 (Wallace)

A council bill authorizing the conveyance of a temporary easement from The Metropolitan Government of Nashville and Davidson County to the Nashville Electric Service to construct a temporary relocated 69kV

line to permit the construction of the Gateway Bridge, located north of Peabody Street and classified within the CF district on 8.02 acres, requested by the Public Property Administrator.

Resolution No. 2001-43

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (9-0) with conditions** Proposal No. 2001M-009U-19."

OTHER BUSINESS:

1. Employee contract for John L. Reid

Resolution No. 2001-44

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the employee contract for John L. Reid for one year, from February 1, 2001 through January 31, 2002."

2. Employee contract for James McAteer

Resolution No. 2001-45

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the employee contract for James McAteer for one year, from January 11, 2001 through January 20, 2002."

This concluded the items on the consent agenda.

PUBLIC HEARING

CODE TEXT AMENDMENTS (March 2001, July 2001, November 2001)

**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.

Ms. Regen stated this item has been referred back to the Commission from Council and reviewed the Commission's previous analysis and action.

Councilmember Gilmore asked the Commission to consider deferral.

Councilmember Ponder moved and Ms. Nielson seconded the motion, which carried unanimously, to defer this item for two weeks.

ZONING MAP AMENDMENTS

2001Z-008G-12 (Public Hearing)

Map 173, Parcel 75 (87.06 acres)

Subarea 12 (1997)

District 31 (Knoch)

A request to change from AR2a district to RS10 district property located at 6340 Hills Chapel Road, approximately 890 feet east of Nolensville Road (87.06 acres), requested by Harold Delk of Anderson-Delk & Associates, appellant, for William and Katie Edwards, owners.

Ms. Regen stated the RS10 district is consistent with the Subarea 12 Plan's Residential Low Medium policy and staff is recommending approval.

Cynthia Lucas expressed concerns regarding density and roads.

Mr. Manier expressed concerns regarding the school overcrowding.

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

Resolution No. 2001-46

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-008G-12 is **APPROVED (7-1)**:

This property falls within the Subarea 12 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre. The RS10 district is consistent with that policy and with the zoning pattern to the north and east."

2001Z-009G-02 (Public Hearing)

Map 7, Parcels 78 (78.62 acres) and 82 (4.4 acres)

Subarea 2 (1995)

District 10 (Balthrop)

A request to change from AR2a district to RS20 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.

Ms. Regen stated this property is in the Residential Medium High policy and RS10 zoning would fall within that policy and staff is recommending approval.

Mr. Charles Harris, Mr. Bill Kist, Mr. Willard Odom, Mr. Lee Willis, Mr. Tim McHorn, Mr. Doug Brown, Mr. Randolph Dunn, Mr. Michael Green, Mr. Richard Brown and Mr. Kerry Bateman spoke in opposition to the development and expressed concerns regarding traffic, roads, safety, inadequate fire and medical services, size of the lots, price of the proposed homes, property value depreciation, and school overcrowding.

Councilmember Bettye Balthrop agreed with her constituents and asked the Commission to disapproval the proposal.

Mr. Ron Gourley, property owner, spoke in favor of the proposal and explained the plan.

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

Ms. Oglesby asked if there had been a traffic study done.

Ms. Regen stated the only concern from Traffic and Parking was the alignment of the road.

Ms. Oglesby expressed concerns regarding the school overcrowding.

Councilmember Balthrop stated Goodlettsville Elementary is in the process of being added on to, but there will still be a need for more room and all the other schools in the area are overcrowded. At some point it will be the function of the Council and the Mayor's Office to resolve that problem. The 10th District is not prepared to handle anymore students at this time.

Mr. Cochran stated all the surrounding properties are at least an acre or larger and that he would not support these small lots.

Ms. Warren stated she felt the lots were also too small.

Mr. Manier stated he was concerned regarding the schools.

Mr. Nielson stated she was concerned about the traffic.

Mr. Small agreed with Mr. Manier on the schools and stated these small lots did not belong in this area of the county.

Councilmember Ponder stated he felt there could be a compromise reached between the developer and the area residents.

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

Councilmember Ponder amended his motion and Ms. Nielson amended her second to the motion, which carried unanimously to defer 2001Z-009G-02 for two meetings.

2001Z-015G-14 (Public Hearing)
Map 86, Part of Parcel 21 (14.7 acres)
Subarea 14 (1996)
District 12 (Ponder)

A request to change from IWD district to CS district a portion of property at Old Hickory Boulevard (unnumbered), approximately 1,700 feet east of Central Pike (14.7 acres), requested by Craig Cole, appellant, for Lojac Enterprises, Inc., owner.

Ms. Regen stated a few years ago there was a proposal by Walmart to develop this property, which involved relocating Stoner's Creek so that development was withdrawn. Staff is recommending approval.

Councilmember Ponder stated he was concerned how this development was going to look, and that he would abstain on his vote.

Mr. Ed Owens, Gresham Smith and Partners, stated their plan includes bridging Stoner's Creek. This development depends on the approval of the Commission to continue.

Mr. Gary Ladd spoke in opposition to the proposal and expressed concerns regarding odor from the development on the proposed site.

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

Ms. Regen stated the applicant indicated this would be a retail operation.

Mr. Manier moved and Ms. Jones seconded the motion, which carried with Councilmember Ponder abstaining, to approve the following resolution:

Resolution No. 2001-47

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-015G-14 is **APPROVED (9-0)**:

This property falls within the Subarea 14 Plan's Commercial Arterial Existing (CAE) policy calling for a wide range of commercial, retail, and office uses along Old Hickory Boulevard. The CS district is consistent with that policy. The Industrial (IND) policy to the west was established primarily to accommodate the quarry and the cement batch plant along both margins of the Nashville and Eastern Railroad. Given the property's location near a major arterial and its surrounding land uses (e.g. the Vulcan Materials Company quarry, asphalt and cement batch plant and the Nashville and Eastern Railroad), rezoning this property for commercial use is appropriate. The abutting IND policy will not be adversely impacted since it is already developed with industrial uses along Hermitage Industrial Drive."

FINAL PLAT SUBDIVISIONS

2000S-061G-14
Blossom Trace
Map 75, Parcels 108 and 141
Subarea 14 (1996)
District 12 (Ponder)

A request for final plat approval to create 39 lots abutting the southeast corner of Chandler Road and Tulip Grove Road (16.15 acres), classified within the RS15 District, requested by Kent and Linda Biery, owners/developers, S.E.C., Inc., surveyor.

Mr. Stuncard stated staff is recommending conditional approval of this proposal subject to posting of a bond. This plat does match the preliminary plan approved in March of 2000. There is a new road planned for this area but no time has been set to build that road. The Legal Department advised staff there is no legal reason to deny this subdivision.

Mr. Manier stated he was concerned people would buy these lots and 3 years down the road TDOT would come through and take 1/3 of their backyard to build the new road.

Ms. Warren asked if there could be repercussions if the Commission approves this proposal knowing ahead of time TDOT has plans for a new road.

Mr. Brook Fox, Metro Legal, stated there would be no repercussion, but that it would more expensive for TDOT to purchase the property and there would also be compensation for the property used for the road.

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

Resolution No. 2001-48

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-061G-14, is **APPROVED SUBJECT TO A BOND OF \$653,500.(9-0).**”

This approval will expire after 180 days have lapsed if the conditions of approval (if applicable) have not been satisfied and recorded in the Register’s Office of Davidson County, Tennessee. Upon resubmittal of a final plat, all applicable fees shall be due.

2000S-186G-06

Lexington Point, Section 1 (1st Revision)
Map 126-15-B, Parcels 1-4, 142-148 and 160-170
Subarea 6 (1996)
District 23 (Bogen)

A request to amend a recorded final plat by deleting three lots and increasing the open space abutting the north margin of Newsom Station Road, approximately 1,350 feet northeast of Settlers Way (9.45 acres), classified within the RS15 District, requested by Phillips Builders, Inc., owner/developer, Barge, Waggoner, Sumner & Cannon, Inc., surveyor. (Deferred from meeting of 01/04/01).

Mr. Stuncard stated this should have been indefinitely deferred at the beginning of the meeting.

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

PLANNED UNIT DEVELOPMENTS (revisions)

18-84-U-10

Covenant Presbyterian Church (Burton Hills)
Map 131-8-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 an elementary school, requested by Benjamin Sensing, attorney for Covenant Presbyterian Church, owner.

Ms. Regen stated this is a proposal to place a K-6 elementary school within this PUD on Red Bud Hill in the Burton Hills PUD. Staff recommends approval of this preliminary and final.

Mr. Manier expressed concerns because of changing the PUD. He recalled at one time there were community facilities proposed, a school with a gym, and this may be a variance of that. If it is, sooner or later they will be asking for something else. Those people in the neighborhood felt they had an understanding years ago and this may change that.

Ms. Nielson stated that at that time there were also concerns regarding traffic and this church property would not be used during peak traffic hours and that it would only be used on Sunday and Wednesday evenings.

Ms. Warren stated she realize this is allowed in residential and in the PUD, but this is not what the neighborhood had planned or agreed to.

Ms. Leslie Shechter stated she remembered the controversy and they were careful to go back to the neighborhood groups and discuss this change.

Mr. Larry Nesser stated this school would have a maximum of 252 students and the traffic impact to the Burton Hills neighborhood would be very minimal.

Ms. Warren stated it was the homeowners on Harding Place that were concerned with the traffic not the Burton Hills residents.

Mr. Jim Black, pastor of Covenant Presbyterian Church, stated he recalled they were advised to use the Burton Hills entrance and not the Harding Place entrance. This will be a small school and will be phased in and should not cause any large impact.

Mr. Manier asked what the school's long term plan involved.

Mr. Black stated the plan was only for grades K-6.

Mr. Small stated that one of the comments made was that there are no outdoor activity grounds called for and that means there is no playground.

Mr. Black Stated there would surely be a playground, because even the church would have to have a playground.

Ms. Regen stated staff was not aware there any planned activities outdoors since the site plan they sent in did not show that.

Mr. Nesser stated there were none planned initially but there eventually would be some.

Mr. Black stated there were some spaces set aside for a playground.

Chairman Lawson asked if those had to be designated on the PUD plans.

Ms. Regen stated that if they wanted to do a playground they would need to come back and revise their plan again.

Chairman Lawson stated he could see this amendment mushrooming into a large change and felt the Commission should step back and take a look at what is being presented.

Mr. Manier stated these changes should be documented in letterform so there would be a record of it and there would be no misunderstandings and agreed with Chairman Lawson's suggestion.

Mr. Nesser stated there would be no new buildings built for the school. It would be in the building that was part of the plan that was approved 2 years ago.

Ms. Shechter asked for a 1 meeting deferral to discuss the plan with staff.

Ms. Nielson moved and Ms. Oglesby seconded the motion, which carried unanimously, to defer this matter for 2 weeks.

MANDATORY REFERRALS

2001M-012U-09

Tennessee Bar Association Encroachment
Map 93-2-3, Parcel 61
District 19 (Wallace)
Subarea 9 (1997)

A request to install two awnings at 221 4th Avenue North for Tennessee Bar Association that projects 6'0" over the public sidewalk at a height of 9'0" above the sidewalk and measure 22'1" in length and 3'9" in height, requested by David Drake of Crown Tent & Awning, appellant for the Tennessee Bar Association.

Ms. Regen stated some agencies are still reviewing this proposal and staff would like to have conditional approval, subject to approval by NES and MDHA so this matter may move on to Council.

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

Resolution No. 2001-49

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (9-0)** Proposal No. 2001M-012U-09 **subject to approval by NES and MDHA.**"

OTHER BUSINESS

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 3:55 p.m.

Chairman

Secretary

Minute Approval:
This 1st day of February, 2001

