

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

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

Roll Call

Present:

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

Absent:

Mayor Bill Purcell
Tonya Jones

Staff Present

Richard C. Bernhardt, Executive Director
Ann Hammond, Planning Director
Jeff Lawrence, Operations Director
Carolyn Perry, Administrative Assistant II
John Reid, Planner II
Robert Leeman, Planner I
Jeff Stuncard, Planner I
Chris Wooton, Planning Technician I
Jerry Fawcett, Planning Division Manager
Sherry Williams, Planner III

Others Present:

Jim Armstrong, Public Works
Brook Fox, Legal Department

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Staff announced the Subarea 12 Plan Amendment Request, 2001Z-005G-12 and 2001UDO-001G-12 public hearings should be held concurrently and that the public hearing be continued until April 12, 2001.

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

APPROVAL OF MINUTES

Ms. Nielson moved and Mr. Manier seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of February 15, 2001.

RECOGNITION OF COUNCILMEMBERS

Councilmember Norma Hand spoke in favor of 2000Z-146U-07 and 2001Z-026U-07 and stated she had heard no neighborhood objections.

Councilmember Melvin Black spoke in favor of 77-87-P-03, Nocturne Forest.

Councilmember J. B. Loring spoke in favor of 2001S-054U-11, Beasley Subdivision.

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:

PRELIMINARY PLAT SUBDIVISIONS

- 13. 2001S-060G-06**
Oakhaven (Revised)
Map 114, Parcels 316 and 330
Subarea 6 (1996)
District 23 (Bogen)

A request for revised preliminary approval for three lots abutting the northeast margin of Oakhaven Trace, approximately 821 feet northwest of Sawyer Brown Road (1.14 acres), classified within the R15 district, requested by Eric and Wayne Crafton, owners/developers, Walker Engineering, surveyor.

Resolution No. 2001-94

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-060G-06, is **APPROVED WITH CONDITIONS (8-0).”**

This preliminary approval, which will expire March 1, 2003, will be given final approval if the property is developed in accordance with the approvals, requirements and regulations of the Planning Commission, Public Works and Department of Water and Sewer, and any agencies responsible for other required utilities.

FINAL PLAT SUBDIVISIONS

- 14. 2000S-073G-13**
South Shore, Phase 1, Section 1
Map 165, Parcel 11
Subarea 13 (1996)
District 29 (Holloway)

A request for final plat approval to create 84 lots abutting the south margin of Hamilton Church Road, approximately 2,400 feet west of Lavergne-Couchville Pike (19.55 acres), classified within the R10 Residential Planned Unit Development District, requested by Allen J. Newcomb, Trustee, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 2001-95

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-073G-13, is **APPROVED SUBJECT TO A BOND OF \$1,568,000.00(8-0).”**

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 re-submittal of a final plat, all applicable fees shall be due.

15. 2000S-204G-12
Mill Run, Phase 1A
Map 173, Part of Parcel 83
Subarea 12 (1997)
District 31 (Knoch)

A request for final plat approval to create 24 lots at the west terminus of Claybrook Lane and south of Bending Creek Drive (4.41 acres), classified within the RS10 district, requested by Mill Run, L.L.C., owner/developer, Littlejohn Engineering Associates, Inc., surveyor.

Resolution No. 2001-96

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-204G-12, is **APPROVED SUBJECT TO A BOND OF \$158,500.00 (8-0).”**

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 re-submittal of a final plat, all applicable fees shall be due.

16. 2001S-051U-12
Elysian Plaza, Resubdivision of Tract 4
Map 133-15, Parcel 145
Subarea 12 (1997)
District 26 (Arriola)

A request for final plat approval to subdivide one tract into two lots abutting the southwest margin of Nolensville Pike, opposite Paragon Mills Road (10.9 acres), classified within the SCC, RM20 and OR20 Commercial Planned Unit Development Districts, requested by Life Investors Insurance Company, owner/developer, Crawford Land Surveyors, surveyor.

Resolution No. 2001-97

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-051U-12, is **APPROVED SUBJECT TO A BOND OF \$31,000.00 (8-0).”**

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 re-submittal of a final plat, all applicable fees shall be due.

17. 2001S-054U-11
Beasley Subdivision

Map 94, Parcels 74 and 75
Subarea 11 (1999)
District 15 (Loring)

A request for final plat approval to reconfigure two parcels into two lots abutting the south margin of Lebanon Pike, approximately 1,250 feet west of Spence Lane (3.7 acres), classified within the IWD district, requested by Thomas W. Beasley, owner/developer, John D. McCormick, surveyor.

Resolution No. 2001-98

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-054U-11, is **APPROVED SUBJECT TO A BOND OF \$32,500 (8-0).”**

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 re-submittal of a final plat, all applicable fees shall be due.

18. 2001S-061G-06
Oakhaven, Resubdivision of Lots 20, 21 and Parcel 330
Map 114-7, Parcels 20 and 21
Subarea 6 (1996)
District 23 (Bogen)

A request for final plat approval to resubdivide two lots and one parcel into three lots abutting the northeast margin of Oakhaven Trace, approximately 821 feet northwest of Sawyer Brown Road (1.14 acres), classified within the R15 district, requested by Eric and Wayne Crafton, owners/developers, Walker Engineering, surveyor.

Resolution No. 2001-99

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-061G-06, is **APPROVED (8-0).”**

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 re-submittal of a final plat, all applicable fees shall be due.

19. 2001S-063G-04
Diskin/Bannen Subdivision
Map 26, Parcels 55, 56 and 57.01
Subarea 4 (1998)
District 10 (Balthrop)

A request for final plat approval to subdivide three parcels into three lots abutting the north margin of Gallatin Pike, approximately 2,129 feet east of Liberty Lane (23.44 acres), classified within the CS district, requested by Thomas F. and Yanique Diskin and Tom Bannen Chevrolet, Inc., owners/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 2001-100

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-063G-04, is **APPROVED SUBJECT TO A BOND OF \$42,000 (8-0).”**

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 re-submittal of a final plat, all applicable fees shall be due.

PLANNED UNIT DEVELOPMENT (revisions)

21. 98P-007U-12

Town Village Brentwood at Seven Springs
Map 160, Parcel 46
Subarea 12 (1997)
District 32 (Jenkins)

A request to revise the preliminary plan and for final approval for a phase of the Planned Unit Development District located abutting the north margin of Old Hickory Boulevard, opposite Cloverland Drive (8.27 acres), classified OR40, to develop a 3-story, 222 unit independent living facility, replacing an undeveloped, 3-story, 250 unit independent living facility on the preliminary plan, requested by Barge, Cauthen and Associates, for Cypress Senior Living, Inc., owner.

Resolution No. 2001-101

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98P-007U-12 is given **APPROVAL OF REVISION TO PRELIMINARY AND CONDITIONAL FINAL 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. 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. 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. Deviation from these plans will require re-approval by the Planning Commission.”

MANDATORY REFERRALS

22. 2001M-022U-09

Closure of Alleys #110 and #111
Map 93-5, Parcels 180-184
Subarea 9 (1997)
District 19 (Wallace)

A request to close the remaining portion of Alley #111 from 9th Avenue North to its terminus at parcel 184 on tax map 93-5 and to close the remaining portion of Alley #110 beginning at Alley #111 and terminating

at parcel 180 on tax map 93-5, requested by Charles W. Cook, IV of Stokes, Bartholomew, Evans and Petree, appellant, for Wardens and Vestry of Christ Episcopal Church, owner. Easements are to be retained.

Resolution No. 2001-102

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES proposal 2001M-022U-09." (8-02)

23. 2001M-023U-09
Aerial Encroachment for Lifeway Christian Resources
Map 93-5, Parcel 186
Map 93-5-4, Parcels 7-10, 14, 16-16.06 and 49
Subarea 9 (1997)
District 19 (Wallace)

A request to construct an enclosed pedestrian walkway measuring 16' in width at a height of 16' 5" encroaching over 10th Avenue North linking the Lifeway Christian Resources office building to a parking garage, requested by Rodney Wilson, for Lifeway Christian Resources, appellant and abutting property owner.

Resolution No. 2001-103

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 2001M-023U-09." (8-0)

24. 2001M-024U-05
Aerial Encroachment for Good Earth Market
Map 83-9, Parcel 200
Subarea 5 (1994)
District 6 (Beehan)

A request to install for Good Earth Market at 970 Woodland Street, a blade-style sign measuring 6' wide by 2' high on each side and encroaching approximately 3' 6" at a height of 15' above the sidewalk, and an awning measuring 42' long by 4' 6" high and encroaching approximately 3' 6" encroaching above the sidewalk at a height of 9' 6", requested by John Dyke, leasee, and H. G. Hill Realty Company, owner.

Resolution No. 2001-104

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 2001M-024U-05." (8-0)

25. 2001M-025G-02
Easement Acquisitions for Water & Sewer
Projects 99-SG-170 and 99-WG-159
Map 33, Parcels 106 and 124.02
Map 33-11, Parcels 32, 33 and 47-49
Map 33-15, Parcel 10.2
Map 42, Parcel 40
Map 42-2, Parcel 21
Map 42-6, Parcels 15-17
Map 50-15, Parcels 226 and 227
Map 50-16, Parcel 23
Map 51, Parcels 5, 13 and 196

Map 51-2, Parcel 9
Map 51-5, Parcels 21-24 and 28-30
Map 51-6, Parcel 56
Map 60-3, Parcel 21
Map 60-14, Parcel 32
Subarea 2 (1995)
Subarea 4 (1998)
Subarea 5 (1994)
District 3 (Nollner)
District 4 (Majors)

A request to acquire easements for the relocation and/or adjustment of water and sewer lines to accommodate the widening of I-65 from Trinity Lane to Vietnam Veterans Boulevard, Water & Sewer Projects 99-SG-170 and 99-WG-159, requested by the Metro Water & Sewer Department.

Resolution No. 2001-105

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 2001M-025G-02, **with conditions.**" (8-0)

OTHER BUSINESS

1. Employee contract for Jennifer Higgs

Resolution No. 2001-106

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Jennifer Higgs from March 16, 2001 through March 15, 2002."

2. Employee contract amendments for Keith D. Covington and Robert P. Leeman

Resolution No. 2001-107

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the employee contract amendment for Keith D. Covington from March 1, 2001 through October 15, 2001."

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the employee contract amendment for Robert P. Leeman from March 1, 2001 through October 22, 2001."

This concluded the items on the consent agenda.

PUBLIC HEARING

GENERAL PLAN with ZONING MAP AMENDMENTS

1. Subarea 12 Plan Amendment Request

Residential Low-Medium Density to Mixed Use Policy (approximately 14 acres) and Residential Medium Density Policy with Designation of Special Urban Design Treatment Area (approximately 85 acres)
East margin of Nolensville Pike, across from Bradford Hills Drive

2. 2001Z-005G-12

Map 172, Parcels 88 (35.87 acres), 89 (13.75 acres),
205 (2.0 acres), 206 (2.0 acres), 212 (2.0 acres) and
218 (2.0 acres)
Map 173, Parcel 62 (43.92 acres)
Subarea 12 (1997)
District 31 (Knoch)

A request to change properties located at 6016 and 6026 Nolensville Pike and Nolensville Pike (unnumbered) from AR2a to RM9 district (81.77 acres), and MUL district (19.77 acres) for a total of 101.41 acres, requested by Rick Blackburn of Regent Development, appellant, for The Lord's Chapel Trustees and Suntrust Bank, Trustee, and Raymond M. Resha, and Louis J. Resha, owners.

3. 2001UDO-001G-12

Map 172, Parcels 88 (35.87 acres), 89 (13.75 acres),
205 (2.0 acres), 206 (2.0 acres), 212 (2.0 acres) and
218 (2.0 acres)
Map 173, Parcel 62 (43.92 acres)
Subarea 12 (1997)
District 31 (Knoch)

A request to apply the Urban Design Overlay (UDO) District to properties located at 6016 and 6026 Nolensville Pike and Nolensville Pike (unnumbered) (101.54 acres), requested by Rick Blackburn of Regent Development, appellant, for The Lord's Chapel Trustees and Suntrust Bank, Trustee, and Raymond M. Resha, and Louis J. Resha, owners.

Ms. Wood gave background information on the area the subarea amendment would involve.

Mr. David McGowan and Mr. Hunter Gee of Regent Development explained their proposal and asked for approval.

Ms. Kim Bramley, Mr. Mike Bramley and Mr. Ed Pyles expressed concerns regarding the additional traffic on Nolensville Road and new residents trespassing on adjacent property.

Mr. Manier suggested the Commission have a visioning session before this item is brought back up on April 12th.

Ms. Nielson moved and Ms. Oglesby seconded the motion, which carried unanimously, to leave the public hearing open and defer the Subarea 12 Plan Amendment Request, 2001Z-005G-12 and 2001UDO-001G-12 until April 12, 2001.

ZONING MAP AMENDMENTS

4. 2000Z-073G-06

Council Bill No. BL2000-394
Map 128, Parcels 44 (26.31 acres) and 71 (32.50 acres)
Subarea 6 (1996)
District 23 (Bogen)

A council bill to rezone from R15 and R20 districts to RM4 district properties at Sawyer Brown Road and Old Hickory Boulevard (unnumbered), approximately 1,900 feet south of Ridgelake Parkway (58.81 acres), requested by Gary Whaley, appellant, for Hutton R. Buchanan et ux, owners. (Deferred from meeting of 02/15/01).

5. 2001P-003G-06

Hutton Residential Development
Map 128, Parcels 44 (26.31 acres) and 71 (32.50 acres)
Subarea 6 (1996)
District 23 (Bogen)

A request for preliminary approval for a Planned Unit Development District located along the west margin of Old Hickory Boulevard, approximately 2,000 feet south of Ridgelake Parkway (58.81 acres), classified within the R15 and R20 districts and proposed for RM4 district, to permit 130 condominium units and a 484 square foot clubhouse in three phases with 42 acres of open space, requested by Dale and Associates, appellant, for Hutton R. Buchanan et ux, owners. Deferred from meeting of 02/15/01).

Mr. Leeman stated a similar proposal to this was previously disapproved by the Commission. Staff is recommending disapproval because the sight distance problem. The traffic impact study only recommends a flashing light at the entrance.

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

Resolution No. 2001-108

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-073G-06 is **DISAPPROVED (8-0)**:

The Traffic Engineer indicates there are public safety issues with the alignment of Old Hickory Boulevard along this stretch. The applicant's Traffic Impact Study (TIS) does not sufficiently address the how these sight distance issues will be remedied. Additionally, multi-family uses are not appropriate on parcel 44. That property contains steep topography and could provide potential access through the single-family subdivision on Holt Valley Road."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001P-003G-06 is given **DISAPPROVAL (8-0)**:

REASON(S) FOR DISAPPROVAL:

Parcel 44 should not be rezoned due to its steep topography and the potential access to the Holt Valley Road single-family subdivision. Additionally, the applicant's traffic impact study (TIS) is incomplete since it does not sufficiently describe the "special hazards" identified in the analysis nor identify improvements required to address those issues."

6. 2000Z-115G-03
Council Bill No. BL2000-473
Map 68, Parcel 29
Subarea 3 (1998)
District 1 (Gilmore)

A council bill to rezone from AR2a to IR district property at Ashland City Highway (unnumbered), approximately 560 feet west of Old Hydes Ferry Pike (13.19 acres), requested by Joe Ham, appellant, for Hailey's Harbor, Inc., owner.

Mr. Reid stated the Commission had seen this request before to rezone approximately 13 acres on Ashland City Highway. The applicants want to use the property for outdoor storage of construction equipment. The property is not consistent with natural conservation policy. Staff is recommending disapproval.

Ms. Nielson and Ms. Warren expressed concerns regarding rezoning the property. At this time it may be premature because of the nearby residential property.

Mr. Joe Hall stated there was Hailey's Harbor Barge Company, the Cheatham County Rail Line and a landfill adjacent to and nearby the property. The topography is dramatic and the property is not visible from Ashland City Highway.

Councilmember Ponder asked the applicant would be willing to preserve the tree line on the edge of the property.

Mr. Hall stated he would be willing to do that.

Chairman Lawson stated the Commission could not require that covenant but that Council could.

Mr. Bernhardt stated this could be referred back to the Commission from Council so staff could advertise for a rezoning for the surrounding property.

Councilmember Ponder moved approval with a recommendation to the Council sponsor that restrictive covenants be placed on this proposal, in Council, to preserve the foliage along the highway.

Mr. Manier stated the strip of property to the east and to the south of Ashland City Highway should also be looked at for rezoning.

Councilmember Ponder moved and Mr. Cochran seconded the motion, which carried with Ms. Nielson in opposition, to close the public hearing and approve the following resolution:

Resolution No. 2001-109

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-115G-03 is **APPROVED (8-0)**:

The IR district is appropriate on this property since it is situated between the CSX Railroad and industrial uses to the south and east and a major arterial road to the north."

Ms. Nielson moved and Councilmember Ponder seconded the motion, which carried unanimously, that should Council rezone this property, staff would be authorized to advertise for a rezoning of the adjacent property with the preservation of foliage along Ashland City Highway, which would come before this Commission.

7. 2000Z-146U-07
Council Bill No. BL2001-594
Map 91-2, Parcels 266 (1.12 acres), 271 (.19 acres),
277 (.70 acres), 293 (.19 acres) and 315 (.19 acres)
Subarea 7 (00)
District 22 (Hand)

A council bill to rezone from R6 and CN districts to OL district properties at 5601 New York Avenue, 5510 and 5610 California Avenue, and 1605 56th Avenue North, approximately 820 feet west of Centennial Boulevard (2.39 acres), requested by Douglas Anderson, appellant, for St. Lukes Community House, Inc., and the Episcopal Clinic & Settlement of Nashville, owners.

Mr. Reid stated this application originally came in as an institutional district but no master plan was submitted. Staff recommends disapproval. The OL district is not consistent with the Subarea 7 Plan's Residential Medium Policy calling for conservation of the residential neighborhood.

Mr. Douglas Anderson and Mr. Clay Hickerson stated they need to do remodeling and rehabilitation to some of the properties and were advised by planning staff to submit a plan under one zoning to address their range of improvements. That plan was approved by the Commission but rejected by Council. Planning staff then recommended application for OL zoning, which was applied for, which is now being recommending for disapproval by staff.

Councilmember Ponder asked if St. Luke's was in full compliance with all zoning regulations.

Mr. Anderson stated to his knowledge it was.

Councilmember Ponder stated that because St. Luke's had been there for so long, that was the reason they were able to operate with that compliance.

Chairman Lawson stated he felt that the presence of St. Luke's has sustained that neighborhood.

Ms. Warren stated the OL zoning could be a transitional zoning.

Mr. Clay Hickerson stated the Subarea 7 Plan referred to the Urbandale Neighborhood Plan, which refers to the asset that St. Luke's is to the area.

Mr. Small expressed concerns regarding the letter that was given to the Commission before the meeting regarding staff. Council sent this item back to the Commission because they would not support the rezoning. Without a master plan there is no direction for the organization to take.

Ms. Nielson stated there might have been other results if they had presented a master plan.

Mr. Anderson stated they had a master plan and that staff was aware of that.

Ms. Warren stated the applicants felt they had cooperated with staff and then received word staff was recommending disapproval and the letter is a result of that. This application does not involve any additional properties.

Chairman Lawson stated he felt the Commission should move ahead on the request for approval and have staff look at developing master plans for non-profits.

Mr. Anderson stated they thought they had been in good dialogue with staff and then were abandoned. That is where the frustration came from.

Mr. Small stated he still thinks back to the original discussion that this is still a spot zone in the middle of a residential district.

Mr. Cochran agreed with Mr. Small and stated he wanted to know what they were going to do with the property. The Commission shouldn't spot zone for this institution if they don't for other groups or individuals. There should be no favoritism.

Councilmember Ponder stated this was before Council along with a lot of other bills, and that was the problem, because it was very confusing.

Mr. Cochran moved and Ms. Warren seconded the motion to defer this item indefinitely.

Mr. Bernhardt stated this was a Council Bill and the Commission needed to act on it today.

Cochran withdrew his motion and Ms. Warren withdrew her second.

Mr. Small reiterated his point that this is a spot zoning

Ms. Warren moved and Ms. Nielson second the motion, which carried with Mr. Small, Mr. Manier and Mr. Cochran in opposition, to close public hearing and approve the following resolution:

Resolution No. 2001-110

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-146U-07 is **APPROVED (5-3)**:

The OL district is appropriate on these properties to accommodate a vital neighborhood resource. Currently the OL district is the most appropriate zoning to accommodate the St. Luke's campus."

8. 2000Z-154U-07
Council Bill No. BL2000-530
Map 104-1, Parcel 169
Subarea 7 (00)
District 24 (Summers)

A council bill to rezone from IWD to MUL district property at 3628 Redmon Street, approximately 300 feet east of 37th Avenue North (3.44 acres), requested by Councilmember John Summers, appellant.

Mr. Reid stated the Commission previously disapproved this proposal on December 7, 2000. The property owner was not in favor of the zone change. Staff believes the MUL zoning would be the most appropriate zoning for this property, and is recommending approval.

Mr. Bernhardt stated this was re-referred to the Commission for guidance as to what zoning districts would be appropriate.

Councilmember Summers stated this was an example of spot zoning to industrial for a tennis center. Once the tennis center left the property was used as a beer distributor and eventually as a warehouse, and that he was just looking for guidance from the Commission if the property owner would agree to a change or is willing to sell the property.

Ms. Oglesby asked where the property owner was today.

Councilmember Summers stated he told the property owner this was only for a recommendation for types of zonings that would be acceptable.

Ms. Oglesby stated that without the property owner present she was not comfortable with the change.

Mr. Fox stated the Planning Commission should review and make recommendations to the Council.

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

The Planning Commission advised that RM policy applies to this property. No action was taken.

Councilmember Summers stated the decision that was made was a political decision and not a planning decision. Political decisions are made by Council and not by the Planning Commission.

9. 2001Z-013G-12
Council Bill sent No. BL2001-604
Map 162, Parcel 141
Subarea 12 (1997)
District 31 (Knoch)

A council bill to rezone from AR2a district to RM9 (10 acres) and CL (13.87 acres) districts property at Blue Hole Road (23.87 acres), requested by Frank Modonia, appellant, for Bell Road L. P., owner.

Mr. Reid stated staff is recommending disapproval as contrary to the General Plan since the commercial uses permitted in the CL district are not consistent with the Subarea 12 Plan's Residential Medium High density policy.

Ms. Janie McKinney expressed concerns regarding traffic and safety.

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

Resolution No. 2001-111

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-013G-12 is **DISAPPROVED (8-0) as contrary to the General Plan:**

This property falls within the Subarea 12 Plan's Residential Medium High (RMH) density policy calling for residential development between 9 and 20 units per acre. The CL district is not consistent with that policy. Commercial uses should be located in the Hickory Hollow Regional Activity Center less than a half-mile to the east."

10. 2001Z-025U-10
Council Bill No. BL2001-607
Map 104-11, Parcel 92
Subarea 10 (1994)
District 18 (Hausser)

A council bill to apply the Historic Landmark Overlay District to Eakin School and Cavert School located at 2400 Fairfax Avenue, abutting the east margin of 26th Avenue South (9.31 acres), requested by Councilmember Ginger Hausser, appellant, for Metropolitan Government, owner.

Mr. Reid stated staff is recommending approval, and the Historic Commission have also approved this proposal. Both schools were listed in the National Register of Historic Places.

Councilmember Ginger Hausser, Mr. Bob Martin, Eakin Principal, Ms. Stephanie Boyd, Ms. Terry Satalic, and Mr. Arch Stinson spoke in favor of the proposal.

Mr. Cochran expressed concerns regarding this proposal tying the school boards hands to build another school and the expense of new property.

Mr. Manier stated that would not happen because if the school board can prove the buildings are not economically feasible to repair or maintain they can be replaced.

Councilmember Ponder moved and Mr. Small seconded the motion, which carried with Mr. Cochran in opposition, to close the public hearing and approve the following resolution:

Resolution No. 2001-112

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-025U-10 is **APPROVED (7-1):**

The Metropolitan Historic Commission approved the application of the Historic Landmark Overlay district on this property since Eakin and Cavert Schools are architecturally significant buildings

which would constitute an irreplaceable loss to the quality and character of Nashville and Davidson County. These schools are within the Hillsboro-West End Historic District and were listed in the National Register of Historic Places in December, 1993. Cavert and Eakin Schools embody this historic neighborhood's character, stability, and identity."

11. 2001Z-026U-07
Council Bill No. BL2001-605
Map 91-2, Parcel 298
Subarea 7 (2000)
District 22 (Hand)

A council bill to rezone from R6 to MUN district property at 5501 New York Avenue, abutting the west margin of 55th Avenue North (.19 acres), requested by Penelope Rose Lane et al, appellants/owners.

Mr. Reid stated staff is recommending disapproval as contrary to the general plan since the commercial and office permitted in the MUN district are not consistent with the Subarea 7 Plan's Residential Medium density policy.

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

Resolution No. 2001-113

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-026U-07 is **DISAPPROVED (8-0) as contrary to the General Plan:**

This property falls within the Subarea 7 Plan's Residential Medium (RM) density policy calling for 4 to 9 units per acre. The commercial and office uses permitted within the MUN district are not consistent with that policy. Allowing commercial zoning to extend across 55th Avenue North would adversely impact this neighborhood. Commercial uses are intended to locate within the existing commercial area on the south margin of Centennial Boulevard to the northeast. Before commercial zoning encroaches into an established residential neighborhood, existing opportunities need to be exhausted."

PRELIMINARY PLAT SUBDIVISIONS

12. 2001S-030G-02
Uselton Subdivision
Map 7, Parcels 166 and 194
Subarea 2 (1995)
District 10 (Balthrop)

A request for preliminary approval for four lots abutting the northeast corner of Springfield Highway and Tinnin Road (6.25 acres), classified within the R40 district, requested by Richard Uselton, owner/developer, Steven E. Artz and Associates, Inc., surveyor.

Mr. Stuncard stated staff is recommending conditional approval subject to approval of variances for maximum lot size and the lot width-to-depth ratio.

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

Resolution No. 2001-114

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-030G-02, is **APPROVED WITH CONDITIONS (8-0).”**

This preliminary approval, which will expire March 1, 2003, will be given final approval if the property is developed in accordance with the approvals, requirements and regulations of the Planning Commission, Public Works and Department of Water and Sewer, and any agencies responsible for other required utilities.

PLANNED UNIT DEVELOPMENTS (revisions)

20. 77-87-P-03
Nocturne Forest
Map 70-3, Parcel 40 and Part of Parcel 2
Subarea 3 (1998)
District 2 (Black)

A request to amend the preliminary plan for Phases Two and Three of the Residential Planned Unit Development District located abutting the northeast margin of Old Buena Vista Road, approximately 1,200 feet north of West Trinity Lane (5 acres), classified RS15, to redesign a portion of the single-family lots in Phase Two currently under construction and to redesign Phase Three to eliminate a road connection to Old Buena Vista Road which is undeveloped and approved for 33 multi-family units, requested by Ragan-Smith Associates, Inc., for Chateau Associates, LTD, owner.

Mr. Leeman stated staff is recommending disapproval. This same request was disapproved as a PUD revision by the Commission on June 22, 2000. The request is now to amend a portion of the preliminary plan for Phases 2 and 3 of the Residential PUD district, which will require Council action. In Phase 2, the plan redesigns a portion of the single-family lots, and in Phase 3; it redesigns access to the multi-family units by eliminating the public street connection from Nocturne Forest Drive to Old Buena Vista Road. The plan does not change the number of lots or units approved in either phase.

Staff recommends disapproval since this plan is not consistent with the approved preliminary plan.

Ms. Joan Clayton Davis, Mr. Biars Davis, Jr., and Councilmember Melvin Black disagreed with staff's recommendation for disapproval, spoke in favor of the proposal and expressed concerns regarding traffic, safety and road connections.

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

Mr. Small asked that if this plan were amended would it be change the applicable Subdivision Regulations regarding to sidewalks on both sides of the street.

Mr. Leeman stated revisions are like starting over and would be treated as new plans.

The Commission discussed whether or not the developer was aware of that or not.

Chairman Lawson stated this might need to be deferred to give staff an opportunity to consult with the developer.

The developer's engineer indicated putting sidewalks on both sides of the road would not be any problem.

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

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 5:20 p.m.

Chairman

Secretary

Minute Approval:
This 15th day of March, 2001

