

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: November 27, 1996
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith, Chairman
Arnett Bodenhamer
Councilmember Stewart Clifton
William Harbison
Janet Jernigan
James Lawson
William Manier
Ann Nielson

Absent:

Mayor Philip Bredesen
Stephen Smith

Executive Office:

Jeff Browning, Executive Director and Secretary
Carolyn Perry, Secretary II

Current Planning and Design:

Edward Owens, Planning Division Manager
Shawn Henry, Planner III
John Reid, Planner II
Doug Delaney, Planner I
Charles Hiehle, Planning Technician II

Advance Planning and Research Division:

Jackie Blue, Planner I
Bill Lewis, Planner I

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Bob Eadler, Planner II
Debbie Frank, Planner I
Jennifer Uken, Planner I

Others Present:

Jim Armstrong, Public Works
Sonny West, Codes Administration

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced consideration of bond collection items 93P-023G and 95S-081U were on the agenda due to the failure of the principals to submit the necessary paperwork for extending the bonds. That paperwork is now in and complete and the items should be deleted from the agenda.

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to adopt the agenda with the announced changes.

ANNOUNCEMENT OF DEFERRED ITEMS

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

89P-022U	Deferred two weeks, by applicant.
90P-013U	Deferred two weeks, by applicant.
96S-219G	Deferred indefinitely, by applicant.
96S-361U	Deferred two weeks, by applicant.
96S-394G	Deferred two weeks, by applicant.
96S-401G	Deferred two weeks, by applicant.
96M-124U	Deferred indefinitely, by applicant.

Mr. Bodenhamer moved and Mr. Lawson seconded the motion, which unanimously passed, to defer the items listed above.

APPROVAL OF MINUTES

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which unanimously passed to approve the minutes of the regular meeting of November 14, 1996.

RECOGNITION OF COUNCILMEMBERS

Councilmember Ron Turner requested a two week deferral on item 96S-256G, the Robert H. DeMoss Subdivision on behalf of Mr. Ennis Warf and Mr. Fuqua from Ragan-Smith Associates, Inc.

Chairman Smith stated that item had been set for public hearing, and it will need to be held at this meeting because there may be people in the audience that wish to address the Commission. Following the public hearing the Commission may defer the matter as requested.

ADOPTION OF CONSENT AGENDA

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the following items on the consent agenda:

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-121G
Map 175, Parcel 92
Subarea 13 (1991)
District 29 (Holloway)

A request to change from AR2a District to CG District certain property abutting the south margin of Murfreesboro Pike and the east margin of Old Hickory Boulevard (11 acres), requested by Charles Hawkins, for Charles Batey, owner.

Resolution No. 96-912

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-121G is **APPROVED**:

This property is within an area of industrial policy south of Old Hickory Boulevard and west of Murfreesboro Pike in the Subarea 13 Plan. The CG District will implement this policy."

Zone Change Proposal No. 96Z-122U
Map 49, Parcel 150
Subarea 3 (1992)
District 1 (Patton)

A request to change from R10 District to CG District certain property abutting the north margin of Green Lane, approximately 400 feet east of Tisdall Drive (5.02 acres), requested by Charles Hawkins, appellant/owner.

Resolution No. 96-913

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 96Z-122U is **APPROVED**:

This property falls within industrial policy in the Subarea 3 Plan, which the CG District will implement. This portion of the industrial policed area along Green Lane has interstate access to Briley Parkway via the Whites Creek Pike/Green Lane intersection. In order to implement the industrial goals of the Subarea 3 Plan, industrial rezonings such as this should occur before more residential development obtains a foothold in the area. Green Lane and Knights Drive remain two lane roads. As more and more of these industrial rezonings occur, Council should begin to program improvements of these streets into the Capital Improvements Program."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT:

Proposal No. 39-71-G
Brentwood Heights
Map 160, Parcel 65
Subarea 12 (1991)
District 32 (Jenkins)

A request to amend the approved preliminary site development plan of the Commercial (General) Planned Unit Development District abutting the south margin of Old Hickory Boulevard opposite Brentwood Commons Way (classified Commercial PUD), to permit the addition of an 18,000 square foot office building to the existing plan, requested by 101 Construction Company, for Brentwood Associates, Inc., owner.

Resolution No. 96-914

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 39-71-G is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE.** The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. With any request for final approval the Metropolitan Department of Public Works will require the applicant to provide an on site detention area for the new office building.”

Proposal No. 40-71-G
(Council Bill No. O96-503)
Hobbs Heights
Map 107, Parcels 76 and 77
Subarea 13 (1991)
District 13 (French)

A council bill to amend the approved preliminary site development plan for the Commercial (General) Planned Unit Development District abutting the southwest corner of Briley Parkway and Interstate 40 (12.2 acres), classified R10, to permit the addition of 4.61 acres and the development of a 30,600 square foot self-storage facility, requested by Dale and Associates, for John Hobbs and Louis McRedmond, owners. (Referred by Metro Council at meeting of 11/19/96).

Resolution No. 96-915

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 40-71-G is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE.** The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a revised boundary and subdivision plat.”

Proposal No. 205-83-G
Steak ‘n Shake (Rivergate Plaza)
Map 34-6, Part of Parcel 9
Subarea 4 (1993)
District 10 (Garrett)

A request for final approval for a portion of the Commercial (General) Planned Unit Development District abutting the northeast margin of Myatt Drive, approximately 200 feet southeast of Gallatin Pike (1.04 acres), classified CS, to permit the development of a 3,630 square foot food service facility, requested by Steak 'n Shake, Inc., for Carmike Cinemas, Inc., owner. (Also requesting final plat approval).

Resolution No. 96-916

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 205-83-G is given **CONDITIONAL FINAL PUD APPROVAL; FINAL PLAT APPROVAL SUBJECT TO POSTING OF A BOND IN THE AMOUNT OF \$12,000.00.** The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
2. Recording of the final plat upon the posting of bonds required for any necessary public improvements, prior to the issuance of any building permits.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 96S-406U
Rothwood, Section 1, Block A
Map 72-5, Parcels 40-42
Subarea 5 (1994)
District 4 (Majors)

A request to subdivide three lots into two lots abutting the northeast corner of East Trinity Lane and Ambrose Avenue (1.3 acres), classified within the IR District, requested by Henry C. Dorris et al, owners/developers, Land Surveying, Inc., surveyor.

Resolution No. 96-917

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-406U, is granted **APPROVAL.**”

Subdivision No. 96S-407G
W. Gifford Lands Commercial PUD,
Part of Lots 7 and 8
Map 22, Parcels 30, 158 and 161
Subarea 1 (1992)
District 1 (Patton)

A request to reconfigure three lots abutting the southeast corner of Gifford Place and Whites Creek Pike (11.27 acres), classified within the R40 and Commercial Planned Unit Development Districts, requested by W. C. Gifford, owner/developer, Thornton and Associates, Inc., surveyor.

Resolution No. 96-918

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-407G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$75,000.00.**”

Subdivision No. 96S-409G
Chase Pointe, Section 2
Map 22, Part of Parcel 31
Subarea 1 (1992)
District 1 (Patton)

A request to create 12 lots abutting the west margin of Union Hill Road and both margins of Chasepoint Place (4.98 acres), classified within the RS10 District, requested by Billy W. Spain et ux, owners/developers, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 96-919

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-409G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$39,500.00.”**

Subdivision No. 96S-410G
Holt Woods, Section 11
Map 172, Part of Parcels 188 and 206
Subarea 12 (1991)
District 31 (Alexander)

A request to create 32 lots abutting both margins of Bryce Road and both margins of Argo Lane (11.66 acres), classified within the R20 Residential Planned Unit Development District, requested by Hurley-Y, L.P., owner/developer, Anderson-Delk and Associates, surveyor.

Resolution No. 96-920

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-410G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$338,000.00.”**

Subdivision No. 96S-411U
Cambridge Forest, Section 1
Map 149, Part of Parcel 319
Subarea 13 (1991)
District 28 (Hall)

A request to create 42 lots abutting the west margin of Rural Hill Road, approximately 1,300 feet south of Rice Road (16.97 acres), classified within the R15 Residential Planned Unit Development District, requested by Double M Partners, owner/developer, Anderson-Delk and Associates, surveyor.

Resolution No. 96-921

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-411U, surveyor, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$541,000.00.”**

Subdivision No. 96S-415G
Aspen Heights
Map 142, Parcel 296
Subarea 6 (1996)
District 35 (Lineweaver)

A request to create 12 units abutting the west margin of Hicks Road, approximately 650 feet north of Bellevue Road (2.62 acres), classified within the R15 Residential Planned Unit Development District, requested by Hulen Construction, owner/developer, James L. Terry, surveyor.

Resolution No. 96-922

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-415G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$31,000.00.”**

Subdivision No. 96S-418U
J. W. Carell Property
Map 105-6, Parcels 106, 326 and 339

Subarea 11 (1993)
District 19 (Sloss)

A request to consolidate three lots into one lot abutting the east margin of Eighth Avenue South, approximately 150 feet south of Chestnut Street (.57 acres), classified within the CS District, requested by J. W. Carell, owner/developer, L. Steven Bridges, Jr., surveyor.

Resolution No. 96-923

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-418U, is granted **APPROVAL.**”

Subdivision No. 96S-420G
River Plantation, Phase 2E, Section 10
(Condominium Apartments)
Map 142, Part of Parcel 306
Subarea 6 (1996)
District 35 (Lineweaver)

A request to create 20 units approximately 240 feet west of Sawyer Brown Road, approximately 915 feet south of General George Patton Road (3.34 acres), classified within the R15 Residential Planned Unit Development District, requested by Haury and Smith Contractors, Inc., owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 96-924

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-420G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$55,000.00.**”

Request for Bond Extension:

Subdivision No. 89S-099U
Physicians Park, Section Eight
HCA Realty, Inc., principal

Located abutting the south margin of Charlotte Avenue, 0 feet east of 25th Avenue North.

Resolution No. 96-925

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 89S-099U, Bond No. 89BD-013, Physicians Park, Section Eight, in the amount of \$23,000.00 covering water facilities until **10/1/97.**”

Request for Bond Release:

Subdivision No. 75-87-P
River Glen, Phase Two-C, Section Three
Julius Doochin, principal

Located abutting margins of Alandee Street and both margins of Sonar Street.

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 75-87-P, Bond No. 95D-044, River Glen, Phase Two-C, Section Three, in the amount of \$10,000.00, covering road, drainage, water and sewer facilities."

Resolution No. 96-926

Subdivision No. 93P-006U
Montgomery Place, Phase Two
Radnor Homes, Inc., principal

Located abutting the south margin of Old Hickory Boulevard, approximately 745 feet west of Copperfield Way.

Resolution No. 96-927

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 93P-006U, Bond No. 94BD-071, Montgomery Place, Phase Two, in the amount of \$18,000.00, covering water and sewer facilities."

Subdivision No. 93P-006U
Montgomery Place, Phase One
Radnor Homes, Inc., principal

Located abutting the south margin of Old Hickory Boulevard, approximately 745 feet west of Copperfield Way.

Resolution No. 96-928

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 93P-006U, Bond No. 93BD-080, Montgomery Place, Phase One, in the amount of \$17,000.00, covering water and sewer facilities."

Subdivision No. 95S-034U
Noel's Subdivision of Watkins Grove,
Resubdivision of Lots 194 and 222
Hilton Wickham, principal

Located between Golf Club Lane and Benham Avenue, approximately 225 feet north of Woodmont Boulevard.

Resolution No. 96-929

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 95S-034U, Bond No. 95BD-006, Noel's Subdivision of Watkins Grove, Lots 194 and 224, in the amount of \$6,900.00, covering sewer facilities."

Subdivision No. 95S-042U
MetroCenter, Tract 23
Kurt Hahn, principal

Located abutting the north margin of Dominican Drive, between Athens Way and Ninth Avenue North.

Resolution No. 96-930

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 95S-042U, Bond No. 95BD-041, MetroCenter, Tract 23, in the amount of \$7,100.00, covering sewer facilities."

Subdivision No. 95S-151U
Noel's Subdivision of Watkins Grove,
Lots 195, 220 and 221
Hilton Wickham, principal

Located abutting the north margin of Woodmont Boulevard, between Golf Club Lane and Benham Avenue.

Resolution No. 96-931

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 95S-151U, Bond No. 95BD-057, Noel's Subdivision of Watkins Grove, Lots 192, 220 and 221, in the amount of \$6,600.00, covering sewer facilities."

Subdivision No. 95S-166U
Royal Park Business Center, Lot 11
Royal Park Investments, L.P., principal

Located abutting the northwest margin of Rachel Drive, opposite Shacklett Drive.

Resolution No. 96-932

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 95S-166U, Bond No. 95BD-048, Royal Park Business Center, Lot 11, in the amount of \$172,500.00, covering road, drainage, and sewer facilities."

MANDATORY REFERRALS:

Proposal No. 96M-133U
Alley 2076 Easement Abandonment
Map 106-1, Parcels 120, 120.1 and 125
Subarea 11 (1993)
District 19 (Sloss)

A proposal to abandon the public utility and drainage easements retained in a segment of Alley No. 2076 which was closed by Ordinance No. O89-667 (Proposal No. 89M-006U), requested by Leslie Pomeroy, agent for Knight-Ridder, Inc., owner.

Resolution No. 96-933

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-133U.

Proposal No. 96M-134U
Sale of Property on Herman Street
Map 92-7, Parcel 154
Subarea 9 (1991)
District 21 (McCallister)

A mandatory referral approving the sale of property located on Herman Street.

Resolution No. 96-934

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-134U.

Proposal No. 96M-135U
Council Bill No. O96-534
Sublease Agreement Between MDHA and
Metro Social Services
Map 105-01, Parcel 316
Subarea 10 (1994)
District 19 (Sloss)

A mandatory referral approving a sublease agreement between MDHA and Metro Department of Social Services for office space located at 1121 12th Avenue, South.

Resolution No. 96-935

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-135U.

Proposal No. 96M-136U
Sign Encroachment - Seventh Avenue North
Map 93-5-2
Subarea 9 (1991)
District 19 (Sloss)

A mandatory referral from the Department of Public Works proposing the installation of a 5'4" by 4'1" sign over the sidewalk on the Seventh Avenue North facade of the Crowne Plaza Hotel at 623 Union Street, requested by Mark French, Davidson Hotel Partners, L.P., adjacent property owners.

Resolution No. 96-936

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-136U.

Proposal No. 96M-137U
Alley No. 883 Closure
Map 92-3
Subarea 8 (1995)
District 21 (McCallister)

A request to close a segment of Alley No. 883 between Morena Street and Alley No. 586, requested by John W. Massey, for Meharry Medical College, owner. (Easements are to be retained).

Resolution No. 96-937

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-137U.

Proposal No. 96M-138U
Ben Allen Road/Hart Lane Road Name Change
Maps 61 and 72
Subarea 5 (1994)
Districts 4 and 8 (Majors and Hart)

A mandatory referral from the Department of Public Works proposing to change the name of Ben Allen Road between Hart Lane and Gallatin Pike to "Hart Lane," requested by Councilmember Lawrence Hart.

Resolution No. 96-938

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-138U.

Proposal No. 96M-140U
Elm Hill Pike Sewer Line and Easement Abandonment
Map 95, Parcel 35
Subarea 14 (1996)
District 15 (Dale)

A mandatory referral from the Department of Water and Sewerage Services to abandon the sewer line and easement on property located at 2525 Elm Hill Pike.

Resolution No. 96-939

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-140U.

OTHER BUSINESS:

1. Contract with NuStats International for the Household Travel Behavior Survey.
2. Contract with RPM and Associates for the Major Thoroughfare Plan Update and Bicycle Plan for Franklin.

This concluded the items on the consent agenda.

**PUBLIC HEARING: CONTINUATION OF A PORTION OF
SUBAREA 13. (DEFERRED FROM MEETING OF 10/31/96).**

Ms. Uken presented a summary of the public hearing from the October 31, 1996 Planning Commission meeting regarding the Rice Road area. At that meeting the Commission deferred making a decision on the appropriate land use policy for the area bounded by Bell Road, Rice Road, Rural Hill Road, and the backside of commercial development along Murfreesboro Pike. During the public hearing, several people who own land in the area stated that they were having difficulty understanding the differences between some of the land use policies, and asked for some additional time to meet with staff to discuss land use policy options for this area. A decision on the appropriate land use policy for this area was deferred until

the November 27, 1996 meeting, with the public hearing to remain open. Staff was instructed by the Commission to meet with the concerned landowners to discuss land use policy for this area.

Ms. Uken explained how Planning Commission staff members met with Councilman Hall and several landowners. The landowners had reviewed the land use policy application document and felt that they had a better understanding of the land use policies. The landowners had stated that they were interested in selling their land, and wanted the flexibility that would enable them to sell their land for the highest profit. They felt that staff's recommendation of Residential Medium-High Density policy did not allow them enough flexibility, because it does not include the opportunity for commercial uses. Many of the landowners feel that they would profit more by having the opportunity to sell their land commercially. They suggested land use policies that would allow commercial development, as well as higher density residential development. They have suggested either Office Concentration or Commercial Mixed Concentration policy for the Rice Road area.

Ms. Uken discussed how staff had advised the landowners that the demand for office uses in the Rice Road area is very weak. She explained that staff had also advised the landowners that Commercial Mixed Concentration policy would not be appropriate for this area, primarily for the same reasons that Retail Concentration Community policy is not appropriate. There is simply not enough commercial demand to justify a commercial policy for this location.

Ms. Uken explained that there is already an abundance of underutilized commercially zoned land in the area, along Murfreesboro Pike, and also along Bell Road, including several parcels fronting on the east side of Bell Road, that are zoned commercially, but are still being used residentially. Expanding this commercial area without enough demand for commercial uses in this location would likely result in an abundance of vacant land, spotty development, and a few marginally used commercial lots that would create interface problems with the adjacent residential areas and school. Ms. Uken stated that the meeting had been concluded by telling the landowners that staff would look at the market characteristics of the area, so that the landowners could gain a better understanding of the market values of land in the area.

Ms. Uken stated that following the meeting with the landowners, staff acquired information on the recent sales of properties along the Bell Road corridor, and the commercial areas of Murfreesboro Pike and Hickory Hollow, but were unable to meet with the landowners prior to this public hearing, and communicate staff's results directly to them. According to Ms. Uken, several of the landowners have advised staff that they would like to have an additional meeting in order to go over staff's findings. Ms. Uken then stated because of these circumstances, staff would like to request a deferral of this public hearing until the January 9, 1997 Planning Commission meeting, so that staff can meet with the landowners and review the information staff has acquired. Ms. Uken concluded by stating that the landowners have requested deferral until the January 9th meeting due to prior commitments that would not allow some of them to attend the December 12th Planning Commission meeting.

Chairman Smith announced this matter was set for public hearing and asked if anyone in the audience would like to speak on the matter.

Councilmember Durward Hall said the statements regarding under utilization of commercial property on Bell Road and impossible development because of topography were totally inaccurate and all facts have not been presented. A meeting was held between staff and area residents and the people responded they had not understood the policies. The policy that was requested previously was RAC and all agreed that should have not been requested and that it was improper. Office concentration was discussed which basically embraces that land use in the area now and would allow some office development and some support in the area for commercial. When the meeting was over all the people were told staff would get back with them. He stated that Friday he called Ms. Uken and asked when the meeting would be and then she informed him staff was not going to recommend a change. He stated he asked for a deferral and Ms. Uken told him there was no need for a deferral. He stated he felt that was terribly wrong and that it was wrong the staff never got back to the residents to meet again with them, to work with them and to explain to them and what is more wrong is the staff, in their research, has not found out the facts about the property right across the street, that it is

100% utilized today in a commercial node. He asked the Commission to direct the staff to get back to the area residents.

No one else was present to speak at the public hearing.

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to defer the Subarea 13, Rice Road area, public hearing until January 9, 1997.

Mr. Bodenhamer stated that in fairness to the citizens this area should be looked at carefully because they are locked in by commercialism around Bell Road.

Mr. Browning advised the Commission the following Subarea 11 Plan Amendment public hearing was prompted by a rezoning request in October and was disapproved because it was not consistent with the comprehensive plan. The commission agreed to have a public hearing on the subarea plan. That rezone bill has proceeded through second reading in Council and is prepared for third reading, and the intent was that bill would be submitted back to the Commission for reconsideration based upon what is decided today. If the subarea plan is amended, the intent of the Councilmember was to have that bill reconsidered under the changed plan. He asked the Commission to add Zone Change Proposal No. 96Z-101U to the agenda and stated an addendum was being prepared.

PUBLIC HEARING: AMENDMENT TO SUBAREA 11 PLAN

Mr. Chris Hall presented the proposed amendment to the Subarea 11 Plan.

SA 11 is an inner city area located to the east of downtown, much of which is developed commercially and industrially, especially from the I-24 and I-40 interchange north to the Cumberland River. The proposed amendment involves land use policy changes for a specific portion of SA 11 along Lebanon Pike that consists of Mt. Olivet Cemetery and a residential area just to the east. This amendment was precipitated by a zone change request that came before the commission recently for land located adjacent to the CSX railroad.

Today, the proposed amendment involves policy changes from Residential Medium (RM), Residential Medium High (RMH), and Commercial Arterial Existing (CAE) policy to Industrial policy (IND) in the affected area.

- **RM** is a policy category designed to accommodate residential development within a density range of about 4 to 9 dwelling units per acre and is applied to a portion of Mt. Olivet cemetery between Lebanon Pike and the CSX railroad. In reference to Mt. Olivet, the plan states that the cemetery is expected to remain throughout the planning period but, if an interest is ever expressed in selling the portion of the cemetery fronting Lebanon Pike, careful consideration should be given to the types and scale of activity appropriate in this location and their environmental impact.
- **RMH** is a policy category intended for existing and future residential areas characterized by densities of about 9 to 20 dwelling units per acre and is applied to the area bordering the CSX railroad. The SA 11 plan states that this policy was applied to preserve a multi-family development which is expected to remain throughout the planning period.
- **CAE** is a policy category designed to recognize existing areas of strip commercial and is applied to a small area along Lebanon Pike. The intent of this policy application, according to the SA 11 plan, is to provide commercial and other uses ample space for expansion without necessarily growing along Lebanon Pike.

As mentioned the proposed amendment would change these policy areas to Industrial policy, which is a policy category intended to provide for existing and future areas of industrial and distribution development.

Staff's conclusion is that the application of **RM**, **RMH**, and **CAE** policies preserves existing uses rather than provides policy guidance for future development. At issue is the question of what the land use development direction should be if sites in the affected area become available for development. Staff concludes that this is not an area suitable or appropriate for future residential development. This area is generally used and is appropriate for industrial development. Staff based its conclusion on the following factors:

- The **RM** and **RMH** policy areas are essentially surrounded by Industrial Policy except for a small portion of CAE policy. The fact that the **RM** and **RMH** policy areas are bordered on all sides by industrial policy reduces the suitability of this land for future residential use. Residential uses should not be promoted in Industrial policy areas where support services are oriented towards industrial uses and where there are no easily accessible convenience services.
- Areas proposed for the policy changes are located along and directly accessible to Lebanon Pike (an arterial with four lanes). The **RM** and **RMH** policy areas are also adjacent to the CSX railroad. The fact that the **RM** and **RMH** policy areas are bordered on two sides by a four lane arterial and a functional railroad lends support for the application of industrial policy.
- There has been no market demand for residential development in the **RMH** policy area over a long period of time during which there have been two robust intervals of heavy apartment development in the Nashville market. The existing Residential PUD in the **RMH** area has been in existence since 1976 and occupies only a small portion of the policy area. At present, most of the policy area is vacant.
- In general, the land use policies applied to cemeteries are consistent with surrounding policies. The application of **RM** policy to a portion of Mt. Olivet Cemetery is inconsistent with surrounding land use policies and provides little opportunity for future redevelopment. The fact that the site is a cemetery will inhibit demand for this site to be developed residentially. In the future, Mt. Olivet could decide to sell portions of its property and **IND** policy would provide the most appropriate direction for redevelopment and reuse of these portions.
- The CAE policy addresses a small area along Lebanon Pike that does not exhibit unique conditions that distinguish it from the surrounding area and, therefore, does not warrant a different policy designation.

Based on these factors, staff concludes that Industrial Policy would provide the most appropriate and suitable policy direction for future development in this portion of Subarea 11 and recommends the proposed policy change. If a policy change does occur, the cemetery and the multi-family development would be protected as non-conforming uses. The effect of the policy changes would be to afford properties that come on the market an opportunity to develop in a manner similar to the surrounding uses.

There was no one in the audience to speak at the public hearing.

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

Resolution No. 96-940

METROPOLITAN PLANNING COMMISSION
OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE

“Whereas, the Metropolitan Planning Commission adopted the Subarea 11 Plan on June 3, 1993; and

Whereas, Chapter 4 Section 4.31 on Page 70 of this plan contains a Commercial Arterial Existing policy for area 8H; and

Whereas, the Land Use Policy Plan Map applies residential policies to the area of Mt. Olivet Cemetery between Lebanon Road and the CSX Railroad and to the existing apartment complex adjacent to the CSX Railroad; and

Whereas, a public hearing was held on November 25, 1996 to consider the merits of policy changes from Residential Medium, Residential Medium High and Commercial Arterial Existing to Industrial in the affected area; and

Whereas, the Commission finds the that this policy change is warranted so as to provide appropriate land use development opportunities for sites in the affected area that may become available for future development;

NOW THEREFORE, BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** Amendment No. 1 to the Subarea 11 plan as set forth in “Attachment A” to this resolution and incorporates this amendment into the Subarea 11 plan; and BE IT FURTHER RESOLVED that “Attachment A” be incorporated as an Appendix to the minutes of the meeting at which this resolution was adopted.

AMENDMENT NO. 1 TO THE SUBAREA PLAN

The Subarea 11 Plan is amended as follows:

- a) by deleting the paragraph beginning with Area 8H on Page 70 of Chapter 4, Section 4.31.
- b) by changing the Land Use Policy Plan identified as Figure 10 to reflect the changed area of CAE policy and by changing the Land Use Policy Plan Index Map identified as Figure 11 to reflect the deletion of area 8H, so as to correctly illustrate Amendment 1.
- c) by adding to the text in the paragraph pertaining to area 10J, on Page 75 of Chapter 4, Section 4.31:

Mt. Olivet Cemetery and the apartment complex to the east are expected to remain throughout the planning period. However, if sites in these areas come on the market, development should occur in a manner similar to the surrounding area and consistent with industrial land use policy.

- d) by changing the Land Use Policy Plan identified as Figure 10 to reflect the changed areas of RM and RMH policy as shown on attached Exhibit A and by changing the Land Use Policy Plan Index Map identified as Figure 11 to reflect the changed area as shown on Exhibit B.

Mr. Owens announced the addendum had been prepared and was ready for Commission action.

ADDENDUM

Zone Change Proposal No. 96Z-101U
Map 94C, Parcel 119
Map 106, Parcel 4
Subarea 11 (1993)
District 15 (Dale)

A request to change from RM8 and AR2a Districts to CG and AR2a Districts certain property abutting the west margin of the L & N Railroad, approximately 900 feet south of Lebanon Pike (14.74 acres), requested by Davis-LaFollette Enterprises, for Davis-LaFollette Enterprises and Mt. Olivet Cemetery, owners.

Mr. Browning stated this addendum needed to be added to the agenda so the Councilmember can be advised that the subarea plan has been amended and this rezoning would be consistent with the plan which is the only reason it was disapproved before.

After considerable discussion about the most appropriate way to reconsider the commission's previous disapproval of this zone change, it was determined that the policy amendment just approved justified reconsideration by the commission, and Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 96-941

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-101U is **APPROVED**:

This area was recently amended to commercial policy in the Subarea 11 Plan, which this rezoning will implement."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-112U

Map 81-6, Parcels 167 and 168

Subarea 8 (1995)

District 20 (Haddox)

A request to change from R6 District to CS District certain property abutting the north margin of Buchanan Street, approximately 150 feet east of 28th Avenue North (.46 acres), requested by E. W. Mayo, appellant/owner. (Deferred from meeting of 11/14/96).

Mr. Reid stated this property was in the middle of residential zoning. The nearest areas designated with commercial policy are to the east along Buchanan Street at D. B. Todd and along Clarksville Pike. The closest area for unmapped neighborhood policy is at the intersection of Buchanan and MetroCenter Boulevard. However, this parcel is clearly in residential policy and approving commercial zoning at this location could encourage commercial strip development and violate the residential area.

Mr. Reid pointed out there is a commercial building on this property. It was granted permission to operate as a non-conforming use prior to 1974 in this residential area and is still protected as a non-conforming use. However, commercial activities in this residential area should not be encouraged by introducing commercial zoning, and would not implement the residential policy in the subarea plan. Therefore, staff is recommending disapproval as contrary to the General Plan.

Mr. Lawson concurred with the staff presentation because there are so many areas like this throughout Nashville, and it defeats the planning process to allow this kind of spot development.

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

Resolution No. 96-942

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-112U is **DISAPPROVED as contrary to the General Plan**:

This property is in the middle of a block of R6 zoning. This area is within residential "low-medium" density policy (permitting up to 4 dwelling units per acre). CS zoning at this location would encourage commercial strip development which would violate the integrity of the residential policy in this neighborhood.

This property contains a commercial building which has existed prior to the 1974 adoption of the Zoning Regulations. This commercial building continues to be protected as a nonconforming use in this residential area.”

Mr. Bodenhamer stated there was someone present to speak but may not have sent in a written request.

Mr. Reid stated he did not receive a request to speak.

Chairman Smith asked the property owner to address the Commission.

Mr. E. W. Mayo stated he had just recently purchased this property, was semi retired, and had purchased the property because it has created a problem for the neighbors.

Mr. Dorcey Barnett stated the real problem was illegal drug activity.

Mr. Mayo stated he had over forty signatures on a petition in favor of turning the property into a restaurant. This would also create jobs and help get some people off of welfare.

Chairman Smith asked what the use of this property was before and how long it has been inoperative.

Mr. Reid stated the use of the property was a drive-in market in 1994 and then was approved for a Sir Pizza Restaurant, but for some reason the permit was never pulled. It has not lost its non-conforming status, and he suggested the applicant pursue a non-conforming use permit at the Board of Zoning Appeals for the chicken restaurant.

Chairman Smith stated that would be a good approach and would not be in conflict with the motion. He asked Mr. Reid to meet with Mr. Mayo and explain the process.

Councilmember Stewart Clifton arrived at this point in the agenda.

Zone Change Proposal No. 96Z-114U

Map 60-8, Parcels 26 and 27

Subarea 5 (1994)

District 4 (Majors)

A request to change from R10 District to CS District certain property abutting the north margin of Ben Allen Road, approximately 200 feet east of Dickerson Pike (1.06 acres), requested by Yvonne Collier, appellant/owner. (Deferred from meeting of 11/14/96).

Mr. Reid stated this request was deferred last meeting so the applicant could check into other options with the Board of Zoning Appeals. Staff is recommending disapproval because commercial zoning would impact the residential area to the rear and across the street. The worst possible interface with residential is when there is commercial across the street. If the Commission does decide to extend commercial zoning back they will also have to be willing to let other areas commercialize as well. The applicant is pursuing a non-conforming use permit to operate the roof manufacturing building on this property, but staff is recommending disapproval of the zone change.

Councilmember Don Majors stated the house in the middle of the property was 1,800 square feet on a one acre lot. In the rear there is a metal building and just to the right there are fuel tanks which Opryland uses to fuel their busses. He stated he felt staff had recommended against this proposal because of encroachment into the residential area. There would not be more encroachment than what Opryland has to the rear of this lot. The owners had also planned to use this house to live in on a permanent basis. There should be no

problem with them running the bookkeeping part of the business from their home and have the materials in the building at the rear of the property.

Chairman Smith stated the Commission's general feeling was that if the zoning was changed to CS the entire piece of property could be cleared and someone could put a traditional CS operation on the property and no one could stop them. At the last meeting the prospect of a non-conforming use was brought up and a deferral was granted so the applicant could pursue that side of it.

Councilmember Majors stated that after finding out the restrictions of a non-conforming use permit, it would not suit the applicant's needs.

Chairman Smith asked what were those restrictions.

Councilmember Majors stated one was that they could use only 500 square feet of the home as the business which would not be enough.

Chairman Smith stated that was a good size home office.

Mr. Reid stated the 500 square feet was a home occupation provision and would be either 20% or 500 feet, whichever is less.

Mr. Owens asked if the applicant was asking the BZA for a home occupation application or a non-conforming use application.

Mr. Reid stated they were applying for non-conforming use.

Mr. Owens stated the 500 square feet limitation would not apply.

Mr. Browning pointed out that maintaining a residence on the property would not be a permitted use in a CS zone. Chairman Smith was correct in saying that if it is zoned CS there is no guarantee the home will remain there nor there is no guarantee the building in the back of the property will remain there. The property could be completely cleared and other buildings of some commercial nature could be built.

Councilmember Majors stated that was true but considering the value of that particular house it was very unlikely.

Mr. Lawson stated that was true but if the property goes CS the house becomes worthless as a residence. From a policy standpoint and a standpoint of what is best for the neighborhood he supported the staff recommendation and going to the BZA would be the best procedure.

Ms. Yvonne Collier, applicant, stated she understood the Commission's concerns, but if this property were zoned commercial and would not be allowed to live there it could still be used as offices.

Chairman Smith stated the zoning would not be given to the applicant but it would be given to the piece of land.

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

Resolution No. 96-943

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-114U is **DISAPPROVED**:

The commercial policy along Dickerson Pike is intended to keep commercial oriented towards Dickerson Pike and focused away from the abutting residential areas. This expansion of commercial zoning would be an encroachment into this residential area. Residential properties exist across the street from this property and to the east.”

Zone Change Proposal No. 96Z-120U

Map 95-11, Parcel 190

Subarea 14 (1996)

District 15 (Dale)

A request to change from RS10 District to OP District certain property abutting the west margin of McGavock Pike, approximately 800 feet north of Elm Hill Pike (3 acres), requested by Tarun Sorti, appellant/owner.

Mr. Reid stated this proposal would expand commercial zoning into an existing residential area. There is commercial policy and zoning focused around Elm Hill Pike with a larger portion at the commercial node at the major intersection. Placing commercial zoning on this property would create a wedge that will go too far into the residential neighborhood. It will also encourage commercial zoning across the street and the subarea plan does not encourage commercial development on both sides of McGavock Pike. Therefore, staff is recommending disapproval.

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

Resolution No. 96-944

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-120U is **DISAPPROVED**:

This expansion of commercial zoning extends too far into this residential neighborhood. There is steep topography which separates the CS zoning boundary from the residential areas on both sides of McGavock Pike. Single family homes exist on the northern boundary of this property. There are a mixture of vacant residential parcels, single family homes, a church and a daycare center across the street along Lakeland Drive.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT:

Proposal No. 98-73-G

Hickory Hills Commercial

Map 40-4, Parcel 148

Subarea 2 (1995)

District 10 (Garrett)

A request to revise one lot of the final site development plan for the Commercial (General) Planned Unit Development District abutting the northeast corner of Old Hickory Boulevard and Hickory Hills Boulevard (0.90 acres), classified OP, to permit a 1,120 square foot addition to the convenience market/gas station and the addition of an 865 square foot car wash building, requested by James E. Stevens and Associates, for the Phillips 66 Company, owner.

Mr. Delaney stated a sewer service issue kept this proposal from being placed on the consent agenda. The applicant submitted the necessary information and fees on time but Metro Water Services has not finished their analysis for this proposal but has given verbal confirmation that sewer capacity is available for the site. Based on this, staff is recommending approval with conditions.

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

Resolution No. 96-945

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98-73-G is given **CONDITIONAL APPROVAL FOR A REVISION TO FINAL FOR A PHASE**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. This approval is contingent on the applicant’s ability to obtain a sewer availability letter from the Metropolitan Department of Water Services and pay all required sewer capacity fees.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 96S-256G (Public Hearing)
Robert H. DeMoss Subdivision, Resubdivision of Lot 5
Map 145, Parcel 54
Subarea 10 (1994)
District 33 (Turner)

A request to subdivide one lot into two lots abutting the east margin of Granny White Pike, approximately 170 feet south of Jefferson Davis Drive (2.32 acres), classified within the R40 District, requested by Ennis G. and Mary Dale Warf, owners/developers, Ragan-Smith Associates, Inc., surveyor.

Mr. Henry stated the applicant planned to insert a cul-de-sac into the property to create another building site. In April of this year, this Commission disapproved a plan of subdivision for this property because of a flag shaped arrangement of the lot. It violated the four to one provisions and therefore was disapproved. At that time there was an existing abandoned house on the property which has since been torn down and a new house is under construction. The issue with this plan of subdivision is the location of the proposed cul-de-sac which is only 170 feet away from Jefferson Davis Drive. The subdivision regulations require three hundred feet minimum separation between such intersections; for that reason the Metro Traffic Engineer is recommending disapproval. The other issue relating to this cal-de-sac is that it is not located in a manner to be accessible to the abutting properties if they should likewise subdivide in the future. Staff has pointed out that the best way to subdivide this property and meet the subdivision regulations would be to bring the cul-de-sac intersection directly across from Jefferson Davis Drive.

Mr. William Frash and Mr. Phillip Bennett, adjacent property owners, stated their concerns and opposition to the subdivision because of the houses being built with one house in back of another, submitted a petition in opposition and stated they were not interested in future subdivision of their properties.

Councilmember Ron Turner stated he felt it would be fair to Mr. Warf to be able to put two units on his two acre lot and that it would also preclude a developer from putting fourteen units on it in the future. In April of 1995 a flag shaped lot was approved just two lots north of Mr. Warf’s property. It provides access that is closer than 300 feet to Jefferson Davis Drive, provides for a flag shaped lot, provides for a private road that is thirty feet in width and provides access to a four lot subdivision. This seems unfair to Mr. Warf.

Mr. Manier asked if the staff remembered the circumstances regarding this lot.

Mr. Henry stated that when the Commission approved that plat, it was based on variances granted by the Board of Zoning Appeals in both street frontage and also in lot area for one of the lots. It is also not a public street; it is a private drive.

Councilmember Turner asked why the Board of Zoning Appeals granted that developer exactly what Mr. Warf has asked for when he couldn't get it from the Planning Commission.

Mr. Henry stated the action taken in April did not involve a variance in street frontage.

Councilmember Turner stated Mr. Warf's developer had come up with a proposal that would satisfy the Commission's concerns and in addition, while the cul-de-sac is totally on his property, it could also serve the lots to the north and south.

Mr. Frash stated the flag shaped lots Councilmember Turner was referring to were land locked and set down between hills.

Mr. Roger Fuqua, with Ragan-Smith Associates, stated staff recommend bringing a court off of Granny White Pike to create a cul-de-sac and two double frontage lots. He stated the location of the cul-de-sac was at the best location because of the sight distance. Staff stated they felt this plan was premature but Mr. Warf does not feel that way because he is ready to build. The only other option he would have would be to build a duplex.

Councilmember Turner stated Mr. Warf would like to withdraw the request for deferral.

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

Resolution No. 96-946

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-256G, is **DISAPPROVED since the proposed street intersection is only 170 feet from Jefferson Davis Drive and the minimum required distance between intersections is 300 feet (Subdivision Regulations 2-6.2.1.H).”**

Final Plats:

Subdivision No. 96S-408U
Golf Club Place Condominiums
Map 117-7, Parcel 68
Subarea 10 (1994)
District 25 (Kleinfelter)

A request to create 43 units abutting the southeast corner of Golf Club Lane and Hillsboro Pike (2.49 acres), classified within the RM8 District, requested by Golf Club Place Associates and The Ashland Company, owners/developers, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Henry stated this plat was actually recording one parcel for the 43 condominiums units. Normally this procedure is done administratively but staff failed to take this item off of the agenda and do that in a timely manner so staff is now recommending approval of this plat.

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

Resolution No. 96-947

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-408U, is granted **APPROVAL**.”

Subdivision No. 96S-416U
919-921 Locklayer Street (MDHA Property)
Map 82-13, Parcels 73, 74 and 75
Subarea 8 (1995)
District 20 (Haddox)

A request to consolidate three lots into two lots abutting the south margin of Locklayer Street, approximately 245 feet east of 10th Avenue North (.22 acres), classified within the RM8 District, requested by Metropolitan Development and Housing Agency, owner/developer, Thornton and Associates, Inc., surveyor.

Mr. Henry stated this area was subdivided into very narrow lots in 1914. The lots were created at a width of 35 feet and at some point a portion of this property subdivided and left only 25 feet of a lot which is entirely unbuildable. MDHA, as part of the urban homesteading program, has acquired these properties and are consolidating the three lots into two lots with street frontage of 47.5 feet each. That is less than the 50 foot standard street frontage required by the subdivision regulations. Staff believes that a variance to the minimum street frontage is justified given that these lots are considered legal at the present time and the replatting will actually increase the amount of street frontage per lot.

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

Resolution No. 96-948

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-416U, is granted **APPROVAL with a variance to the minimum street frontage requirement (Subdivision Regulations 2-4.2.A) since the consolidation of the three legally, non-complying lots into two lots will provide a more buildable site in the Phillips Jackson Redevelopment District.**”

Request for Bond Extension:

Subdivision No. 50-86-P
East Colony at Riverbend
East Colony at Riverbend, J.V.

Located abutting the southeast corner of Poplar Creek Road and Old Harding Pike.

Mr. Henry stated Councilmember Lineweaver had requested the Commission wave the sidewalk requirements for this subdivision; the Commission declined to do so. The sidewalks should have been installed before now, and staff is suggesting that Metro use the performance bond to complete the work if the subdivider has not done so by January 30, 1997. They are requesting an extension for six months. Public Works says they could actually install these sidewalks by January 1st. Staff is recommending disapproval of the request for extension and authorization for collection if work is not completed by January 30th, 1997.

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

Resolution No. 96-949

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for an extension of a performance bond for Subdivision No. 50-86-P, Bond No. 87BD-033, East Colony at Riverbend, in the amount of \$6,000.00 covering road, drainage, water and sewer, and requests **Authorization to Collect if construction of all sidewalks and correction of minor drainage problems has not been completed by 01/30/97.**"

MANDATORY REFERRALS:

Proposal No. 96M-139U
Council Bill No. O96-513
Advertising on Bus Benches
Map: Various
Subarea: Various
District: Various

A mandatory referral approving a council bill that would permit advertising on bus benches in residential areas.

Ms. Blue stated this was a request to approve a Council bill that would amend the Metro Code of Law section 12.48.90 which currently prohibits the placement of advertising on MTA bus benches located in residentially zoned districts. MTA currently places advertising on such benches and has determined the use of these benches is a valuable method of advertising. Staff recognizes MTA serves an important public purpose and is cognizant that the agency's continuous struggle for funding necessitates creative methods of financing; however, staff has two concerns. First, that the code as amended will encourage the proliferation of commercial signage in residential districts, and secondly, that the question remains as to whether or not the code, as amended, would conflict with the sign ordinance.

Chairman Smith asked if the bus company bundled their advertising.

Ms. Blue said she was not certain but the total revenue from advertising was approximately \$500,000 per year.

Mr. Manier stated they needed all the money they could get and it would be a positive thing to make the exception.

Mr. Lawson stated he recognized the need for MTA to have funds but this would be letting money for a particular agency drive a policy change that is not in the best interest of the neighborhoods. Billboards have their place but it is not in the residential areas.

Mr. Bodenhamer asked what was the difference between the bench signs and the buses that go through the residential areas.

Mr. Lawson stated they did not stay there and they are not stationary.

Mr. Manier asked if it was inferred how much this incremental change would produce money wise in the long run.

Mr. Browning stated it was thought that it was a simple solution to put these bench signs in residential areas where it is not single family areas but in multi family areas; that appeared to be a simple solution. However, question has now been raised whether these signs are classified the same as billboards, in which case they would violate the zoning ordinance sign provisions in any residential district, and perhaps would be in violation in many of the business zones. Mr. Browning stated Mr. Bob Babbitt had requested that this issue be withdrawn. However, it can only be disapproved since it is referred to the commission as a council bill.

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

Resolution No. 96-950

"BE IT RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES** Proposal No. 96M-139U.

OTHER BUSINESS:

3. Discussion of proposed zoning maps.

Mr. Jerry Fawcett and Mr. Bob Eadler presented the Commission with samples of the new zoning maps and explained the process of the changes.

Mr. Manier asked if the base zoning was going to be changed to fit the General Plan.

Mr. Browning stated the subarea plans were driving the changes. When choosing between the current zoning on one hand and the subarea plan on the other hand, a decision will have to be made to which one to go with. Hopefully, they are not that different but if they are, we are obligated by law to go by the subarea plan.

Councilmember Clifton stated he recalled that staff was originally hoping the entire zoning code could be adopted without doing the maps because it would slow down the process. It was Don Jones' opinion that Councilmembers would ask what does this mean for their district. Mr. Jones encouraged all working on this process to begin incorporating the new mapping. The Council has no expectation, by adopting the zoning code, that they are actually going to change the zoning actually applied on the maps. The original understanding was that the new maps needed to be matched up with the existing zoning and pick the one that is as close as possible to the current zoning categories. This would be the time, since it is a Council action, to conform those areas that should be something else on the subarea plans up to the point where there would not be a serious controversy. This should be incorporated more or less as a housekeeping change to change the new zoning categories with the subarea plan. The Council is not expecting a new set of maps which correspond to subareas in those areas where there is significant Council or community differences of opinion.

Mr. Manier stated that politically it would be best to minimize the map changes.

Chairman Smith asked if there was a substantial land use difference county wide.

Councilmember Clifton stated there was a lot of land in a "holding zone", such as AR2a which is clearly not going to be agricultural at all in that zone.

Mr. Browning stated there were lots of areas that were already developed commercially that are still base zoned residential.

Chairman Smith asked if that would be taken care of.

Mr. Browning stated it was staff's intent to make these changes.

Councilmember Clifton stated it would not be a significant change the way he looked at it because if you are conforming to the existing use on the ground it is a different issue.

Mr. Browning stated that in the East Nashville area there are a lot of little neighborhood CSL's that have never developed as commercial, and the staff is mapping those as RS10 or RS8 or to whatever the basic pattern is in the area, because otherwise the policy in the subarea plan does not say you should have these little neighborhood commercial nodes on the street corners.

Mr. Manier stated it seemed to him the Commission should have their goals in focus and the goal is to get a good ordinance and then map because it is required by law and needed as a functional item. All this is a practical political problem of what can be approved. Zoning is a constant change in maps but we do not want to do it by means of this ordinance or it will jeopardize the ordinance. The maps should be as close to what they are right now, even though the designation is different, because the ultimate goal is to get the ordinance passed.

Councilmember Clifton asked if the time line was appropriate because of the tremendous amount of work to be done on the maps.

Mr. Browning stated that the issue was that staff is going to prepare the maps, and are trying to make as gentle a move as possible from the current zoning to the proposed zoning, but are doing that in light of subarea policy which legally we are bound to do. If the Commission differs from how that is done, there needs to be adequate time for the map review and notification to staff regarding the results. Mr. Fawcett has said the maps will be ready for review by mid January and from that point the Commission will have until the March public hearing.

Chairman Smith asked Mr. Fawcett to bring some examples of specific controversial areas to the next meeting.

4. Legislative Update.

Mr. Owens provided an update on the current legislative status of items previously considered by the Commission. He stated this was the special public hearing at Council and one of those items was the zone change on Reynolds Road, east of the airport, regarding the quarry and that bill was unanimously disapproved.

Mr. Bodenhamer asked, since Council had turned down the rezoning, where does that leave the Commission with the subarea plan. He stated he had heard Mr. Fawcett had been re-approached to try to get this land use re-considered and re-heard.

Mr. Fawcett stated he had discussed this with the Councilmember and several residents in the area but that he had not heard anything since that conversation.

Mr. Manier stated he was concerned to hear Councilmembers use the planning staff to blame for a lot of things that are most upsetting to hear.

Mr. Fawcett stated that in this particular incidence, which Councilmember Hall referred to earlier in the meeting, during a conversation with Councilmember Hall regarding Subarea 13, he was told staff had additional information but it would not lead to a different conclusion but staff would be glad to meet with him and the residents. At that time Councilmember Hall stated he did not want to have a meeting if staff was not willing to compromise.

Mr. Fawcett said the problem was he could not tell Councilmember Hall that automatically by having a meeting that staff would reach a different conclusion.

Chairman Smith said he never wanted the Commission or staff to get in the position where they feel they are unable to communicate, unless someone from the Legal Department is present.

Ms. Nielson stated staff was present to give an analysis and make judgments that best fit the rules but striking deals and compromising is not what staff is supposed to do.

PLATS PROCESSED ADMINISTRATIVELY:

November 14, 1996 - November 26, 1996

- 96S-358U Laroche Industrial Park, Resubdivision of Lot 8
Subdivided one industrial lot into two lots.

- 96S-403G Alice G. Hitt Estates, Resubdivision of Lot 1
Reconfigures one platted lot by adding additional area from a larger parcel,
remaining for over five acres

- 75-87-P River Glen Phase Four, Section 1, First Revision
96S-098G Minor Adjustment to the frontage of two platted lots.

- 31-86-P The Grove at Richland, Resubdivision of Lot 1A
Minor amendment to the common property line between
two platted lots.

- 96S-402U Rock City Realty Company, Inc. Property
Modification of common property line between two parcels

- 97S-001G Mappleside Subdivision, Resubdivision of Lots 1 & 2
Reconfiguration of two platted lots

- 96S-374U Morefield Proeprties, Inc.
Subdivide one lot into two

ADJOURNMENT:

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

Chairman

Secretary

Minute approval:
This 12th day of December 1996