

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: April 15, 1999
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James E. Lawson, Vice Chairman
Frank Cochran
Tim Garrett, Councilmember
William Manier
Ann Nielson
Douglas Small
Stephen Smith
Marilyn Warren

Absent:

Mayor Philip Bredesen
Gilbert N. Smith, Chairman

Others Present:

Executive Office:

T. Jeff Browning, Executive Director
Carolyn Perry, Secretary II

Current Planning & Design Division:

Theresa Carrington, Planning Division Manager
Mike Calleja, Planner III
Jennifer Regen, Planner III
John Reid, Planner II
Robert Leeman, Planner I
Jeff Stuncard, Planner I
James Russ, Planning Technician I

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Cynthia Lehmbeck, Planner III
Anita McCaig, Planner I

Advance Planning & Research:

John Boyle, Planning Division Manager
Michelle Kubant, Planner I
Josh Rechkemmer, Planning Technician I
Cyrus Shiek, Planner I
Paige Watson, Planner I

Others Present:

Jim Armstrong, Public Works
Nicole Rodrigue, Legal Department

Vice Chairman Lawson called the meeting to order and introduced Mr. Frank Cochran as a new member.

ADOPTION OF AGENDA

Ms. Carrington announced under Zone Change Proposal No. 99Z-034U, the Council Bill No. O99-1553 should be O99-1589, and under PUD Proposal No. 33-86-P the Council District should be District 16 (Graves).

Nielson moved and Mr. Manier seconded the motion, which unanimously passed, to adopt the agenda with the above noted corrections.

ANNOUNCEMENT OF DEFERRED ITEMS

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

99S-146G	Deferred indefinitely, by applicant.
99S-134U	Deferred two weeks, by applicant.
28-79-G	Deferred two weeks, by applicant.
98S-286U	Deferred two weeks, by applicant.
99S-149U	Deferred two weeks, by applicant.
328-84-G	Deferred two weeks, by applicant.

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

APPROVAL OF MINUTES

Ms. Nielson moved and Mr. Stephen Smith seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of April 1, 1999.

RECOGNITION OF COUNCILMEMBERS

Councilmember Phil Ponder stated he was in support of all the proposals in his district, and that he would stay for the discussion on the McDonald Subdivision.

Vice Chairman Lawson informed Councilmember Ponder the McDonald Subdivision had been deferred indefinitely.

Councilmember Vic Lineweaver stated Morton Mill Road was still under construction and they are still laying a water line and a force sewer main. He said he had spoken with Mr. Browning and thought they were going to take some action in 2 weeks because of expiration of the developer's letter of credit.

Councilmember Kleinfelter spoke regarding 99Z-026U and stated he hoped a compromise can be reached between the school and neighbors before the bill reaches Council. This Commission is bound by the subarea plan and in it there is significant language that favors the conservation of different types of existing neighborhoods.

Councilmember Eric Crafton spoke in favor of Zone Change Proposal No. 99Z-040G. He stated he had held a community meeting and the area homeowners were very much in favor of this proposal.

Councilmember Sloss spoke in favor of Zone Change Proposal No. 99Z-018U. This proposal would allow the Hard Rock Café to put up a piece of artwork on the corner of their property, which would give them the same advantages and presence that all other businesses on Broadway have. He also spoke in favor of Zone Change Proposal No. 99Z-046U, which deals with Morning Star Baptist Church.

Mr. Cochran asked Councilmember Sloss if the area where the Hard Rock Café is located was in the Historic Zoning Overlay when it was built.

Mr. Sloss responded the historic zoning overlay was drawn after the Hard Rock had already moved in.

ADOPTION OF CONSENT AGENDA

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

SUBAREA 14 (1996)

Subdivision Proposal No. 99S-142G

Jackson's Grove, Phase 3
Map 86, Part of 108
District 12 (Ponder)

A request for final plat approval to create 16 lots abutting the southeast terminus of Jackson Place, approximately 200 feet southeast of Travelers Place (7.46 acres), classified within the RS15 Residential Planned Unit Development District, requested by Consolidated Realty Services, Inc., owner/developer, Dale and Associates, surveyor.

Resolution No. 99-272

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-142G, is **APPROVED SUBJECT TO A BOND OF \$132,500.00 (8-0).”**

Zone Change Proposal No. 99Z-041G

Council Bill No. O99-1632
Map 75, Parcels 54 (31.95 acres), 66 (3.12 acres),
and 67 (17.35 acres)
District 12 (Ponder)

A council bill to change from RS15 to RM2 district property at 4151 Andrew Jackson Parkway and Route 2 Chandler Road (52.42 acres), requested by David Parker, appellant, for Walter Eugene Hughes, et ux, owners.

Resolution No. 99-273

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-041G is **APPROVED (8-0)**:

These properties fall within the Subarea 14 Plan’s Residential Low Medium (RLM) policy calling for up to 4 units per acre. The RM2 district is consistent with RLM policy. Multi-family uses are appropriate on these properties which are uniquely located between the Stoner’s Creek floodplain and the Nashville and Eastern Railroad near the intersection of two major arterial streets. These boundaries will provide sufficient separation from surrounding single-family developments and will encourage the clustering of multi-family units outside of the Stoner’s Creek floodplain. The floodplain provisions of the Zoning Regulations should sufficiently protect the Stoner’s Creek floodplain.”

PUD Proposal No. 98P-001G

Cameron at Hermitage
Map 97, Part of Parcel 46 (0.3 acres)
District 12 (Ponder)

A request for final approval for an existing water tank in the Residential Planned Unit Development District abutting the north margin of Bell Road and the northeast margin of Dodson Chapel Road, classified RM9, to permit the existing 155 foot tall, 750,000 gallon water tank, requested by Alley and Associates, for the Cumberland Utility District.

Resolution No. 99-274

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98P-001G is given **APPROVAL (8-0)**.”

SUBAREA 13 (1996)

PUD Proposal No. 1-74-G

Hickory Hollow Mall (Bill Heard Chevrolet)
Map 163, Parcel 267
District 28 (Hall)

A request to revise the preliminary plan and for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the south margin of Hickory Hollow Parkway, north of CSX Railroad (2.42 acres), classified SCR and R10, to add a two-story, 5,134 square foot used car sales building, replacing a portion of the used car sales parking lot, requested by Barge, Cauthen and Associates for Century Land Company-Tennessee, owners.

Resolution No. 99-275

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 1-74-G is given **CONDITIONAL APPROVAL TO REVISE A PORTION OF THE PRELIMINARY AND FINAL APPROVAL FOR A PHASE (8-0)**. The following condition applies:

Prior to the issuance of any building permits, written 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.”

Mandatory Referral Proposal No. 99M-051U

Antioch Pike Easement Acquisition

Map 134, Parcels 45, 86-88, 90, 116, 117, 229 and 267
Map 134-5, Parcels 10-15 and 17-25
District 27 (Sontany)

A request from the Department of Water Services for the acquisition of easements to accommodate a 12" water main on property abutting Antioch Pike (96WG0009).

Resolution No. 99-276

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 99M-051U."

Request for Bond Replacement
Subdivision No. 98S-314U
Antioch Woods, Section 2
Deluxe Homes LLC, principal

Located abutting the northeast corner of Moss Road and Una Antioch Pike.

Resolution No. 99-277

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for replacement of a performance bond for Subdivision No. 98S-314U, Bond No. 98BD-093, Antioch Woods, Section 2 in the amount of \$53,000 subject to submittal of appropriate security by **5/15/99**. The purpose of this replacement is a change in the security from one bank to another. An Irrevocable Letter of Credit will continue to be the method of security. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

SUBAREA 10

Subdivision Proposal No. 99S-127U
O. B. Hayes, First Plan of Small Lots,
Lots 94-97
Map 92-16, Parcel 370
Map 104-4, Parcel 71
District 19 (Sloss)

A request for final plat approval to consolidate four lots into one lot abutting the west margin of Music Square West, approximately 150 feet south of Chet Atkins Place (.71 acres), classified within the ORI District, requested by Capstar Radio Operating Company, owner/developer, Cherry Land Surveying, surveyor.

Resolution No. 99-278

"**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-127U, is **APPROVED (8-0).**"

Request for Bond Release
Subdivision No. 97S-464U
BMG Music Complex

AB1, LLC, principal

Located abutting the southeast corner of Horton Avenue and 18th Avenue South.

Resolution No. 99-279

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 97S-464U, Bond No. 98BD-047, BMG Music Complex in the amount of \$7,500.”

SUBAREA 9 (1997)

Zone Change Proposal No. 99Z-043U
Council Bill No. O99-1603
Map 93-5, Parcel 171
District 19 (Sloss)

A council bill to change from CF to CC district property at 223 8th Avenue North, on the south margin of Union Street (.26 acres), requested by Ralph Henry, appellant, for National Life and Accident Insurance Company, owners.

Resolution No. 99-280

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-043U is **APPROVED (8-0)**:

These properties fall within the Subarea 9 Plan’s Central Business District (CBD) policy calling for intensification of retail, office, entertainment and higher density residential uses in the central core. The CC district is consistent with CBD policy and the expansion would be appropriate to James Robertson Parkway and southward to the rear property lines along Church Street.”

Mandatory Referral Proposal No. 99M-049U
Hilton Suites Easement Acquisition
Map 93-6-3, Parcels 105-110 and 112
Map 93-6-4, Parcel 103
District 19 (Sloss)

A request from the Department of Water Services for the abandonment of an existing sewer service line and for the acquisition of easements to accommodate sewer improvements for the Hilton Suites site and other adjacent property (96SG0001).

Resolution No. 99-281

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 99M-049U.”

SUBAREA 11 (1993)

PUD Proposal No. 33-86-P

Council Bill No. O99-1631
Whitsitt Elementary School
Map 119-6, Parcel 367
District 26 (Graves)

A council bill to cancel the undeveloped, 19 unit multi-family Residential Planned Unit Development District abutting the north margin of Whitsitt Road, adjacent to Whitsitt Elementary School (2.43 acres), classified R10, requested by Volunteer Surveying for Metropolitan School Board, owner.

Resolution No. 99-282

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 33-86-P is given **APPROVAL (8-0)**.”

SUBAREA 5 (1994)

Zone Change Proposal No. 99Z-042U
Map 72-13, Parcel 376
District 7 (Campbell)

A request to change from CS to ORI district property at 1310 Gallatin Avenue, approximately 160 feet south of Strouse Avenue (.19 acres), requested by Nashville Auto Diesel College, Inc., appellant/owners.

Resolution No. 99-283

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-042U is **APPROVED (8-0)**:

These properties fall within the Subarea 5 Plan’s Commercial Arterial Existing (CAE) policy calling for office, commercial and higher density residential uses. The ORI district is consistent with CAE policy and will contribute to the viability of the Nashville Auto Diesel College which has existed at this location since 1935.”

Mandatory Referral Proposal No. 99M-052U
Council Bill No. O99-1582
Property Transfer: 619-621 South 8th Street
Map 93-4, Parcels 68 and 72
District 6 (Beehan)

A council bill authorizing the transfer of properties located at 619-621 South 8th Street and owned by the Metropolitan Government of Nashville and Davidson County to the Metropolitan Development and Housing Agency.

Resolution No. 99-284

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 99M-052U.”

SUBAREA 12 (1997)

Subdivision Proposal No. 99S-141U
Brentwood Chase, Section 2

Map 160, Parcels 237, 238 and Part of Lot 191
District 32 (Jenkins)

A request for final plat approval to create 24 lots abutting the north margin of Old Hickory Boulevard and the southwest margin of Hill Road (8.56 acres), classified within the R20 Residential Planned Unit Development District, requested by Wilson Concord, L.P., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 99-285

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-141U, is **APPROVED SUBJECT TO A BOND OF \$21,500.00 (8-0).**”

Subdivision Proposal No. 99S-148U
Regency/Brentwood East
Map 161, Parcels 84.1, 84.2 and 188
District 31 (Alexander)

A request for final plat approval to subdivide three parcels into three lots abutting the southeast corner of Old Hickory Boulevard and Edmondson Pike (4.63 acres), classified within the SCC and CS Districts, requested by Regency Realty Group, Inc. and HJL, L.P., owners/developers, Cherry Land Surveying, surveyor.

Resolution No. 99-286

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-148U, is **APPROVED SUBJECT TO A BOND OF \$55,000.00 (8-0).**”

PUD Proposal 97P-040U
Brentwood Chase
Map 160, Part of Parcel 191
District 32 (Jenkins)

A request to revise a portion of the final plan of the Residential Planned Unit Development District located abutting the north margin of Old Hickory Boulevard and the west margin of Hill Road (12.82 acres), classified R20, to permit 88 townhomes and to redesign the development’s street layout, requested by Anderson-Delk and Associates for Wilson Concord, L.P., owners.

Resolution No. 99-287

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-040U is given **CONDITIONAL APPROVAL TO REVISE A PORTION OF THE FINAL PLAN (8-0).** The following conditions apply:

1. Prior to the issuance of any building permits, written confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, a final subdivision plat shall be recorded and any bonds necessary for public improvements shall be posted.”

SUBAREA 6 (1996)

Zone Change Proposal No. 99Z-040G
Council Bill No. 099-1628
Map 127, Parcel 85
District 23 (Crafton)

A council bill to change from R40 to OL district property at 7716 George E. Horn Road, abutting the east margin of Harpeth Valley Road (5.95 acres), requested by Hunter McDonald, III, appellant, for Edward M. Polk, Jr., et al, owners.

Resolution No. 99-288

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-040G is **APPROVED (8-0)**:

This property falls within the Subarea 6 Plan's Office Transitional (OT) policy calling for office transition uses and appropriate opportunities for office, retail and higher density residential uses around the Bellevue Mall activity center. The OL district is consistent with OT policy and is also appropriate for parcels 78 and 274."

SUBAREA 3 (1998)

PUD Proposal No. 38-87-P
Temple Valley Condominiums
Map 58, Parcel 113
District 1 (Patton)

A request to revise the preliminary plan of the Residential Planned Unit Development District located abutting the west margin of Clarksville Pike, 650 feet north and opposite Fairmeade Drive (29.24 acres), classified RS15, to delete one unit and add a single-family home for the church pastor, requested by Barge, Waggoner, Sumner and Cannon for Temple Baptist Church, owners.

Resolution No. 99-289

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 38-87-P is given **CONDITIONAL APPROVAL TO REVISE THE PRELIMINARY PLAN (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, written confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, a boundary plat and final subdivision plat shall be recorded.
3. Prior to the issuance of any Use and Occupancy permits, a crash gate shall be constructed at the Putnam Drive access point, as shown on this revised plan."

SUBAREA 8 (1995)

Subdivision Proposal No. 99S-126U
Greater St. John Baptist Church
Map 81-2, Parcels 185, 188 and 189

District 20 (Haddox)

A request for final plat approval to consolidate two lots and two parcels into one lot abutting the northeast margin of Clarksville Pike, between 25th Avenue North and 26th Avenue North (3.24 acres), classified within the CS District, requested by Greater St. John Baptist Church, owner/developer, Cherry Land Surveying, surveyor.

Resolution No. 99-290

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-126U, is **APPROVED (8-0).**”

Mandatory Referral Proposal No. 99M-050U

Council Bill No. O99-1602
14th Avenue North Property Transfer
Map 81-11, Parcels 399 and 400
District 20 (Haddox)

A council bill authorizing the transfer of properties located at 1531 and 1533 14th Avenue North and owned by the Metropolitan Government of Nashville and Davidson County to the Metropolitan Development and Housing Agency.

Resolution No. 99-291

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 99M-050U.”

SUBAREA 7 (1994)

Request for Bond Extension:

Subdivision No. 97S-204U
Brookwood, Phase 2
[Buildout is at 25%]

Located abutting both margins of Brookewood Place, approximately 115 feet east of Nashua Lane.

Resolution No. 99-292

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** a request for extension of a performance bond for Subdivision No. 97S-204U, Bond No. 98BD-006, Brookewood, Phase 2, in the amount of \$27,000 to 8/15/99 subject to submittal of an amendment to the present Letter of Credit by **5/15/99** which extends its expiration date to 2/15/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

This concluded the items on the consent agenda.

SUBAREA 14 (1996)

Request for Bond Extension and for

Variance to Sidewalk Requirement
Subdivision No. 95S-398G

New Hope Estates, Phase 2
Raymond D. Lane, principal

Located abutting the west margin of New Hope Road, approximately 115 feet south of Farmingham Woods Drive.

Ms. Carrington stated this is a request for a bond extension and a variance to the sidewalk requirements. Staff is recommending approval of the request for an extension for the performance bond until July 1, 1999. However, staff is recommending disapproval of the request for a variance to the sidewalk requirement. The Commission may recall we had a workshop on this issue last fall where there are subdivisions that sidewalks were required but they were not shown on the construction plans and they have not been put in. In this case their buildout is at 65% so there is still time to get the sidewalks in. They do not meet any of the exemptions in the Subdivision Regulations and staff saw no justification for a variance in this case.

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

Resolution No. 99-293

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95S-398G, Bond No. 95BD-087, New Hope Estates, Phase 2 in the amount of \$23,000 to 7/1/99 subject to submittal of an amendment to the present Letter of Credit by **5/15/99** which extends its expiration date to 1/2/2000 and **DISAPPROVES** the request for a variance to the sidewalk requirement because the development does not meet the criteria for exemption stated in the Subdivision Regulations. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

SUBAREA 10 (1994)

Zone Change Proposal No. 99Z-026U

Council Bill No. O99-1610

Map 103-16, Parcels 12-15, 22-28, 52-90,
92-94, 117 and 121

Map 116-4, Parcels 1-11, 13, 188, 210
and A001-A002

Map 166-4, Parcels 217 and 218
District 25 (Kleinfelter)

A council bill to apply the Neighborhood Conservation Overlay District on properties between Wilson Boulevard, Woodlawn Drive, Brighton Road, and Ensworth Avenue, along a portion of the western margin of Ensworth Avenue (43.08 acres), requested by the Metropolitan Historical Commission, appellant, for various owners. (Deferred from meeting of 3/18/99).

Ms. Regen stated staff is recommending disapproval of the proposed boundary for this Conservation Overlay District. The proposal is to include 74 properties in the district. Within the proposed district there are 47 properties that the Metropolitan Historical Zoning Commission has determined to be historic, which represent approximately 64% of the properties. Currently staff has a petition that has been signed by 61% of the property owners in support of the proposed boundaries. MBA owns 7 properties along Brighton Road, 4 of which are historic.

One issue that has come up is whether the boundary should be revised to exclude those properties fronting Brighton Road on the south side. If that revised boundary were adopted there would be 18 properties excluded from the district, 13 of which have been determined to be of historic nature. Staff is in support of the revised boundary which would include the remaining properties but which would exclude those properties fronting Brighton Road.

Staff has received a number of requests to speak and 2 letters of opposition for any boundary and one letter in favor of the boundary. Staff is in support of the revised boundary because it would provide a good compromise between the institutional use and the residential neighborhood. The boundary would allow MBA's expansion and preserve a large concentration of the historic properties within the Conservation Overlay District.

Dr. F. T. Billings and Mr. Larry Snedeker spoke in opposition to the Conservation Overlay District and asked the Commission to remove Woodlawn Drive from the overlay district.

Mike Kaplan also spoke in opposition to the Conservation Overlay District and asked that his property at the corner of Wilson and Kimpalong be removed from the overlay district.

Mr. Irwin Venick, president of the neighborhood association, stated he lived on Kimpalong and spoke in favor of the Conservation Overlay District to protect his home from being taken over by MBA. He stated he would be willing to compromise with MBA on street closures so they could maximize the use of their property and by doing so it would provide some protection for the neighborhood in the future.

Ms. Carol Arms, spoke in favor of the Conservation Overlay District and stated preserving existing older neighborhoods is the focus of the Subarea 10 Plan. The goals and objectives of the Concept 2010 General Plan also recognize the value of older established neighborhoods as being part of the quality of life issues that make preserving residential neighborhoods essential. The General Plan also states that demolition of housing should be seen as a last resort.

Mr. Ben Gambill, Chairman of the MBA Board of Trust, spoke in opposition to the overlay and stated the decision to acquire more property around the campus was prompted by a need to provide students with appropriate facilities and programs. Since 1996 MBA has met on regular basis with the neighborhood to discuss campus plans and needs. MBA has significantly restricted the acquisition plans in hopes of reaching a compromise. MBA realizes that the acquisition of needed properties will be a long time venture and are interested in properties only when the sellers wish to sell their homes. MBA has not solicited or pressured neighbors to sell their properties and have offered fair market prices when houses have become available for sale.

Mr. Joe Hodgson, landscape architect, explained the master plan to the Commission.

Mr. Robert Rutherford, attorney representing MBA, spoke in opposition to the proposal and stated MBA is a good neighbor and has been in this location since 1915. The only compulsion to impose this overlay is the desire to block MBA with its reasonable expansion plans. He asked the Commission to disapprove the proposed overlay.

Mr. Jim Thompson, spoke in favor of the conservation overlay. Neighbors have come together to preserve the safety, character and architecture of the neighborhood. The neighborhood is seeking to impose upon itself an additional layer of zoning control in order to accomplish this goal. The zoning overlay is consistent with the Master Plan for the area.

Mr. Emmons Hicks Woolwine III stated he and his wife were concerned with how certain members of the neighborhood coalition seeking a historical overlay adjacent to MBA have engaged in a pattern of misinformation, and intimidation in order to further their misplaced animosity toward this stellar Nashville institution. He went on to explain his reasons for being opposed to the overlay district.

Mr. Steve Iler stated he and his wife were neutral initially on the subject of the Conservation Overlay, and attended some of the community meetings. Those meetings quickly became an anti MBA forum. He presented the Commission with a petition in opposition to the overlay signed by 75% of the owners on Brighton Road.

Mr. Manier stated it the Commission was not here to draw lines. There is a plan in front of us, and it needs to be voted up or down.

Mr. Frank Cochran stated that after looking over the rules and regulations of creating Historic Conservation Districts and Historic areas, the only thing he had heard today is a neighborhood that doesn't want the expansion of MBA. There are no criteria that this neighborhood meets to deserve this change.

Mr. Small stated the Historic Zoning Commission had recommended approval of this designation. Therefore, for whatever criteria they have, this area does fit those standards. It is unfortunate not everyone's needs will be met on this issue. He agreed with Mr. Cochran that it seems the issues of this case are based on trying to find a way to keep MBA from expanding as opposed to preserving the neighborhood.

Ms. Warren stated this Conservation Overlay is coming up at a very bad time. She stated she didn't know if the neighborhood association would be in favor of this overlay if it wasn't for MBA buying some homes on Brighton and coming up with an expansion plan. This cheapens the use of the roll of Conservation and Historical Overlays. If that is the answer people have for not wanting expansion it is an improper use of tools that are given to the community to protect legitimate neighborhoods and historical values. She said she was willing to be in favor of the staff recommendation until she heard the people on Woodlawn say their homes were not in comparison to Kimpalong. All the homes on Kimpalong and Woodlawn are wonderful homes but they are not the same. Now, after listening to the people on Woodlawn it seems this is very bad timing and she indicated she opposed the overlay.

Mr. Manier stated there is a potential for some type of accommodation if all parties could reach some understanding. There are two or three ideas on the table so it would be presumptuous for this Commission to become the drawer of lines. There is only one thing in front of us and that is the plan that was presented and that he would be opposed to it.

Mr. Stephen Smith stated 2 or 3 homes on Woodlawn are the most significant, and they don't want the overlay. He stated he was opposed to the proposal.

Councilmember Garrett stated he was really surprised the Historical Commission would get involved in this issue because it was an issue between the neighbors and MBA and it didn't help the credibility of the Historical Commission to get involved. He stated he agreed with staff recommendation.

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

Resolution No. 99-294

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-026U is **DISAPPROVED (8-0)**:

These residential properties fall along the boundary of the Montgomery Bell Academy (MBA) campus. It is important to provide a balance between reasonable expansion opportunities for MBA while protecting this residential neighborhood. The proposed conservation overlay district boundary along Brighton Road does not recognize this balance since there are no reasonable expansion opportunities for MBA. It is not appropriate to apply the conservation overlay district to the properties along Woodlawn Road since the character is different than the remainder of this neighborhood. In addition, there was not substantial support of property owners throughout the proposed district."

Zone Change Proposal No. 99Z-034U
Council Bill No. 099-1589
Map 105-10, Parcels 330-332, 357 and 361
Map 105-14, Parcels 117-121, 123-126, 128,
130-151, 226-240, 242, 244, 245, 282, 284,
287, 290-299, 203 and 303
District 17 (Douglas)

A council bill to remove 70 residential properties (27 historic and 43 non-historic) from the Woodland in Waverly Historic Zoning Overlay District, requested by Councilmember Mansfield Douglas, III. (Deferred from meeting of 4/1/99).

Ms. Regen stated this is a Historic Preservation District, and the proposal is to remove properties from the overlay. This is a Council bill that was sponsored by Councilmember Douglas. The request is to cancel a portion of the Historic District. Within the area to be removed there are 27 historic properties and 43 non historic properties. This was deferred from the April 1, 1999 meeting so the Planning Commission could have the Historic Zoning Commission's recommendation. They met on April 8, 1999 and recommended disapproval of this Council bill to remove the properties from the Woodland in Waverly Historic District. The intent of the district is to preserve and protect the existing homes and neighborhood.

The Council adopted the Woodland in Waverly district in 1985. The adoption of the historic guidelines was a two year process. They were developed with a number of public hearings both by Council and the Historic Zoning Commission, which actually adopted the historic guidelines that cover the use, rehabilitation and demolition of structures within a Historic Overlay District.

Staff is recommending disapproval of the request to remove properties within the district. Staff has received several letters requesting to speak and a number of letters from people who are not actually living in historic homes that want the overlay to remain on their property. Staff has received no letters supporting the removal of the homes from the historic district.

Mr. Marvin Glenn Gaston, representing Margaret Hutson the homeowner of 2208 White Avenue, stated that approximately two years ago, unaware of the historic requirements, installed aluminum siding on her home. Contractors installed the siding without obtaining a permit. Therefore it was done without its being known it was even in a historic district. In fact, Ms. Hutson said she never knew that was a requirement to begin with. Following that the Historic Zoning Commission began the process of requiring the removal of the siding. It was at that time Councilmember Douglas was contacted and he stated he never understood that the intent of the legislation was to impose the guidelines that were subsequently determined to apply to Ms. Hutson's property. Councilmember Douglas' understanding was that the purpose of making this a historic district was to obtain urban funds for renovations of properties.

Mr. Gaston gave sales price comparison between the historic and non-historic properties and stated the two areas are completely different and ask the Commission to approve the removal of the district from the homes on White and Lindell.

Ms. Ben Linboyle, 2204 Grantland homeowner, stated Mr. Gaston's price comparisons were incomplete because her home was not completed in his report.

Mr. Tony Shaw, Ms. Bonita Steele and Mr. Chris Cantazaro spoke in opposition to the proposal.

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

Resolution No. 99-295

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-034U is **DISAPPROVED (8-0)**;

The Historic Zoning Commission determined that partial removal of the overlay would be harmful to preservation of the neighborhood as a whole and contrary to the purposes for which it was put in place in 1985. This historic district was applied to an entire residential enclave containing many structures of historic value. The strength of such an inclusive application of the historic district is that each individual structure contributes to the value of the whole."

SUBAREA 9 (1997)

Text Amendment

Zone Change Proposal No. 99Z-006T

Council Bill No. O99-1614

District 19 (Sloss)

A council bill to amend the Zoning Regulations, Section 17.20.040 to require no parking in the CF or MUI districts located in an adopted redevelopment district within the I-40/I-265/I-65 loop, requested by Metropolitan Housing and Development Authority.

Ms. Regen stated this proposal is an ordinance change that would exempt parking requirements in the Central Business District in the CF and MUI districts. The parking exemption would apply to CF and MUI zoned properties that are within an approved Council redevelopment district such as, Capitol Mall, the art center and Rugledge Hill. The proposal is to create a parking exemption for all the properties located within the redevelopment districts north of the Franklin Street Corridor or abutting it. South of the corridor properties would have to provide only one-half of the space required by the code. The reason for this text amendment is to help attain the goal adopted in the Subarea 9 Plan to create a 24 hour downtown. This would create parking on a district wide basis in a consolidated fashion along with mass transit improvements. Staff is recommending approval of this text amendment change and feel it will implement the Subarea 9 Plan goals.

Mr. Lawson stated that if this amendment was trying to implement the policy it needs to be reflected somewhere in the Capital Improvements Budget.

Ms. Regen showed the Commission a map of the downtown parking facilities.

Mr. Browning stated there is also a parking garage in the Capital Improvements Budget.

Mr. Lawson stated one of the things he has seen in downtown Nashville is that as you begin to compress the available parking for the public the price also starts to go up and that may force people that come to our city of entertainment to pay even more exorbitant prices.

Ms. Regen stated mass transit options are also important in instituting this zoning change.

Ms. Warren stated she knew we were trying to push for people living downtown but her concern was taking away parking for those people. People are not going to want to move into an apartment or a condo if they don't have parking space.

Mr. Small stated there is a large parking structure in the Capital Improvements Budget but it is not there yet. Parking downtown is a significant problem and as we try to attract not only more business people but also residential areas what we are going to do is contribute more to the traffic issue. You're not going to be able to get people to come downtown unless you have either some public transportation or a place for them to park their cars.

Mr. Phil Ryan, Director of Development for MDHA, stated that the new Zoning Code that went into effect on January 1, 1998 was a kind of a one size fits all for parking requirements whether it is at Hickory Hollow or downtown, and obviously our downtown is a different area. An example is the Country Music Hall of Fame, which was lined up for 250 spaces that the old code required, but the new code bumped them up to 450 spaces. They use a lot of tour busses so there was a traffic study done and they got a variance. The Hilton Hotel across from them needs approximately 175 spaces but the code requires them to have about 375 spaces. This amendment would give the owners the option to serve their customers and provide the spaces needed. The Cumberland is in a CC district, which does not require parking, but gives the choice to put parking in to serve their customers. We feel that 9 out of 10 projects downtown will still build parking facilities.

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

Resolution No. 99-296

"BE IT RESOLVED by the Metropolitan Planning Commission that the Change Proposal No. 99Z-006T is **APPROVED (6-2):**

Reducing the parking requirement in the CF and MUI districts is consistent with the Subarea 9 Plan's Central Business District (CBD) policy to create a 24 hour downtown by encouraging higher density residential and retail activities. This change in specific redevelopment districts will encourage new businesses to locate in Nashville and support future mass transit to improve access to and within the downtown core."

Zone Change Proposal No. 99Z-018U
Council Bill No. O99-1549
Map 93-6-2, Parcel of Parcel 86 (.02 acres)
District 19 (Sloss)

A council bill to cancel a portion of the Second Avenue North Historic Preservation District, an area measuring 34 feet by 22 feet for the Hard Rock Cafe property located at 108 Second Avenue North, at the corner of First Avenue North and Broadway, requested by Greg Ferguson of Hard Rock Café, for First American National Bank et al, trustee, owners. (Deferred from meeting of 3/18/99).

Ms. Regen stated this request is to remove from the Historic Preservation District 750 square feet to construct a 30 foot tall sign of a guitar for the Hard Rock Café. Staff is recommending disapproval of this request to cancel this small area from the Second Avenue North Historic Preservation District. That district was adopted about 18 months ago. The intent of that district was to preserve the buildings along there and to protect their integrity. At the time that was adopted the Hard Rock Café was aware of it and was not in opposition to that overlay district being applied to its property.

Ms. Elaine Wood, Councilmember Julius Sloss and Ms. Lois Riggins Ezell spoke in favor of the cancellation of the portion of the Historic Preservation District. They stated they needed a visible marking to be seen better.

Ms. Regen stated the applicant contends they face Broadway. They also face First Avenue and all the properties that face First Avenue that are on Second Avenue have signs on First because now they want to face the stadium. They all get treated alike and the Hard Rock is saying keep part of me in this historic district but exempt one little part and treat me differently from all the other property owners in the historic district that line First Avenue that have to comply with the sign regulations.

Mr. Small asked why was the first property on Second Avenue exempted from the historic district.

Ms. Ann Reynolds, Director of the Metropolitan Historical Commission, stated that in 1970 when the National Register District for Second Avenue was established, it was the first district in Nashville and did not include that property that is on the northwest corner because it fronted on Broadway. It does include everything else from Second Avenue to First Avenue and north. That property, where Cotton Eye Joe's is located was included in the Broadway National Register of Historic Districts.

Mr. John Mitterholzer, Executive Director of Historic Nashville, stated it is nice to bring in art but this proposal is talking about zoning. As Councilmember Sloss said it is just a little piece and each little piece adds up to a bigger piece and a bigger piece and before you know it the historic zoning overlay in Davidson County has disappeared.

Ms. Reynolds stated if the applicant came up with another proposal, the Historic Zoning Commission would be glad to look at it.

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

Resolution No. 99-297

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-018U is **DISAPPROVED (8-0)**:

Removing this property from the historic district would violate the integrity and cohesiveness of the Second Avenue North Historic Preservation District. This property is the gateway into the historic district and it is not equitable to allow one property owner more advantageous sign provisions when other property owners within the same historic district are not allowed similar marketing opportunities."

SUBAREA 11 (1993)

Subarea 11 Plan: 1999 Update
(Deferred from meeting of 4/1/99)

Ms. Lehmbeck stated she did not have another presentation for the Commission because staff was aware the Commission simply wanted more time to review the plan. She stated the zone change that follows this reconsideration of the 1999 Subarea 11 Plan update was what Mr. Jerome Franklin was speaking about at the public hearing two weeks ago. That is a zone change that staff is recommending disapproval of as contrary to the policies of the current Subarea 11 Plan and that it also continues to be contrary to the policies in the update since staff did not change those policies for that area in the updated plan. Staff has discussed this matter with respect to what the church is intending to do and there is just simply no planning justification or warranting to changing the policies to the high intensity zoning they are asking for in this location.

Ms. Warren stated one of the previous concerns was the discussion about conservation and historic consideration, but the Commission did receive a memo in the mail out explaining what those guidelines are.

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

Resolution No. 99-298

"WHEREAS, the Metropolitan Planning Commission directed staff to conduct open workshop style meetings to provide the community the opportunity to work with the Commission's staff on the review and updating of the *Subarea 11 Plan* that was adopted on June 3, 1993; and,

WHEREAS, seven meetings were held between October 22, 1998 and January 28, 1999 at which community members working in conjunction with the staff of the Metropolitan Planning Commission, did in accordance with countywide General Plan guidelines, review and update the *Subarea 11 Plan*; and,

WHEREAS, additional efforts were made to obtain public input into the development of this updated plan, including a public hearing before the Metropolitan Planning Commission on April 1, 1999; and,

WHEREAS, the Metropolitan Planning Commission is empowered under state statute and the charter of the Metropolitan Government of Nashville and Davidson County to adopt master or general plans for smaller areas of the county;

NOW, THEREFORE BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** the *Subarea 11 Plan: 1999 Update* (Subarea Plan); in accordance with sections 11.504 (e), (j), and 18.02 of the charter of the Metropolitan Government of Nashville and Davidson County as the basis for the Commission's development decisions in that area of the county. The *Subarea 11 Plan: 1999 Update* is also adopted as part of the General Plan."

Zone Change Proposal No. 99Z-046U

Council Bill No. 099-1604

Map 105-4, Parcels 208 (.23 acres), 211 (.12 acres) and
212 (.12 acres)

Map 105-8, Parcels 49 (.10 acres), 52 (.14 acres),
53 (.07 acres), 54 (.18 acres), 55 (.13 acres),
56 (.17 acres) and 57 (.17 acres)

District 19 (Sloss)

A council bill to change from R6 to OG district properties at 1300 and 1309 1st Avenue South, Willow Street (unnumbered), 14, 16, 17, 19, 21, 23, and 36 Hart Street, approximately 100 feet west of Lewis Street (1.43 acres), requested by Jerome Franklin, appellant, for Morning Star Baptist Church, owners.

Ms. Regen stated staff is recommending disapproval of this request as contrary to the General Plan. Staff is recommending disapproval because the property falls within a residential medium policy. There is an industrial policy that falls at the back of these properties. There is a Commercial Mixed Concentration policy along Lewis Street and a Mixed Use policy at Second Avenue. Staff is recommending disapproval because the Commission just recommended maintaining the residential medium policy in this area. Residential policy does not provide for office zoning. The church use is allowed in a residential policy and is allowed in the R6 zoning district.

The problem the church has confronted is they want to construct a 46,000 square foot church and sanctuary with about 1,000 seats, but the floor area ratio of a residential zoning district that implements the RM policy allows up to .60 FAR; they need 1.22 FAR to build this facility. The only zoning district that allows for some sort of expansion and for a church is the OG zoning district which would give them a 1.5 FAR, but that district is not compatible with the policy. There are other properties that are not contiguous that the applicant is requesting rezoning of which staff feels would be a spot zone. Mr. Franklin was at the public hearing at the last meeting and requested a policy change.

Mr. Jerome Franklin asked the Commission to allow his Church to be an alternative to revitalize that area. The church plans would not disrupt a striving community even though it is residential. The congregation has been worshiping in this church for approximately 18 years and many of the surrounding lots have been vacant about that long. There is no reconstruction in that area but the church has taken the opportunity to purchase many of those vacant lots.

The Commission was very supportive of plans for Morning Star Baptist Church and decided to use this proposed zone change area of residential policy as a land use transition between the residential and industrial policies.

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

Resolution No. 99-299

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-046U is **APPROVED (8-0)**:

These properties fall at the boundary of the Subarea 11 Plan's Residential Low Medium (RLM) and Industrial (IND) policies. The RLM policy calls for up to 4 units per acre and the IND policy calls for warehousing, wholesaling and manufacturing uses. This area bounded by the alley between Garden Street and Hart Street is appropriate for office transition between the industrial area to the south and the residential neighborhood to the north."

SUBAREA 6 (1996)

Subdivision Proposal No. 99S-150G

Oakhaven, Section 3
Map 114, Parcels 316 and 317
District 23 (Crafton)

A request for final plat approval to create two lots abutting the northwest terminus of Oakhaven Trace, approximately 175 feet northwest of Oakhaven Court (1.04 acres), classified within the R15 District, requested by Eric and Wayne Crafton, owners/developers, Jesse Walker Engineering, surveyor.

Mr. Calleja stated staff is recommending conditional approval with the posting of a bond for utilities and the road extension. The applicant is also requesting a variance from the sidewalk requirements. The Commission reviewed Phases 1 & 2 in January and decided sidewalks would not be required in those phases because of lot size and topography. Staff is recommending approval of the sidewalk variance for those same reasons.

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

Resolution No. 99-300

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-150G, is **APPROVED WITH A VARIANCE TO SECTION 2-6.1A OF THE SUBDIVISION REGULATIONS AND SUBJECT TO A BOND OF \$9,800.00 (8-0).**"

Mr. Eric Crafton, owner/developer, asked if the variance extended through the end of the subdivision or would he need to come before the Commission for each phase.

Mr. Browning stated he would not get a variance until the final section is brought before the Commission.

SUBAREA 4 (1998)

Subdivision Proposal No. 99S-129G

Tidwell Subdivision

Map 34-3, Part of Parcel 62
District 10 (Garrett)

A request for final plat approval to create one lot abutting the southeast margin of Marsha Drive, approximately 335 feet southwest of Northside Drive (4.0 acres), classified within the R20 District, requested by J. L. and Wilda T. Newman, owners/developers, Ragan-Smith Associates, Inc., surveyor.

Mr. Calleja stated the applicant is requesting an indefinite deferral so they can work with staff to make sure their proposal meets the Subdivision Regulations.

Councilmember Garrett stated this is a 4 acre tract and they are trying to build one house.

Mr. Stephen Smith moved and Mr. Garrett seconded the motion, which carried unanimously, to defer this matter indefinitely.

OTHER BUSINESS:

1. FY 2000 Work Program and Operating Budget.
2. Proposed recommendation to the Metropolitan Mayor for the 1999-2000 to 2004-2005 Capital Improvements Budget and Program. (Countywide)

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

Resolution No. 99-301

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the FY 2000 Work Program and Operating Budget and the 1999-2000 to 2004-2005 Capital Improvements Budget and Program.”

3. Employee contract for Cynthia Lehmbek.

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

Resolution No. 99-302

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Cynthia Lehmbek for one year from May 1, 1999 through April 30, 2000.”

4. Morton Mill Road status report. (Deferred from meeting of 4/1/99).

Mr. Browning stated there has been no rain and no progress on Morton Mill Road in the past two weeks. The concern is that the bond defaults in June and action must be taken by May 13, 1999.

Vice Chairman Lawson stated the Commission should take action now so the staff will not have to come back for approval to collect the bond.

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

Resolution No. 99-303

“BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the collection of the bond on Morton Mill Road subject to the staff and Public Works review that work is not completed within two weeks.”

5. Legislative update.

Ms. Carrington stated there was no update but that staff had sent out over 1,800 public hearing notices for the May agenda.

PLATS PROCESSED ADMINISTRATIVELY

April 1, 1999 through April 14, 1999

- | | |
|-----------------|---|
| 99S-114G | HUNTERS RIDGE, Section 2
Plats two lots |
| 99S-123U | WHISPERING HILLS, Section 1, Resubdivision of Lot 76
Subdivides one lot into two lots |
| 99S-132G | SCOTT'S HOLLOW, Phase 1, Section 4
Plats one parcel |
| 99S-133U | H. O. GARY SUBDIVISION
One parcel into two lots |
| 99S-138U | BROOKLYN HEIGHTS, Resubdivision of Lots 27 and 28
Minor interior lot line shift |
| 99S-139G | GENE SMITH SUBDIVISION, Lot 1
One lot plat |
| 99S-140G | HAMPTON HALL, Lot 137
Minor lot line adjustment |

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:40 p.m.

Chairman

Secretary

Minute Approval:
This 29th day of April, 1999