

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: April 29, 1999
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith, Chairman
Frank Cochran
James Lawson
William Manier
Ann Nielson
Douglas Small
Stephen Smith
Marilyn Warren

Absent:

Mayor Philip Bredesen
Tim Garrett, Councilmember

Others Present:

Executive Office:

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

Current Planning & Design Division:

Theresa Carrington, Planning Division Manager
Michael 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:

Cynthia Lehmbeck, Planner III
Debbie Frank, Planner I
Anita McCaig, Planner I

Advance Planning & Research:

John Boyle, Planning Division Manager
Preston Elliott, Planner II

Others Present:

Jim Armstrong, Public Works
Mark Macy, Public Works
Nicole Rodrigue, Legal Department

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Ms. Carrington announced 4 final plats, 99S-167U, 99S-168U, 99S-169U and 99S-170U, have been withdrawn. Also Subdivision Proposal No. 99S-155G is listed as a public hearing but is not.

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

99S-134U Deferred two weeks, by applicant.
28-79-G Deferred two weeks, by applicant.

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

APPROVAL OF MINUTES

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of April 15, 1999.

Mr. Stephen Smith arrived at 1:15 p.m., at this point in the agenda.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver stated he was in favor of the original plan on Subdivision Proposal No. 99S-173G and not the proposal staff has recommended with a piece of property shifted. He also spoke in favor of PUD Proposal No. 328-84-G, Bellevue Highlands, and stated he felt everything had been worked out.

Councilmember Eileen Beehan spoke in favor of the East Bank Development Plan Amendment No. 1 and stated there is overall support in the area for the extension of this plan and also there is support for the MDHA plan regarding the Dew Street Property.

ADOPTION OF CONSENT AGENDA

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

SUBAREA 14 (1996)

Subdivision Proposal No. 99S-104G

Windchase, Phase 3
Map 98, Parcels 135, 136 and 137
District 12 (Ponder)

A request for final plat approval to create 22 lots abutting the east margin of South New Hope Road and the northwest margin of John Hager Road (9.02 acres), classified within the RS15 District, requested by New Hope Partners, LLC, owner/developer, Walter Davidson and Associates, surveyor.

Resolution No. 99-304

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-104G, a request for final plat approval to create 22 lots abutting the east margin of South New Hope Road and the northwest margin of John Hager Road (9.02 acres), classified within the RS15 District, requested by New Hope Partners, LLC, owner/developer, Walter Davidson and Associates, surveyor, is APPROVED SUBJECT TO A BOND OF \$184,000.00 (8-0).”

Subdivision Proposal No. 99S-164U

Heartland, Phase 2, Section 4
Map 85-1-A, Parcel 50
District 15 (Dale)

A request for final plat approval to create 15 lots abutting the west margin of Heartland Drive, approximately 881 feet north of Fernbrook Lane (5.27 acres), classified within the R15 District, requested by Donelson Church of Christ, trustee, owner/developer, Dale and Associates, surveyor.

Resolution No. 99-305

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-164U, a request for final plat approval to create 15 lots abutting the west margin of Heartland Drive, approximately 881 feet north of Fernbrook Lane (5.27 acres), classified within the R15 District, requested by Donelson Church of Christ, trustee, owner/developer, Dale and Associates, surveyor, is APPROVED SUBJECT TO A BOND OF \$94,000.00 (8-0).”

Subdivision Proposal No. 99S-165G

Cleveland Hall, Phase 1
Map 64, Parcels 106, 107 and 108
District 11 (Wooden)

A request for final plat approval to create 51 lots abutting the west margin of Old Hickory Boulevard, between Hadleys Bend Boulevard and Nashville & Eastern Railroad (28.16 acres), classified within the RS15 District, requested by Cleveland Hall, LLC, owner/developer, Ragan-Smith and Associates, Inc., surveyor.

Resolution No. 99-306

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-165G, a request for final plat approval to create 51 lots abutting the west margin of Old Hickory Boulevard, between Hadleys Bend Boulevard and Nashville & Eastern Railroad (28.16 acres), classified within the RS15 District, requested by Cleveland Hall, LLC, owner/developer, Ragan-Smith and Associates, Inc., surveyor, is APPROVED SUBJECT TO A BOND OF \$972,000.00 (8-0).”

PUD Proposal No. 107-81-G
Larchwood, Phase 2, Section 4
Map 108, Parcel 52
District 14 (Stanley)

A request to revise a portion of the preliminary and for final approval for a portion of Phase 2 of the Residential Planned Unit Development District located at the southern terminus of Blackwood Drive, approximately 100 feet east of Carlisle Court South, classified R10, to permit 25 single-family lots on 9.38 acres, requested by Tribble and Richardson, Inc., for Leon Sharber, trustee.

Resolution No. 99-307

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 107-81-G is given APPROVAL TO REVISE THE PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PORTION OF PHASE 2 (8-0). The following conditions apply:

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

Request for Bond Extension
Subdivision No. 96S-212U
Percy Priest Woods
Robert H. Braswell, principal

Located abutting the south termini of Woodcraft Drive and Woodmaker Court, approximately 115 feet south of Hammack Drive.

Resolution No. 99-308

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for extension of a performance bond for Subdivision No. 96S-212U, Bond No. 96BD-043, Percy Priest Woods in the amount of \$38,250 to 12/15/99, subject to submittal of an amendment to the present Letter of Credit by 5/29/99 which extends its expiration date to 6/15/2000. Failure of principal to provide amended security documents shall be grounds for collection without further notification.”

SUBAREA 12 (1997)

Subdivision Proposal No. 99S-162U
Townhomes of Fredericksburg, Phase 2, Section 7
(Horizontal Property Regime)
Map 160, Parcel 235
District 32 (Jenkins)

A request to record 68 condominium units abutting the south margin of Old Hickory Boulevard, approximately 600 feet west of Chadwick Lane (10.0 acres), classified within the R20 Residential Planned Unit Development District, requested by Pulte Homes Tennessee, L.P., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 99-309

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-162U, a request to record 68 condominium units abutting the south margin of Old Hickory Boulevard, approximately 600 feet west of Chadwick Lane (10.0 acres), classified within the R20 Residential Planned Unit Development District, requested by Pulte Homes Tennessee, L.P., owner/developer, Anderson-Delk and Associates, Inc., surveyor, is APPROVED SUBJECT TO A BOND OF \$6,000.00 (8-0).”

Request for Bond Extension
Subdivision No. 98S-034G
Banbury Crossings, Section 3
Jones Land Company, LLC, principal

Located abutting both margins of Banbury Crossings, approximately 80 feet northwest of Banbury Station.

Resolution No. 99-310

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for extension of a performance bond for Subdivision No. 98S-034G, Bond No. 98BD-044, Banbury Crossing, Section 3 in the amount of \$78,500 to 4/1/2000, subject to submittal of an amendment to the present Letter of Credit by 5/29/99 which extends its expiration date to 10/1/2000. Failure of principal to provide amended security documents shall be grounds for collection without further notification.”

SUBAREA 6 (1996)

Subdivision Proposal No. 99S-163G
Pine Forest, Section 2
Map 128, Parcel 159
District 23 (Crafton)

A request for final plat approval to create 34 lots abutting the north terminus of Pine Forest Drive, approximately 90 feet north of Indian Springs Drive (33.29 acres), classified within the R40 Residential Planned Unit Development District, requested by Phillips Builders, Inc., owner/developer, Anderson-Delk and Associates, surveyor.

Resolution No. 99-311

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-163G, a request for final plat approval to create 34 lots abutting the north terminus of Pine Forest Drive, approximately 90 feet north of Indian Springs Drive (33.29 acres), classified within the R40 Residential Planned Unit Development District, requested by Phillips Builders, Inc., owner/developer, Anderson-Delk and Associates, surveyor, is APPROVED SUBJECT TO A BOND OF \$426,000.00 (8-0).”

Request for Bond Release
Subdivision No. 95S-314G
Poplarwood, Section 2
Jones Company Custom Homes of TN, Inc., principal

Located abutting the south margin of Poplar Creek Road, approximately 170 feet east of Montcastle.

Resolution No. 99-312

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 95S-314G, Bond No. 95BD-091, Poplarwood, Section 2 in the amount of \$25,000.”

Request for Bond Extension

Subdivision No. 96S-382G
Chase Creek
Chase Creek LLC, principal

Located abutting the east margin of Temple Road, approximately 1,000 feet south of State Route 100.

Resolution No. 99-313

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for extension of a performance bond for Subdivision No. 96S-382G, Bond No. 98BD-001, Chase Creek in the amount of \$342,000 to 6/15/2000, subject to submittal of a letter from the Travelers Casualty and Surety Company of America by 5/29/99 agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification.”

SUBAREA 5 (1994)

Zone Change Proposal No. 99Z-047U

Map 61-14, Parcel 10
District 4 (Majors)

A request to change from RS15 to CS district property at 711 Hart Lane, approximately 600 feet east of Ben Allen Road (.95 acres), requested by Wayne R. and Elizabeth Ann Simmons, appellants/owners.

Resolution No. 99-314

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-047U is APPROVED (8-0):

This property falls within the Subarea 5 Plan’s Commercial Mixed Concentration (CMC) policy calling for retail, office, and multi-family residential uses around the State of TN Department of Health and on properties fronting Hart Lane between Ellington Parkway and Edwards Avenue. The CS district is consistent with CMC policy and the emerging zoning pattern along Hart Lane.”

Zone Change Proposal No. 99Z-050U

Map 83-9, Parcel 207
District 6 (Beehan)

A request to change from OR20 to CS district property at the southeast corner of South 10th Street and Russell Street (.89 acres), requested by Vanderbilt University Medical Center, appellant, for Teamsters-Chauffers et al Local Union 327, owners.

Resolution No. 99-315

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-050U is APPROVED (8-0):

This property falls within the Subarea 5 Plan’s Mixed Use (MU) policy calling for a mixture of compatible residential and nonresidential uses. The Shelby Hill Apartments are adjacent to this property, and the East

Nashville Baptist Church and low-rise apartments lie to the west across South 10th Street. These uses should contain the further southward expansion of CS and provide a transition between the commercial area at the Woodland Street/South 10th Street intersection and the residential areas further south and west.”

PUD Proposal No. 97P-023E

Dew Street Parking Lot
Map 93-4, Part of Parcel 82
District 6 (Beehan)

A request to revise the final plan of the Residential Planned Unit Development District located abutting the south margin of Dew Street and the west margin of South 7th Street (0.5 acres), classified RM20, to add 12 parking spaces for an MDHA rental assistance building, requested by Advanced Integrated Management Services, Inc., for Metropolitan Development and Housing Agency, owner.

Resolution No. 99-316

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-023E is given CONDITIONAL APPROVAL TO REVISE A PORTION OF THE FINAL PLAN (8-0). The following condition applies:

Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.”

SUBAREA 13 (1996)

Zone Change Proposal No. 99Z-044U

Map 136, Parcel 67
District 29 (Holloway)

A request to change from AR2a to R10 district property at 3613 Butler Road, approximately 200 feet south of Bluewater Drive (1 acre), requested by Steven R. and Krissy Yamase Baird, appellants/owners.

Resolution No. 99-317

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-044U is APPROVED (8-0):

This property falls within the Subarea 13 Plan’s Residential Low Medium (RLM) policy calling for up to 4 units per acre. The R10 district is consistent with RLM policy and the surrounding zoning pattern.”

PUD Proposal No. 74-79-G

Nashboro Village, Tract 18
Map 135, Parcel 322
District 27 (Sontany)

A request to revise the approved preliminary plan and for final approval for a phase of the Residential Planned Unit Development District abutting the south margin of Longhunter Court, approximately 700 feet north of Nashboro Boulevard (4.75 acres), classified RM6, to permit 41 condominium units, replacing 46 units, requested by Wamble and Associates, PLLC, for WDN Properties, LTD, owner.

Resolution No. 99-318

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 74-79-G is given APPROVAL TO REVISE A PORTION OF THE PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE (8-0). The following condition applies:

Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.”

SUBAREA 1 (1997)

Subdivision Proposal No. 99S-155G

Chase Pointe, Section 4
Map 22, Part of Parcel 31
District 1 (Patton)

A request for final plat approval to create nine lots abutting the southwest corner of Union Hill Road and I-24 (4.2 acres), classified within the RS10 District, requested by Chase Pointe Properties, LLC, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 99-319

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-155G, a request for final plat approval to create nine lots abutting the southwest corner of Union Hill Road and I-24 (4.2 acres), classified within the RS10 District, requested by Chase Pointe Properties, LLC, owner/developer, Ragan-Smith Associates, Inc., surveyor, is APPROVED SUBJECT TO A BOND OF \$16,500.00 (8-0).”

SUBAREA 10 (1994)

Subdivision Proposal No. 98S-286U

Heath Subdivision
Map 130-8, Parcel 116
District 34 (Fentress)

A request for final plat approval to create three lots abutting the north margin of Harding Place, approximately 985 feet northwest of Lindawood Drive (1.93 acres), classified within the R20 District, requested by Margaret J. Heath, owner/developer, A. and A. Engineers, Inc., surveyor. (Deferred from meeting of 4/15/99).

Resolution No. 99-320

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-286U, a request for final plat approval to create three lots abutting the north margin of Harding Place, approximately 985 feet northwest of Lindawood Drive (1.93 acres), classified within the R20 District, requested by Margaret J. Heath, owner/developer, A. and A. Engineers, Inc., surveyor, is APPROVED SUBJECT TO A BOND OF \$76,000.00 (8-0).”

This concluded the items on the consent agenda.

TEXT AMENDMENTS:

Zone Change Proposal No. 99Z-008T

Council Bill No. 099-1644

A council bill to add the land use “Camp” as permitted with conditions in the AG and AR2a districts, sponsored by Councilmember Regina Patton.

Ms. Regen stated this is a Council bill that is going to the Public Hearing on May 4, 1999, proposed by Councilmember Patton to add a “Camp” use in the Agricultural zoning districts AG and AR2a. Currently there is no provision in the code that allows for a camp use such as a Boy Scout or church camp. Staff is in support of the Council bill but feel there are some additional changes that need to be made. Councilmember Patton sent a letter to Chairman Smith indicating her support of the bill with some amendments. Those amendments would make the camp use a special exception use rather than one permitted with conditions. Another amendment would be to specify on the plans all principal uses. This legislation requires 10 acres minimum and 1 additional acre for every 50 campers, along with a requirement for 15 foot setbacks for any sign adjacent to a road that would identify the camp use. Staff recommends approval of this bill with the proposed amendments.

Mr. Browning clarified that the Commission would be required to recommend disapproval of the current bill referred to them and approval of the amended bill.

Chairman Smith asked if the text referred to sexually oriented businesses.

Ms. Regen stated that was not part of the “camp” definition. The “camp” definition is just a broad definition referring to different recreational or educational activities.

Ms. Warren stated that it could be a nudist camp.

Ms. Regen stated that would have to be addressed by the Sexually Oriented Business Ordinance, as to where those types of uses would be allowed.

Ms. Warren stated she was curious because someone could come in and broadly speculate that they would be allowed to have a nudist camp in an area that is over 10 acres. Some nudist camps are now family oriented and not adults only.

Mr. Browning stated the text amendment that is being included in the Zoning Ordinance does not address the specific type of camp. It addresses for any land use which meets the definition of a camp development specifications such as separation from perimeters and required parking spaces. Activity within the camp which falls under the definition of sexually oriented business will be governed by that ordinance.

Ms. Warren stated there are also camps around that provide for survival with arms and that could be considered a camp.

Ms. Regen stated that if a camp was operating differently from the approval they could be taken back to the Board of Zoning Appeals for review because the Zoning Administrator has the ability to do that.

Mr. Small stated if a camp were to qualify for the space and facilities requirements, what is the decision criteria the BZA to use. How will they decide “Camp A” can be there and “Camp B” can’t.

Chairman Smith stated that perhaps the Commission’s job is just advise Council that there are some concerns here and let Council sort them out.

Mr. Lawson stated that perhaps the Commission is getting into micro management usage rather than dealing with the issue of land use.

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

Resolution No. 99-321

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-008T is DISAPPROVED and an alternative form of the bill is recommended for consideration (8-0):

This council bill permits camps in the AR2a and AG districts and identifies specific development standards such as lot size, setbacks, landscaping, lighting, signs, and accessory uses. This council bill would be appropriate if it were corrected to require review and approval by the Board of Zoning Appeals."

Zone Change Proposal No. 99Z-009T
Council Bill No. O99-1617

A council bill to increase the floor area ratio (FAR) for multi-family, mobile homes and non-residential uses in the RM15, RM20, RM40 and RM60 districts, sponsored by Councilmember Roy Dale.

Ms. Regen stated this bill was introduced by Councilmember Dale to address an issue in the Zoning Ordinance for the high intensity multi-family zoning districts. When you try to achieve the density of 20, 40 or 60 units per acres you may not be able to do that because the floor area ratio (FAR) limitation set forth in the Zoning Ordinance requires each unit to be smaller in square footage than is demanded within the market place. Staff is in support of the bill's intent and would recommend that the FRA be eliminated entirely for multi-family uses. Staff is recommending disapproval of the bill as submitted and approval of staff's recommendation.

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

Resolution No. 99-322

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-009T is DISAPPROVED and an alternative form of the bill is recommended for consideration (8-0):

The intent of this council bill is to increase the maximum floor area ratio (FAR) for multi-family developments in the RM15, RM20, RM40, and RM60 districts. However, the current draft would increase the FAR for not only multi-family developments but also any mobile home park or nonresidential use. Since there are density and bulk standards which already apply to multi-family uses, this council bill would be appropriate if it were corrected to eliminate the FAR restriction for multi-family developments."

Zone Change Proposal No. 99Z-010T
Council Bill No. O99-1643

A council bill to amend various sections of the Zoning Regulations to modify standards for loading spaces and landscape screening of multi-family and non-residential developments, sponsored by Councilmember Tim Garrett.

Ms. Regen stated the ordinance currently is worded to require certain dimensional standards for required loading zones. She stated some developers are interpreting the provision in a way not to require those same dimensional standards for load berths which are provided above and beyond those required in the ordinance. This amendment applies those standards to any load facilities. Another provision of this amendment modifies the table to make it easier to use.

The amendment further specifies for multi-family uses and non-residential uses with 10 or more parking spaces that there will be landscaping screening requirements. Staff is in support of this bill and are recommending approval.

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

Resolution No. 99-323

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-010T is APPROVED (8-0):

This council bill amends various sections of the Zoning Regulations by clarifying the number of loading spaces required by businesses and landscape screening for multi-family and non-residential developments."

Zone Change Proposal No. 99Z-011T
Council Bill No. O99-1641

A council bill to increase the floor area ratio (FAR) from .60 to .80 for the IWD district, sponsored by Councilmember Roy Dale.

Ms. Regen stated the IWD district was similar to the CG district in the former code and that allowed for a 2.0 FRA. When the new code was adopted it was decreased to .40 in recognition that sometimes people weren't using a full 2.0 FAR. Recently the .40 FAR was increased to .60. A project currently is underway which requires an FAR of .80.

Staff pointed out to the commission that the previous CG district did allow a much more generous FAR. Most land uses cannot achieve this amount of floor area because of the amount of parking ordinarily required for commercial uses. However, other uses like self storage facilities do not have onerous parking requirements, and higher FAR can be achieved for those uses. Staff is suggesting that the FAR be increased to .80, and allow those uses which can achieve the higher FAR to do so.

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

Resolution No. 99-324

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-011T is APPROVED (8-0):

This council bill proposes to increase the floor area ratio (FAR) of the IWD (Industrial Warehousing and Distribution) district from .60 to .80. The increased FAR is appropriate to allow more efficient use of the industrial districts in Davidson County by allowing industrial structures to expand vertically instead of requiring additional land to expand horizontally. The associated setback, height, landscape buffering, impervious surface ratio, and parking requirements will remain the same and should ensure compatibility with surrounding land uses."

SUBAREA 14 (1996)

Subdivision Proposal No. 99S-171U (Public Hearing)
Dogwood Place
Map 85-11, Parcel 105
District 14 (Stanley)

A request for preliminary approval for eight lots abutting the northeast corner of Lebanon Pike and Wellington Square (3.08 acres), classified within the RS10 District, requested by Orlin J. and Margit Prosser, owners/developers, James L. Terry and Company, surveyor.

Mr. Mike Calleja stated the applicant has requested a two week deferral.

No one was present to speak at the public hearing.

Mr. Lawson moved and Mr. Stephen Smith seconded the motion, which carried unanimously, to leave the public hearing open and defer this matter for two weeks.

Zone Change Proposal No. 99Z-048U

Map 94, Parcels 190 (.27 acres) and 191 (5.01 acres)

District 15 (Dale)

A request to change from CS to IWD district properties at Lebanon Pike (unnumbered), opposite Clovernook Drive (5.28 acres), requested by Patrick Brakefield, appellant, for Dale and Nancy Gish, owners.

Ms. Regen stated staff is recommending disapproval of this request because it is inconsistent with the subarea plan amendment that was done in May of last year. There was a plan amendment to Subarea 14 which was to provide for a commercial arterial policy along Lebanon Pike to a depth of approximately 300 feet. That policy was applied here in recognition of the residential uses across the street. This property was rezoned last year to encompass all that is CS and now the applicant is coming back and asking to have it all rezoned to IWD. Staff is recommending disapproval because IWD zoning is inconsistent with the subarea plan.

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

Resolution No. 99-325

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-048U is DISAPPROVED (8-0):

These properties fall within the Subarea 14 Plan's Commercial Arterial Existing (CAE) policy along the Lebanon Pike frontage calling for office, commercial, and higher density residential uses for a depth of approximately 300 feet. The IWD district is not consistent with this CAE policy. CAE policy was applied to the frontage of Lebanon Pike and Industrial (IND) policy was applied southward to Mill Creek as an amendment to the Subarea 14 Plan's Residential Low Medium (RLM) policy on May 28, 1998. The CAE policy calls for moderate intensity commercial uses to maintain compatibility with the residential subdivision to the north across Lebanon Pike. The IWD district is appropriate for the southern 250 feet of parcel 191 since it falls within the Subarea 14 Plan's Industrial (IND) policy calling for wholesaling, warehousing, and bulk distribution uses."

SUBAREA 12 (1997)

Zone Change Proposal No. 99Z-049G

Map 174, Parcel 100 (3.01 acres) and

Part of Parcel 24 (49.08 acres)

District 31 (Alexander)

A request to change from AR2a to SCR district properties at 5524 and 5580 Cane Ridge Road, abutting the west margin of I-24 (52.09 acres), requested by Paul Lockwood, Barge, Waggoner, Sumner and Cannon, appellant, for Ron Patterson et ux and H. C. Turner Family Limited Partnership, owners.

Ms. Regen stated this is an Agricultural area just south of the Hickory Hollow Mall area. There is an unbuilt commercial PUD to the north of the property. Staff is recommending disapproval of this proposal

because the request for additional commercial zoning in this location is premature. The arterial system particularly is not in place to accommodate commercial traffic. Staff informed the commission that plans are underway to modify the nearby interchange with I-24, which would provide vehicular access to this area. In addition, improvements must be made to Cane Ridge Road to intercept the additional traffic and distribute it to the various properties in the area. Staff stated this work should be underway before a commitment is made to rezone additional properties to commercial. Staff further pointed out that the large planned unit development to the north cannot advance until the road network is underway, and this property should be treated similarly. Placing the property in question within the PUD could accomplish the commercial zoning and also tie the development to road improvements as the staff is suggesting.

Mr. Bill Lockwood stated he represented the developer of the PUD and the applicant of this zone change. It is a point of contention that the road is not built yet and they were waiting for the MPO to address this roadway expansion. As soon as that is done the developer will be ready to start construction. He asked the Commission for a favorable decision on this zone change.

Mr. Browning stated staff felt the road concept is good but the rezoning does not have to be done to allow that road work to go forward. The developer needs for these road improvements to be put in the Long Range Transportation Plan and the Capital Improvements Program which may be done this summer.

Mr. Ralph Canous, with JDN, stated the reason he was present now asking for this zone change request is because his company has already invested, just in engineering and property deposits, in excess of a million dollars on this project.

Chairman Smith asked if this could be deferred until the MPO acts and then the Commission could move forward with a bond.

Ms. Warren stated that staff is just recommending disapproval because the road not being there to support commercial.

Ms. Regen stated the solution, that could be accomplished by July, is for them to amend their PUD to include this property and rezone it to SCR and then they would have all the securities they need to be able to negotiate with the commercial tenants.

Mr. Lockwood asked for an indefinite deferral.

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

SUBAREA 3 (1998)

Subdivision Proposal No. 99S-172U (Public Hearing)

Lloyd Road Property
Map 49, Parcel 34.1
District 1 (Patton)

A request for preliminary approval for eight lots abutting the north margin of Lloyd Road, approximately 880 feet west of Whites Creek Pike (6.42 acres), classified within the R15 District, requested by William H. Thompson, Jr., owner/developer, Walter Davidson and Associates, surveyor.

Mr. Calleja stated staff is recommending conditional approval. There will be a requirement for an extension of water from Whites Creek to the property as well as a fire hydrant.

No one was present to speak at the public hearing.

Mr. Lawson moved and Mr. Stephen Smith seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 99-326

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-172U, a request for preliminary approval for eight lots abutting the north margin of Lloyd Road, approximately 880 feet west of Whites Creek Pike (6.42 acres), classified within the R15 District, requested by William H. Thompson, Jr., owner/developer, Walter Davidson and Associates, surveyor, is APPROVED SUBJECT TO APPROVAL OF THE PUBLIC WORKS AND WATER SERVICES DEPARTMENTS (8-0); PUBLIC HEARING CLOSED.”

Subdivision Proposal No. 98S-276U (Public Hearing)
Drake’s Run Subdivision (Revised)
Map 58, Parcel 71
Map 58-11-A, Parcels 1-8, 22-26 and 40-42
District 1 (Patton)

A request for preliminary approval for 37 lots abutting the west margin of Drakes Branch Road, approximately 406 feet north of Kings Lane (18.15 acres), classified within the RS15 District, requested by SHH, LLC, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Subdivision Proposal No. 99S-120U
Drake’s Run Subdivision, Section 2
Map 58, Parcel 71
District 1 (Patton)

A request for final plat approval to create 22 lots abutting the west termini of Shady Dale Road and Hallmark Road (8.87 acres), classified within the RS15 District, requested by Howard and Company Realtors, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Calleja stated the preliminary plat was submitted and approved by the Commission in 1998. With that approval it included some reserve parcels to the east. Since that time there has also been a final plat approved. The main issue today is with regard to the reserve parcels.

The original submittal that included the revision to the preliminary plat to exclude the reserve parcels was filed 28 days ago. There were four plats for the Gold Key Subdivision to include the reserve parcels into the adjacent lots. Basically the whole package would have removed the reserve parcels from the preliminary and the four plats for Gold Key would have included the reserve parcels. Now that the 4 plats were removed there is a preliminary plat that excludes the reserve parcels and the development of this subdivision is probably the last opportunity to get those reserve parcels included into a lot. Staff is recommending disapproval of both items.

Mr. Bill Lockwood stated the owners of the reserve parcels are unwilling to sell the parcels or incorporate them into their lots.

Mr. Carl Brown, Sr., Gold Key property owner, stated he was not in opposition but that no one had been in touch with him about what was going on until someone called to tell him about today’s hearing.

Mr. John Wright, developer, stated that from day one he had sincere desires to purchase the properties from the owners but were told no and even offered to have the properties combined with their properties at his expense.

Chairman Smith advised Mr. Wright to take a deferral on this and involve the Councilmember and communicate with the neighbors.

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

SUBAREA 6 (1996)

Subdivision Proposal No. 99S-173G (Public Hearing)
McCrorry Lane Property
Map 155, Part of Parcel 224
District 35 (Lineweaver)

A request for preliminary approval for seven lots abutting the southwest margin of McCrorry Lane, opposite Indian Hills Drive (11.8 acres), classified within the RS20 District, requested by A. W. Chaffin, owner/developer, Wamble and Associates, surveyor.

Mr. Calleja stated there is very steep topography at the rear of this property which has an impact in regard to the development of the lots. Staff is recommending conditional approval. Five exceed the maximum lot size permitted under the Zoning Code because of the topography and those five lots will be designated as critical lots for the final plat approval.

No one was present to speak at the public hearing.

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

Resolution No. 99-327

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-173G, a request for preliminary approval for seven lots abutting the southwest margin of McCrorry Lane, opposite Indian Hills Drive (11.8 acres), classified within the RS20 District, requested by A. W. Chaffin, owner/developer, Wamble and Associates, surveyor, is APPROVED SUBJECT TO APPROVAL OF THE PUBLIC WORKS AND WATER SERVICES DEPARTMENTS, WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS (8-0); PUBLIC HEARING CLOSED.”

Zone Change Proposal No. 99Z-045G
Council Bill No. 099-1629
Map 114, Parcel 108
District 23 (Crafton)

A council bill to rezone from R15 to RM6 district property at the southeast corner of Charlotte Pike and Sawyer Brown Road (4.77 acres), requested by Jacky Allen, appellant, for Alun L. Yakabow, owner.

Ms. Regen stated staff is recommending disapproval of this bill as submitted. Staff is not in favor of the RM6 zoning since that is not consistent with the natural conservation policy that applies here. Staff does support an RM4 zoning like the zoning across the street on Charlotte Pike. The applicant has amended their application to RM4, so Councilmember Crafton will be amending the bill after the Council public hearing is closed.

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

Resolution No. 99-328

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-045G is DISAPPROVED and an alternative zone change is recommended for consideration (8-0):

This property falls within the Subarea 6 Plan's Natural Conservation (NC) policy calling for protection of the steep hillsides through clustering low density residential development (up to 4 units per acre) on the area's flatter hilltops and valleys. The RM6 district exceeds the density range of NC policy. The RM4 district would be appropriate since it is consistent with NC policy, at an intersection of an arterial and collector street, and consistent with the zoning pattern to the north across Charlotte Pike."

PUD Proposal No. 66-84-G

The Lexington (Dunhill Apartments)
Map 128-4-A, Parcels 7-11
District 23 (Crafton)

A request for a variance to Section 17.32.080B (Sign Regulations) of the Zoning Regulations for a portion of the Residential Planned Unit Development District located at the east margin of Old Hickory Boulevard and the northern terminus of Ridgelake Parkway, to permit an additional 32 square feet of signage at both the main entrance and the side entrance to the Lexington Apartments, where a 17 square foot sign and a 22 square foot sign already exist, and where only 32 square feet is allowed under the regulations, requested by Randy Robertson of Dunhill Apartments, for South Atlantic Income, LTD, owner. (Deferred from meeting of 4/1/99).

Ms. Regen stated this is a variance request to allow for additional signage at the entrance of the Lexington Apartments. She stated the Board of Zoning Appeals will consider the variance request. The Planning Commission is required by ordinance to advise the Board of Zoning Appeals on a variance within a PUD.

The Sign Ordinance provides for 32 square feet total. This PUD was originally approved under one common ownership but now has three owners and each wants signs on Old Hickory Boulevard. It is staff's recommendation to advise the Board of Zoning Appeals this variance should be disapproved.

Mr. Wesley Weeks, representing the applicant, gave the history of the property and stated this is largely a commercial area and that there were numerous signs along Old Hickory Boulevard.

Chairman Smith stated that as far as the Commission is concerned this property is all one lot.

Mr. Weeks stated his client said it was always anticipated this property would be developed in different phases and by different owners. He read a note from the 1990 plat that indicated the Commission contemplated this property might be sold in phases.

Mr. Browning stated there was contemplation it would be developed in phases because the PUD boundary plat stated there would be phases, and it also indicated those were not lot lines, and therefore, the entire parcel was one lot under one ownership.

Mr. Jimmy Vance spoke in opposition to the proposal and asked the Commission for disapproval.

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

Resolution No. 99-329

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 66-84-G is given DISAPPROVAL (8-0):

The Planning Commission disapproved this request since it would result in a proliferation of signage at this location not intended by the PUD or the sign ordinance. Section 17.32.080(B) of the Zoning Regulations state that each residential development containing at least sixteen units and approved under one plat shall be permitted up to thirty-two square feet per development entry from a public street, to a maximum of three signs.”

PUD Proposal No. 328-84-G
Bellevue Highlands
Map 155, Parcel 82
District 35 (Lineweaver)

A request to revise the preliminary plan and for final approval of all road grading and drainage for Phases I and II, and utilities for Phase I of the Residential Planned Unit Development District located abutting the west margin of Old Harding Pike, 600 feet north of Magnolia Hills Drive (23.81 acres), classified RS15, to develop 90 single-family lots, requested by Walter Davidson and Associates for Albert J. Kreitner et ux, for Torrey Homes Inc., optionees. (Deferred from meeting of 4/15/99).

Ms. Regen stated this is a request to revise the preliminary plan and for final approval for all road, grading and drainage and utilities. Staff is recommending conditional approval. The original approval was for 90 lots but the applicant has dropped lot 53 and is turning it into open space because the grade was too severe on that lot. Currently the proposal is for 89 lots in which 9 are critical with steep slopes. The revision did not change the street pattern but reconfigured some lots. The issues surrounding this proposal are that the adjacent property owners in Poplar Creek Trace and on Magnolia Hills Court have concerns regarding drainage. There are 3 retention ponds proposed. There are also concerns regarding blasting and the applicant has agreed to do a pre-blast survey.

Mr. Jeff Stevenson and Mr. Gary Burnette expressed concerns regarding the high density zoning on the property, stormwater runoff, the disturbance of a blue line stream, traffic and destruction of large trees.

Chairman Smith stated Public Works has approved this project and consider the plans more than adequate.

Mr. Walter Davidson, engineer, and David Coode, developer, spoke in favor of the proposal and explained how he would accomplish adequate drainage.

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

Resolution No. 99-330

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 328-84-G is given CONDITIONAL APPROVAL TO REVISE THE PRELIMINARY AND FINAL APPROVAL FOR GRADING AND DRAINAGE FOR PHASE ONE AND TWO, AND FINAL APPROVAL FOR UTILITIES FOR PHASE ONE (8-0):

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the submittal of any additional final PUD plans, and prior to the recording of a final subdivision plat, a PUD boundary plat shall be recorded.
3. When the final PUD plan is submitted for the single-family lots, all critical lots shall be designated by the Metro Planning Commission staff during review of the final lot plans. All critical lot plans shall be signed and stamped by a certified professional engineer. If upon review of the critical lot plan, the Planning Commission staff or Public Works staff determine that more detailed information is necessary, the applicant

shall provide the appropriate information to staff. If it is determined necessary by the Department of Public Works, a grading permit may be required.

4. Prior to, or in conjunction with, the submittal of final PUD plan for any lots, road construction plans shall be submitted to the Planning Commission for approval of a southbound right-turn deceleration lane on Old Harding Pike at the proposed entrance to the site, as warranted by the Traffic Impact Study.
5. Prior to, or in conjunction with, the submittal of final PUD plan for any lots, road construction plans shall be submitted to the Planning Commission for approval of a northbound left-turn lane on Old Harding Pike at the proposed entrance to the site, measuring a minimum of 50 feet long, with a 225 foot transition, as warranted by the Metro Traffic Engineer.
6. Prior to the issuance of any building permits for single-family lots, the road improvements on Old Harding Pike (conditions 4 and 5 as set forth above) shall be constructed and accepted by Metropolitan Public Works Department.
7. The applicant shall submit to the Metro Planning Commission by May 6, 1999, revised plans showing the removal of lot 53, reducing the total single-family lot count to 89 lots. The revised plans shall also include a site data table reflecting the increased open space as a result of removal of this lot.
8. Prior to the issuance of any building permits, a final subdivision plat shall be recorded and bonds shall be posted for any necessary public improvements.”

SUBAREA 5 (1994)

East Bank Redevelopment Plan
Council Bill No. O99-1647
Maps 82, 83, and 93, Various Parcels

A council bill to approve Amendment No. 1 to the East Bank Redevelopment Plan to add 76.64 acres along Main, Woodland, and Russell Streets for the purposes of improving blighted conditions and instituting land use controls.

Ms. McCaig stated staff is recommending approval of this amendment request. The area being requested to be included in the East Bank Redevelopment area runs along Main Street, Woodland Street and Russell Street and matches up with the Five Points Redevelopment area. Last year MDHA classified 40% of the structures within this amendment request area as substandard dilapidated and deteriorated. Adding this area to the East Bank area will enable the use of tax increment financing to facilitate revitalization. This is an area that can build off its location with the new stadium and provide attractive opportunities for private investment and development.

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

Resolution No. 99-331

Be it resolved by the Metropolitan Planning Commission that it **APPROVES** Amendment No. 1 to the Metropolitan Development and Housing Agency’s East Bank Redevelopment Plan which expands the redevelopment area to include certain properties along Main Street, Woodland Street and Russell Street to points contiguous to the Five Points Redevelopment area.

SUBAREA 2 (1995)

Subdivision Proposal No. 98S-374G
North 40 Estates, Phase 1
Map 41, Part of Parcel 61
District 3 (Nollner)

A request for final plat approval to create 24 lots abutting the south margin of Old Hickory Boulevard, approximately 770 feet west of Lawing Drive (14.58 acres), classified within the R20 District, requested by J and L Land Company, LLC, owner/developer, Crawford Land Surveyors, surveyor.

Mr. Calleja stated staff is recommending approval of the final plat subject to a bond. This final plat meets all the conditions of the Subdivision Regulations. There is an issue between Metro Water Services and Madison Utility District as to who would be providing the water service for this property. That is not an issue for the Commission.

Mr. Mark Johnson, Madison Utility District, stated he wanted the Commission to know Madison Utility District has water jurisdiction within this and has been serving the area before Metro became a Metropolitan Government.

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

Resolution No. 99-332

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-374G, a request for final plat approval to create 24 lots abutting the south margin of Old Hickory Boulevard, approximately 770 feet west of Lawing Drive (14.39 acres), classified within the R20 District, requested by J and L Land Company, LLC, owner/developer, Crawford Land Surveyors, surveyor, is APPROVED SUBJECT TO A BOND OF \$495,500.00 (8-0).”

Mr. Stephen Smith left at 4:10 p.m., at this point in the agenda.

OTHER BUSINESS:

1. Presentation by Parsons, Brinkerhoff, Quade and Douglas on the Downtown Transportation Plan.

Mr. Ed Womack and Mr. Mark Macy presented the Downtown Transportation Plan to the Commission and asked them to review the information and send in their comments.

2. Fiscal Year 1999 Transportation Planning Contract with the Tennessee Department of Transportation.
3. Contract with Sumner County and Neel-Schaffer, Inc., for the preparation of an Advance Planning Report (APR) for the realignment of SR76 and SR258 in White House.
4. Contract Amendment for an MPO Study with Gresham, Smith and Partners and the City of Franklin for the preparation of a Local and Regional Trip Reduction Ordinance (TRO).

Mr. Preston Elliott explained each contract to the Commission.

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

Resolution No. 99-333

“BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the Fiscal Year 1999 Transportation Planning Contract with the Tennessee Department of Transportation, the Contract with Sumner County and Neel-Schaffer, Inc., for the preparation of an Advance Planning Report (APR) for the realignment of SR76 and SR258 in White House and the Contract Amendment for an MPO Study with Gresham, Smith and Partners and the City of Franklin for the preparation of a Local and Regional Trip Reduction Ordinance (TRO).”

5. Subarea 8 Plan Amendment Request.

Ms. Debbie Frank stated staff is recommending the Commission set a public hearing for May 27, 1999, to consider amending the industrial and distribution policy in MetroCenter to a mixed use policy. This request was presented to staff by Littlejohn Engineering for a prospective developer who wants to introduce some residential development into the area.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously to set the Subarea 8 Plan Amendment public hearing for May 27, 1999.

6. Legislative Update.

Ms. Carrington stated there were approximately 45 bills on the upcoming public hearing and have mailed out over 1,800 notices.

PLATS PROCESSED ADMINISTRATIVELY

April 15, 1999 through April 29, 1999

- | | |
|-----------------|--|
| 99S-105G | JAMES E. RUSH PROPERTY
Plats one deeded parcel as a lot on a private access easement |
| 99S-135U | 3014 KEDRICK STREET OFFICE BUILDING, Lot 1
Consolidates two lots into one lot |
| 99S-136U | GREEN HILLS COMMONS, Resubdivision of Lot 2
Subdivides one platted lot into two lots |
| 99S-137U | MCGAVOCK PIKE, Lot 1
Plats one deeded parcel as a lot |
| 99S-147G | NORTHSIDE MARKETPLACE, Resubdivision of Lot 2
Subdivides one platted lot into two lots |
| 99S-151U | RESHA HEIGHTS
Consolidate two parcels into one lot |
| 99S-161G | AYERS PROPERTY
Plats one deeded parcel |

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 13th Day of May, 1999