

**MINUTES**  
**OF THE**  
**METROPOLITAN PLANNING COMMISSION**

Date: October 28, 1999  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

James Lawson, Chairman  
Frank Cochran  
Ann Nielson  
Vicki Oglesby  
Councilmember Phil Ponder  
Marilyn Warren

**Absent:**

Mayor Bill Purcell  
Tonya Jones  
William Manier  
Douglas Small

**Others Present:**

**Executive Office:**

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

**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  
Andrew Wall, Planning Technician I

**Community Plans Division:**

Jerry Fawcett, Planning Division Manager

**Advance Planning & Research:**

John Boyle, Planning Division Manager  
Jeff Lawrence, Planner III  
Michelle Kubant, Planner II  
Paige Watson, Planner II

**Others Present:**

John Gregor, Public Works  
Jim Armstrong, Public Works  
Leslie Shechter, Legal Department

Chairman Lawson called the meeting to order.

**ADOPTION OF AGENDA**

Ms. Carrington announced the following changes to the agenda:

8-68-G-12        Withdrawn.  
98-85-P-14        Should include Phases 2B and 5 and the roadway footage should be changed to 933 feet.  
99M-135U-08      The Council Bill No. is BL-9962.  
99M-136U-00      Is not a Council Bill and the bill number should be removed.  
99Z-138U-05      Addendum should be added.

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

**ANNOUNCEMENT OF DEFERRED ITEMS**

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

99Z-124-06        Deferred indefinitely, by applicant.  
27-87-P-03        Deferred indefinitely, by applicant.  
99M-130U-03      Deferred indefinitely, by applicant.

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

**APPROVAL OF MINUTES**

Ms. Warren moved and Ms. Oglesby seconded the motion, which unanimously passed to approve the minutes of the regular meeting of October 14, 1999.

**RECOGNITION OF COUNCILMEMBERS**

Councilmember Edward Whitmore spoke in favor of Zone Change 99Z-140U-10 at 28<sup>th</sup> Avenue and Charlotte Pike.

**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:

**SUBDIVISIONS AND BOND PROPOSALS**

**99S-401G-12**  
Sugar Valley, Section 2  
Map 181, Part of Parcel 16  
Subarea 12 (1997)  
District 31 (Knoch)

A request for final plat approval to create three lots abutting the northwest terminus of Sunnywood Drive, approximately 90 feet northwest of Sugar Valley Drive (1.01 acres), classified within the R20 Residential Planned Unit Development District, requested by Hurley-Y L.P., owner/developer, Anderson-Delk & Associates, Inc., surveyor.

**Resolution No. 99-836**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-401G-12 is **APPROVED SUBJECT TO A BOND OF \$10,000.00 (6-0).**”

**Request for Bond Release**  
99S-146G  
McDonald's Subdivision  
McDonald's Corporation, principal  
Subarea 14 (1996)

Located abutting the northeast corner of Sells Drive and Old Hickory Boulevard.

**Resolution No. 99-837**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for release of a performance bond for Subdivision No. 99S-146G, Bond No. 99BD-031, in the amount of \$60,000.”

**Request for Bond Extension**  
97S-156G  
Walden Woods, Phase 1  
Walden Woods, LLC., principal  
Subarea 14 (1996)  
[Buildout is at 19%]

Located abutting the east margin of Tulip Grove Road, approximately 500 feet south of Chandler Road.

**Resolution No. 99-838**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-156G, Bond No. 98BD-116, Walden Woods, Phase 1, in the amount of \$234,000 to 10/19/00 subject to the submittal of an amendment to the present Letter of Credit by **11/28/99** which extends its expiration date to 4/19/01. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Request for Bond Extension**  
98S-036G  
Pasquo Plaza Subdivision  
Kroger Company LP I., principal  
Subarea 6 (1996)

[This is a commercial development]

Located abutting the south margin of State Highway 100, approximately 1,014 feet northeast of Chaffin Drive.

**Resolution No. 99-839**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-036G, Bond No. 98BD-089, Pasquo Plaza, in the amount of \$304,000 to 9/24/00 subject to the submittal of a letter from the National Fire Insurance Company of Hartford agreeing to the extension by **11/28/99**. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Request for Bond Extension**

98S-179U

Airpark Business Center 14, Lot 1

Week Realty, L.P., principal

Subarea 13 (1996)

[This is a commercial development]

Located abutting the southwest corner of Harding Place and Airpark Center Drive.

**Resolution No. 99-840**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-179U, Bond No. 98BD-046, Airpark Business Center 14, Lot 1, in the amount of \$15,300 to 1/28/00 subject to the submittal of an amendment to the present Letter of Credit by **11/15/99** which extends its expiration date to 7/28/00. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Request for Bond Extension**

98S-197U

Highland Ridge, Section 4, Lot 4

Gaedeke Holdings, Ltd., principal

Subarea 14 (1996)

[This is a commercial development]

Located abutting the southeast margin of Marriott Drive, approximately 200 feet west of Ermac Drive.

**Resolution No. 99-841**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-197U, Bond No. 98BD-104, Highland Ridge, Section 4, Lot 4, in the amount of \$100,000 to 1/31/00 subject to the submittal of a letter from the Hartford Fire Insurance Company agreeing to the extension by **11/28/99**. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**ZONE CHANGE, PUD AND UDO PROPOSALS**

**99Z-144U-10**

Map 117-11, Parcel 27

Subarea 10 (1994)

District 25 (Shulman)

A request to change from R40 to R20 district property at 2021 Woodmont Boulevard, abutting the east margin of Boensch Street (1.63 acres), requested by Steve R. Wherry, appellant, for P. C. Childs, et ux, owners.

**Resolution No. 99-842**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-144U-10 is **APPROVED (6-0)**:

**This property falls within the Subarea 10 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre. The R20 district is consistent with that policy and the single-family development pattern in the area."**

**215-76-G-14**

Walgreens (Central Pike and Old Hickory Boulevard)  
Map 86, Parcel 344  
Subarea 14 (1996)  
District 12 (Ponder)

A request to revise the preliminary and for final approval for a portion of the Commercial Planned Unit Development District located abutting the northeast corner of Old Hickory Boulevard and Central Pike, classified CS (2.19 acres), to permit a redesign of the 15,120 square foot retail drug store, requested by Barge, Waggoner, Sumner and Cannon, for Eakin and Smith Real Estate. (Also requesting final plat approval).

**Resolution No. 99-843**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 215-76-G-14 is given **CONDITIONAL FINAL APPROVAL FOR A PHASE OF THE PUD; FINAL PLAT APPROVAL SUBJECT TO A BOND OF \$32,200.00 FOR THE EXTENSION OF UTILITIES (6-0)**. 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 plat shall be recorded and a bond in the amount of \$32,200 shall be posted for extension of utilities."

**95P-017G-13**

Smith Springs Corner (Exxon)  
Map 136, Parcel 39  
Subarea 13 (1996)  
District 27 (Sontany)

A request to revise the preliminary plan and for final approval of the Commercial (General) Planned Unit Development District located abutting the north margin of Smith Springs Road and the west margin of Bell Road (1.00 acres), classified R10, to develop a 3,556 square foot convenience market/gas station, replacing a 4,228 square foot convenience market/gas station, requested by Ragan-Smith Associates, Inc., for Exxon Corporation, owner.

**Resolution No. 99-844**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-017G-13 is given **APPROVAL TO REVISE THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL (6-0)**. 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 Use and Occupancy permits, the hammerhead turnaround shall be constructed by the property owner of parcel 39 subject to review, approval, and acceptance by the Metropolitan Department of Public Works.”

**99UD-001U-10**  
Jackson’s Coffee House  
Map 104-8, Parcel 160  
Subarea 10 (1994)  
District 18 (Hausser)

A request for final construction plans approval to re-use an existing legally nonconforming structure at the southeast corner of 21st Avenue and Belcourt Avenue (0.23 acres), classified in the MUL zoning district and the Hillsboro Village urban design overlay district, requested by The Innovations Group Architects, appellant, for Tom Sheffer, lessee.

**Resolution No. 99-845**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 99UD-001U-10 is given **APPROVAL OF THE FINAL CONSTRUCTION PLANS (6-0)**:

**MANDATORY REFERRALS**

**99M-079G-04**  
Campbell Road Renaming  
Map 42-4  
Subarea 4 (1998)  
District 3 (Nollner)

A request from the Interim Director of Public Works to rename Campbell Road between Hamblen Drive and One-Mile Parkway to "East Campbell Road" and between Cunniff Parkway and Dickerson Pike to "West Campbell Road" for enhanced 911 System operations and to eliminate duplication of street address numbers on road sections that are disconnected by I-65.

**Resolution No. 99-846**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 99M-079G-04.”

**99M-132U-05**  
Richmond Hill Drive Renaming  
Maps 50 and 60-7  
Subarea 4 (1998)  
District 3 (Nollner)

A request by the Interim Director of Public Works to rename Richmond Hill Drive to "West Richmond Hill Drive" from 120 feet west of Gwynnwood Drive to Ewingdale Drive and to rename Richmond Hill Drive to

“Lyndale Court” between Lyndale Drive and its terminus at I-65 for enhanced 911 system operations since these streets became disconnected by the construction of I-24 and I-65.

**Resolution No. 99-847**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 99M-132U-05."

**99M-133U-08**  
Metroplex Drive Fiber Optic Cable –  
Underground Encroachment  
Map 134  
Subarea 13 (1996)  
District 27 (Sontany)

A request to install a fiber optic cable at a depth of 48" to 60" within the right-of-way of Metroplex Drive between Harding Place and the terminus of Metroplex Drive, requested by Curley Johnson, Jr., for Qwest Network Construction.

**Resolution No. 99-848**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 99M-133U-08."

**99M-134U-05**  
Pennington Avenue Easement Abandonment  
Map 72-15, Part of Parcel 232  
Subarea 5 (1994)  
District 7 (Campbell)

A request from Bridgewood Park Limited Partnership to abandon a 6" water line and easement located in the portion of Pennington Avenue closed by Ordinance O98-1269, located between Cahal and Chester Avenues.

**Resolution No. 99-849**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 99M-134U-05."

**99M-135U-08**  
Council Bill No. BL-9962  
Head Middle School Property Acquisition  
Map 92-7, Parcels 348-357  
Subarea 8 (1995)  
District 21 (Whitmore)

A request from the Public Property Administrator to acquire 10 properties located at Jo Johnston Avenue (unnumbered), 1908, 1912, 1914, 1918 and 1928 Jo Johnston Avenue, 601 and 605 19th Avenue North, zoned OR20 District (2.5 acres), owned by Second Harvest Food Bank of Nashville, Metro Government, Third National Bank in Nashville, Malcolm L. Mimms, trustee, Paula Hensley, Helen Galloway Mayers et vir, Benjamin S. Mitchell et ux, and Malcolm L. Mimms, Sr.

**Resolution No. 99-850**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 99M-135U-08."

This concluded the items on the consent agenda.

**DEVELOPMENT MONITORING/AGENDA OVERVIEW**

Ms. Kubant presented the Development Monitoring overview of employment in Nashville.

**SUBDIVISIONS AND BOND PROPOSALS**

**98S-259U-13 (Public Hearing)**  
Hickory Highland Place, Section 3  
Map 163, Parcels 27, 29, 30 and 32  
Subarea 13 (1996)  
District 28 (Alexander)

A request for preliminary approval for 143 lots abutting the south margin of Moss Road and the northwest margin of Rural Hill Road (49.0 acres), classified within the RS7.5 District, requested by Hickory Highlands, L.L.C., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. (Deferred from meetings of 9/30/99 and 10/14/99).

Mr. Calleja stated this applicant has requested indefinite deferral. He stated this subdivision is partially covered by an adjacent PUD, and that PUD plan is not consistent with the subdivision plan before the Planning Commission. In order for the subdivision to be approved, some adjustments to the PUD may be necessary. The deferral will provide time to effect the needed changes.

No one was present to speak at the public hearing.

Ms. Nielson moved and Councilmember Ponder seconded the motion, which carried unanimously, to close the public hearing and to defer this matter indefinitely.

**99S-386G-14 (Public Hearing)**  
Oakwood Farm  
Map 64, Parcels 16, 25 and Part of Parcel 26  
Subarea 14 (1996)  
District 11 (Brown)

A request for preliminary approval for 360 lots abutting the southeast margin of Saundersville Road, approximately 85 feet west of Cascade Drive (103.1 acres), classified within the R10 District, requested by Phillips Builders, Inc., owner/developer, Anderson-Delk and Associates, Inc., surveyor. (Deferred from meeting of 10/14/99).

Mr. Calleja stated staff is recommending conditional approval subject to re-submittal of a revised preliminary plan for minor changes to the lots. The applicant is requesting a cluster lot subdivision so they can reduce the lot sizes and provide open space, and they meet the cluster lot zoning requirements. The northern area contains approximately 120 lots with about 9,000 square feet per lot and the southern section is proposing 6,000 square foot lots. Access to the development will be from Andrew Jackson Parkway and Saundersville Road, with two secondary access points onto Cascade Drive. This item was deferred from the last meeting because there was a need for a traffic study. That study has been completed and reviewed by



Public Works and the applicant and Public Works have come to an agreement on what improvements need to be made to the Andrew Jackson – Saundersville Road area in order to meet the Subdivision Regulations.

Councilmember Feller Brown stated there are already traffic problems, surface water problems, flooding problems, and school overcrowding in this area. He suggested road improvements, additional traffic lights, restricting lot sizes to 15,000 square feet per lot and excluding one of the development exits onto Cascade Drive. He also mentioned concerns regarding water pressure in the Lexington development.

Mr. Gary Gentry, Ms. Pam Reasonover, Mr. Gary Mallory, Ms. Linda Watson, Stewart Spicer, Mr. Gene Brie, Ms. Ginger Turner, Ms. Joann Satterfield, Mr. Jim White, Mr. Jerry Thomas and Mr. Bill Byers expressed concerns regarding school overcrowding, traffic, construction traffic, inadequate road infrastructure, safety, the two accesses on Cascade, low water pressure from the Cumberland Water District, floodwater runoff and inadequate drainage.

Ms. Satterfield presented a petition from the surrounding neighborhood regarding existing problems of traffic, water pressure and schools.

Ms. Nielson stated perhaps this matter should be deferred to give Traffic and Parking and Public Works an opportunity to look at the immediate problems and the water as well.

Councilmember Ponder stated the infrastructure problems are real and that he did not feel this property is ready for development at this point and that these lots should be based on an RS15 zoning. The southern portion of this development is very concentrated and the developer should go back and take another look at it and start fresh and not have 360 home sites. This needs more study in collaboration with the other elements that are involved such as the streets, water runoff, schools and the road widening. There needs to be a huge overview taken of this particular area. This land is good for development, but for development in the right way.

Mr. Mike Anderson stated the developer has spent since June 29<sup>th</sup> of this year to resolve the traffic issue and address the traffic problem with the Public Works Department before the owner and Phillips Builders ever entered into a contract on this property. It was concluded on Tuesday, and addresses everything that Public Works and Traffic and Parking instructed the applicant to do.

Judge Merritt, property owner, stated he was sympathetic to the problems in the area. They are, however, not administrative problems and not problems that the Planning Commission can enforce. It is a legislative problem having to do with what the pattern of roads in that area should be and how much money the Metropolitan Government should spend to make a better road pattern and what should be done in connection with the water, sewage and school problems. This proposal fully meets the zoning requirements. On part of the land multi-family dwelling units are permitted but the developer is not seeking or requesting any such apartments or condominiums. This meets each and every requirement, planning regulation and a full agreement has been worked out. The neighbors are dissatisfied about the traffic, schools, water and sewage, but that is a problem that should not be imposed upon the landowner. This is a legal problem. The developer has complied with everything under the law. As the landowner, he stated he had a vested interest in the property and should be entitled to develop it. If the law is going to be changed, it should be changed by the State Legislature or City Council.

Councilmember Brown stated the Commission knows that once the last house is built and the dust is settled the problems will be on the residents and Metro Government. This will cause a tremendous impact of financial burden on the Metropolitan Government to widen the road and control the traffic.

Mr. John Gregor, Traffic Engineer, stated Traffic and Parking has discussed with the applicant the traffic impact study received last week and had some disagreements with it. It is fair to say they were style disagreements of whether the resources were being used in the best way and did come to somewhat different conclusions from the traffic study as a result. This is a typical dilemma for the Planning Commission in terms of whether or not to approve more development in an area that is already saturated with traffic. This

application was treated as if it was going to be a fact and how best to mitigate the traffic. The process followed was to look at the background traffic that already exists, the capacities and operational characteristics of the roads before any development starts. The applicant was asked to estimate the traffic they will generate as a result of the project, to estimate the directions of approach, to calculate what traffic will be added to the roads and what can be done to mitigate the impacts of that traffic. We have to be real careful in not being unreasonable with a developer to have them build roads that already should be built and at the same time we don't want to let traffic become any worse. The solution of widening the Saundersville Road link just north of Lexington to four lanes, that Metro had proposed anyway, up to their entrance and then tapering it to a 3 lane and then a 2 lane section gives them a left turn lane into the property plus a right turn into the property at that one location. It is consistent with the long range plan and we are not asking the developer to build anything that will later be torn out if the road is widened the rest of the way.

Ms. Warren asked if in the study Cascade Drive was considered for the amount of traffic that would be added to it.

Mr. Gregor stated it was considered and reviewed but there is not enough traffic volume there to meet the standard for a traffic light and it is also apparent that if Saundersville Road were widened that problem would largely be eliminated.

Ms. Ginger Turner asked if the intersection of Saundersville Road and Cascade Drive did not warrant a traffic signal what does.

Mr. Gregor stated that it would require 75 vehicles per hour for each of eight hours trying to enter the intersection from one side and the number in the traffic study was 45.

Mr. Bob Murphy, Traffic Engineer for the developer, stated the peak hour volumes at that intersection are above the 75 car level. On Woodside they are 140; however, that is right turn volumes and often Traffic and Parking will take the right turn volumes out of the analysis because of the ease in turning right. The left turn volumes on Cascade are barely above the 75 level. They are 81 but the important thing to remember is that it is 75 cars for an eight hour period. You have to have over 75 cars for at least eight hours of a day. That is where it doesn't meet the requirements for signalization. Currently Cascade carries a daily volume of somewhere around 1,000 vehicles and this project will add only about 20% to that and that will be well in the range of a local residential street.

Mr. Browning stated there is a lot of concern about the effect of this development on Cascade but it seems some trips on Cascade that now must go north to Saundersville Road might migrate through the new development over towards Saundersville Road to the west.

Chairman Lawson stated he would like to hear more about the water problems.

Ms. Lynn Fontana, Metro Water Services, stated Water Services is currently in discussion with Cumberland Utility District about taking over some area of that district. We are aware there are some pressure problems in some of the areas but the detailed study has not been completed. Should Metro take over the utility district, we will be looking at what system wide improvement will be necessary to bring it up to acceptable standards.

Chairman Lawson asked Public Works to comment on the stormwater problem.

Mr. Jim Armstrong, Public Works, stated the developer has asked his engineers to do some additional work before the final approval and they are looking at the detention system that was never put in. The developer is working on a fairly extensive program along that line that will hopefully get us back to where we would have hoped we would have already been and the Cascade drive side will be addressed as well.

Mr. Cochran stated this Planning Commission is supposed to be making an orderly plan for Davidson County that doesn't infringe on other peoples' rights, enjoyment of life and also it is our job to approve

things that are for the benefit for everyone concerned. This subdivision in this particular area, with the roads and utilities creates a problem and those problems infringe on the rights and the daily lives of the people that live in that neighborhood. The development is too large for the area at this time.

Ms. Warren stated she felt this was an example of what is going to possibly happen to Davidson County with the Cluster Provision in the Zoning Ordinance. There are too many lots in this subdivision and could not vote on it until that water pressure issue is answered.

Mr. Cochran moved and Councilmember Ponder seconded the motion, which carried unanimously, to close the public hearing and defer this matter for two weeks to research a resolution of the water pressure.

**99S-388G-12 (Public Hearing)**

Old Hickory Hills  
Map 182, Parcel 12  
Subarea 12 (1997)  
District 31 (Knoch)

A request for preliminary approval for 412 lots abutting the north margin of Old Hickory Boulevard, approximately 2,900 feet east of Pettus Road (112.2 acres), classified within the RS10 District, requested by Dotson-Thomason, owner/developer, Dale and Associates, Inc., surveyor. (Deferred from meeting of 10/14/99).

Mr. Calleja stated staff is recommending conditional approval subject to re-submittal of a preliminary plan to make some corrections to some of the lots. This proposal meets the requirements of the Cluster Lot Provisions of the Zoning Ordinance. Access to the property will be via Old Hickory Boulevard. One of the requirements will be to make improvements to the curve in Old Hickory Boulevard. The development will have about 7 other connections possible in the future, 5 to the east and 2 to the north.

Mr. Phil Stinson expressed concerns regarding the large size of the development and traffic.

Councilmember Ponder asked if there were other developments planned for the area.

Mr. Calleja stated there were not any at the present time but that the road network staff feels will be able to provide access to the other properties if future developments takes place.

Mr. Roy Dale stated the stub out streets were placed on the plan for the future when and if adjacent properties develop. The property owner has already acquired additional property from the property owner across Old Hickory Boulevard to take the curve out and put in turning lanes.

Councilmember Ponder asked about the water situation in this area.

Mr. Dale stated this property is in a rural area and there are not water pressure problems. There is not sewer in the area and it will require an \$800,000 extension to get to this site, which the developer is paying for.

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

**Resolution No. 99-851**

**“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-388G-12 is APPROVED SUBJECT TO SUBMISSION OF A REVISED PRELIMINARY SUBDIVISION PLAN; PUBLIC HEARING CLOSED (6-0).**

## **ZONE CHANGE, PUD AND UDO PROPOSALS**

### **99Z-140U-10**

Council Bill No. BL99-37  
Map 92-10, Parcel 392  
Subarea 10 (1994)  
District 21 (Whitmore)

A council bill to rezone from IR to ORI district property at 2901 Charlotte Avenue, abutting the west margin of 28th Avenue North (2.8 acres), requested by Phil Pace, appellant, for Charlotte Avenue Partnership et al, owners. (Deferred from meeting of 10/14/99).

Ms. Regen stated this property was formerly Robert Orr/Sysco and the applicant is wanting to use it for a medical office use, surgery and out patient clinic. Those uses are only allowed in an office or commercial zoning district. The industrial zoning district does not allow medical offices. Staff is recommending disapproval. Earlier this year the Commission looked at rezoning an adjacent property from IR to ORI and staff recommend approval of that rezoning because 28<sup>th</sup> Avenue North would serve as a good boundary between the industrial policy and commercial properties. There are other properties in the area available for ORI uses. Staff's concern is that as these properties are rezoned it may encourage the industrial uses to locate elsewhere or eat up existing industrial zoning within the I-440 loop.

Mr. Phil Pace and Mr. Jay West spoke in favor of and explained the plan. He presented the Commission with letters of support from surrounding businesses. The building will be given a completely new look and would be a corner stone for the corridor. Urology Associates has been searching for a development that would suit their needs since 1991 and this location is convenient to the hospital district. The other available properties in the area were investigated were not suitable.

The Commission agreed this project would enhance the area and suggested the railroad could be used as an industrial boundary.

Ms. Oglesby moved and Councilmember Ponder seconded the motion, which carried with Ms. Warren abstaining, to approve the following resolution:

### **Resolution No. 99-852**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-140U-10 is **APPROVED (5-0-1)**:

**This property falls within the Subarea 10 Plan's Mixed Use (MU) policy calling for a mixture of commercial, higher density residential, and medical office uses associated with the Baptist Health Care and Columbia HCA/Centennial hospital complexes to the east. The ORI district is consistent with that policy and serves as a transition to the IND policy to the west calling for wholesaling, warehousing, manufacturing, and bulk distribution uses."**

### **99Z-142U-13**

Map 149-8, Parcel 32  
Subarea 13 (1996)  
District 29 (Holloway)

A request to change from OL to CS district property at 436 Bell Road, approximately 160 feet south of Anderson Road (.84 acres), requested by Kamal Hajizadeh, appellant, for Masoud Sabzbaluch and Kamal Hajizadeh, owners.

Ms. Carrington stated staff is recommending disapproval. The Subarea 13 Plan calls for residential medium-high policy in this area with 9 to 20 units per acre and this is clearly not a request for residential

zoning. The Commission has disapproved two earlier requests in this are, an MUN zoning request to the north on Anderson Road as well as the CS zoning to the South on Bell Road.

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

**Resolution No. 99-853**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-142U-13 is **DISAPPROVED (6-0)**:

**This property falls within the Subarea 13 Plan’s Residential Medium High (RMH) policy calling for 9 to 20 units per acre. The retail uses permitted within the CS district are not consistent with that policy and it is not appropriate to intensify commercial zoning within this residential area. Ample commercial opportunities exist within the Retail Concentration Community (RCC) policy around the Bell Road/Murfreesboro Pike intersection to the west. Before commercial zoning is expanded outside of the RCC node, the existing commercial development potential should be maximized. The OL district is the preferred zoning district for this property as well as parcels 31 and 33, as a transition between the commercial (CS) zoning to the west and the residential properties along Anderson and Bell Roads.”**

**98-85-P-14**

Lakeside  
Map 121, Parcels 6 and 74  
Subarea 14 (1996)  
District 13 (Derryberry)

A request to revise the preliminary plan and for final approval for a portion of Phases 1, 2B, 4 and 5 of the Residential Planned Unit Development District located abutting the east margin of Bell Road, opposite Pleasant Hill Road, classified RM9 (112.32 acres), to change from private streets to public streets and to permit the grading and construction of 933 feet of roadway and infrastructure improvements, requested by LDI Design, for James Carbine, owner.

Ms. Carrington stated this applicant is requesting an indefinite deferral.

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

**MANDATORY REFERRALS**

**99M-136U-00**

Adoption of 1999 Official Street and Alley Map

A council bill to adopt the Official Street and Alley Map in accordance with Metro Code of Laws, Section 13.08.010 for all streets and roads which have been accepted for the period of October 1, 1998 through September 30, 1999.

Ms. Carrington stated this adoption is done annually by the Planning Commission. The only reason it was not placed on consent was because staff wanted to show the Commission the location of the streets.

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

**Resolution No. 99-854**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 99M-136U-00."

**ADDENDUM**

**Zone Change Proposal No. 99Z-138U-05**

Council Bill No. BL99-42

Map 71-2, Part of Parcel 68

Map 71-7, Part of Parcel 260

Map 71-10, Parcel 200

A council bill to change from R6 and CS district to IWD district properties abutting the eastern margin of I-65, south of East Trinity Lane (18.42 acres), requested by Randy Caldwell of Regan-Smith Associates, Inc., appellant, for Jenkins Properties L.P. and Phillip D. Pekerson, owners.

Ms. Carrington stated there was a request for IWD zoning at the I-65 and Trinity Lane area and the Planning Commission disapproved it on September 30<sup>th</sup>. It went forward to Council and the Councilmember has revised the area of request by reducing the size of the parcel by half. Staff continues to recommend disapproval as contrary to the General Plan. This item will be at the Council public hearing on November 2<sup>nd</sup> and needs the Commission's recommendation.

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

**Resolution No. 99-855**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-138U-13 is **DISAPPROVED (6-0)** as contrary to the **General Plan**:

**These properties fall within the Subarea 5 Plan's Commercial Mixed Concentration (CMC) policy calling for office, retail, and higher density residential uses around the Interstate 65/West Trinity Lane interchange. The industrial uses permitted within the IWD district are not consistent with that policy. There are only three industrial properties in this quadrant of the interchange and allowing industrial uses to gain such a large foothold could jeopardize the viability of the CMC policy. There are ample opportunities for industrial development in the Subarea 3 Plan's Industrial (IND) policy between Interstate 65 and Brick Church Pike, northwest of this interchange."**

**OTHER BUSINESS**

1. Legislative update

Councilmember Ponder provided an update on the current legislative status of items previously considered by the Commission.

**PLATS PROCESSED ADMINISTRATIVELY**

October 14, 1999 through October 27, 1999

- 99S-286G**      **RANDY AND DELANA OWEN PROPERTY**  
Plats one deeded parcel
- 99S-312U**      **SMITH SPRINGS TOWNHOMES, Phase 1, First Revision**  
Minor revision to building configuration
- 99S-363U**      **ROY JONES SUBDIVISION**  
One lot into two lots
- 99S-371G**      **MONTAGUE PARK, Resubdivision of Lots 18 and 25**  
Reconfigures two platted lots
- 99S-398G**      **ALTA LAKE**  
P.U.D. Boundary Plat
- 99S-400U**      **ADAMS PROPERTY**  
P. U. D. Boundary Plat

**ADJOURNMENT**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:10 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Minute Approval:  
This 11<sup>th</sup> day of November, 1999