

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: February 3, 2000
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Bill Purcell
Marilyn Warren

Others Present:

Executive Office:

Karen P. Nicely, Interim Executive Director
Carolyn Perry, Secretary III
Annette Clothier, Planner I

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
Anita McCaig, Planner I

Advance Planning & Research:

Jeff Lawrence, Planner III
Michelle Kubant, Planner II

Others Present:

Jim Armstrong, Public Works
Mark Macy, Public Works
David Diaz-Barriga, Legal Department

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Ms. Carrington announced the following changes to the agenda:

- 191-69-G-14 Also includes parcels 148 and 150 and the caption should be to cancel a portion and amend a portion.
- 28-79-G-13 Should be part of parcel 371.
- 92P-009G-04 Should be to revise the preliminary plan and for final approval.
- 2000M-020U-09 Should be listed as in Subarea 9 (1999).

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

- 2000S-032G-12 Deferred two weeks, by applicant
- 2000S-035U-03 Deferred indefinitely, by applicant
- 2000S-036G-12 Deferred indefinitely, by applicant
- 2000S-037G-04 Deferred two weeks, by applicant
- 2000Z-014G-14 Deferred indefinitely, by applicant
- 191-69-G-14 Deferred indefinitely, by applicant – Cancellation portion only
- 27-87-P-03 Deferred two weeks, by applicant

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

APPROVAL OF MINUTES

Ms. Nielson moved and Ms. Oglesby seconded the motion, which unanimously passed to approve the minutes of the regular meeting of January 20, 2000.

RECOGNITION OF COUNCILMEMBERS

No Councilmembers were present to speak at this point in the agenda.

ADOPTION OF CONSENT AGENDA

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

SUBDIVISION AND BOND PROPOSALS

99S-416G-02

L. J. Mayes Et ux Property
Map 33, Parcel 149
Subarea 2 (1995)
District 10 (Balthrop)

A request for final plat approval to subdivide one parcel into two lots abutting the south margin of Lowes Lane, approximately 2,490 feet west of Old Dickerson Pike (7.59 acres), classified within the R20 District, requested by L. J. and Jewell L. Mayes, owners/developers, Thornton and Associates, Inc., surveyor.

Resolution No. 2000-130

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-416G-02, is **APPROVED (8-0).”**

2000S-012G-14

Baypointe, Phase 1
Map 98, Parcels 16 and 38
Subarea 14 (1996)
District 12 (Ponder)

A request for final plat approval to create 36 lots abutting the east margin of New Hope Road, directly across from Bell Road (13.17 acres), classified within the RS15 District, requested by Baypointe L.L.C., owner/developer, SEC, Inc., surveyor. (Deferred from meetings of 1/6/00 and 1/20/00).

Resolution No. 2000-131

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-012G-14, is **APPROVED SUBJECT TO A BOND OF \$491,500.00 (8-0).”**

2000S-031G-11

Brandywine Farms, Section 8, Resubdivision
of Lots 23 and 24
Map 54-14, Parcels 64 and 65
Subarea 14 (1996)
District 11 (Brown)

A request for final plat approval to record two parcels as two lots abutting the northeast terminus of Kenneth Court, approximately 70 feet northeast of Kenneth Road (2.49 acres), classified within the RS30 District, requested by Herman and Susan Brown, owners/developers, Dale & Associates, surveyor. (Deferred from meeting of 1/20/00).

Resolution No. 2000-132

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-031G-11, is **APPROVED SUBJECT TO A BOND OF \$68,000.00 (8-0).”**

2000S-039G-02

Saddleback Farms, Resubdivision of Lots 13-15
Map 16, Parcels 261, 262 and 271
Subarea 2 (1995)
District 10 (Balthrop)

A request for final plat approval to consolidate three lots into one lot abutting the east margin of Gallop Lane, approximately 650 feet south of Union Hill Road (6.86 acres), classified within the AR2a District, requested by Saddleback Properties, Inc., owner/developer, Walter Davidson and Associates, surveyor.

Resolution No. 2000-133

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-039G-02, is **APPROVED (8-0).”**

Request for Bond Release

92S-113G
Boone Trace, Phase 2
Fox Ridge Homes, Inc., principal
Subarea 6 (1996)

Located abutting both margins of Boone Trace and both margins of Daniel Trace.

Resolution No. 2000-134

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 92S-113G, Bond No. 96BD-058, Boone Trace, Phase 2, in the amount of \$45,000.”

Request for Bond Release

94S-315U
Whitworth, Phase 3, Section 1
Lake Whitworth LLC, principal
Subarea 10 (1994)

Located abutting the northwest corner of Woodlawn Drive and Compton Road.

Resolution No. 2000-135

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 94S-315U, Bond No. 94BD-093, Whitworth, Phase 3, Section 1, in the amount of \$22,000.”

Request for Bond Release

97S-193U
Aberdeen Farms, Phase 1
Zaring Homes, Inc., principal
Subarea 12 (1997)

Located abutting the south margin of Oakley Drive, opposite West Fork Court.

Resolution No. 2000-136

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 97S-193U, Bond No. 98BD-002, Aberdeen Farms, Phase 1, in the amount of \$159,000.”

Request for Bond Release

99S-278U
Priest Lake Investments, Resubdivision of Lot 1
Priest Lake Storage, LLC, principal
Subarea 13 (1996)

Located abutting the northwest margin of Forest View Drive, approximately 126 feet southwest of Murfreesboro Pike.

Resolution No. 2000-137

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 99S-278U, Bond No. 99BD-067, Priest Lake Investments, Resubdivision of Lot 1, in the amount of \$52,500.”

Request for Bond Extension

98S-455U
Aberdeen Woods, Phase 2
Zaring Homes, Inc., principal
Subarea 12 (1997)
[Buildout is at 74%]

Located abutting the southeast terminus of Cochran Drive, approximately 450 feet southeast of Danestone Court.

Resolution No. 2000-138

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-455U, Bond No. 99BD-009, Aberdeen Woods, Phase 2, in the amount of \$58,750 to 8/5/2000.

ZONE CHANGE AND PUD PROPOSALS

191-69-G-14

Priest Lake Center
Map 97, Parcel 112
Subarea 14 (1996)
District 12 (Ponder)

A request to amend a portion of the Commercial (General) Planned Unit Development District located abutting the south margin of Mills Road west of Old Hickory Boulevard, classified CL (2.14 acres), to permit a 68 unit, 43,291 square foot, 4 story motel, originally approved for 33,350 square feet of retail, convenience market, restaurant and hotel use, requested by Saeed Sassan, for Hermitage L.L.C, optionee and Bimal and Maya, Kirit and Jyotshn Patel, owners. (Deferred from meeting of 1/20/00).

Resolution No. 2000-139

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 191-69-G-14 is given **CONDITIONAL APPROVAL TO AMEND A PORTION AND INDEFINITE DEFERRAL OF THE**

CANCELLATION OF A PORTION OF THE COMMERCIAL PUD (8-0). The following condition applies:

Approval of PUD amendment by Metropolitan Council.”

2000Z-017U-08

Map 92-3, Parcels 48-52, 249-265, 267, 90, 127-130,
136-140, 282, 402, 405, 406, 268, 288-294, 300,
317-325, 329, 331, 333, 359-365 and 400
Map 92-7, Parcel 20
Subarea 8 (1995)
District 19 (Wallace)

A request to change from RM20 to MUG district various properties between the east margin of the CSX Railroad and the west margin of D. B. Todd Boulevard, abutting the north and south margins of Meharry Boulevard, Albion Street, and Morena Street (approximately 33 acres), requested by Meharry Medical College, appellant/owner.

Resolution No. 2000-140

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-017U-08 is **APPROVED (8-0)** :

These properties fall within the Subarea 8 Plan’s Mixed Use (MU) policy calling for the commercial revitalization of Jefferson Street, the accommodation of the Meharry and Fisk campuses, and residential uses. The MUG district is consistent with that policy.”

98-73-G-02

Hickory Hills Commercial PUD
Map 40, Parcel 148
Subarea 2 (1995)
District 10 (Balthrop)

A request to revise the preliminary plan and for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the northeast corner of Old Hickory Boulevard and Hickory Hills Drive, classified OR20 (.98 acres), to add an egress driveway to Hickory Hills Court, to the approved 2,580 square foot convenience market and the 773 square foot car wash, requested by Hollingworth Oil Company, Inc., owners.

Resolution No. 2000-141

“BE IT RESOLVED BY THE METROPOLITAN PLANNING COMMISSION THAT PROPOSAL NO. 98-73-G-02 IS GIVEN APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL 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.”

163-73-G-06

Jack in the Box (Bellevue)
Map 142, Parcel 216
Subarea 6 (1996)
District 35 (Lineweaver)

A request to revise the final site plan for a portion of the Commercial (General) Planned Unit Development District located abutting the south margin of Memphis Bristol Highway, 1,200 feet west of Sawyer Brown Road, classified SCR (0.91 acres), proposed for a 2,832 square foot fast-food restaurant with a new right out egress from the property, replacing a 3,019 square foot fast-food restaurant, requested by CEI Engineering, for Brookside Properties.

Resolution No. 2000-142

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 163-73-G-06 is given APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR A PHASE (8-0). The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any Use and Occupancy permits, the median on the ingress/egress easement west of parcel 216 on tax map 142 shall be extended by 6.5 feet, as shown on the PUD plan, to prohibit cars from entering the site at the northern driveway location.”

28-79-G-13
Cambridge Forest
Map 149, Part of Parcel 319
Subarea 13 (1996)
District 28 (Alexander)

A request to revise a portion of the approved preliminary plan for a phase of the Residential Planned Unit Development District located abutting the west margin of Rural Hill Road, south of Bridgecrest Drive, classified R15 (18.57 acres), to permit 82 multi-family units, replacing 105 multi-family units, requested by DBS and Associates for Craig & Walker Homes, owners.

Resolution No. 2000-143

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-79-G-13 is given **CONDITIONAL APPROVAL OF A REVISION TO THE PRELIMINARY PLAN (8-0)**. The following condition applies:

Prior to the issuance of any building permits, 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.”

73-85-P-06
Nashville Highlands
Map 128, Parcel 154
Subarea 6 (1996)
District 23 (Bogen)

A request for final approval for Phase I of the Residential Planned Unit Development District located abutting the east margin of Old Hickory Boulevard, north of Amberwood Circle, classified R20 and R15 (60 acres), to develop 150 townhomes units, a 2,000 square foot clubhouse and a 205 foot tall, 500,000 gallon water tank, requested by Barge, Waggoner, Sumner and Cannon, for Nashville Highlands, LLC, owner.

Resolution No. 2000-144

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 73-85-P-06 is given **CONDITIONAL FINAL APPROVAL FOR PHASE 1 SUBJECT TO POSTING A BOND IN THE AMOUNT OF \$2,465,975 (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 grading permits (including rough grading) and any building permits, the applicant shall document to the Planning Commission’s satisfaction a document showing the acquisition of the necessary water easements to permit construction of the off-site pumping station and the water lines through parcel 76 on tax map 128 to Old Hickory Boulevard.
3. Prior to the issuance of any grading permits (including rough grading), the applicant shall submit a letter to the Planning Commission from TDOT granting permission to extend the water line under Old Hickory Boulevard to the project site.”

92P-009G-04

Oakwood Estates
Map 51-10, Parcels 68 and 69
Map 51-11, Parcel 75, 76 and 79
Map 51-14, Parcels 9 and 10
Subarea 4 (1998)
District 3 (Nollner)

A request to revise the final site plan of the Residential Planned Unit Development District located abutting the northwest corner of Walton Lane and Saunders Avenue, classified R10 (16.98 acres), to develop 55 single-family lots with 5 foot side setbacks, requested by Ragan-Smith Associates, for Buddy Dunn, owner. (Also requesting final plat approval).

Resolution No. 2000-145

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 92P-009G-04 is given APPROVAL OF A REVISION TO THE PRELIMINARY PLAN, CONDITIONAL FINAL APPROVAL OF THE PUD, AND CONDITIONAL APPROVAL OF THE FINAL PLAT SUBJECT TO POSTING A BOND IN THE AMOUNT OF \$661,500 (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, including the right-turn lane on Saunders Drive measuring 100 feet long with a 150 foot taper.”

93P-010G-12

Sugar Valley, Phase III
Map 181, Part of Parcels 16 and 20
Subarea 12 (1997)
District 31 (Knoch)

A request to revise the preliminary site plan and for final approval for a portion of Phase III of the Residential Planned Unit Development District located 420 feet east of Nolensville Pike and approximately 2,600 feet north of Culbertson Road, classified R20 (7.5 acres), redesign the streets and 71 single-family

lots to protect a cemetery discovered during grading of Phase III, requested by Anderson-Delk, for Paul Johnson, owner.

Resolution No. 2000-146

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93P-010G-12 is given **APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL (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 plat shall be recorded detailing the location of the cemetery with a note on the plat that any portion of any lot within 10 feet of the perimeter of any gravesite within the cemetery shall remain free of any kind of development, including fences, pools, decks, garages, driveways, and patios as outlined by Tennessee Law (TN 46-8-103 (1)).”

MANDATORY REFERRALS

2000M-014U-10
Vanderbilt University Campus
Map 104
Subarea 10 (1994)
District 18 (Hausser)

A request to close a portion of Pierce Avenue between 24th Avenue South to the western edge of Alley #639, requested by Vanderbilt University and the Veteran’s Administration Hospital. (Easements are to be retained).

Resolution No. 2000-147

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 2000M-014U-10:

2000M-015U-10
Vanderbilt University Campus
Subarea 10 (1994)
District 18 (Hausser)

A request to close 8 alleys and 5 streets as follows:

Alleys: Close Alley #636 between 25th Avenue South to its terminus slightly beyond 24th Avenue South; Close Alley #638 from 25th Avenue South to its terminus at Alley #603; Close Alley #603 from Kirkland Place to its terminus at Alley #638; Close Alley #911 from 28th Avenue South to its terminus at Alley #914; Close Alley #914 from 28th Avenue South to its terminus at Alley #911 and from Alley #913 to its western terminus, but not section over near 29th Avenue South; Close Alley #912 from 28th Avenue South to its terminus at Alley #913; Close Alley #913 from 28th Avenue South to its terminus at Alley #912.

Streets: Close 24th Avenue South between West End Avenue and its terminus at Alley #636 and between Highland Avenue to its terminus at Garland Avenue; Close Kirkland Place from 25th Avenue South to its terminus; Close Garland Avenue from 25th Avenue South to its terminus at 24th Avenue South; Close Capers Avenue between 25th Avenue South to the western edge of Alley #639; and Close 23rd Avenue

South between Capers Avenue and Blakemore Avenue, requested by Vanderbilt University. (Easements are to be retained).

Resolution No. 2000-148

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 2000M-015U-10:

2000M-018U-07

Kentucky and Tennessee Avenues Easement Abandonment
Map 91-8, Part of Parcels 160, 161, 165 and 166
Subarea 7 (1994)
District 21 (Whitmore)

A request to abandon a 15' public utility easement in the portion of Alley #1207 (retained in Ordinance No. 77-552, which closed the alley) between Tennessee and Kentucky Avenues, requested by Charles B. Moseley, of Land Surveying Services.

Resolution No. 2000-149

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 2000M-018U-07:

2000M-019U-12

Nolensville Road Easement Acquisition
Map 161, Parcel 171
Subarea 12 (1997)
District 30 (Kerstetter)

A request by the Department of Water and Sewerage Services to acquire a 10' permanent easement, a 10' temporary easement, and a 50' x 40' temporary easement to accommodate the construction of a 24" water main upgrade at the intersection of Nolensville Road and Old Hickory Boulevard (CIBP Project No. 96WG0002).

Resolution No. 2000-150

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 2000M-019U-12:

2000M-020U-09

Council Bill No. BL2000-142
Forensic Medical Management Services, P.C. Lease Agreement
Map 93-11, Part of Parcel 242
Subarea 09 (1999)
District 19 (Wallace)

An ordinance approving a lease agreement between the Metropolitan Government of Nashville and Davidson County and Forensic Medical Management Services, P.C. ("FMMS") to lease the excess capacity of the Forensic Science Center at the former General Hospital complex to the FMMS.

Resolution No. 2000-151

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 2000M-020U-09;

OTHER BUSINESS:

- 1. A proposal to amend the 1999-2000 through 2004-05 Capital Improvements Budget and Program by adding one Board of Education project.

Resolution No. 2000-152

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES a proposal to amend the 1999-2000 through 2004-05 Capital Improvements Budget and Program by adding one Board of Education project as follows:

00BE007

Computer Mainframe – Replace
Systemwide

Replace the Board of Education’s Student and Administrative Mainframe Computer System and install Personal Computers

\$1,000,000 Proposed General Obligation Bonds 1999-2000”

- 2. A proposal to amend the 1999-2000 through 2004-05 Capital Improvements Budget and Program by adding one Health Department project.

Resolution No. 2000-153

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES a proposal to amend the 1999-2000 through 2004-05 Capital Improvements Budget and Program by adding one Health Department project as follows:

00HD002

Energy System Evaluation Pilot Program
Systemwide

Contract with a Private Consultant to replace
Health Department Building Heating and Cooling
Systems for energy and operating cost efficiency

\$1,580,000 Proposed General Obligation Bonds 1999-2000”

This concluded the items on the consent agenda.

MEETING TIME CHANGE

Members of the audience (approximately 26) voted on a convenient meeting time as follows:

1:00 p.m. is a convenient time: 24
5:00 p.m. or later is a convenient time 2

Mr. John Stern, President of the Nashville Neighborhood Alliance, spoke in favor of changing the meetings to a later time.

Ms. Nicely announced the 1999 Annual Reports had been handed out to the Commission and recognized Annette Clothier for preparing and editing the report.

SUBDIVISION AND BOND PROPOSALS

99S-409U-08 (Public Hearing)

St. Vincent De Paul School
Map 81-15, Parcels 350-352 and 379-381
Subarea 8 (1995)
District 20 (Haddox)

A request for preliminary and final plat approval to consolidate eight lots into one lot abutting the west margin of 17th Avenue North, between Knowles Street and Heiman Street (1.87 acres), classified within the RS5 District, requested by The Most Reverend Edward U. Kmiec, owner/developer, Barge, Waggoner, Sumner & Cannon, Inc., surveyor.

Mr. Calleja stated staff is recommending approval of the preliminary subdivision plan and conditional approval of the plat subject to a bond. This request is to consolidate eight parcels because they are not allowed to put building and parking lots over lot lines. There was an alley located in the middle of the lot that went through to D. B. Todd Boulevard. The Planning Commission, as well as Council, approved the alley closure and relocation to along the western property line.

Dr. Rosevelt G. Elam, Jr., property owner adjoining the relocated alley, spoke in opposition to the alley location and that he was not notified the alley relocation was being considered.

Ms. Nielson asked if there were any other options for the relocation of the alley.

Mr. Calleja stated the bill had been approved by Council and the closure of the alley is subject to the relocation of the new alley in that specified location. Mr. Elan was not notified of the alley closure because he was not an adjoining property owner to the closure of the alley.

Mr. Manier stated the new alley is designated to be entirely on St. Vincent De Paul's property, therefore, it doesn't infringe in a legal sense, and would appear as a legal right.

Mr. David Diaz-Barriga stated that was correct and that the ability of the Council, as well as this Commission, to relocate this alley as proposed is proper. There is not any cause that would give rise to an inverse condemnation suit.

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

Ms. Nielson asked if the Commission even had an option of making a suggestion to move the alley.

Mr. Diaz-Barriga stated this Commission has reviewed the alley closure, that has gone to the Council, been approved by Council, the Council has looked at a specific location for the new alleyway and today this Commission is looking at a proposal for subdivision plat.

Mr. Harold Fulghum stated the issue before the Commission is the consolidation of 8 lots. The location of the alley has been determined and gone through the process.

Chairman Lawson stated what he was hearing is that the location of the alley has been predetermined by action of the Council.

Mr. Small stated, based on what the Commission had heard today from the property owner whose property is going to be effected by the relocation of the alley, he was not given the ability to comment on it before a decision was made.

Ms. Nielson stated that was because it was coming out of someone else's property and his property did not abut the alley.

Ms. Nielson asked if the Commission could go ahead and vote to consolidate the 8 lots and have the questions about the alley answered later.

Ms. Jones stated maybe Mr. Elam could go to his Councilmember and work out a deal to move the alley but that has nothing to do with this Commission. All this Commission has to do is consolidate these 8 lots.

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

Resolution No. 2000-154

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-409U-08, is **APPROVED SUBJECT TO A BOND OF \$15,000; PUBLIC HEARING CLOSED (7-1).”**

2000S-030G-11
William Jones Property
Map 63, Part of Parcel 95
Map 64, Parcel 118
Subarea 14 (1996)
District 11 (Brown)

A request for final plat approval to subdivide one parcel and part of one parcel into two lots abutting the west terminus of Southfork Boulevard, approximately 240 feet west of South Trace Boulevard (39.85 acres), classified within the RM4 and R15 Districts, requested by William Jones and Danner/Eller Golf Properties, Inc., owners/developers, Barge, Waggoner, Sumner & Cannon, Inc., surveyor.

Mr. Calleja stated staff is recommending approval of this subdivision subject to a variance from 3 times the minimum lot size. They are reducing the acreage for lot 1 by moving the lot line to the zoning line. The Subdivision Regulations for 3 times the minimum lot size indicate a variance can be granted if the piece of property is going to be served by a septic system.

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

Resolution No. 2000-155

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-030G-11, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS (8-0).”**

ZONE CHANGE AND PUD PROPOSALS

2000Z-001T

A request to amend 17.16 (Land Use Development Standards) of the Zoning Regulations to allow outpatient clinics, a medical use as a PC (permitted with conditions) use in the IR district, requested by Robert S. Allday of Concentra Health Services, appellant.

Ms. Regen stated this applicant is requesting to permit, with conditions, outpatient clinics in industrial zoning districts. Those conditions are that they operate less than 12 hours per day and that they be no larger than 5,000 square feet. Staff is recommending disapproval of this change because our industrial areas, as our Economic Development Functional Plan discusses, need to protect those areas for industrial uses and not allow other kinds of commercial uses to continue to encroach into them. The applicant has purchased property, or has an option on it, in this area that has been used in the past as a medical clinic not consistent with the zoning. They know they cannot get commercial zoning in this industrial area so they have chosen to amend the text to get the use allowed in this district.

Mr. Robert Allday, Concentra Health Services, spoke in favor of the proposal and stated Concentra Health Services has recently entered the Nashville market through a partnership with Vanderbilt University. Concentra is a dedicated, occupational health care only, medical provider and do not offer urgent care services. We only offer to the employment community services such as pre-employment physicals, minor emergency or minor injuries and some physical therapy.

Concentra recently acquired the business that was leasing a building on this property. There is not option to purchase the property. The previous business started approximately 3 year ago and applied for a building permit under the pretenses they were an office use. As Concentra acquired the business, that issue was discovered at the last minute while applying for a building permit for some renovation work, but the business was acquired and this request was made through the Planning Commission. With the building less than 5,000 square feet, it would not take up land that would be appropriate for a large manufacturer. There are other progressive cities around the county, such as Seattle, Charlotte and Philadelphia, that do allow this use in industrial areas.

Ms. Nielson asked what position it would put someone in who buys a business that is operational that is non-conforming at the time of the purchase.

Ms. Regen stated this is not a non-conforming use, it is an illegal use. In this case they went in and operated a clinic with no permit or approval from the government. Now Concentra is buying their business knowing they have been operating illegally.

Ms. Nielson stated Concentra purchased the business but the land it sits on is leased.

Mr. Manier stated this ordinance is specific as to this locale but has a broad reaching effect. These people got trapped. The initial purpose is to get them legal, but the ramifications of it all will set a principal for other industrial zoned areas.

Mr. Small and Ms. Oglesby agreed this is a good use in an industrial area as long as the size specifics are included.

Ms. Nielson asked if would serve the Commission to have staff look at some other cities to see what they say and see how specific they have gotten.

Ms. Jones stated this clinic's use would be for pre-hiring testing and drug testing but no emergency use and it is being called a clinic but really is a business. The specific use of this clinic makes the entire Commission believe this is an appropriate area for it.

Councilmember Ponder asked if there were any operating tables in this clinic.

Mr. Allday stated there were not and further did not use any anesthesia.

Ms. Jones asked if they dispensed any medications or just wrote prescriptions.

Ms. Allday stated they write prescriptions but dispensed no medications.

Mr. Manier stated this amendment is just dealing with Mr. Allday's problem but the Commission is dealing with all industrial areas.

Ms. Jones stated she thinks the original permit was pulled as a business because they are not dispensing medication, they don't have an emergency outlet and as a builder she would have pulled it as a business too because in her mind that is not a clinic. They may be called a clinic but it's a business.

Councilmember Ponder moved and Mr. Small seconded the motion, which carried unanimously, to defer this matter for two weeks.

2000Z-004U-02
Map 50-4, Parcel 30
Subarea 2 (1995)
District 3 (Nollner)

A request to change from RS10 to RM2 district property at 1119 Due West Avenue North, approximately 700 feet east of Dickerson Pike (3.49 acres), requested by Alan C. Smith, appellant/owner. (Deferred from meeting of 1/6/00).

Ms. Regen stated this property was discussed at the first meeting in January and is a request by Mr. Smith to rezone his property to multi-family. At the last meeting, staff indicated they were not in support of the multi-family zoning of RM2 and still holds that recommendation. She explained Mr. Smith's proposal of a swap of land to permit access and a land acquisition for road frontage, which would not be sufficient for the subdivision, and stated staff did not see how it would be possible because the variance needed would be significant. Staff is recommending disapproval and does not support this proposed re-subdivision of the property because it lacks the roadway frontage and would create a landlocked piece of property for the existing home on parcel 30.

Mr. Alan Smith explained his situation and stated this proposal would be good because the property was landlocked so long ago there is no way to get street frontage to it.

Ms. Oglesby stated that as much as she would like to grant approval, it would be adding to the situation of the landlocked lots.

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

Resolution No. 2000-156

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-004U-02 is **DISAPPROVED: (8-0)**

Since this property is on a hillside with steep slopes and has no public street frontage, RM2 zoning is not appropriate."

2000Z-011U-03
Map 58, Part of Parcel 137 (.60 acres)

Map 58-16, Part of Parcels 37 (.52 acres) and 38 (.40 acres)
Subarea 3 (1998)
District 2 (Black)

A request to change from RS15 to MUL district property at 4061 Cedar Circle, and from RS15 district to CL district a portion of properties at Cedar Circle (unnumbered) and 4121 Clarksville Pike, opposite Meadow Road (1.52 acres), requested by Mike Hampton, appellant, for Robert J. Miller et ux, Paul W. Williamson et ux, and Carolyn Phillips, owners. (Deferred from meeting of 1/20/00).

Ms. Regen stated this item was deferred at the January 20th meeting so staff could research the road widening of Clarksville Highway and would take some of his property frontage that is currently zoned CL. TDOT has indicated that the widening will take approximately 15 to 25 feet and would reduce the lot depth to about 170 feet so staff is not recommending approval of the request for the MUL zoning or the CL zoning as submitted. Staff would support rezoning the small triangular area to CL but not on parcel 37 or 38.

Mr. Mike Hampton stated he had made the decision to withdraw part of his application. This request has been made to provide additional parking in the rear because of the loss of property in the front. This is a residential development, which means you have to have a buffer environment and will move it further back from the highway.

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

Resolution No. 2000-157

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-011U-03 is **DISAPPROVED (5-3)**, but the Commission would support CL District on parcel 137; applicant withdrew parcel 37:

This request would extend non-residential zoning too far into the adjacent neighborhood. Commercial uses should be focused along Clarksville Pike. Applying CL zoning to the remainder of parcel 137 is appropriate, however, since the majority of that property is already zoned CL and has access to Clarksville Pike."

2000Z-015G-02
Map 33-10, Parcels 36 (.46 acres) and 37 (.46 acres)
Subarea 2 (1995)
District 10 (Balthrop)

A request to change from R20 to CS district properties at 900 and 901 Weeping Willow Way, abutting the north margin of Dickerson Pike (.92 acres), requested by Richard Binkley, appellant, for Richard C. and Margie H. Binkley, owners.

Ms. Regen stated staff is recommending disapproval of the commercial zoning. This property falls within a residential policy and in 1995 and in 1997 there were requests to take this property to commercial and industrial. Both of those requests were disapproved by this Commission. In September of 1998 there was a subdivision plat that was approved and recorded and that is how the configuration of the properties was made.

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

Resolution No. 2000-158

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-015G-02 is **DISAPPROVED (8-0)**:

These properties fall within the Subarea 2 Plan's Residential Medium (RM) policy calling for a density of 4 to 9 units per acre. The CS district is not consistent with that residential policy nor with the approval of the Weeping Willow residential subdivision plat, of which this property is a part and was recorded on September 2, 1998."

2000Z-016G-13

Map 164, Parcels 150 (.22 acres), 151 (.34 acres)
152 (1.43 acres) and 153 (1.78 acres)
Subarea 13 (1996)
District 29 (Holloway)

A request to change from CN and AR2a to CS district properties at 3900 Murfreesboro Pike and 12477, 12487, and 12491 Old Hickory Boulevard (3.77 acres), requested by Mark King, appellant, for William S. Oldham et ux, Glen W. Patterson, and Mark King et ux, owners.

Ms. Regen stated staff is recommending disapproval. There is a mixed zoning pattern in this area but the subarea plan is looking for a different goal to keep this as a residential area. There is continued pressure to strip this area to commercial.

Mr. Mark King stated this is 1.2 miles from the Davidson/Rutherford County line and in that stretch there is a lot of commercial and IWD. This request is not inconsistent with that area and there is also the TVA power lines that run through this property with a 100 foot easement. There are existing buildings there that could be used to run a business from.

Mr. Everett Lowe stated he and Mr. King had surveyed the neighbors and all were in favor of the change. This area gets loud at night when there are concerts at the amphitheater. He stated he had been in the real estate business for 27 year and that he had a hard time getting a person to want to live under a TVA line.

Ms. Jones stated that because of the TVA lines that property would probably remain vacant and perhaps this property should be used for something else.

Ms. Regen stated there were occupied rental homes on the properties.

Ms. Nielson stated this is sprawl and that it should be left as it is until a good pattern is established.

Councilmember Ponder asked what type business this property would be used for.

Mr. King stated it would be approximately 1,000 square feet and would be used for a small construction company, landscaping company or plumbing company.

Ms. Nielson asked if that could be done in a CN zone.

Ms. Regen stated it could be and that she was not sure why he wants to rezone it to CS. CS is an intense zoning district for 1,000 square feet because any one of those residential homes is 1,000 square feet as is.

Mr. King stated some of the property would be used for a construction type company with truck parking and storage in the rear.

Ms. Regen stated he would need CS zoning for that.

Chairman Lawson stated the applicant is trying to develop the property for multiple businesses.

Ms. Oglesby stated if this property is rezoned to CS anything could go in there.

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

Resolution No. 2000-159

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-016G-13 is **DISAPPROVED (8-0)**:

These properties fall within the Subarea 13 Plan’s Residential Medium High (RMH) policy between Murfreesboro Pike and the TVA line and Residential Medium (RM) policy north of the TVA line. Those residential policies do not support commercial zoning. Commercial zoning is appropriate to the north around the Murfreesboro Pike/Hobson Pike intersection.”

OTHER BUSINESS:

3. APR Fund Appropriation

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

Resolution No. 2000-160

Appropriation Balance - January 1, 2000		\$ 1,068.75
Resolution No. Adopted February 3, 2000		\$ 202,704.05
Net Appropriation Balance		\$ 203,772.80
Jan, Feb, Mar. 2000 Expenditures - Projected:		
Salaries	\$ 22,860.00	
Central Printing Services	\$ 1,500.00	
Data Processing Services	\$ 75.00	
Advertising	\$ 2,000.00	
Membership/Training	\$ 500.00	
Consultant's Services	\$168,313.00	
Postage	\$ 500.00	
Office Supplies	\$ -	
FICA	\$ 1,674.00	
Group Health Insurance	\$ 2,010.00	
Employer's Pension Contribution	\$ 1,200.00	
Group Life Insurance	\$ 234.00	
Dental Insurance	\$ 162.00	
Total Projected Expenditures		\$ 201,028.00

Revenue in Transit			
Net Appropriation Balance			\$ 2,744.80

4. Legislative Update

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

PLATS PROCESSED ADMINISTRATIVELY

January 19, 2000 through January 02, 2000

2000S-050G B. E. WOODWARD SUBDIVISION, Resubdivision of Lots 6 and 7
Minor shift of interior lot line

2000S-038U BALDWIN ARBOR, Resubdivision of Lot 9 and open space
Reconfigures open space and one lot

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:00 p.m.

Chairman

Secretary

Minute Approval:
This 17th day of February, 2000