

**MINUTES  
OF THE  
METROPOLITAN PLANNING COMMISSION**

Date: March 16, 2000  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

James Lawson, Chairman  
Frank Cochran  
Tonya Jones  
William Manier  
Ann Nielson  
Douglas Small  
Marilyn Warren

**Absent:**

Mayor Bill Purcell  
Councilmember Phil Ponder  
Vicki Oglesby

**Others Present:**

**Executive Office:**

Karen P. Nicely, Interim 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:**

Jeff Lawrence, Planner III  
Michelle Kubant, Planner II  
Paige Watson, Planner II

**Others Present:**

Jim Armstrong, 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:

- 2000S-070U-03 That application has been withdrawn.
- 2000Z-038U-13 Should be Parcel 162 and the ownership has changed from the Airport Authority to the Industrial Development Board.
- 2000M-030U-12 Addendum item needs to be added.

Chairman Lawson stated he would like to add comments from Jerry Fawcett after the consent agenda.

Ms. Nielson moved and Ms. Warren 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-084U-13 Deferred two weeks, by applicant.
- 99Z-152U-07 Deferred two weeks, by applicant.
- 2000Z-036G-06 Deferred two weeks, by applicant.
- 2000Z-044G-01 Deferred until 04/13/00, by applicant.
- 98P-004G-14 Deferred two weeks, by applicant.

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

**APPROVAL OF MINUTES**

Ms. Nielson moved and Mr. Manier seconded the motion, which unanimously passed to approve the minutes of the regular meeting of March 2, 2000.

**RECOGNITION OF COUNCILMEMBERS**

Councilmember J. B. Loring spoke in favor of 2000Z-042U-14 and stated he had talked to nearby neighbors and had gotten no opposition.

Councilmember Brenda Gilmore spoke in favor of 2000Z-047G-01 and 61-77-G-01 and stated she had heard no objections from any of the neighbors.

Councilmember Vic Lineweaver spoke in favor of 99Z-124G-06 and 2000P-002G-06.

Councilmember John Summers stated he had one resident call in opposition to 2000S-079U-07, based on traffic concerns. The plan seems reasonable and he personally had no objections.

## ADOPTION OF CONSENT AGENDA

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

### SUBDIVISION AND BOND PROPOSALS

#### **99S-064U-14**

Gaylord Entertainment Company (First Revision)  
Map 73, Parcels 17, 32, 33 and 245  
Subarea 14 (1996)  
District 15 (Loring)

A request for final plat approval to revise easement locations on four lots abutting the southwest corner of McGavock Pike and Briley Parkway (405.26 acres), classified within the CA, OR20 and R15 Districts, requested by Opryland Hospitality, Inc., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

#### **Resolution No. 2000-223**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-064U-14, is **APPROVED (7-0).”**

#### **2000S-064G-14**

Lowe’s Home Centers Tract, Resubdivision  
Map 75, Parcel 35  
Subarea 14 (1996)  
District 12 (Ponder)

A request for final plat approval to subdivide one lot into two lots abutting the southwest margin of Old Hickory Boulevard and the east margin of Nashville-Eastern Railroad (17.46 acres), classified within the SCR Commercial Planned Unit Development District, requested by Lowe’s Home Centers, Inc., owner/developer, Palmer Engineering Company, surveyor.

#### **Resolution No. 2000-224**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-064G-14, is **APPROVED SUBJECT TO A BOND OF \$101,000.00 (7-0).”**

#### **2000S-069U-09**

Bicentennial Mall  
Map 82-13, Parcel 366  
Map 93-1, Parcels 35-38  
Subarea 9 (1997)  
District 20 (Haddox)

A request for final plat approval to consolidate 40 lots, four closed streets, one alley and part of railroad into three lots on property located between Jefferson Street and James Robertson Parkway and between 8th Avenue North and 5th Avenue North (53.98 acres), classified within the IR and CF Districts, requested by the State of Tennessee, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

**Resolution No. 2000-225**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-069U-09, is **APPROVED (7-0).”**

**2000S-074U-03**

Walgreens (Clarksville Pike)  
Map 70-13, Parcels 75, 158 and 159  
Subarea 3 (1998)  
District 2 (Black)

A request for final plat approval to consolidate two lots and one parcel into one lot abutting the northeast corner of Clarksville Pike and Buena Vista Pike (1.9 acres), classified within the CL District, requested by Bordeaux, LLC, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

**Resolution No. 2000-226**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-074U-03, is **APPROVED (7-0).”**

**2000S-076G-12**

Williams Grove, Section 2, Lots 14-16 and  
51-53 Revised  
Map 172-13-A, Parcels 64-66 and 91-93  
Subarea 12 (1997)  
District 32 (Jenkins)

A request for final plat approval to reconfigure six lots between Logwood Briar Circle and Swyneford Court, approximately 125 feet north of Williams Grove Drive (1.54 acres), classified within the R40 Residential Planned Unit Development District, requested by Pulte Homes Tennessee L.P., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

**Resolution No. 2000-227**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-076G-12, is **APPROVED (7-0).”**

**2000S-077G-12**

Williams Grove, Section 2, Lots 43-46 Revised  
Map 172-13-A, Parcels 83-86  
Subarea 12 (1997)  
District 32 (Jenkins)

A request for final plat approval to reconfigure four lots abutting the southeast corner of Logwood Briar Circle and Winsley Place (1.06 acres), classified within the R40 Residential Planned Unit Development District, requested by Pulte Homes Tennessee L.P., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

**Resolution No. 2000-228**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-077G-12, is **APPROVED (7-0).”**

**2000S-080U-13**

Hickory Hollow Townhomes, Phase 2

(Horizontal Property Regime)  
Map 163, Part of Parcel 376  
Subarea 13 (1996)  
District 28 (Alexander)

A request for final plat approval to record a horizontal property regime with 57 units located approximately 720 feet north of Hickory Hollow Parkway and approximately 2,500 feet west of Bell Road (5.02 acres), classified within the RM20 District, requested by Vastland, Eatherly, McCluns Development, owner/developer, H and H Land Surveying, Inc., surveyor.

**Resolution No. 2000-229**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-080U-13, is **APPROVED SUBJECT TO A BOND OF \$103,500.00 (7-0).”**

**2000S-081G-13**  
Summerfield, Village Two  
Map 164, Part of Parcel 37  
Subarea 13 (1996)  
District 29 (Holloway)

A request for final plat approval to create 74 lots abutting the west margin of Summercrest Boulevard, opposite Pineorchard Place (19.42 acres), classified within the RM15 and RS7.5 Districts, requested by Park Trust Development, LLC, owner/developer, MEC, Inc., surveyor.

**Resolution No. 2000-230**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-081G-13, is **APPROVED SUBJECT TO A BOND OF \$960,000.00 (7-0).”**

**2000S-082G-13**  
Summerfield, Village Three  
Map 164, Part of Parcel 37  
Subarea 13 (1996)  
District 29 (Holloway)

A request for final plat approval to create 58 lots abutting the south terminus of Summercrest Boulevard, south of Pineorchard Place (18.14 acres), classified within the RS7.5 District, requested by Park Trust Development, LLC, owner/developer, MEC, Inc., surveyor.

**Resolution No. 2000-231**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-082G-13, is **APPROVED SUBJECT TO A BOND OF \$660,000 (7-0).”**

**Request for Bond Release**  
97S-230U  
River Crest  
River Crest LLC, principal  
Subarea 14 (1996)

Located abutting the north margin of Lebanon Pike, approximately 500 feet east of Gull Court.

**Resolution No. 2000-232**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 97S-230U, Bond No. 97BD-090, River Crest, in the amount of \$15,500.”

**Request for Bond Release**

97S-454U

Wellington Square, Resubdivision of Lot 2

Wellington Square LLC, principal

Subarea 14 (1996)

Located abutting the northwest margin of Lebanon Pike, approximately 1,300 feet southwest of Danyacrest Drive.

**Resolution No. 2000-233**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 97S-454U, Bond No. 98BD-079, Wellington Square, Resubdivision of Lot 2, in the amount of \$25,500.”

**Request for Bond Release**

98S-207G

Banbury Crossing, Section 1, 3<sup>rd</sup> Revision,

Resubdivision of Lots 2 and 35

Jones Land Company LLC, principal

Subarea 12 (1997)

Located abutting the west margin of Edmondson Pike and both margins of Banbury Station.

**Resolution No. 2000-234**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 98S-207G, Bond No. 98BD-085, Banbury Crossing, Section 1, 3<sup>rd</sup> Revision, Resubdivision of Lots 2 & 35, in the amount of \$5,000.”

**Request for Bond Extension**

96S-386G

Minton Subdivision

Intermedia Partners, principal

Subarea 2 (1995)

[Buildout is at 0%]

Located abutting the east margin of Old Dickerson Pike, opposite Lowes Lane.

**Resolution No. 2000-235**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 96S-386G, Bond No. 97BD-035, Minton Subdivision, in the amount of \$1,800 to 5/1/2001.

**Request for Bond Extension**

97S-310U

Hickory Hollow Townhomes

Vastland/Eatherly/McClung, principal

Subarea 13 (1996)  
[Buildout is at 75%]

Located abutting the north margin of Hickory Hollow Parkway, approximately 2,035 feet west of Bell Road.

**Resolution No. 2000-236**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-310U, Bond No. 97BD-070, Hickory Hollow Townhomes, in the amount of \$11,000 to 6/2/2000.

**Request for Bond Extension**  
98S-146G  
Quail Ridge, Section 6  
The Developers, principal  
Subarea 2 (1995)  
[Buildout is at 13%]

Located abutting the northeast terminus of Setter Court, approximately 150 feet northeast of Quail Ridge Drive.

**Resolution No. 2000-237**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-146G, Bond No. 99BD-068, Quail Ridge, Section 6, in the amount of \$87,000 to 9/1/2000 subject to the submittal of an amendment to the present Letter of Credit by **4/16/2000** which extends its expiration date to 3/1/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Request for Bond Extension**  
98S-221U  
Ashley Park  
Brent Sellers, principal  
Subarea 2 (1995)  
[Buildout is at 36%]

Located abutting the northwest corner of Old Hickory and Barton Vale Drive.

**Resolution No. 2000-238**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-221U, Bond No. 99BD-002, Ashley Park, in the amount of \$70,000 to 1/6/2001.

**Request for Bond Extension**  
98S-271U  
Brownstone, Section 2  
Pulte Homes TN, L.P., principal  
Subarea 12 (1997)  
[Buildout is at 61%]

Located abutting the northwest margin of Greystoke Drive, approximately 90 feet northeast of Almadale Circle.

**Resolution No. 2000-239**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-271U, Bond No. 98BD-099, Brownstone, Section 2, in the amount of \$231,000 to 12/1/2000 subject to the submittal of an amendment to the present Letter of Credit by **4/16/2000** which extends its expiration date to 6/1/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Request for Bond Extension**

98S-372G

Jackson’s Grove, Phase 2

Consolidated Development Corporation, principal

Subarea 14 (1996)

[Buildout is at 62%]

Located abutting southeast terminus of Jackson’s Place, approximately 85 feet southeast of Lili Lane.

**Resolution No. 2000-240**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-372G, Bond No. 99BD-080, Jackson’s Grove, Phase 2, in the amount of \$17,000 to 2/1/2001.

**Request for Bond Extension**

99S-051U

Villages of Larchwood, Phase 2, Section 3

Hillmore Properties, principal

Subarea 14 (1996)

[Buildout is at 43%]

Located abutting the southwest corner of Lebanon Pike and Jackson Downs Boulevard.

**Resolution No. 2000-241**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 99S-051U, Bond No. 99BD-021, Villages of Larchwood, Phase 2, Section 3, in the amount of \$110,500 to 2/9/2001.

**Request for Bond Extension**

99S-263U

Sterling Oaks, Phase 2

Pulte Homes TN, L.P., principal

Subarea 4 (1998)

[Buildout is at 11%]

Located abutting the north terminus of Sterling Oaks Drive, approximately 930 feet north of Cloverland Drive.

**Resolution No. 2000-242**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 99S-263U, Bond No. 99BD-072, Sterling Oaks, Phase 2, in the amount of \$256,000 to 3/16/2001.

**Request for Bond Extension**



99S-356U-13  
Nashboro Village, Tract 18  
Vastland Nashboro Development, LLC, principal  
Subarea 13 (1996)  
[Buildout is at 10%]

Located abutting the southeast margin of Long Hunter Court, approximately 800 feet northeast of Nashboro Boulevard.

**Resolution No. 2000-243**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 99S-356U-13, Bond No. 99BD-091, Nashboro Village, Tract 18, in the amount of \$6,500 to 1/18/2001 subject to the submittal of an amendment to the present Letter of Credit by **4/16/2000** which extends its expiration date to 7/18/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**ZONE CHANGE, PUD AND UDO PROPOSALS**

**99Z-157U-10**  
Map 117-3, Parcel 32  
Subarea 10 (1994)  
District 25 (Shulman)

A request to change from RM20 to RM40 district property at 2600 Hillsboro Pike, approximately 150 feet south of Sweetbriar Avenue (7.82 acres), requested by Philip Walker, appellant, for Blackstone West L.P., owner.

**Resolution No. 2000-244**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-157U-10 is **APPROVED (7-0)**:

**This property falls within the Subarea 10 Plan’s Residential High (RH) policy calling for 20 units per acre. The RM40 district is consistent with that policy."**

**99P-007U-10**  
Grace Multi-Family  
Map 117-3, Parcel 32  
Subarea 10 (1994)  
District 25 (Shulman)

A request for preliminary approval for a Planned Unit Development District located abutting the northeast corner of Hillsboro Pike and I-440, classified RM20 and proposed for RM40 (7.82 acres), to permit a 239 unit multi-family development by remodeling and replacing the existing 67 unit multi-family development, requested by Looney, Ricks, Kiss Architects, for Grace Development, owner.

**Resolution No. 2000-245**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 99P-007U-10 is given **CONDITIONAL PRELIMINARY APPROVAL (7-0)**. The following conditions apply:

1. Approval of preliminary PUD and associated zone change (99Z-157U-10) by the Metropolitan Council.

2. Prior to or in conjunction with the submittal of any final PUD plan, the applicant shall submit a PUD boundary plat to the Planning Commission for approval and recordation.
3. 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.
4. Prior to the issuance of any building permits, a final plat shall be recorded including the dedication of 10 feet for future right-of-way along the frontage of the property. The final plat shall also include any bonds necessary for the following off-site road improvements as required by the Metro Traffic Engineer and the project's Traffic Impact Study:
  - restriping the eastbound approach on Woodlawn Drive to provide a through lane from Woodlawn Drive across Hillsboro Pike into the project site;
  - lengthening the existing southbound left-turn lane on Hillsboro Pike/21<sup>st</sup> Avenue into the project from approximately 35 feet to 75 feet;
  - restriping Hillsboro Pike to allow for a northbound right-turn lane into the site with 75 feet of storage; and
  - modifications to the existing traffic signal at Woodlawn Drive/Hillsboro Pike to provide a southbound left-turn signal phase into the site and left turn signal phase for Woodlawn Drive and the driveway serving the project."

**2000Z-031G-12**  
 Map 172, Parcel 45 (1.5 acres)  
 Subarea 12 (1997)  
 District 31 (Knoch)

A request to change from AR2a to RS15 district property at 5937 Mt. Pisgah Road, approximately 1,000 feet east of Edmondson Pike (1.5 acres), requested by Ryan Ricks, appellant/owner.

**Resolution No. 2000-246**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-031G-12 is **APPROVED (7-0)**:

**This property falls within the Subarea 12 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre. The RS15 district is consistent with RLM policy and the area's single-family development pattern."**

**2000Z-032G-14**  
 Map 121, Parcel 212  
 Subarea 14 (1996)  
 District 13 (Derryberry)

A request to change from AR2a to IWD district property at 2437 Pulley Road, approximately 2,100 feet west of Waggoner Road (2.94 acres), requested by Paul Goodwin, appellant, for Paul Goodwin et ux, owners.

**Resolution No. 2000-247**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-032G-14 is **APPROVED (7-0)**:

**This property falls within the Subarea 14 Plan's Major Transportation (MT) policy calling for accommodation of the Nashville International Airport and compatible industrial and distribution activities. The IWD district is consistent with that policy and the industrial zoning pattern to the south."**

**2000Z-033G-06**

Map 142, Parcels 144 (2.92 acres) and 335 (5 acres)  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to change from R15 to RM4 district properties at 181 Hicks Road and Hicks Road (unnumbered), approximately 200 feet south of Patten Lane (7.92 acres), requested by Sadhana Ashram, Inc., appellant/owner.

**Resolution No. 2000-248**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-033G-06 is **APPROVED (7-0)**:

**These properties fall within the Subarea 6 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre. The RM4 district is consistent with that policy and the multi-family development pattern to the south."**

**2000Z-035G-02**

Map 31, Parcel 87 (.88 acres) and Part of  
Parcel 88 (9.25 acres)  
Subarea 2 (1995)  
District 10 (Balthrop)

A request to change from R15 to CS district properties at Westcap Road (unnumbered), abutting the east margin of Interstate 24 (10.13 acres), requested by John Dewaal, appellant, for Charles J. Reding, trustee.

**Resolution No. 2000-249**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-035G-02 is **APPROVED (7-0)**:

**These properties fall within the Subarea 2 Plan's Commercial Mixed Concentration (CMC) policy calling for office, commercial, and higher density residential uses around the Interstate 24/Old Hickory Boulevard interchange. The CS district is consistent with that policy."**

**2000Z-037U-07**

Map 91-14, Parcels 140 (.14 acres), 161 (.20 acres)  
and 162 (.25 acres)  
Subarea 7 (1994)  
District 24 (Summers)

A request to change from R6 to CS district properties at 5621 and 5623 Lenox Avenue and Lenox Avenue (unnumbered), abutting the east margin of Ocoola Avenue (.59 acres), requested by Kenneth Wayman, appellant, for Kenneth R. and Marjorie June Wayman, owners.

**Resolution No. 2000-250**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-037U-07 is **APPROVED (7-0)**:

**These properties fall within the Subarea 7 Plan's Commercial Mixed Concentration (CMC) policy calling for office, commercial, and higher density residential uses and the commercial zoning pattern to the north. The CS district is consistent with that policy and the commercial zoning pattern along White Bridge Road."**

**2000Z-038U-13**  
Map 120, Part of Parcel 162  
Subarea 13 (1996)  
District 27 (Sontany)

A request to change from AR2a to IR district a portion of property at Murfreesboro Pike (unnumbered), abutting the east margin of the Nashville International Airport (1.4 acres), requested by Kirk Shaffer, appellant, for Metropolitan Industrial Development Board, owner.

**Resolution No. 2000-251**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-038U-13 is **APPROVED (7-0)**:

**This property falls within the Subarea 13 Plan's Major Transportation (MT) policy calling for accommodation of the Nashville International Airport and compatible industrial and distribution activities. The IR district is consistent with that policy and the industrial zoning pattern to the east."**

**2000Z-039U-13**  
Map 107, Part of Parcel 50  
Subarea 13 (1996)  
District 13 (Derryberry)

A request to change from AR2a to IR district a portion of property at Knight of Columbus Boulevard, approximately 1,200 feet east of Briley Parkway (.8 acres), requested by Matthew Harris, appellant, for Metropolitan Nashville Airport Authority, owner.

**Resolution No. 2000-252**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-039U-13 is **APPROVED (7-0)**:

A request to change from AR2a to IR district a portion of property at Knight of Columbus Boulevard, approximately 1,200 feet east of Briley Parkway (.8 acres), requested by Matthew Harris, appellant, for Metropolitan Nashville Airport Authority, owner.

**This property falls within the Subarea 13 Plan's Major Transportation (MT) policy calling for accommodation of the Nashville International Airport and compatible industrial and distribution activities. The IR district is consistent with that policy and the industrial zoning pattern to the west."**

**2000Z-045U-13**  
Map 150, Parcels 221 (11.57 acres) and 245 (5 acres)  
Map 164, Parcels 243 (5.05 acres), 247 (5.06 acres)  
and 248 (5 acres)  
Subarea 13 (1996)  
District 29 (Holloway)

A request to change from AR2a to RS10 district properties at Hobson Pike (unnumbered), approximately 1,500 feet north of Hamilton Church Road (31.83 acres), requested by Joe McConnell, appellant, for Robert

Phillips and Warner Powers, Robert W. Phillips, Sr. et ux, Warner S. Powers et ux, Forrest W. Jackson et ux, and Johnny V. Lewis et ux, owners.

**Resolution No. 2000-253**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-045U-13 is **APPROVED (7-0)**:

**These properties fall within the Subarea 13 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre. The RS10 district is consistent with that policy and the emerging zoning pattern in this area."**

**2000Z-046G-13**

Map 164, Parcel 174 (58.78 acres)

Map 175, Parcel 21 (30.23 acres)

Subarea 13 (1996)

District 29 (Holloway)

A request to change from AR2a to RS7.5 and RM20 districts a portion of properties at 12786 Old Hickory Boulevard and Hobson Pike (unnumbered), abutting the north margin of the CSX Railroad (88.98 acres), requested by Joe McConnell, appellant, for Belz-McDowell Properties, owners.

**Resolution No. 2000-254**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-046G-13 is **APPROVED (7-0)**:

**These properties fall within the Subarea 13 Plan's Residential Medium High (RMH) policy calling for 9 to 20 units per acre. The RM20 district is consistent with RMH policy and the higher densities desired to support the proposed commuter rail line along the CSX Railroad. The RS7.5 district will complete the single-family development pattern emerging from the northwest."**

**2000Z-047G-01**

Map 22, Parcels 15 (2.57 acres) and 16 (4.11 acres)

Subarea 1 (1997)

District 1 (Gilmore)

A request to change from R40 to CL district properties at 7201 Whites Creek Pike and Whites Creek Pike (unnumbered), approximately 500 feet south of Eatons Creek Road (6.68 acres), requested by Ronald Waller, appellant, for Clara H. Falls, owner.

**Resolution No. 2000-255**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-047G-01 is **APPROVED (7-0)**:

**These properties fall within the Subarea 1 Plan's Retail Concentration Community (RCC) policy calling for community scale retail around the Whites Creek Pike/Interstate 24 interchange. The CL district is consistent with that policy and the commercial zoning pattern to the north and south."**

**2000Z-051G-06**

Map142, Part of Parcel 343 (2.27 acres)

Subarea 6 (1996)

District 23 (Bogen)

A request to change from R15 to OL district a portion of property at 277 Old Hickory Boulevard (unnumbered), approximately 2,000 feet north of Highway 70 South (2.27 acres), requested by Jay Harris of Crouch Engineering, Inc., appellant, for West Meade Fellowship, owner.

**Resolution No. 2000-256**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-051G-06 is **APPROVED (7-0)**:

**This property falls within the Subarea 6 Plan's Retail Concentration Community (RCC) policy calling for community scale retail between 100,000 and 500,000 square feet. The OL district is a transition between the RCC policy along Old Hickory Boulevard and the Natural Conservation (NC) policy to the west calling for protection of the area's steep hillsides and residential development at up to 4 units per acre."**

**61-77-G-01**

W. C. Gifford Land  
Map 22, Parcel 201  
Subarea 1 (1997)  
District 1 (Gilmore)

A request to amend the preliminary plan of the Commercial (General) Planned Unit Development District located abutting the east margin of Whites Creek Pike, south of Interstate 24, classified CS (1.30 acres), to permit a 12,000 square foot office building, replacing a 6,000 square foot auto parts store, requested by Harry Martin, architect, for William C. Gifford, owner.

**Resolution No. 2000-257**

BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 61-77-G-01 is given **CONDITIONAL APPROVAL TO AMEND A PORTION OF THE PUD (7-0)**. The following conditions apply:

1. Approval by the Metropolitan Council of this PUD amendment.
2. 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."

**28-79-G-13**

Cambridge Forest  
Map 149, Part of Parcel 371  
Subarea 13 (1996)  
District 28 (Alexander)

A request to revise the preliminary for a portion of the Residential Planned Unit Development District located abutting the west margin of Rural Hill Road and Bridgecrest Drive, classified R15 (91.5 acres), to permit 200 single-family lots and 41 multi-family units, and to revise a 1,000 foot portion of Bridgecrest Drive to collector street standards, requested by DBS and Associates Engineering, for Danco Property Investments, LLC, owners.

**Resolution No. 2000-258**

"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 (7-0)**. 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.”

**55-84-G-13**

Pepper Ridge, Phase 10  
Map 149, Parcel 298  
Subarea 13 (1996)  
District 28 (Alexander)

A request for final approval for a portion of the Residential Planned Unit Development District located abutting the northwest corner of Una-Antioch Pike and Billingsgate Road, classified R10 (2.0 acres), to permit 4 multi-family units where 4 multi-family units were approved, requested by Dale and Associates, for York Construction, LLC, owner.

**Resolution No. 2000-259**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 55-84-G-13 is given **CONDITIONAL FINAL APPROVAL (7-0)**. 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 Traffic Engineering sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, the applicant shall record a final plat and post any required bonds for utilities and public improvements.”

**60-86-P-14**

Northlake Village  
Map 86, Parcels 332 and 336, and Part  
of Parcel 89  
Subarea 14 (1996)  
District 13 (Derryberry)

A request to revise the preliminary plan for a portion of the Commercial (General) Planned Unit Development District located abutting the southeast corner of Andrew Jackson Parkway and Old Hickory Boulevard, classified SCC (1.0 acres), to add 10 parking spaces, and to recognize an existing drive-thru lane for pharmacy pick-ups and 43 existing parking spaces between the Kroger store and the Santa Fe Cantina Restaurant, requested by Littlejohn Engineering, for Newton Oldacre McDonald, owners.

**Resolution No. 2000-260**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 60-86-P-14 is given **CONDITIONAL APPROVAL TO REVISE THE PRELIMINARY PLAN (7-0)**. 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.”

**97P-010U-13**

Bayview Estates  
Map 136, Parcel 3  
Subarea 13 (1996)

District 27 (Sontany)

A request to revise a portion of the preliminary plan of the Residential Planned Unit Development District located abutting the west margin of Bell Road and the western terminus of Harbor Lights Drive, classified R10 (28.09 acres), to permit a redesign of phases 3 thru 6 by increasing rear lot setbacks and eliminating some open space thereby reducing the lot count from 96 to 84 single-family lots, requested by Gresham, Smith and Partners, for Bayview Venture, owner.

**Resolution No. 2000-261**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-010U-13 is given **CONDITIONAL APPROVAL TO REVISE THE PRELIMINARY PLAN (7-0)**. The following condition applies:

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

**99UDO-001U-10**

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

A request to revise the previously approved final construction plans so as to re-use an existing legally nonconforming structure and build a 590 square feet addition at the southeast corner of 21<sup>st</sup> Avenue and Belcourt Avenue (0.23 acres), classified MUL and within the Hillsboro Village urban design overlay district, requested by The Innovations Group Architects, appellant, for Tom Sheffer, lessee.

**Resolution No. 2000-262**

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

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z is **DISAPPROVED (7-0) with a request for Council to defer third reading and re-refer it to the Planning Commission for further study:**

**MANDATORY REFERRALS**

**99M-141U-00**

Williams Communications, Inc. Fiber  
Optic Cable Encroachment  
Maps 18, 25, 26, 34, 42, 43, 51, 61, 70, 72, 81, 82, 92, 93, 105, 118,  
119, 133, 147, 161, 172, 173, 181 and 186  
Subareas 2 (1995), 3 (1998), 4 (1998), 5 (1994), 8 (1995),  
9 (1997), 11 (1999) and 12 (1997)  
Districts 2 (Black), 3 (Nollner), 4 (Majors), 5 (Hall),  
7 (Campbell), 8 (Hart), 9 (Dillard), 10 (Balthrop),  
16 (McClendon), 17 (Greer), 19 (Wallace), 20 (Haddox), 21  
(Whitmore), 26 (Arriola), 30 (Kerstetter), 31 (Knoch) and 32  
(Jenkins)



A request to install a fiber optic cable approximately 32 miles long beginning at the southern boundary of Davidson County and extending northwards as follows: north on Nolensville Road to Lafayette Street; west on Broadway to 10<sup>th</sup> Avenue North, north on 10<sup>th</sup> Avenue North to Garfield Street; east on Garfield Street to 9<sup>th</sup> Avenue North; east on 9<sup>th</sup> Avenue North to Garfield Street; east on Garfield Street to Jane Street; north on Jane Street to 9<sup>th</sup> Avenue North; north on 9<sup>th</sup> Avenue North to Ponder Place; east on Ponder Place to MetroCenter Boulevard; south on MetroCenter Boulevard to Vantage Way; east on Vantage Way to Great Circle Road; south on Great Circle Road to Vashti Street; east on Vashti Street to Baptist World Center Drive; south on Baptist World Center Drive crossing under the I-265/I-65 split; east on Auction Way to Dickerson Pike; north on Dickerson Pike to Douglas Avenue; east on Douglas Avenue to Gallatin Pike; north on Gallatin Pike to Two Mile Parkway; north on Two Mile Parkway to Hollywood Street; west on Hollywood Street to Main Street South; north on Main Street South to the Davidson County line, terminating at the county line at the intersection of Main Street South and U.S. Highway 31, requested by Williams Communications, Inc. (Deferred from meeting of 11/11/99).

**Resolution No. 2000-263**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 99M-141U-00"

**2000M-029U-05**  
Joyce Lane Property Sale  
Map 61, Part of Parcel 7  
Subarea 5 (1994)  
District 4 (Majors)

A request by the Public Property Administrator to sell property located at 575 Joyce Lane, measuring approximately 6,000 square feet, zoned RS15 district, to accommodate the Ellington Parkway road-widening project (state project No. 19076-2236-14).

**Resolution No. 2000-264**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-029U-05."

**ADDENDUM**

**2000M-030U-12**  
Highlands of Brentwood Sewer Easement Abandonment  
Map 172, Part of Parcels 2, 3 and 14-19  
Subarea 12 (1997)  
District 31 (Knoch)

A request to abandon a 20 feet by 670 feet sewer easement that traverses 8 parcels of property located in the Highlands of Brentwood subdivision, requested by Barge, Waggoner, Sumner and Cannon.

**Resolution No. 2000-265**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-030U-12."

This concluded the items on the consent agenda.

Mr. Fawcett announced staff had started work on a small area commercial plan for the Dickerson Road area, from around Trinity Lane in toward town.

## **SUBDIVISION AND BOND PROPOSALS**

**2000S-040U-13 (Public Hearing)**  
Hazelwood, Section 9A  
Map 148-12, Parcel 187  
Subarea 13 (1996)  
District 28 (Alexander)

A request for preliminary approval for three lots abutting the southeast corner of Aeolia Drive and Artelia Drive (1.24 acres), classified within the RS7.5 District, requested by Margrette B. Woodroof, owner/developer, James L. Terry and Company, surveyor.

Mr. Calleja stated the applicant has requested a two weeks deferral because he could not be present for the meeting.

No one was present to speak at the public hearing.

Ms. Nielson moved and Ms. Warren seconded the motion, which carried unanimously, to leave the public hearing open and defer this item for two weeks.

**2000S-079U-07 (Public Hearing)**  
Hood Subdivision  
Map 103-3, Parcels 1-4  
Subarea 7 (1994)  
District 24 (Summers)

A request for preliminary approval for 11 lots abutting the west margin of 54th Avenue North, approximately 320 feet south of Nevada Avenue (7.74 acres), classified within the R6 District, requested by Henry S. and Sarah J. Hood, owners/developers, John Kohl and Company, surveyor.

Mr. Calleja stated staff is recommending approval of this preliminary plan subject to a variance from the 4 to 1 lot depth to width ratio as well as the maximum lot size. All lots front on 54<sup>th</sup> Avenue and will have joint access drive to reduce the number of curb cuts. The lots are odd shaped and approximately 80% of the property is in a floodplain and floodway. Therefore, staff feels the variances are warranted.

Mr. James May, adjacent property owner, stated he was not in opposition to the project but that he had some concerns. The Subarea 7 Plan states that – in keeping with the overall intent for Area 5B, encroachment of other types and intensities of development zoning are not intended along the fringes of this area. Appendix E says – you want to protect environmentally sensitive areas, preserve and clean up Richland Creek for its scenic value recreational use and importance to public health. Also, it says, you want to conserve existing residential densities. The current residential density on this property is 2 or actually 0 right now. The vast majority of this land is in the floodplain so the 11 lots of 7 acres are really 11 lots of 2 acres and 4 parcels of land. If you take 4 parcels and make it 11 that is increasing density, potentially. He stated 54<sup>th</sup> Avenue is a very narrow street with culverts on both sides and asked if 54<sup>th</sup> would have to be widened to service the property at the end of the street. He also asked if back filling would be permitted, on lots 10 and 11 particularly.

Mr. Calleja stated some of Mr. May's question could not be answered until the engineering is done for the final plat.

When the subarea plan says to preserve the residential density, it refers to the residential density that already exists around that area, and the proposed lots are in keeping with what is along Richland Creek. The developer is having to establish the 50 foot buffer for the stormwater management, that's 50 foot from the floodway, because of the new stormwater regulations. Traffic and Parking have not indicated this developer will have to widen 54<sup>th</sup> Avenue.

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

**Resolution No 2000-266**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-079U-07, is **APPROVED WITH VARIANCES TO SECTIONS 2-4.2D AND 2-4.2E OF THE SUBDIVISION REGULATIONS; PUBLIC HEARING CLOSED (7-0).”**

**2000S-083U-13 (Public Hearing)**  
Wright Subdivision  
Map 149, Parcel 191  
Subarea 13 (1996)  
District 28 (Alexander)

A request for preliminary approval for seven lots abutting the northeast margin of Una Antioch Pike, approximately 545 feet northwest of Streamfield Pass (3.0 acres), classified within the RS10 District, requested by Guy and Shirley Wright, owners/developer, Wamble and Associates, surveyor.

Mr. Calleja stated staff is recommending approval of this preliminary plan subject to a variance for the maximum lot size for lot 7. The lots all front on Una-Antioch Pike and all have joint access drives to eliminate the number of curb cuts. There is an existing house on a lot. It is about 35,000 square feet in size. The zoning on the property is RS10, so 3 times the minimum lot size is approximately 30,000 square feet. However, there is about a 20 foot change in grade and relief in one area so there is no possibility to further subdivide this into smaller lots.

Ms. Warren asked if the previous proposal should have been approved with a variance.

Mr. Calleja stated yes, there were variances to lot depth to width as well as maximum lot size.

No one was present to speak at the public hearing.

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

**Resolution No. 2000-267**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-083U-13, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS; PUBLIC HEARING CLOSED (7-0).”**

**Request for Bond Extension**  
93S-158U and 97S-481U  
Rivers Edge, Sections 2 and 3  
Southeastern Building Corporation, principal  
Subarea 14 (1996)  
[Buildout is at 76%]

Located abutting the southeast margin of Jackson Downs Boulevard, approximately 100 feet northwest of Rivers Edge Drive and both margins of Rivers Edge Drive and River Walk Drive.

Mr. Calleja stated staff is recommending disapproval of the extension and requests authorization for collection unless final sidewalk and paving are completed by June 16, 2000.

A representative from Southeastern Building Corporation stated he was not opposed to the disapproval of the bond extension with the exception that the letter of credit expires in September. What we were requesting was to give us until September 30<sup>th</sup> for the paving and sidewalks.

Mr. Calleja stated the developer will be required to extend the bond out 6 months from the June 16<sup>th</sup> date, to December.

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

**Resolution No. 2000-268**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and **AUTHORIZES** the collection of the performance bond for Subdivision Nos. 93S-158U & 97S-481U, Bond Nos. 97BD-092 & 98BD-075, Rivers Edge, Sections 2 & 3, in the total amount of \$88,300 unless final paving and sidewalks are completed by 6/16/2000. The developer will be required to maintain appropriate security. **Failure of principal to maintain appropriate security shall be grounds for collection without further notification.**

**Request for Bond Extension**  
97S-384U  
Brownstone, Section 1  
Pulte Homes TN, L.P., principal  
Subarea 12 (1997)  
[Buildout is at 86%]

Located abutting the north margin of Cloverland Drive, opposite Drive.

Mr. Calleja stated staff is recommending disapproval of the request for extension and requests authorization for collection of the performance bond unless final paving and sidewalks are completed by June 16, 2000. Buildout is at 86% and the bond covers roads, drainage, water and sewer facilities.

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

**Resolution No. 2000-269**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and **AUTHORIZES** the collection of the performance bond for Subdivision No. 97S-384U, Bond No. 97BD-062, Brownstone, Section 1, in the total amount of \$182,450 unless final paving and sidewalks are completed by 6/16/2000. The developer will be required to maintain appropriate security. **Failure of principal to maintain appropriate security shall be grounds for collection without further notification.**

**Request for Bond Extension**  
98S-044U  
Watercrest Townhomes, Phase 1

Pulte Homes TN, L.P., principal  
Subarea 13 (1996)  
[Buildout is at 100%]

Located abutting the east margin of Old Anderson Road, approximately 990 feet south of Smith Springs Road.

Mr. Calleja stated staff is recommending disapproval of the requests for extension and requests authorization for collection of the performance bond unless final paving and sidewalks are completed by June 16, 2000. Buildout is a 100%.

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

**Resolution No. 2000-270**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and **AUTHORIZES** the collection of the performance bond for Subdivision No. 98S-044U, Bond No. 98BD-028, Watercrest Townhomes, Phase 1, in the total amount of \$65,500 unless final paving and sidewalks are completed by 6/16/2000. The developer will be required to maintain appropriate security. **Failure of principal to maintain appropriate security shall be grounds for collection without further notification.**

**Request for Bond Extension**  
98S-251G  
The Marketplace  
JDN Development Company, principal  
Subarea 6 (1996)  
[Buildout is at 100%]

Located at the north intersection of Charlotte Pike and River Road, approximately 1,000 feet west of Davidson Road.

Mr. Calleja stated staff is recommending disapproval of the request for extension and requests authorization for collection of the performance bond unless the developer completes the repairs and re-testing of the lines and the transferring of the deeds by June 16, 2000.

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

**Resolution No. 2000-271**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and **AUTHORIZES** the collection of the performance bond for Subdivision No. 98S-251G, Bond No. 98BD-063, The Marketplace, in the total amount of \$9,500 unless the developer completes the repairs, re-testing of the lines and the transferring of the deeds by 6/16/2000.

**Request for Bond Extension**  
98S-361U  
Sterling Oaks, Phase 1  
Pulte Homes TN, L.P., principal  
Subarea 12 (1997)  
[Buildout is at 93%]

Located abutting the north margin of Cloverland Drive, approximately 915 feet west of Edmondson Pike.

Mr. Calleja stated staff is recommending disapproval of the requests for extension and requests authorization for collection of the performance bond unless final paving and sidewalks are completed by June 16, 2000.

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

**Resolution No. 2000-272**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and **AUTHORIZES** the collection of the performance bond for Subdivision No. 98S-361U, Bond No. 98BD-110, Sterling Oaks, Phase 1, in the total amount of \$278,250 unless final paving and sidewalks are completed by 6/16/2000.

**Request for Bond Extension**

99S-024U  
Thompson Station, Section 1  
JDL Winston-Salem, LLC, principal  
Subarea 12 (1997)  
[Buildout is at 100%]

Located abutting the west margin of Nolensville Pike, approximately 190 feet southeast of Winston Avenue.

Mr. Calleja stated staff is recommending disapproval of the request for extension and requests authorization for collection of the performance bond unless the developer completes repairs and re-testing of the water and sewer lines and the transferring of deeds by June 16, 2000.

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

**Resolution No. 2000-273**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and **AUTHORIZES** the collection of the performance bond for Subdivision No. 99S-024U, Bond No. 99BD-020, Thompson Station, Section 1, in the total amount of \$22,000 unless the developer completes the repairs, re-testing of the lines and the transferring of the deeds by 6/16/2000.

**ZONE CHANGE, PUD AND UDO 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. (Deferred from meetings of 2/3/00 and 3/2/00).

Ms. Regen stated this is a request by Concentra Health Services and they are proposing to make the outpatient clinic a use permitted with conditions. It would be a stand alone use, not an accessory to another use. Staff is recommending disapproval to preserve industrial zoning districts for industrial uses and not to

allow office and commercial uses to encroach into them. The Commission asked staff to look at what other cities have done in their industrial zoning districts. Staff looked at Philadelphia, Seattle, Charlotte, Memphis, Pittsburgh, Atlanta and Chattanooga. Those cities deal with their industrial districts differently than we do. Several of those cities look at it from the standpoint that they have a lot of industrial opportunities in some areas so it's not a threat to their industrial zoning if they allow some commercial uses. Some of them allow pretty much anything and as you move away from industrial they get more restrictive. Some of them are looking to transition their industrial zoning districts to a commercial use, so they allow outpatient clinics. Then staff looked at Louisville, Knoxville, Portland and St. Louis and those four cities are like Nashville's zoning code, which is, not to allow commercial or office uses in industrial zoning, but to preserve those opportunities for truly industrial uses. With that information staff feels the recommendation of disapproval would be consistent with the intent of trying to preserve these areas for future industrial uses.

There are four options the Commission could take. One is to disapprove the request as staff recommends and continue to prohibit outpatient clinics in industrial zones. A second option would be to permit them as accessory uses – that is as accessory to a principal use on the property. The third option would be to approve it as a permitted use with conditions, as the applicant is requesting. The fourth option would be to permit it outright, as a permitted use in the industrial zoning district.

Last time the Commission looked at this item it was discussed making it an accessory to the industrial use. If the Commission wants to act and permit it an accessory use, it would not help this applicant. Because the situation we have is an applicant who purchased a piece of property, knowing it did not have the right zoning on it for the use. So they have an illegal use and that use may have been operating previously and had not been caught as an illegal use. The point is they bought a business that was operating illegally, did not have the right zoning to be there and so they are now trying to fix the code so they can operate their business.

Chairman Lawson asked, of the last four cities, whose zoning code mirrors ours, how effective have they been, not only preserving their industrial, but utilizing their industrial.

Ms. Regen stated she had no indication on that. The only information staff was asking them is if they allowed outpatient clinics in that zoning district, if not, why not.

Ms. Warren asked if the Commission were to choose to allow outpatient clinics permitted with conditions, how would those conditions be stated. Would an individual clinic, if they wanted to go into industrial, have to come before the Commission?

Ms. Regen stated the process would be that they would file for a building permit application with the Codes Department and Codes would see if they met the criteria that is contained in the Zoning Regulations for an outpatient clinic in an industrial zone.

The conditions staff had in their staff report, which were proposed by the applicant, was to limit the facilities operating hours to less than 12 hours per day and that it could be no larger than 5,000 square feet. Basically, those conditions were being written specifically for their use and what they feel these sorts of clinics operate as.

Mr. Small stated when this was discussed earlier the Commission was differentiating between the concept of an outpatient clinic and an occupational health clinic. He asked if staff asked that question when they were surveying other cities.

Ms. Regen stated those cities did not differentiate between occupational health clinics and a regular outpatient clinic.

Ms. Warren stated some of the larger employers have clinics on staff in their building and asked if those were presently permitted.

Ms. Regen stated that would be determination the Zoning Administrator would have to make. He may be calling those an accessory to the principal use.

Ms. Nicely stated they may not all be in industrial zoning.

Councilmember Loring stated he felt this is to the point that something needs to be done about it. This is one of the better looking buildings in the whole area and although it is industrial, right across the street is the Greenwood Cemetery that runs for about 2 ½ to 3 blocks. This area and road has changed from two lanes to four lanes and from a hot dog stand to a meat packing plant to a Hardee's and not to far away is a beer joint. There are all kinds of businesses on this road. He stated he had talked to people in the area and there have been no objections. Presently this is an illegal operation but it would be an asset to the area and the general community in the 15<sup>th</sup> District.

Chairman Lawson stated that it is the intention of our planning policy to preserve industrial zoning, which has been developed and planned by this group and supported by Council. So how are we going to compensate if we allow situations like this to open the door for others to potentially encroach in industrial zoning? Where is it going to leave us when we have a big demand?

Councilmember Loring stated he looks at this area historically and see retail, wholesale, industrial, back to retail and now back to industrial. The area has changed many, many times over the past 40 years and would like to see more businesses like this particular business move into the area. It would actually be an improvement.

Mr. Robert Allday, Concentra Health Services, stated occupational outpatient clinics are allowed in St. Louis, Louisville and Portland. Concentra is not here to beg for the Commission's leniency to allow them to continue this business here. Concentra bought the business, not the real estate, but we have competitors in this business that are in industrial areas. These clinics preserve and attract other larger employers to the area, because a dedicated occupational health care clinic is much different than a Centra Care Clinic or Baptist Clinic where somebody might go for the flu or a sprained ankle. These clinics just treat occupational health care related incidents. They provide physicals, random drug testing and DOT physicals and employers of all size use a dedicated occupational health care clinic.

Mr. Manier stated this was a practical versus principal argument and if he could be convinced these are needed service for a given circumstance, and if we can, in the ordinance, define to be restrictive to occupational health, it would not necessarily jeopardize our industrial land base. 5,000 square foot per unit is not going to destroy our ability to get a warehouse or an industrial plan in. We are not worried about Elm Hill Pike, we are worried about Metropolitan Nashville. This is something that, as we judge the circumstance, we have to judge it in other locales.

Ms. Warren agreed with Mr. Manier and asked if it were possible to add the words occupational to this text amendment to be more specific.

Chairman Lawson stated that if the Commission is inclined to do this, make a recommendation through a text amendment or some other process, that it needs to accommodate everybody and not just Concentra's needs. This is specific to just Concentra because a lot of this is presented very specifically for positioning them to do business in a profitable way. The Commission needs to look at this in terms as how to allow that permitted use for everybody.

Ms. Warren stated this could be a plus because there are large employers that provide care on site because of the loss of time. If we limit it to occupational, the size and hours then it will be beneficial throughout Davidson County, not just to Elm Hill Pike and Concentra. Perhaps this should be deferred again to work on the wording to make this amendment beneficial to all of Davidson County.



Mr. Small and Ms. Jones stated they were also in favor of the amendment but that the wording did need to be crafted to be more specific.

Mr. Cochran stated he did not see anything wrong with this amendment. If there are problems in the future the Commission can take them individually as they come up. Staff can't draft something that will be all inclusive and also eliminate certain things.

Mr. Cochran moved to approve.

There was no second so the motion failed.

Ms. Nielson moved and Mr. Small seconded the motion, which carried unanimously, to defer this matter until April 13, 2000, so staff can craft whatever amendment is appropriate to meet the objectives of the Commission.

Ms. Nicely clarified the Commission wants staff to prepare an amendment to permit occupational health care clinics as a PC in an industrial zone.

Ms. Nielson confirmed Ms. Nicely's clarification.

#### **2000Z-002T**

Council Bill No. BL2000-171

A council bill to amend Section 17.08.030 (District Land Use Table) of the Zoning Ordinance to change construction and demolition landfills from permitted by right "P" to a "PC" (permitted with conditions) use in the IR and IG districts, sponsored by Councilmembers Feller Brown, Ron Nollner, and J. B. Loring. (Deferred from meeting of 2/17/00).

#### **99Z-021T**

Council Bill No. BL99-86

A council bill to amend Sections 17.116.110 (Waste Management Uses: Permitted with Conditions) and 17.116.210 (Waste Management Uses: Special Exception) of the Zoning Ordinance by providing a 2 mile setback requirement between construction/demolition landfill facilities and public parks and schools, sponsored by Councilmembers Brenda Gilmore, Leo Waters, Don Majors, and Carolyn Tucker. (Deferred from meeting of 2/17/00).

Mr. Reid stated this bill, 2000Z-002T, proposes changing allowing landfills as a permitted by right use in the IR and IG District to permitted with conditions use in the IR and IG district. The primary condition would be a 150 foot separation between proposed landfills and residential zoning districts. The existing opportunities in the IR and IG districts today contain a minimum of 10 acres, out of the floodplain, on collector roads or higher, that vacant and zoned IR or IG. There are 17 parcels with approximately 597 acres where there could be a C & D landfill today. If this bill is passed, 12 parcels will be affected by the 150 foot buffer. The main reason staff is recommending disapproval of this bill is because we don't feel it is appropriate to make it harder for industrial uses to locate in the industrial zoning districts.

Mr. Reid stated bill 99Z-021T, unlike 2000Z-002T, only applies to the zoning districts that already allow landfills as conditional uses. Those districts area AR2a, MUI, CS, CL and IWD. This bill places a condition that requires a 2 mile separation between schools and parks and landfills. There are approximately 203 parcels, with 7,030 acres, that are AR2a, MUI, Cs, CL or IWD zoning and are a minimum of 10 acres, predominately out of the floodplain, have access to a collector road or higher and are vacant where you could have a C & D landfill today. If this bill were passed, there would be 73 parcels of approximately 3,550 acres lost due to the 2 mile buffer. The main reason staff is recommending disapproval is because there is no rational basis for a 2 mile standard.

Councilmember Feller Brown stated Mr. Reid was referring to 10 acres or more, but this Commission, not the Council, has allowed C & D landfills on one acre of ground. Right now, in this county, there are 3,000 locations for C & D landfills, which amounts to 37,000 acres. If this bill [2000Z-002T] passes, with 1 acre or more, you still have 1,200 parcels and 19,000 acres, with one acre or more, for C & D landfills. This bill will put some kind of conditions on the C & D landfills. This Commission will later hear about recycling, but recycling does not have anything to do with this.

There is one particular piece of property that was zoned IR over 20 years ago, but nobody knew it was going to be zoned that way, then all of a sudden somebody decided to make it a dump. In this situation, Metro maintained the adjacent piece of property, the funds ran out, so the Corp of Engineers took the project over. They took 45 acres and spent thousands of dollars so thousands of students, every year, could go on their school trips in this area. Across the street there is the beach of Old Hickory Lake and unloading ramps. Thousands of people go there every year. It doesn't cost the tax payers of Nashville one quarter and we are going to destroy that with a C & D landfill we don't need. Right now there are 2 C & D landfills already approved. Those two will last this county 10 to 27 years, and one of them hasn't even opened up yet.

Mr. Cochran asked Councilmember Brown if Metro is hauling garbage outside of Davidson County now.

Councilmember Brown stated yes, as far as he knew.

Mr. Cochran asked Councilmember Brown why we did not need landfills.

Councilmember Brown stated if Metro wanted to they could open up the landfill in Bell's Bend they already own, which is not a demolition dump.

Councilmember Brenda Gilmore said she had proposed a piece of legislation that said the C & D landfills would be 3 miles from parks and schools, which was a result of a proposal made to put a landfill near Beaman Park. At that time staff recommended disapproval because they felt 3 miles was too much setback, the bill should include all landfills and the bill did not include industrial districts. The setback has been dropped to 2 miles, and Councilmember Brown's bill has taken care of the industrial districts. The current setback of 100 or 150 feet, with P C, does not provide enough protection. People want more distance between landfills and where they live, have fun and where their children go to school.

Councilmember J. B. Loring stated that for a long time the Metro Government has not been sending trash or garbage away from the county. Several years ago the Supreme Court ruled that unless Metro picks up all the trash and garbage county-wide they cannot control what the independent haulers pickup. Some independents and some company haulers, such as Waste Management and BFI, own their own landfills, but Metro is not taking anything out of the county.

Mr. Tom Dean spoke in opposition to both bills and stated this legislation is all about recycling. With the passage of this legislation it would effectively eliminate any opportunity for any major recycling project to take place in the private sector in Davidson County.

Mr. Manier asked if staff took the state and regional landfill regulations into account.

Mr. Reid stated staff's standards were based on a national planning consultant that recommended this standard when the new zoning regulations were being updated. The sites discussed were potential sites. Staff did not look at hydrology and specific criteria were not looked at.

Ms. Warren stated this Commission sees so many requests and opposing of subdivisions in areas that have been untouched for years and Davidson County is changing. Obviously, in the best scenario no one would have any neighbors around them within 3 miles and no one would have any landfills within 100 miles. Davidson County only has so much land that is usable for certain instances. Many times we say no to a

zone change, Council sees fit to do a zone change, where we have thought it would not be recommended under the General Plan. This is a very difficult situation because I wouldn't want a landfill next to me, but Davidson County is growing and we do have construction and demolition that needs to be taken care of.

Ms. Nielson stated staff said they used the recommendations that were made and that are reflected in our code and those are more restrictive than state standards, because our setback actually separates it further.

Mr. Reid stated it would work either way. If you had a real large piece of property our standard would be more restrictive. If it was 500 feet from the location of the landfill to its own property line then technically the landfill could locate right along that property line, whereas our standard would require an additional 150 feet.

Ms. Neilson stated that because it is our standard the local standard is the one that governs - even though the state standard is less restrictive.

Mr. Reid stated they would have to meet both the standards.

Mr. Manier asked if there was permitting process by some other authority other than us – like state or regional.

Ms. Kubant stated that the permitting process has to go through Metro and also through the State Department of Environment and Conservation. She said staff could look at some of the state criteria and see how they effect the remaining properties referred to earlier.

Ms. Nicely stated the Commission had to act on both bills today.

Chairman Lawson stated that perhaps the bill sponsors would consider re-referring the bill to the Commission one more time to take a look at the issues.

Councilmember Lineweaver reminded the Commission that a couple of years ago there was a dilemma in the 35<sup>th</sup> District and in order to get more research from staff the Commission asked that I not pass it on 3<sup>rd</sup> reading. This is the same situation. This Commission can also request the same from these Councilmembers.

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

**Resolution No. 2000-274**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z is **DISAPPROVED (7-0) with a request for Council to defer third reading and re-refer it to the Planning Commission for further study:**

**This council bill proposes to permit C&D landfills as a PC (permitted with conditions) use in the IR and IG districts. There is no planning basis to support the further restriction of landfills in the IR and IG zoning districts. While Nashville's landfill standards are consistent with other cities' planning practices, further study of the State landfill standards should be explored to determine if there are viable landfill opportunities in Davidson County."**

**"BE IT FURTHER RESOLVED** by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-021T is **DISAPPROVED (7-0) with a request for Council to defer third reading and re-refer it to the Planning Commission for further study:**

**This council bill proposes requiring a 2-mile separation between proposed C&D landfills and existing public schools and parks, as amended on January 18, 2000 from a 3-mile separation requirement.**

**There is no planning basis to support any increased separation between landfills and other non-residential uses. While Nashville's landfill standards are consistent with other cities' planning practices, further study of the State landfill standards should be explored to determine if there are viable landfill opportunities in Davidson County."**

Ms. Nicely clarified the Commission wants the staff to use additional variables in our search and add variables that reflect the state permitting standards, such as the streams and soil type.

**99Z-124G-06**

Map 142, Parcels 39 (1.4 acres) and 42 (2.66 acres)  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to change from R15 to CL district properties at Bellevue Road (unnumbered) and 7380 Old Harding Pike, approximately 100 feet south of Bellevue Road (4.06 acres), requested by David Lose of Lose & Associates, appellant, for Mary J. Mitchell, owner. (Deferred from meetings of 1/20/00, 2/17/00 and 3/2/00).

**2000P-002G-06**

Old Harding Pike Commercial PUD  
Map 142, Parcels 38, 39 and 42  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request for preliminary approval for a Planned Unit Development District located abutting the northeast margin of Bellevue Road and the northwest margin of Old Harding Pike, classified CL and R15 and proposed for CL (5.76 acres), to permit a 10,100 square foot restaurant and patio, a 5,600 convenience market/gas station, and a 7,475 square foot restaurant, requested by Lose & Associates, Inc., for Mary J. Mitchell, owner, and Martha C. Richardson of Granite Developers, LLC, optionee. (Deferred from meetings of 1/20/00, 2/17/00 and 3/2/00).

Ms. Regen stated the request is to rezone this property from residential to commercial and to apply a Planned Unit Development to the property. The proposed PUD had 2 large restaurants as well as a convenience market and gas station. The applicant has removed the gas station pumps and is now just proposing a convenience market. This was deferred from the meeting of 1/20/00, 2/17/00 and 3/2/00 in order for the applicant to address some of the Commission's concerns, as far as the size of the restaurants. They did decrease the size of one of the restaurants and placed that square footage into the convenience market and then added an outdoor patio dining area. So essentially the net result was they increased the overall amount of square footage in the development.

The issue staff has with this proposal is an issue of whether this small neighborhood commercial convenience node, which is supposed to be 30,000 square feet, should be enlarged, or whether this node is appropriate given the residential uses that surround it. One of the arguments the applicant has made is that this is not an appropriate site for residential development, yet, there is a newly approved subdivision adjacent to this node. Staff is recommending disapproval of the rezoning and the Planned Unit Development.

Councilmember Lineweaver spoke in favor of the proposal and stated the only opposition he had was against the gas pumps, which have been removed from the plans.

David Code, Lose & Associates, spoke in favor of, explained the proposal and stated this is not expanding for regional commercial services. This is neighborhood services and there are high density multi family housing that needs these types of services.

Mr. Manier stated this would be setting a dangerous precedent. We've got the unmapped policy with the 30,000 and we are going to double that square footage and we'll keep getting revisions on this thing and we'll add another 10 or 15,000 square feet. This is contrary to good planning policy.

Mr. Fawcett explained stated he did not feel this would be contrary to the General Plan by doing this. Either a neighborhood level node or neighborhood convenience node – both of them are unmapped policy designations and the Planning Commission has the ability to designate those without a public hearing process based on the criteria that are in the land use application document.

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

**Resolution No. 2000-275**

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-124G-06 is **APPROVED (6-1)**:

**These properties fall within the Subarea 6 Plan's unmapped "Retail Neighborhood" policy around the Old Harding Pike/Bellevue Road intersection. The CL district is consistent with that policy."**

**Resolution No. 2000-276**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2000P-002G-06 is given **CONDITIONAL PRELIMINARY APPROVAL (6-1)**. The following conditions apply:

1. Approval of preliminary PUD and associated zone change (99Z-124G-06) by the Metropolitan Council.
2. Prior to or in conjunction with the submittal of any final PUD plan, the applicant shall submit a PUD boundary plat to the Planning Commission for approval and recordation.
3. 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.”

**2000Z-029U-05**

Map 82-7, Parcels 403 (.19 acres) and 404 (.14 acres)  
Subarea 5 (1994)  
District 5 (Hall)

A request to change from R6 to CN district properties at 825 and 827 Lischey Avenue, approximately 100 feet south of Cleveland Street (.33 acres), requested by Mary C. McWhirter, appellant/owner.

Ms. Regen stated staff is recommending disapproval finding that the current zoning, residential, is appropriate. This area is apart of the McFerrin Neighborhood Strategy area of MDHA and there is a significant amount of re-investment occurring in this area with homes being renovated and upgraded. It is also an area that is targeted for affordable housing.

Ms. Mary McWhirter, property owner, spoke in favor of the proposal and stated she had owned this property for several years and it is vacant lots. She also owns Cantrell's Barbecue and realizes this is residential but is not interested in doing any type of residential. She stated she wanted to put in a drive-thru at Cantrell's and do some remodeling on the building and also possibly a day care center.

Ms. Nielson stated this is a classic case of a plan in place and this would be jeopardizing the development of that plan.

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

**Resolution No. 2000-277**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-029U-05 is **DISAPPROVED (7-0)**:

**These properties fall within the Subarea 5 Plan's Residential Medium (RM) policy calling for conservation of the surrounding residential neighborhoods at 4 to 9 units per acre. These properties also fall within the McFerrin Park Neighborhood Strategy Area (NSA) which is targeted for home ownership and affordable housing programs by the MDHA. Rezoning this property to commercial uses would decrease affordable housing opportunities on these lots by implicating the other residential properties in the area. Therefore, CN district is not consistent with the RM policy or the affordable housing goals of the McFerrin Park NSA. There are ample opportunities for commercial development in the CL zoning to the west along Meridian Street. Increasing commercial zoning here marginalizes existing commercially zoned areas serving the same market."**

**2000Z-030U-11**

Map 93-15, Parcels 308 (.11 acres) and 309 (.17 acres)  
Subarea 11 (1999)  
District 19 (Wallace)

A request to change from R6 to CS district properties at 1009 and 1013 2nd Avenue South, approximately 174 feet south of Lafayette Street (.28 acres), requested by Mary C. McWhirter, appellant/owner.

Ms. Regen stated staff is recommending disapproval of the CS zoning because in this subarea plan we were looking at mixed uses being in this area. Staff recommends doing an MUL zoning, which would be preferable, and would give the opportunity to use the existing homes for a business.

Ms. McWhirter stated this is basically the same situation as the previous proposal in East Nashville. These are empty vacant lots that have been there for numerous years. They were that way when she purchased the property and it is time to do something with them. The property had to be fenced because it was constantly being used for dumping. This is only 3 or 4 doors off of Lafayette and it backs up to commercial and is next to commercial.

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

**Resolution No. 2000-278**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-030U-11 is **DISAPPROVED (7-0)**:

**These properties fall within the Subarea 11 Plan's Mixed Use (MU) policy and the Cameron-Trimble Neighborhood Design Plan calling for preservation of the historic residential structures along 2<sup>nd</sup> Avenue South and a mixture of office, commercial, and higher density residential uses. Extending CS zoning further south would not implement these goals."**

**2000Z-034G-04**

Map 34-13, Parcels 132 (.37 acres), 133 (.15 acres),  
137 (.20 acres) and Part of Parcel 95 (.37 acres)  
Subarea 4 (1998)  
District 3 (Nollner)

A request to change from RS7.5 and OR20 districts to CS district a properties at 1400 Gallatin Pike, 105 and 107 McKinley Street, and McKinley Street (unnumbered), abutting the south margin of Wellworth Street (.87 acres), requested by John J. Yoon, appellant, for Jeong S. Yun et ux, Thomas W. Bradford, and J. H. and Viva S. Williams, owners.

Ms. Regen stated staff is recommending disapproval because the zoning is CS fronting Gallatin Pike then there is a small amount of OR20. These proposals have come in asking for office and then later they come back asking to change it to commercial. This is a residential area and an area for affordable housing opportunity.

Mr. John Yoon stated he has problems running his business because of traffic and the parking problem. There are four tenants for this building and the parking lot is not big enough. The Codes Department said he could build a parking lot on the OR20 but could not use it for commercial uses.

Ms. Regen stated when she would like to talk to Codes about this issue and asked the Commission for a deferral because parking lots are allowed in OR20 districts.

Ms. Nielson moved and Mr. Small seconded the motion, which carried unanimously, to defer this matter one meeting.

**2000Z-040U-03**

Map 69, Parcels 59.01 (.39 acres), 121 (.54 acres)  
and Part of Parcel 59 (5.61 acres)  
Subarea 3 (1998)  
District 1 (Gilmore)

A request to change from RS15 to RM9 and RM20 districts a portion of properties at 4319 and 4343 Ashland City Highway, Ashland City Highway (unnumbered), approximately 400 feet east of Stewarts Lane (6.54 acres), requested by Michael Hampton, appellant, for William D. Carothers et ux and Volunteer Investments, Inc., owner, and Hazel Hampton, trustee.

Ms. Regen stated staff is recommending disapproval as contrary to the General Plan because the RM20 zoning exceeds the residential medium policy that applies in this area. That policy is saying a maximum of 9 units per acre and the applicant is proposing up to 20 units per acre. The RM9 is appropriate and is consistent with the Commission's recommendation for approval to the Council in 1998 to rezone this entire piece of property to RM9.

Councilmember Gilmore stated she has talked to a couple of the neighbors out there and they support the proposal and she would like to see something nice in that neighborhood.

Mr. Mike Hampton stated in 1995 he was granted approval for a PUD for 120 bed nursing home, a 144 unit senior housing development and a 10,000 square foot outpatient medical facility on this subject site. Only the nursing home component was constructed. In June of 1988 an application was made by someone to lift the residential component of the PUD. Ms. Nicely was kind enough to review the application but failed to determine who lifted this PUD, using my name, without my permission. Right now, without any further approval, a convenience market and a strip retail space can be built on this property.

Ms. Jones stated she like the project but that she could see the problems it would create.

Mr. Small stated he would move to go with staff recommendation.

Mr. Manier stated this is against the General Plan and if this is appropriate this General Plan should be revisited.

Ms. Warren stated the project is worthy but that she had a concern about the density.

Ms. Regen stated the applicant can do the assisted living on the property but just not as many units as he is proposing.

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

**Resolution No. 2000-279**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-040U-03 is **DISAPPROVED (7-0) as contrary to the General Plan:**

**These properties fall within the Subarea 3 Plan's Residential Medium (RM) policy calling for 4 to 9 units per acre. The density permitted in the RM20 district exceeds that policy."**

**2000Z-041U-10**

Map 118-6, Part of Parcel 160  
Subarea 10 (1994)  
District 17 (Greer)

A request to change from SCC to CS district a portion of property at Gale Lane (unnumbered), approximately 240 feet west of Franklin Pike (.46 acres), requested by Pat Shaham, appellant, for Carl M. Talley et al, owners.

**89P-022U-10**

Melrose PUD  
Map 118-6, Parcel 160  
Subarea 10 (1994)  
District 17 (Greer)

A request to cancel and amend a portion of the Commercial (General) Planned Unit Development District located abutting the west margin of Franklin Pike and the north margin of Gale Lane, classified SCC and CS and proposed for CS (1.4 acres), to cancel a portion approved for two fast-food restaurant uses with a total of 3,050 square feet, requested by Sterling Motor Cars, Inc., for M. Carl Talley, et al, owner.

Ms. Regen stated the request is to rezone this property and to cancel the PUD. The applicant is requesting this because the property has split zoning and they want to apply CS zoning to the entire piece of property. Staff is recommending approval of the rezoning as well as the PUD cancellation because this piece of property can function on its own, independent of the rest of the Melrose PUD. There has been a community meeting with the Councilmember. The applicant wants to build an auto dealership on the property and in order to do that they have to have zoning other than SCC, because shopping centers don't allow auto dealerships.

Mr. Richard Scofield stated his property abuts the Melrose PUD and that he is opposed to the proposed changes. My wife and I have been involved with this PUD area since Land Trust bought it 14 years ago. The neighborhood's original opposition to this PUD, in 1989, was its size. By the time of final approval in 1993, we had worked together, with the owners, as directed both by this Commission and by the Metro Council, to create a plan that both sides could live with.

Besides myself there are some of my neighbors here also in opposition. We are concerned over the potential negative effect to the shopping center itself, to the neighborhood and to the future status of



undeveloped portions of the Melrose PUD if parcel 160 is changed to CS zoning and taken out of the PUD. This Commercial PUD was laid over residentially zoned property that 3 years ago was changed to SCC. It was presented as a neighborhood shopping center in 1989 and took many hours of deliberation with neighbors, both in 1989 and 1993, to arrive at the agreement that was finally legislated by the Metro Council.

I have three points. The first one is that changing the zoning and amending the PUD without neighborhood support would be a breach of that agreement. If you remember 3 years ago when the motel came up, Vice Mayor Jay West spoke to this body and said it was his understanding, and he sponsored the bill for this, because it was going to be neighborhood. I would also like to submit into the record a letter to Councilmember West, from July 6, 1989, from the developer saying it would be a proposed neighborhood shopping center. So that certainly was the intent.

The second point is that the proposed change, from SCC to CS, invites uses not compatible with a neighborhood shopping center. Once something gets changed and it gets built then that zoning is there. That would be such as, actually, a motel, heavy equipment sales, non-residential drug treatment facility, wrecker service, automobile repair, medical waste facility, and I just learned this afternoon that actually it could be a demolition and construction landfill site since it is more than an acre. This was a very unique situation in 1989, the staff from the Planning Commission worked very hard trying to make this work. They took 18 acres of residential land, an incursion into our residential neighborhood, and the reason they thought it would work was that there was this hill, it was at the end of a hill and so the whole idea was – set the shopping center down below the level of the existing homes and the other was the natural undisturbed buffer, which actually set the scene for later having a tree ordinance. It was very unique and was intended as a neighborhood shopping center.

The third point I would like to make is that allowing a used car lot or any other of the above mentioned permitted CS zoning uses, unlike what the staff member just said about it wouldn't affect the rest of the shopping center, might deter desired neighborhood services, such as a nice sit down restaurant, from building on the existing unbuilt pad adjacent and above this parcel 160, or it might set a precedent, might open the door for breaking up the PUD and changing the zoning on the other two unbuilt pads without the support of the neighborhood. All of this has the impact of removing the protection of our neighborhood granted by the PUD status.

I imagine that the applicant is going to say that 10 years ago there was a used car lot on this parcel. The nature of neighborhoods changes. There also was a segregated swimming pool there. My children couldn't go swimming there. This is something we have to look at. Our community has changed, our neighborhood has changed, yet it is still a diverse but fragile neighborhood that should not be subjected to the whims of the owner, who agreed to a PUD, because he thought he would benefit financially from it and now changes his mind.

The PUD concept, we were told, was better than a contract because it was legislation. So, we ask that both the intent of the law and the letter of the law be upheld. I also have a petition from about a dozen neighbors on Vaulx Lane, which is the abutting one, which I would like to enter into the record.

Ms. Leslie Pomery, realtor representing the tenant who wishes to develop the car lot, stated they had met with Mr. Scofield, neighbors and Councilmember Ronnie Greer. At the time, several people there said they did not oppose this planned use. They had no problem with the car lot. What they objected to was that the PUD would be changed. Our feeling was that they never wanted any changes to be made to the PUD. A portion of it would have to go in CS. The lot size is 1.4, this involves .3 of an acre. The property does sit at the bottom of the hill and is not in sight of the homes. What is planned, according to the PUD, are 2 fast food restaurants, totaling a little over 3,000 square feet. The Traffic Engineer, in the report, says it does not adversely effect traffic and it would work with the land use plan.

Ms. Nielson stated, in the original PUD, part of parcel 160 was zoned CS fronting Franklin Road and the rest of it was included in the PUD.

Ms. Regen stated that was correct. Also, the part that fronts on Franklin Road is within the City of Berry Hill and the rest is controlled by Davidson County.

Ms. Warren asked if all the owners in the PUD had been notified.

Ms. Regen stated it was her understanding they had.

Ms. Nielson stated parcel 161 is creeping up Gale Lane and she could see the problems of the PUD falling apart and being piecemealed because they you've got another piece of property up Gale Lane. If this fronted Franklin Road it would have made more sense to go CS.

Mr. Manier asked what the Berry Hill zoning was on the front portion.

Ms. Regen stated it was commercial and when staff contacted the city manager of Berry Hill he indicated they had recommended approval.

Ms. Neilson stated she remembered this project and the problems with getting the whole thing approved and now this will take it apart and our PUD protection and our definitions of PUDs will begin to lose credibility. There are sometimes that it makes sense and is logical but in this case we are whittling pieces out that aren't even clean pieces of the PUD.

Mr. Small stated the Commission spent a long time, several meetings, trying to work out an agreement amongst everybody in Bellevue and one of the recommendations, to protect the neighbors, was to put a PUD in. The PUD is protection and it should stay.

Ms. Warren stated the same thing happened at Burton Hills, the cancellation of the front portion of the PUD, and the people living there were adamant that was a covenant and it shouldn't be changed.

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

**Resolution No. 2000-280**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-041U-10 is **DISAPPROVED (7-0)**;

**This property falls within the Subarea 10 Plan's Retail Concentration Community (RCC) policy calling for a concentration of retail uses around the Interstate 65/Franklin Pike interchange. The SCC and the associated Commercial Planned Unit Development (CPUD) districts are the preferred districts to implement the RCC policy and encourage planned commercial developments which are compatible with the adjacent residential neighborhood. Canceling this portion of the CPUD and rezoning it to CS would set a precedent for the cancellation of other CPUD properties, allowing the opportunity for heavier commercial uses near the adjacent residential neighborhood."**

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 89P-022U-10 is given **DISAPPROVAL (7-0)**."

**2000Z-042U-14**  
Map 95-9, Parcel 4  
Subarea 14 (1996)  
District 15 (Loring)

A request to change from RS10 to IWD district property at 1824 Lebanon Pike, approximately 200 feet west of Omohundro Drive (4.15 acres), requested by Barry Oakley, appellant, for L. M. McIntire et ux, owners.

Ms. Regen stated staff is recommending disapproval as contrary to the General Plan of the rezoning of this property from residential to industrial. Staff's recommendation of this disapproval on this piece of property is consistent with the recommendation in 1999 of the adjacent properties. Both the Commission and Council disapproved those rezonings. The industrial policy lies to the south of Lebanon Pike and the requested change area is to remain residential with a residential low medium policy having been applied in the Subarea 14 Plan.

Ms. Warren stated she knew we needed industrial zoning but this is not the right place.

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

**Resolution No. 2000-281**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-042U-14 is **DISAPPROVED (7-0) as contrary to the General Plan:**

**This property falls within the Subarea 14 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre. The IWD district is a spot zone and is not consistent with RLM policy. Allowing IWD zoning to gain a foothold on this side of Lebanon Pike would implicate the adjacent residential properties and adversely impact the residential subdivisions to the north, east and west. Industrial zoning should be restricted to the south side of Lebanon Pike."**

**2000Z-043U-12**

Map 161, Parcels 167 (.83 acres) and 174 (.68 acres)  
Subarea 12 (1997)  
District 30 (Kerstetter)

A request to change from SCR to CS district properties at 5700 Hickory Plaza and 420 Hickoryview Drive, approximately 450 feet west of Nolensville Pike (1.51 acres), requested by Ed Owens of Gresham-Smith and Partners, appellant, for Eric L. Stengel, owner.

**192-69-U-12**

Hickory Plaza (AutoBody of America)  
Map 161, Parcels 167 and 174  
Subarea 12 (1997)  
District 30 (Kerstetter)

A request to amend a portion of the Commercial (General) Planned Unit Development District located abutting the southeast corner of Hickoryview Drive and Hickory Plaza, classified SCR and proposed for CS (1.51 acres), to permit a 10,866 square foot automobile body shop, requested by Ed Owens of Gresham-Smith and Partners, for Eric N. Stengel, owner and Joseph F. Leoni optionee.

Ms. Regen stated the applicant is requesting the zone change and PUD amendment in order to do an auto body shop. Staff is recommending disapproval of the rezoning and the PUD amendment because this PUD was intended to act as a unit. Staff feels the CS zoning with an auto body shop on it is not an appropriate use next to the residential multi family. There are other places in the area more appropriate for an auto body shop.

Mr. Ed Owens, representing Auto Body America, stated this PUD is one of the oldest in this immediate area. It started in 1969, and wasn't even a PUD at that time, it was called planned commercial. The

provisions were very general at that time. Mr. Owens explained the history of this PUD and the plans for the auto body shop. This particular portion of this PUD has two Goodwill trailers on it at the present and has never been a very healthy commercial area.

Ms. Jones left at this point in the agenda.

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

**Resolution No. 2000-828**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-043U-12 is **APPROVED (6-0)**:

**These properties fall within the Subarea 12 Plan's Retail Concentration Supercommunity (RCS) policy calling for community scale retail between 500,000 and 1,000,000 square feet around the Old Hickory Boulevard/Nolensville Pike intersection. The CS district is consistent with RCS policy and the associated Commercial Planned Unit Development (CPUD) district will ensure that commercial development occurs in a planned manner while sufficiently protecting the adjacent residential area."**

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 192-69-U-12 is given **APPROVAL TO AMEND THE PUD (6-0)**."

**116-83-U-11**  
Willow Brook Plaza  
Map 119-11, Parcel 163  
Subarea 11 (1999)  
District 16 (McClendon)

A request to revise the preliminary plan of the Commercial (General) Planned Unit Development District located abutting the north margin of Briley Parkway, south of Thompson Lane, classified R10 (2.24 acres), to permit a 4,500 square foot convenience market/gas station, replacing a 7,000 square foot restaurant, requested by Barge, Cauthen & Associates, for Mark Buchanan, owner of parcel 163. (Deferred from meeting of 3/2/00).

Ms. Regen stated this issues with this proposal have all been worked out and staff is recommending approval. Staff has received a number of letters in opposition expressing concerns as well as some requests to speak. During the break everybody worked things and there will be a new condition added to the project which all the neighbors, the property owner and Councilmember agreed. The condition reads, in conjunction with the submittal of the final PUD plan the applicant shall show a minimum of a landscape buffer yard C, a minimum width of 20 feet and a 6 foot opaque fence along that portion of the property abutting parcels 123, 164 and 166.

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

**Resolution No. 2000-283**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 116-83-U-11 is given **CONDITIONAL APPROVAL OF A REVISION TO THE PRELIMINARY PLAN FOR A PHASE (6-0)**. The following conditions apply:

1. 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.
2. Prior to the issuance of any building permits, a revised final plat shall be recorded which provides joint access easements, shared parking and bonding for all necessary public improvements.
3. In conjunction with the submittal of the final PUD plan, the applicant shall show a minimum of a Landscape Buffer Yard "C" (minimum of 20 feet wide) and a six foot opaque fence along that portion of the property abutting parcels 123, 164, and 166."

**OTHER BUSINESS**

1. Chairman's comments

Chairman Lawson stated he hoped everyone has had the opportunity to review the draft letter. He thanked everyone that has responded with their suggestion and that he is incorporating them into the letter. If there are no additional comments, he intends to get the letter out next week.

Mr. Manier asked if the Commission was aware they had approved 4 zoning changes, today, where the schools are overloaded and the only reason he was bring that up is so that the Commissioners can think about it. One way to address the problem might be through the revised Subdivision Regulations. But at least be aware of the fact we are loading up the biggest financial obligations you have ever seen if we continue along the way we are doing it.

Mr. Small stated the Executive Director Search Committee has gotten quite a bit of input to update the job description for the executive director. Human Resources is going to put that in a form and finalize it and then we will bring it back to this commission for their approval. Purchasing and Human Resources have narrowed down the selection of the search firm to one candidate. They hope they will be able to tell us tomorrow who that is. If that is the case, hopefully, next week we will be able to meet with them.

2. Legislative update

**PLATS PROCESSED ADMINISTRATIVELY**

March 2, 2000 through March 15, 2000

**99S-202U            ERSKIN SUBDIVISION, First Revision**  
**Reconfigures two existing lots**

**2000S-048G        MUNDY SUBDIVISION**  
 Plats one parcel as two lots

**ADJOURNMENT**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:30 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Minute Approval:  
This 30th day of March, 2000