

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

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

Roll Call

Present:

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

Absent:

Mayor Bill Purcell
Tonya Jones
Douglas Small

Executive Office:

Richard C. Bernhardt, Executive Director
Karen P. Nicely, Assistant Executive Director
Carolyn Perry, Secretary III

Current Planning & Design Division:

Theresa Carrington, Planning Division Manager
Jennifer Regen, Planner III
John Reid, Planner II
Jeff Stuncard, Planner I
Andrew Wall, Planning Technician I

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Advance Planning & Research:

Jeff Lawrence, Planner III

Others Present:

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

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

2000s-129G-12 Deferred two weeks, by applicant.
2000S-230G-04 Deferred two weeks, by applicant.
2000S-232G-01 Deferred indefinitely, by applicant.
98-73-G-02 Deferred two weeks, by applicant.

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

APPROVAL OF MINUTES

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

RECOGNITION OF COUNCILMEMBERS

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

Councilmember Ponder arrived at 1:10, at this point in the agenda.

ADOPTION OF CONSENT AGENDA

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

SUBDIVISION PROPOSALS

2000S-238U-05
Country Club Estates, Block F,
Resubdivision of Lots 14 and 27
Map 72-4, Parcel 204
Subarea 5 (1994)
District 8 (Hart)

A request for final plat approval to reconfigure two lots abutting the southwest margin of Ardee Avenue, approximately 1,265 feet northwest of McGavock Pike (.55 acres), classified within the RS7.5 District, requested by Dunklin Murrey and Roy Dee Tucker, owners/developers, Cole Land Surveying, surveyor.

Resolution No. 2000-621

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-238U-05, is **APPROVED WITH VARIANCES TO SECTIONS 2-4.2E AND 2-4.7 OF THE SUBDIVISION REGULATIONS (7-0).”**

2000S-243U-13
Asheford Crossing, Section 6
Map 164, Parcel 182
Map 164-13, Parcels 22 and 23
Subarea 13 (1996)
District 29 (Holloway)

A request for final plat approval to create 23 lots abutting the northwest terminus of Cainbrook Crossing, approximately 120 feet northwest of Cedar Ash Crossing (4.68 acres), classified within the RS7.5 Residential Planned Unit Development District, requested by Phillips Builders, Inc., owner/developer, Anderson-Delk & Associates, Inc., surveyor.

Resolution No. 2000-622

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-243U-13, is **APPROVED SUBJECT TO A BOND OF \$123,000.00 (7-0).”**

2000S-244G-06
Traceside, Section 11
Map 155, Parcel 130
Map 155-16, Parcel 27
Subarea 6 (1996)
District 35 (Lineweaver)

A request for final plat approval to create 52 lots abutting the southeast margin of Highway 100, approximately 530 feet southwest of Chaffin Drive (21.95 acres), classified within the RS20 Residential Planned Unit Development District, requested by Centex Homes, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 2000-623

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-244G-06, is **APPROVED SUBJECT TO A BOND OF \$564,400.00 (7-0).”**

2000S-247U-12
Greenwood Subdivision, Phase 1
Map 162, Parcel 93 and Part of Parcels 167 and 233
Subarea 12 (1997)
District 31 (Knoch)

A request for final plat approval to create 19 lots abutting the west margin of Old Hickory Boulevard and the east terminus of Cedarview Drive (5.99 acres), classified within the R10 Residential Planned Unit Development District, requested by Mt. View, LLC, owner/developer, Dale and Associates, surveyor.

Resolution No. 2000-624

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-247U-12, is **APPROVED SUBJECT TO A BOND OF \$99,000.00 (7-0).”**

ZONE CHANGE AND PUD PROPOSALS:

2000Z-095U-05
Map 83-6, Part Parcel 275
Subarea 5 (1994)
District 6 (Beehan)

A request to change from CN to MUL district a portion of property at 1907 Eastland Avenue, abutting the east margin of Chapel Avenue (.09 acres), requested by Josef Goller, appellant, for Barbara A. Brown and Josef Goller, owners.

Resolution No. 2000-625

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-095U-05 is **APPROVED (7-0)**:

This property falls within the Subarea 5 Plan’s unmapped neighborhood commercial policy around the Chapel Avenue/Eastland Avenue intersection. That policy calls for maintaining the viability of neighborhood nodes by either expanding the uses permitted or adding land area. While the CN or MUN districts would normally be preferred to limit commercial uses to a neighborhood scale, the MUL district will enhance the vitality of this neighborhood commercial area. While the MUL district permits a larger building footprint than the CN or MUN districts, the proposed Neighborhood Landmark District and Neighborhood Development Plan can address those concerns by providing protection of the neighborhood’s character and streetscape without jeopardizing the commercial businesses serving area residents.”

28-79-G-13
Cambridge Forest Townhomes
Map 149, Part of Parcel 371
Subarea 13 (1996)
District 28 (Alexander)

A request to revise a portion of the preliminary plan and for final approval for a portion of the Residential Planned Unit Development District located abutting the west margin of Rural Hill Road, south of Bridgecrest Drive, classified R15 district (18.57 acres), to redesign the layout and develop 82 townhomes where 105 townhomes were originally approved, requested by DBS and Associates for Craig & Walker Homes, owners.

Resolution No. 2000-626

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-79-G-13 is given **APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR A PHASE (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 the 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 subdivision plat and the post all bonds necessary for public improvements.”

84-87-P-13
The Crossings (Champion Windows)

Map 174, Part of Parcel 176
Subarea 13 (1996)
District 28 (Alexander)

A request to revise a portion of the preliminary plan and for final approval for a portion of the Commercial (General) Planned Unit Development District located abutting the southwest margin of Crossings Boulevard south of Mt. View Parkway, classified R10 district (2.52 acres), to develop a 24,000 square foot building containing 8,100 square feet of office/showroom use and 15,900 square feet of warehouse use for Champion Windows, requested by Gresham, Smith and Partners for TSC Realty L.P. owners.

Resolution No. 2000-627

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-87-P-13 is given **APPROVAL FOR A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR A PHASE (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 the 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 subdivision plat and the post all bonds necessary for public improvements.”

84-87-P-13

The Crossings (Hallmark Dodge/Jeep Auto Dealership)
Map 174, Part of Parcel 176
Subarea 13 (1996)
District 28 (Alexander)

A request to revise a portion of the preliminary plan and for final approval for a portion of the Commercial (General) Planned Unit Development District located abutting the west margin of Crossings Boulevard, 2,800 feet south of Mt. View Road, classified R10 (5.8 acres), to redesign the parking and building configuration for a 31,810 square foot auto dealership, replacing an approved, unbuilt 32,035 square foot auto dealership, requested by Gresham, Smith and Partners for TSC Realty Capital, L.P. owner.

Resolution No. 2000-628

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-87-P-13 is given **APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR A PHASE (7-0)**. 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 of Public Works.
2. Prior to the issuance of any building permits, the applicant shall record a final subdivision plat and the post all bonds necessary for public improvements.”

MANDATORY REFERRALS:

2000M-063G-04

Rename Shawnee Road to “Shawnee Trace”
Map 52-8, Various Parcels
Subarea 3 (1998)

District 9 (Dillard)

A request to rename Shawnee Road to "Shawnee Trace" from Cheyenne Boulevard to its terminus which lies between Sandy Spring Trail and Grand Lagoon to improve E-911 efficiency and response, requested by the Interim Director of Public Works.

Resolution No. 2000-629

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-063G-04."

2000M-075U-07

Kentucky Avenue Drainage/Utility
Easement Abandonment
Map 91-6, Parcel 319
Subarea 7 (1994)
District 22 (Hand)

A request to abandon a 25-foot public utility and drainage easement located at 5501 Kentucky Avenue, between Kentucky Avenue and Alley No. 1206, classified within the R6 District (.29 acres), requested by Joseph G. Anderson Jr., owner.

Resolution No. 2000-630

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-075U-07."

2000M-076U-09

Close Portion of Alley #147
Map 93-15, Parcels 211-216 and 258-260
Subarea 9 (1997)
District 19 (Wallace)

A request to close an unbuilt portion of Alley #147 from McCann Street to its terminus at I-40, requested by James B. Altman, trustee for all abutting properties. (Easements are to be retained).

Resolution No. 2000-631

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-076U-09."

2000M-077G-04

Closure of Portion of Edenwold Connector Road
Map 34-11, Parcels 10, 13 and 30
Subarea 4 (1998)
District 10 (Balthrop)

A request to close a portion of the unbuilt Edenwold Road Connector right-of-way and to relocate the connector road slightly west to where it is presently constructed between parcels 108 and 10 on tax map 34-11, requested by the Department of Water Services. (Easements are to be abandoned).

Resolution No. 2000-632

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-077G-04."

2000M-078U-00
Council Bill No. BL2000-355
Property Acquisition Agreement with HUD

A council bill authorizing the purchase of property from the U.S. Department of Housing and Urban Development (HUD) offered to local governments under the "\$1 Homes to Local Governments" and other programs, and to transfer said property to the Metropolitan Development and Housing Agency (MDHA) without prior Metro Planning Commission or Metro Council approval.

Resolution No. 2000-633

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-078U-00."

2000M-079U-02
Council Bill No. BL2000-357
Conveyance of Easement to BellSouth
Map 60, Parcel 4
Subarea 2 (1995)
District 3 (Nollner)

A council bill approving a permanent easement (800 square feet) to BellSouth Telecommunications, Inc., located on the west side of Brick Church Pike, north of Ewing Drive, at the site of Brick Church Middle School, classified within the R8 District (10.44 acres), requested by the Public Property Administrator, for Metro Government.

Resolution No. 2000-634

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-079U-02."

2000M-080U-13
Elm Hill Pike Easement Acquisition
Map 107, Parcels 21.2, 50.1, 65, and 175
Map 107-05, Parcels 42, 43, 57, 176, 200, B200 and 201
Subarea 13 (1996)
District 13 (Derryberry)
Subarea 14 (1996)
District 15 (Stanley)

A request to acquire easements on portions of 10 properties in order to relocate a 48" water line, Project No. 99-WG-186, from Elm Hill Pike southerly along McGavock Pike/Knights of Columbus/Karen Drive to Massman Drive (approximately 11,562 feet in length), requested by the Department of Water Services.

Resolution No. 2000-635

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-080U-13."

This concluded the items on the consent agenda.

SUBDIVISION PROPOSALS”

2000S-251U-03 (Public Hearing)
Bryant Wood Trace Subdivision
Map 58, Parcel 139
Subarea 3 (1998)
District 1 (Gilmore)

A request for preliminary approval for 19 lots abutting the east margin of Homeland Drive, west of Clarksville Pike, approximately 1,290 feet south of Echo Lane (32.02 acres), classified within the RS40 District, requested by Walter and Ellen L. Bryant, Jr. et al, owners/developers, Turner Engineering, surveyor.

Mr. Stuncard stated the applicant has requested a two week deferral in order to give him more time to meet with Water Services regarding sanitary sewer accessibility.

Staff is recommending conditional approval, but are waiting on Water Services. There is a steep hill in the center of the site so there are several topographic issues involved, which necessitate variances being requested for the 4 to 1 lot width to depth ratio on the 10 lots on Homeland. Those lots are critical and will have to be reviewed for critical lot permits prior to issuing.

Ms. Kathryn Philson stated she lived at the base of the hill where these homes will be built and expressed concerns about water runoff and cutting the large trees.

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

ZONE CHANGE AND PUD PROPOSALS:

2000Z-022T
Council Bill No. BL2000-365
Neighborhood Landmark District

A council bill amending Chapters 17.36 (Overlay Districts) and 17.40 (Administration and Procedures: Overlay Districts) to add a "Neighborhood Landmark District" and "Neighborhood Landmark Development Plan" to preserve and protect buildings, structures, objects, sites, and areas of historic, cultural, civic, neighborhood, or architectural value and/or significance within Davidson County, requested by Metropolitan Planning Commission staff. (Deferred from meeting of 7/20/00)

Ms. Regen stated this proposal's intent is to create 2 new zoning tools. One is the overlay district, to help to preserve structures, features, objects or sites within neighborhoods. The second is an actual neighborhood development, which identifies how you are going to use the site and make improvements to it, as well as the uses that would be permitted on the property. These buildings could be historic or non-historic buildings. Sometimes structures do not meet the 50 year criteria, National Register eligibility, but are still important to the community.

The amendment establishes criteria to review a property for initial designation as an overlay district and then it sets up the development plan review process. These districts would be reviewed by the Planning

Commission. The Commission would then make a recommendation to the Council for approval or disapproval and the Council would have the final determination on it. The Neighborhood Development Plan would be a plan that would come to the Commission, staff would review, and make a recommendation to the Commission as to whether that plan should be reviewed and approved. Staff would review the uses that should be permitted, the landscape, parking, and lighting scale, how it should occur and the Commission would be the final approval body of that plan.

Mr. Bernhardt stated it was important to understand how the Commission and Council would handle these matters. The Criteria for Consideration is the heart of what the purpose of this district is, as follows.

- 1) the feature is a critical component of the neighborhood context and structure;
- 2) retention of the feature is necessary to preserve and enhance the character of the neighborhood;
- 3) the only reason to consider the application of the Neighborhood Landmark district is to protect and preserve the identified feature
- 4) there is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is property and appropriate and destruction or removal of the feature is justification for and will remove the Neighborhood Landmark overlay designation and return the district to the base zoning district prior to the application of the district;
- 5) it is in the community's and neighborhood's best interest to allow the consideration of an appropriate Neighborhood Landmark Development Plan as a means of preserving the designated feature; and
- 6) all other provisions of this section have been followed.

Ms. Nielson stated her concern was the Commission being able to avoid someone using this route to protect something the neighborhood may not consider significant.

Mr. Bernhardt stated that is why staff added the Criteria for Consideration; to specifically give the Commission and Council a set of guidelines to use at a public hearing.

Ms. Warren stated that if the property sold and a new owner comes in, are they able to change the zoning if they want the base zoning and not the Neighborhood Landmark District zoning?

Mr. Bernhardt stated that was correct, but there could be another controlling factors such as an historic landmark status.

Chairman Lawson stated this would give the community another tool to say how they want their neighborhood to look.

Mr. Manier stated he felt this would be better off handled by the Historical Zoning Commission rather than the Planning Commission.

Mr. Larry Hanson, Joe, owner of Joe's Diner, and Bob Emory spoke in the favor of this text amendment.

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

Resolution No. 2000-636

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-022T is **APPROVED (7-0)**:

This council bill creates a new "Neighborhood Landmark District" (NLD) and "Neighborhood Landmark Development Plan". These tools would enable the adaptive reuse of structures by designating such neighborhood icons as "neighborhood landmarks" and requiring a "neighborhood landmark development plan" that tailors conditions to the specific needs of the actual site and structure. The NLD is appropriate to address older neighborhoods which frequently include civic,

nonresidential, and unique residential structures that enhance the neighborhood and provide a strong sense of place. The reuse and preservation of these long-time neighborhood landmarks is clearly desirable, if done in a way that protects the neighborhood fabric, and allows the reasonable use of the property in a manner compatible with the neighborhood character. Providing an alternative process to rezoning properties, the NLD process will enable the adaptive reuse of these structures within the context of the neighborhood's character."

2000Z-089U-13

Map 163, Parcel 377
Subarea 13 (1996)
District 28 (Alexander)

A request to change from RM20 to CS district property at Hickory Hollow Parkway (unnumbered), approximately 2,100 feet west of Bell Road (2.48 acres), requested by Randy Caldwell of Ragan-Smith Associates, appellant, for Vastland/Eatherly/McClung Development LLC, owner. (Deferred from meeting of 7/20/00).

Mr. Reid stated he had just received a two week deferral request in order to give the applicant time to meet with the district Councilmember.

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

2000Z-096G-01

Council Bill No. BL2000-370
Map 22, Parcel 135
Subarea 1 (1997)
District 1 (Gilmore)

A council bill rezoning from R40 to CS district property at 7185 Whites Creek Pike, approximately 500 feet north of Union Hill Road (4.16 acres), requested by Charles Harvison, appellant, for Norma P. Harvison, owner.

Mr. Reid stated staff is recommending disapproval because the predominant zoning here is CL. The Commission has approved CL properties in this immediate area in March of this year and in 1998. In order to have a consistent zoning pattern, staff is recommending disapproval of the CS district.

Councilmember Brenda Gilmore spoke in favor of the proposal and stated she would work with the developer and Metro Legal staff on development details and that this proposal would fit into that area.

Mr. Charles Harvison spoke in favor of the proposal and showed the Commission pictures of surrounding CS property. He stated the only residential home in the area is right across the street. In the letter staff sent to him they stated CS did allow self-storage and there is a self-storage facility 200 yards from this property and an auto body repair shop 150 yards away. This proposal is for a concrete business and all of the trucks will be parked inside the building.

Chairman Lawson stated the self storage and auto body repair businesses are not permissible in a CL district and asked why they were there.

Mr. Reid stated they are non-conforming and some are in a Commercial PUD that dates back to 1977. CS was applied in one portion to recognize uses that have been there since 1977.

Mr. Manier stated the subarea plan should be relied on and should cut traffic down before this Commission. Maybe the subarea plan should be changed. It seems it is inviting this applicant to have the application he has got now.

Chairman Lawson stated he understood Councilmember Gilmore's comments as saying those businesses are substantiating and that maybe CS is appropriate.

Mr. Bernhardt stated the way this subarea plan process has been developed provides for, in many cases, several zoning districts that are consistent with the subarea plan. Take for example, residential medium, you can go from 6-9, but that application of those zoning districts has to be done as part of the process. Staff feels very strongly that both the CL and CS are consistent with the subarea plan in this case. I'm dealing with the more broader picture here that this Commission, at this point in time, needs to look at the facts and determine which of the various districts, in this case, the CL or CS, is the most appropriate zoning for here. Both of these are consistent with the plan, but which is the most appropriate? I would hate for this Commission and ultimately the Council and the public to believe that the subarea plan or the General Plan entitles anyone to the highest zoning within the classification as just a matter of policy.

Ms. Warren asked Councilmember Gilmore what that area would be like if this proposal was approved for CS and then all the CL zoning came in and asked for CS.

Councilmember Gilmore stated she had given that some consideration and didn't understand the policy as Mr. Bernhardt had just explained it and that she thought if it was consistent with the plan then the applicant had that right to ask for it. The issue I cannot move from is that if the CS is consistent with the plan and applicant wanted it, that it seemed like we were mandated they go with the CS. Although, the other businesses around it asked for a CL, should we panelize the person who did not ask for a CL, simply because they wanted a CS, if it's in their right to do that.

Councilmember Ponder moved and Mr. Manier seconded the motion to approve, which failed, with Councilmember Ponder and Mr. Manier in favor and with Ms. Oglesby, Mr. Cochran, Ms. Warren, Ms. Nielson, and Chairman Lawson in opposition.

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

Resolution No. 2000637

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-096G-01 is **DISAPPROVED, but recommend CL (7-0)**:

While CS zoning can be consistent with the Subarea 1 Plan's Retail Concentration Community (RCC) policy along Whites Creek Pike, it is not consistent with the established CL zoning pattern along this stretch of Whites Creek Pike. Therefore, CL is the preferred zoning district for this property."

2000Z-097U-12
Map 162, Parcel 86
Subarea 12 (1997)
District 31 (Knoch)

A request to change from OR20 to CS district property at 14897 Old Hickory Boulevard, approximately 220 feet south of Bell Road (1.46 acres), requested by Leon Hampton, appellant/owner.

Mr. Reid stated staff is recommending disapproval. The Commission has seen this same property twice before and recommended disapproval of CS zoning in February 1999 and disapproval of the existing OR20 zoning in 1997. The policy around the intersection of Bell Road and Old Hickory Boulevard is in

residential and is also in an unmapped neighborhood commercial policy calling for 100,000 square feet of retail. Right now this node is already bigger than it should be and includes 2 large vacant tracts of land, about 6 acres. Right now there is about 185,000 square feet of development opportunity, which is well in excess of what the Unmapped Neighborhood policy calls for. Staff is recommending disapproval because they don't want to encourage a strip development pattern down Old Hickory Boulevard into the residential areas, the node is already larger than it should be and there is already commercial opportunity on the two vacant tracks, which are within the node.

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

Resolution No. 2000-638

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-097U-12 is **DISAPPROVED (7-0)**:

This property falls within the Subarea 12 Plan's unmapped neighborhood commercial policy calling for a maximum of 100,000 square feet of commercial development around the Bell Road/Old Hickory Boulevard intersection. It is not appropriate to intensify the commercial zoning around this neighborhood node which already provides 185,371 square feet of commercial development opportunity. The existing OR20 zoning provides a better transition to the adjacent residential area which the CS district does not provide."

2000Z-098U-11
Map 105-7, Parcel 34
Subarea 11 (1999)
District 19 (Wallace)

A request to change from MUL to CS district property at 419 Humphreys Street, approximately 370 feet west of 4th Avenue North (.13 acres), requested by R. T. Baker, appellant, for Cliff's Cabinet Company, owner.

Mr. Reid stated staff is recommending disapproval of this CS district because ideally the existing mixed use zoning on the property is what staff would like to see in terms of implementing the Mixed Use policy in this area. If the CS district were approved here it would be moving in the opposite direction and CS does not allow residential.

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

Resolution No. 2000-639

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-098U-11 is **DISAPPROVED (7-0)**:

This property falls within the Subarea 11 Plan's Mixed Use (MU) policy calling for new residential development and commercial development compatible in scale with existing residential uses in the area. The CS district is not consistent with that policy since it does not permit residential uses and would permit more intense commercial uses such as auto-repair and warehousing which are not compatible with the area's residential uses. The MUL district is the preferred zoning pattern along Humphreys Street to implement the MU policy to encourage new residential development and protect the existing residential neighborhood to the south from further industrial encroachment."

OTHER BUSINESS:

1. Legislative update

Mr. Bernhardt stated this item deals with the notice for public hearing and goes back to the Urban Zoning Overlay. Looking at the Code it is unclear what type of public notice is required or whether a public hearing is even required for rezoning cases at Council. There was clearly the intent to have a public hearing and how you do that notice was kind of left up in the air. The issue is, when we apply the Urban Zoning Overlay to most of the old portion of Nashville, it involves some 30,000 to 35, 000 parcels. Historically, the process of notification has been individual notice to all property owners. We brought this to the attention of the Council Staff and Councilmember Ponder, Don Jones and I met to discuss what we wanted to do on this case and on future cases. The decision was the Council preferred to have individual notices and we are proceeding on that process. The net effect is that, the text amendment is going through the normal process, the application on the ground will happen at the public hearing.

Mr. Bernhardt stated he had, in the past months, been meeting with Councilmembers and touring their district and that he would like to have the same opportunity to meet with each Commissioner.

PLATS PROCESSED ADMINISTRATIVELY

July 20, 2000 through August 2, 2000

- 99S-383U YOUNG BROTHER CONSTRUCTION COMPANY, INC.**
(formerly Four Seasons Sunrooms)
Reconfigures two platted lots

- 2000S-135G HAMPTON HALL, Section 5, First Revision**
Corrects lot area table

- 2000S-175G SHERIFF SUBDIVISION**
Plats one parcel as two lots

- 2000S-176G HARPETH VALLEY OFFICE PARK,**
Resubdivision Lots 6 and 7, First Revision
Revises finished floor elevations

- 2000S-225G LAKE PARK, Section 11B, Lot 246**
Two unit condominium plat

- 2000S-242G GRIZZARD MANOR, Section 4, Resubdivision Lot 96**
Creates easement for septic system

- 2000S-258U HICKORY HOLLOW MALL, Section 8, Lot K-2, First Revision**
Modify the location of a 24 foot joint access easement

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:20 p.m.

Chairman

Secretary

Minute Approval:
This 17th day of August, 2000