

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: September 14, 2000
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Bill Purcell
James Lawson, Chairman
Marilyn Warren

Executive Office:

Richard C. Bernhardt, 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
Jimmy Alexander, Planning Technician II

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Advance Planning & Research:

Jeff Lawrence, Planner III

Others Present:

Jim Armstrong, Public Works

Vice Chairman Small called the meeting to order.

ADOPTION OF AGENDA

Ms. Carrington announced the following changes to the agenda:

310-84-G-03 Should be changed to read "the west margin of Interstate 65"
Item 1 under Other Business Should be deleted.

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-289G-02 Deferred two weeks, by applicant.
2000Z-099U-07 Deferred until November 9, 2000, by applicant.
175-75-G-06 Deferred two weeks, by applicant
97P-030G-06 Deferred two indefinitely, by applicant.

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

APPROVAL OF MINUTES

Ms. Nielson moved and Mr. Manier seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of August 31, 2000.

RECOGNITION OF COUNCILMEMBERS

Councilmember Eileen Beehan spoke in favor of 2000Z-094U-00.

Councilmember Vic Lineweaver spoke in favor 2000Z-110G-06.

Councilmember Bruce Stanley spoke in favor of 2000S-287G-14 and 2000Z-109U-14.

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

97S-243G-02

Gilbert G. Lowe Subdivision, Resubdivision
of Reserve Parcel A
Map 41-7, Parcel 105
Subarea 2 (1995)

District 3 (Nollner)

A request for final plat approval to remove the reserve status of a parcel and create two lots abutting the north margin of Marydale Drive, opposite Hickory Terrace (1.08 acres), classified within the RS20 District, requested by Willie May Broadwell and Frances E. Bandy, owners/developers, Kenneth H. Hinkle, Jr., surveyor.

Resolution No. 2000-691

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-243G-02, is **APPROVED SUBJECT TO A BOND OF \$18,000.00 (7-0).”**

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

A request for final plat approval to create 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.

Resolution No. 2000-692

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-079U-07, is **APPROVED SUBJECT TO A BOND OF \$7,000.00 (7-0).”**

2000S-154G-03
Melvin George Subdivision
Map 39, Parcel 294
Subarea 3 (1998)
District 1 (Gilmore)

A request for final plat approval to subdivide one parcel into two lots abutting the south margin of Old Hickory Boulevard, approximately 940 feet west of Whites Creek Pike (5.12 acres), classified within the R15 District, requested by Melvin G. and Maxine George et al, owners/developers, Crawford Land Surveyors, surveyor.

Resolution No. 2000-693

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-154G-03, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS (7-0).”**

2000S-245U-12
Perea Subdivision, Lots 1-4 (First Revision)
Map 171-2, Parcels 1-4
Subarea 12 (1997)
District 32 (Jenkins)

A request for final plat approval to reconfigure four lots abutting the south margin of Valley View Road, approximately 604 feet west of Cloverland Drive (4.87 acres), classified within the R40 District, requested by Marlene Guevara, owner/developer, E. Roberts Alley and Associates, surveyor.

Resolution No. 2000-694

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-245U-12, is **APPROVED (7-0).”**

2000S-281U-12
Edmondson Way
Map 172, Parcels 2-6
Subarea 12 (1997)
District 32 (Jenkins)

A request for final plat approval to create 51 lots abutting the north terminus of Sterling Oaks Drive and the west margin of Edmondson Pike (25.5 acres), classified within the RS10 Residential Planned Unit Development District, requested by Pulte Homes of Tennessee, LLC, owner/developer, S and A Surveying, Inc., surveyor. (Deferred from meeting of 8/31/00).

Resolution No. 2000-695

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-281U-12, is **APPROVED SUBJECT TO A BOND OF \$616,000.00 (7-0).”**

2000S-293U-13
Smith Springs Townhomes, Phase 3
(Horizontal Property Regime)
Map 136, Parcel 156
Subarea 13 (1996)
District 29 (Holloway)

A request for final plat approval to record a horizontal property regime with 47 units abutting the west margin of Smith Springs Road, approximately 137 feet north of Folkstone Drive (4.241 acres), classified within the RM6 District, requested by Regent Development, LLC, owner/developer, Jerry Sword, surveyor.

Resolution No. 2000-696

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-293U-13, is **APPROVED SUBJECT TO A BOND OF \$35,000.00 (7-0).”**

2000S-295U-13
Ransom Park, Section 1
Map 135, Part of Parcel 273
Subarea 13 (1996)
District 27 (Sontany)

A request for final plat approval to create 34 lots abutting the northwest terminus of Mock Orange Circle, approximately 80 feet northwest of Ransom Place (8.89 acres), classified within the RS10 District, requested by Jim Fischer, owner/developer, MEC, Inc., surveyor.

Resolution No. 2000-697

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-295U-13, is **APPROVED SUBJECT TO A BOND OF \$430,000.00 (7-0).”**

2000S-298U-10

Freedom Forum Vanderbilt University
Map 104-4, Parcels 182, 185, 186 and 187
Map 104-8, Part of Parcel 119
Subarea 10 (1994)
District 18 (Hausser)

A request for final plat approval to consolidate six lots and part of one parcel into one lot abutting the southwest corner of Edgehill Avenue and 18th Avenue South (1.9 acres), classified within the ORI District, requested by Vanderbilt University, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 2000-698

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-298U-10, is **APPROVED SUBJECT TO A BOND OF \$21,000.00 (7-0).”**

ZONE CHANGE AND PUD PROPOSALS

2000Z-094U-00

Urban Zoning Overlay District
Maps 70, 71, 72, 80, 81, 82, 83, 91, 92, 93, 94, 103, 104, 105, 106, 117, 118, 119 and 133
Various Parcels (38,217 parcels; 13,740 acres)
Subareas 5 (1994), 7 (2000), 8 (1994), 9 (1997), 10 (1994) and 11 (1999)
Districts 5 (Hall), 6 (Beehan), 7 (Campbell), 15 (Loring), 16 (McClendon), 17 (Greer), 18 (Hausser), 19 (Wallace), 20 (Haddox), 21 (Whitmore), 22 (Hand), 24 (Summers), 25 (Shulman) and 27 (Sontany)

A request to apply the provisions of the Urban Zoning Overlay District, requested by Planning Department staff.

Resolution No. 2000-699

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-094U-00 is **APPROVED (7-0):**

This request applies the provisions of the Urban Zoning Overlay District (UZOD) to the urban core of Nashville, including approximately 50 acres in the Glencliff community within Councilmember Janis Sontany's district. The UZOD is appropriate in the urban core to preserve and protect development that predates the mid-1950s and to ensure compatible new development within the overlay area.”

2000Z-112U-03

Map 69, Parcels 80 (30.96 acres) and 81 (21.63 acres)
Map 80, Parcels 19.01 (16.93 acres), 22 (20.56 acres), 27 (32.25 acres), 28 (23.40 acres) and 53 (57 acres)
Subarea 3 (1998)
District 1 (Gilmore)

A request to change from RS10, R10, RS15, and AR2a districts to IWD district properties at County Hospital Road (unnumbered), East Stewarts Lane (unnumbered), and Stewarts Lane (unnumbered), abutting

both margins of the Nashville-Ashland City Railroad (202.73 acres), requested by Randy Caldwell, appellant, for Georgia Mai Richards, Gus Richards, Jr., and Jame M. Wilson and Ben Jack Odom, owners.

Resolution No. 2000-700

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-112U-03 is **APPROVED (7-0) for a portion (approximately 121.73 acres):**

These properties fall within the Subarea 3 Plan's Industrial (IND) policy calling for manufacturing, warehousing, and bulk distribution uses. The IWD district is consistent with that policy and the surrounding industrial uses situated near County Hospital Road, a collector road near the Briley Parkway/County Hospital Road interchange. The Stormwater Management Regulations prohibit development in the floodway and require a 50-foot buffer from the floodway edge. Since no development is permitted in this area, the AR2a, R10 and RS15 zoning should remain for that portion of the proposed request (approximately 81 acres)."

2000Z-119U-03

Map 80, Parcel 29 (50.70 acres) and
Part of Parcel 72 (14.2 acres)
Subarea 3 (1998)
District 1 (Gilmore)

A request to change from R10 district to IWD district properties at County Hospital Road (unnumbered), approximately 1,500 feet west of the Nashville-Ashland City Railroad (73.90 acres), requested by Planning Department staff, for Metropolitan Government, owner.

Resolution No. 2000-701

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-119U-03 is **APPROVED (7-0) for a portion (approximately 59.9 acres):**

These properties fall within the Subarea 3 Plan's Industrial (IND) policy calling for manufacturing, warehousing, and bulk distribution uses. The IWD district is consistent with that policy and the surrounding industrial uses situated near County Hospital Road, a collector road near the Briley Parkway/County Hospital Road interchange. The Stormwater Management Regulations prohibit development in the floodway and require a 50-foot buffer from the floodway edge. Since no development is permitted in this area, the R10 zoning should remain for that portion of the proposed request (approximately 14 acres)."

91-71-G-14

Hermitage Plaza (Capital Bank and Trust)
Map 64-15, Parcel 3
Subarea 14 (1996)
District 11 (Brown)

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 north margin of Lebanon Pike, approximately 1,030 feet west of Andrew Jackson Parkway, classified SCR (.58 acres), to develop a 3,800 square foot bank and ATM, to replace a 2,258 square foot restaurant, requested by Gresham, Smith and Partners, appellant, for Capital Bank and Trust, owner.

Resolution No. 2000-702

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 91-71-G-14 is given **APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR A PHASE (7-0)**. The following condition applies:

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

180-81-G-02
Hickory Hills PUD
Map 40, Parcels 150 and 151
Subarea 2 (1995)
District 10 (Balthrop)

A request to revise a portion of the preliminary plan for the Commercial (General) Planned Unit Development District located abutting the east margin of Hickory Hills Boulevard, 400 feet north of Old Hickory Boulevard, classified OR20 (1.1 acres), to permit the combining of two lots into one and the addition of 5,525 square feet to an existing 8,750 square foot office/warehouse facility for a total of 14,275 square feet, requested by Dale and Associates, appellant, for Aurora Casket Company, leasee, for And-Tex, Inc., owner.

Resolution No. 2000-703

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 180-81-G-02 is given **CONDITIONAL APPROVAL OF A REVISION TO THE PRELIMINARY PLAN 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 Department of Public Works.
2. Prior to the issuance of any building permits, a revised plat shall be recorded to combine parcels 150 and 151 on tax map 40.”

61-84-G-06
Bellevue Storage
Map 142, Parcel 279
Subarea 6 (1996)
District 35 (Lineweaver)

A request to revise the preliminary plan and for final approval for a Commercial Planned Unit Development District located abutting the east margin of Old Hickory Boulevard, 620 feet south of Memphis Bristol Highway, classified CS (3.59 acres), to develop a 73,935 square foot self-storage facility, replacing an approved 74,588 square foot self-storage facility, requested by Ragan-Smith Associates, for James F. Scherer, owner.

Resolution No. 2000-704

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 61-84-G-06 is given **APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL (7-0)**. The following condition applies:

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, a revised final plat shall be recorded to remove all of the existing drainage easements and to establish new drainage easements as approved by the Metropolitan Department of Public Works.”

310-84-G-03

Hemphill Commercial PUD
Map 40, Parcel 30
Subarea 3 (1998)
District 1 (Gilmore)

A request to revise the preliminary plan and for final approval for a portion of the Commercial (General) Planned Unit Development District located abutting the north margin of Old Hickory Boulevard and the west margin of Interstate 24, classified CS (6.06 acres), to add a 14’ x 48’ (672 square feet) billboard with a height of 50 feet in the rear of a 21,600 square foot bus maintenance facility, requested by Pinnacle Media, LLC, for William T. Hemphill and Joel W. Hemphill, Jr., owners.

Resolution No. 2000-705

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 310-84-G-03 is given **APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL TO PERMIT THE ADDITION OF A TYPE II BILLBOARD (7-0)**. The following condition applies:

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.”

18-86-P-14

River Trace Estates, Phase 6
Map 52, Parcel 9
Subarea 14 (1996)
District 15 (Loring)

A request to revise a portion of the preliminary plan for the Residential Planned Unit Development District located abutting the east margin of Lock Two Road, south of the Cumberland River, classified RS10 (72 acres), to permit 45 single-family lots replacing 131 single-family lots approved on the original plan, and to dedicate approximately 47 acres of wetlands plus construct a greenway trail/boardwalk in exchange for an encroachment into the 50-foot buffer of the Cumberland River, requested by Dale and Associates, for John Cain, III and George T. Hicks, trustees. (Deferred from meeting of 8/31/00).

Resolution No. 2000-706

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 18-86-P-14 is given **CONDITIONAL APPROVAL OF A REVISION TO THE PRELIMINARY PLAN (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 Department of Public Works.
2. In conjunction with the submittal of any final PUD plan, the developer shall submit construction drawings for the greenway trail/boardwalk to be reviewed and approved by the Metro Parks

Department, Metro Public Works Department, State of Tennessee Department of Environment and Conservation, U.S. Army Corps of Engineers, and any other appropriate governmental agency and/or department. The trail shall be located in the “open space” area shown on this preliminary PUD plan. The trail shall begin at the eastern edge of parcel 9 where parcel 9 abuts the Cumberland River and parcel 10 (tax map 52) and run through the open space area to be set aside in the conservation easement until it connects to Lock Two Park, located on the western edge of parcel 9 along the Cumberland River.

3. In conjunction with the submittal of any final PUD plan, any creation, alteration, disturbance and/or construction within the floodplain and/or within, or adjacent to, any wetlands shall be reviewed and approved by the Metro Public Works Department, Metro Parks Department, State of Tennessee Department of Environment and Conservation, U.S. Army Corps of Engineers, and any other appropriate governmental agency or department.
4. In conjunction with the submittal of any final PUD plan, all private streets shall be designed in a manner that would allow the traffic circles shown on this preliminary PUD plan within the street right-of-way to be removed at some future date, should these private streets ever be accepted as public streets by the Metropolitan Council. The design of these private streets shall be reviewed and approved by the Metro Public Works Department.
5. Prior to any final PUD approval, the applicant shall submit a mandatory referral application for a conservation easement to contain the approximately 47 acres of wetlands and the greenway trail/boardwalk.
6. Prior to the issuance of any grading or building permits, the Metropolitan Council shall have approved a mandatory referral application for the conservation easement (as noted in condition #5 above) encumbering part of parcel 9 on tax map 52. In conjunction with the mandatory referral, a Performance Agreement between the developer and Metro Government shall be approved setting forth the developer’s obligations for the construction of the greenway/boardwalk which shall include construction drawings and a cost estimate. The developer shall submit an instrument of security acceptable to the Metropolitan Legal Department (e.g. Letter of Credit) for the greenway trail/boardwalk’s construction.
7. Within 90 days after the effective date of the mandatory referral application (noted above in condition #5) and prior to the issuance of any grading or building permits, the developer shall convey the conservation easement via deed to the Metropolitan Government.
8. With any request for final PUD approval, a final subdivision plat shall be recorded including the posting of a bond for all required public improvements.”

MANDATORY REFERRALS

2000M-047G-04
Close Portion of Rothwood Avenue
Map 52-1, Parcels 280, 301, and 307
Subarea 4 (1998)
District 8 (Hart)

A request to close a portion of Rothwood Avenue from Madison Boulevard to the rear property line of parcel 301 on tax map 52-1, requested by George Droke, abutting property owner. (Easements are to be abandoned). (Deferred indefinitely from meeting of 6/8/00).

Resolution No. 2000-707

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-047G-04 **subject to retaining a 20' easement for the 8" sewer line within this right-of-way.**"

2000M-095G-14
Dodson Chapel Easement Acquisition
Map 85, Parcels 24, 67 and 72
Subarea 14 (1996)
District 12 (Ponder)

A request to acquire portions of three properties for easements to accommodate the Dodson Chapel force main replacement, Project No. 99-SG-10C-1, located north of Stones River and west of Brandau Road, classified within the AR2a and IR Districts, requested by the Department of Water Services.

Resolution No. 2000-708

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-095G-14."

2000M-096U-11
H. G. Hill Property Easement Abandonment
and Relocation
Map 132-4, Parcel 2
Subarea 11 (1999)
District 33 (Turner)

A request to abandon the existing easement and for a 20' permanent easement to accommodate the relocation of an 8" sanitary sewer line, Project No. 99-SL-217, located at the northeast corner of Armory Drive and Powell Avenue, classified within the CS District (23.65 acres), requested by the Department of Water Services.

Resolution No. 2000-709

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-096U-11."

2000M-100U-14
Air Lane Drive Easement Abandonment and Dedication
Map 95-14, Parcel 123
Subarea 14 (1996)
District 15 (Loring)

A request to abandon a portion of a 10' public utility and drainage easement and to dedicate a 5' easement to Metro, located at 1940 Air Lane Drive, north of I-40, classified within the OR20 District on 1.19 acres, requested by Barge, Waggoner, Sumner and Cannon, Inc.

Resolution No. 2000-710

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-100U-14."

OTHER BUSINESS:

2. Employee contracts for Jeanne Stevens and Marty Sewell.

Resolution No. 2000-711

“BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the employee contracts for Jeanne Stevens and Marty Sewell from October 1, 2000 through September 30, 2001.”

This concluded the items on the consent agenda.

SUBDIVISION PROPOSALS

2000S-284U-07

Hortense Place, Resubdivision of Lot 169
Map 92-13, Parcel 334
Subarea 7 (2000)
District 24 (Summers)

A request for final plat approval to subdivide one lot into two lots abutting the northwest corner of Nevada Avenue and 35th Avenue North (.17 acres), classified within the RS5 District, requested by Helen Chamberlin, owner/developer, H and H Land Surveying, Inc., surveyor.

This item was removed and deferred two weeks per request of Councilmember John Summers.

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

2000S-287G-14

John Woody Butler
Map 64, Parcel 97
Subarea 14 (1996)
District 11 (Brown)

A request for final plat approval to record one parcel as one lot abutting the west margin of a private access easement known as Butlers Lane, approximately 1,829 feet west of Old Hickory Boulevard (5.37 acres), classified within the RS10 District, requested by John Woody Butler, owner/developer, Tommy E. Walker, surveyor.

Ms. Carrington stated staff is recommending disapproval. This is a case where it is one 5 acre parcel that they are requesting to record as a lot and it does not meet the Subdivision Regulation requirements for maximum lot size or the minimum public street frontage requirement because Butlers Lane is a private access easement. If the Commission chooses to approve this it will require those two variances. The Health Department has approved septic on the site and they can get water from the Cumberland Utility District.

Mr. Mike Turner stated this property had been in his family since 1942 and everyone that lives on the property is a family member and that they had taken good care of the property.

Ms. Nielson stated there was a case like this earlier this year and something was worked out. Is there anything that can be done with this case?

Ms. Carrington stated the only places you can approve a private access easement under the Subdivision Regulations are in PUD's or Natural Conservation areas.

Vice Chairman Small asked why this needed to be approved.

Ms. Carrington stated it needed to be approved to get a building permit. In order to put anything on the property Codes requires them to plat the property and will not issue a permit because, even though it is over 5 acres, which doesn't require a subdivision, there is not public road frontage, they are required to plat.

Mr. Cochran moved and Ms. Nielson seconded the motion to approve with variances.

Vice Chairman Small asked that if the owner were to sell this piece of property and someone were to want to subdivide it further, would it have to come back before this Commission?

Ms. Carrington stated it would.

Mr. Manier asked if this approval would set a precedent.

Mr. Diaz-Barriga stated the Commission would have to look at the criteria upon which they are granting the variances.

Mr. Manier stated the felt this approval should have a reason for the granting of the variance.

Ms. Carrington stated this house will be on a septic system and will require a greater area then the RS10 zoning.

Mr. Bernhardt stated basically the Commission is allowing one additional home as part of a family compound.

Mr. Cochran stated that was not part of his motion and that he did not want to change it.

Ms. Nielson withdrew her second.

There was no second for Mr. Cochran's motion for approval, so the motion failed.

Ms. Nielson stated she would make a motion with the explanation of the two variances that would be granted.

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

Resolution No. 2000-712

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-287G-14, is **APPROVED WITH VARIANCES TO SECTIONS 2-4.2A AND 2-4.2D OF THE SUBDIVISION REGULATIONS SINCE GREATER LAND AREA IS REQUIRED FOR A SEPTIC SYSTEM AND THE PROPERTY WAS HISTORICALLY PART OF A FAMILY COMPOUND (7-0).”**

ZONE CHANGE AND PUD PROPOSALS

2000Z-023T

A text amendment to modify Section 17.04.060 (General Definitions) of the Zoning Ordinance to modify the definitions heavy, medium and light manufacturing uses, requested by Councilmember Melvin Black.

Councilmember Ponder stated past Vice Mayor Jay West was supposed to be at the meeting to talk about this text amendment, but his mother died today and he could not attend.

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

2000Z-108U-11
Map 119-1, Parcel 245
Subarea 11 (1999)
District 16 (McClendon)

A request to change from R6 to CS district property at 2207 Foster Avenue, approximately 140 feet south of Glenrose Avenue (.16 acres), requested by Mark Baker, appellant, for C & H Properties, LLC, owner.

Ms. Regen stated this property falls within a mixed use policy in the Subarea 11 Plan. There is also a lot of CS zoning at this intersection as well as further to the west. Although there is existing CS zoning in the area the intent is to take it to a mixed use policy, which would be using a MUN or MUL for this area and staff is recommending disapproval.

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

Resolution No. 2000-713

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-108U-11 is **DISAPPROVED (7-0)**:

This property falls within the Subarea 11 Plan's Mixed Use (MU) policy calling for small offices, retail sale of consumer goods and services, and convenience scale retail compatible with nearby homes. While there is existing CS zoning at the Glenrose/Foster Avenue intersection, the CS district is inconsistent with the Subarea 11 Plan's goals for a mixture of residential, office, and commercial uses in this area. Residential uses are not permitted in the CS district. To implement the subarea plan's mixed use policy, MUL zoning would be preferred for this property as well as parcel 248."

2000Z-109U-14
Map 96, Parcel 13
Subarea 14 (1996)
District 14 (Stanley)

A request to change from RS10 to CS district property at 2864 Elm Hill Pike, abutting the east margin of Patriot Way (10.36 acres), requested by Charles Comoder, appellant, for American Legion Donelson Post No. 88, owner.

Ms. Regen stated this property is currently zoned residential single family as all the area to the east. To the south there is commercial property and to the north there is more commercial and some office zoning. This falls within a residential policy in the subarea plan with Patriot Way as the boundary for the commercial uses to the west and Elm Hill Pike to the south.

Staff is recommending disapproval of rezoning this property to Commercial Services and feel it may be appropriate for the neighborhood Landmark District.

Mr. Charlie Dornan and Mr. Mark Wood spoke in favor of the project and explained their plans to build a smaller building and sale the present lodge.

Councilmember Ponder stated this concerned him because it would be contrary to the General Plan and zoning should not be changed with anticipation for the future.

Ms. Jones stated this property is zoned RS10 and they would not be able to rebuild on the same parcel.

Councilmember Ponder stated the applicants might want to check into other options because they would be paying higher taxes on CS zoned property.

Mr. Manier stated perhaps this area should be looked at when the subarea plan comes up for review.

Councilmember Stanley spoke in favor of this proposal and stated it was vitally important for the Commission to understand that this property represents the western most transition of zoning designations in the Donelson – Hermitage community. He stated he was hesitant to put this off until the subarea plan is reviewed because of the impact a refusal to rezone this property could have on the American Legion members that have invested heavily in it.

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

Resolution No. 2000-714

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-109U-14 is **DISAPPROVED (7-0) as contrary to the General Plan:**

This property falls within the Subarea 14 Plan’s Residential Low Medium (RLM) density policy calling for up to 4 dwelling units per acre. Allowing CS zoning to extend to this property would adversely impact the adjacent single-family subdivision to the east. Since this property contains an existing community facility (American Legion Lodge), it might be appropriate for the proposed Neighborhood Landmark District. That district would allow for the adaptive reuse of the structure within the neighborhood context and character. Another alternative would be to amend the Subarea 14 Plan to permit limited office uses on a portion of this property.”

2000Z-110G-06
Map 155, Part of Parcel 243
Subarea 6 (1996)
District 35 (Lineweaver)

A request to change from CN to CL district a portion of property at 8252 Collins Road, abutting the east margin of Collingswood Drive (1 acre), requested by Richard A. Robison, appellant/owner.

Ms. Regen stated this area is all residential low-medium and an unmapped neighborhood policies was applied in the subarea plan to allow for the Kroger store and other commercial businesses. Staff is recommending disapproval because there is adjacent property that will be implicated and other businesses may asked for the same zoning. This applicant is limited in the CN district to having the maximum of 2,500 square foot veterinarian hospital, but he needs 5,000 square feet. He worked with Codes to get the 5,000 square foot facility, but had to put a wall in between the two bays. There are 5,000 square feet upstairs and downstairs there is 800 square feet being used as a security residence for the property. He wants to convert that 800 square feet to a kennel and that is not allowed in the CN district.

Dr. Richard Robinson stated his hospital fits well into the CN zoning and if it were changed to CL it would not bring any more people into the area. That area has grown very fast and the people need a kennel.

Ms. Jones stated Dr. Robinson has built this facility for a kennel and is already in an area that is contrary to the General Plan because it is unmapped. She stated she didn’t want to see this go CL and asked if there was any other way to help him.

Mr. Bernhardt stated that if the Commission felt it appropriate they could recommend a text amendment that would allow kennels as an accessory use to veterinarian clinics as a special exception in the CN district.

Councilmember Ponder moved and Ms. Nielson seconded the motion, which carried unanimously, to defer this matter for two meetings to allow staff to review the feasibility of an amendment.

2000Z-111U-03

Map 49, Parcel 148 (7 acres) and 274 (17 acres)
Subarea 3 (1998)
District 1 (Gilmore)

A request to change from R10 district to IWD district properties at Knight Drive (unnumbered) and Tisdall Drive (unnumbered), approximately 600 feet north of Briley Parkway (24 acres), requested by Charles W. Hawkins, III, appellant/owner.

2000Z-118U-03

Map 49, Part of Parcel 154
Subarea 3 (1998)
District 1 (Gilmore)

A request to change from R10 to CL district a portion of property at Whites Creek Pike (unnumbered), abutting the north margin of Green Lane (11 acres), requested by Charles Hawkins, III, appellant/owner.

Ms. Regen stated staff is recommending disapproval on the rezoning from R10 to IWD. About a year and a half ago we had a large rezoning further to the north on Knights Drive for industrial use. The subarea plan policy in this area is slated for industrial but right now the infrastructure is not in place and the roads are substandard for industrial use.

Staff is supporting the rezoning from R10 to CL but there are some improvements that need to be made. Approval would be conditional, prior to the issuance of any building permits or before this property is further subdivided, that the applicant would have to dedicate right-of-way for the realignment of Green Lane and bring Brick Church Lane through the property.

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

Resolution No. 2000-715

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-111U-03 is **DISAPPROVED (7-0)**:

These properties fall within the Subarea 3 Plan's Industrial (IND) policy calling for manufacturing, warehousing, and bulk distribution uses. While the IWD district's permitted industrial uses are consistent with that policy, it is premature to intensify zoning in this area since road, water, and sewer infrastructure is inadequate to accommodate additional industrial development. Furthermore, Metro has no assurance that necessary infrastructure improvements will be constructed since the Capital Improvements Budget (CIB) contains no proposed improvements for this area."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-118U-03 is **APPROVED (7-0)** subject to **final plat approval with right-of-way dedication for the extension of Brick Church Lane from the present terminus of Knight Drive:**

This property falls within the Subarea 3 Plan’s Retail Concentration Community (RCC) policy calling for up to 500,000 square feet of community-scale retail activities and the extension of Brick Church Lane westward across Knight Drive to Whites Creek Pike, across the subject property, intersecting with a realigned Green Lane. The CL district is consistent with that policy, subject to a final plat dedicating right-of-way for extension of Brick Church Lane from Whites Creek Pike to the present terminus on Knight Drive.”

2000Z-113G-04

Map 43, Parcel 40 (.32 acres) and
Part of Parcel 38 (5.65 acres)
Subarea 4 (1998)
District 9 (Dillard)

A request to change from IR to CS district a portion of property at 431 Myatt Drive and Myatt Drive (unnumbered), approximately 980 feet north of Anderson Lane (5.97 acres), requested by Wade Hill, appellant, for RAO Investment Group L.P. et al, owners.

Mr. Reid stated staff is recommending disapproval of this request because the industrial policy is south of the railroad track.

Mr. Wade Hill, applicant, stated this request is the result of trying to solve a problem. We have an existing building on that parcel and we have ended up before this Commission after we have been to before the Board of Zoning Appeals. It was their recommendation we come to the Planning Commission. The building is already there and this proposal is for a Dollar General Store. In the Zoning Code you can put 2,500 square feet of retail in any one establishment in the IR zoning. The BZA did grant a variance for a larger footprint contingent upon the rezoning.

Mr. Manier stated that either the ordinance was improperly drawn or the Commission needed to abide by it.

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

Resolution No. 2000-716

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-113G-04 is **DISAPPROVED (7-0)**:

These properties fall within the Subarea 3 Plan’s Industrial (IND) policy calling for wholesaling, manufacturing, warehousing, and bulk distribution uses. The existing IR zoning is preferred since it is consistent with the IND policy and the established zoning pattern in the area.”

2000Z-114U-12

Map 161, Parcels 31.01 (2.54 acres) and 118 (3.02 acres)
Subarea 12 (1997)
District 32 (Jenkins)

A request to change from R10 and R15 districts to CS district properties at 5511 and 5519 Edmondson Pike, approximately 700 feet north of Old Hickory Boulevard (5.56 acres), requested by James Hensley, appellant, for John W. McConnell et ux and William E. and Scarlett Dawn Campbell, owners.

Ms. Regen stated this property has 2 single family homes on the front and is vacant on the back. The applicant is requesting residential property be used for Commercial Services. Staff is recommending

disapproval of that finding it to be inconsistent with the zoning pattern that exists along Old Hickory Boulevard and Edmondson Pike.

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

Resolution No. 2000-717

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-114U-12 is **DISAPPROVED (7-0)**:

These properties fall within the Subarea 12 Plan's Residential Medium (RM) policy. Although several zone changes for nonresidential districts have been approved in this area, the CS district is not consistent with the commercial zoning pattern. The SCC or OL district would be preferred since these are the established districts on the adjacent properties."

300-84-U-04

Coventry Woods, Phase 11
Map 52-1, Parcels 141-149
Subarea 4 (1998)
District 9 (Dillard)

A request to cancel the unbuilt portion of the Residential Planned Unit Development District located abutting the east margin of Forest Park Drive, 370 feet north of Neeley's Bend Road, classified RS5 (5.98 acres), approved for a 90 unit multi-family development where 20 units were constructed and 70 units remain unbuilt, requested by Henry E. Hooper, owner.

Ms. Regen stated this request is to cancel a PUD that was approved on this property in 1984 for 70 multi-family units. This property is part of another portion of a PUD that was approved under a subsequent ordinance in 1984. Both of these were approved in 1984 and the one to the north already has 20 units constructed. There were driveways in that development which were to connect the remaining 70 units that were approved under a second ordinance in 1984. There are multiple property owners in this PUD, each of which cannot come to agreement on whether this PUD should develop, so the intent now is to cancel it entirely. The problem with that is that we have a subarea plan policy that is calling for more density than what the applicant is proposing. The applicant is proposing that once they sell this they might come in and bring in a street off of Forest Park Drive and develop it with 10 to 15 single family lots. This area, in the subarea plan, falls within a residential medium-high policy. There is the RS5 base zoning district, the policy is calling for 9 to 20 units per acre. This development was approved at a density of approximately 15 units per acre. If we were to cancel the PUD and go to just what the base zoning permits we would drop below the minimum of 9. Staff is recommending disapproval because by canceling it, and with a proposal to rezone the property, it would be back to the base zoning of RS5, which is inconsistent with the subarea plan.

Mr. Phil Dildine, representing Mr. Hooper, stated he would welcome any rezoning that would be consistent with the plan. This land is being held hostage by an unworkable PUD. The overlay calls for a club house, pools and other emanates that the available land would not be supportive of or financially feasible for any developer to try to move forward with.

Councilmember Ponder moved and Mr. Cochran seconded the motion to approve.

Ms. Regen stated the difficulty here is the development pattern that is completely different with what the subarea plan is calling for. We shouldn't look at the base zoning today. You have to look at what we are trying to go to in the future and the plan is saying to go to 9 to 20 units per acre so reverting the base zoning of RS5 is not implementing the subarea plan.

Mr. Bernhardt stated his argument would be to leave the PUD in place and come back with a plan that will be at 9 units per acre and maybe include some townhouses and some single family.

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

MANDATORY REFERRALS

2000M-089U-08

1815 25th Avenue North Easement Encroachment
Map 81-6, Parcel 244
Subarea 8 (1995)
District 20 (Haddox)

A request to encroach eight feet into a public utility and drainage easement to build an addition (12' x 35' attached garage) to an existing residence, located at 1815 25th Avenue North Court, classified within the RS5 District (.11 acres), requested by Grady Clopton. (Deferred from meeting of 8/31/00).

Mr. Latimer stated this item was deferred from the last meeting to allow the applicant time to see if an agreement could be reached with Water Services. Since that time he had tried to contact the applicant several times, leaving messages, but had not heard back from the applicant and had not received a request to speak.

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

Resolution No. 2000-718

"BE IT RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES (7-0)** Proposal No. 2000M-089U-08:

The 8' public utility and drainage easement cannot be abandoned because a utility pole and sanitary sewer line are within the easement. The proposed garage would be on top of the 8" sewer line. Allowing a permanent structure over the easement defeats the purpose of an easement, which is easy access for repairs or maintenance."

OTHER BUSINESS:

3. Legislative update.

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

PLATS PROCESSED ADMINISTRATIVELY

August 31, 2000 through September 13, 2000

2000S-122G HARVEY PROPERTY
Plats one parcel as one lot

2000S-269U CORINNE PLACE, Lots 95 and 96
Consolidates two lots into one lot

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:30 p.m.

Chairman

Secretary

Minute Approval:
This 28th day of September, 2000