

**MINUTES  
OF THE  
METROPOLITAN PLANNING COMMISSION**

Date: October 12, 2000  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

James Lawson, Chairman  
Frank Cochran  
William Manier  
Vicki Oglesby  
Councilmember Phil Ponder  
Douglas Small

**Absent:**

Mayor Bill Purcell  
Tonya Jones  
Ann Nielson  
Marilyn Warren

**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  
Jimmy Alexander, Planning Technician I

**Community Plans Division:**

Jerry Fawcett, Planning Division Manager  
Cynthia Wood, Planner III  
Anita McCaig, Planner I

**Advance Planning & Research:**

Jeff Lawrence, Planner III  
Marty Sewell, Planner I  
Ryan Latimer, Planning Technician I

**Others Present:**

Jim Armstrong, Public Works  
Chris Koster, Mayor's Office  
Sonny West, Codes Administration

Chairman Lawson called the meeting to order.

**ADOPTION OF AGENDA**

Ms. Carrington announced the following changes to the agenda:

- 2000Z-094U-00 Should be 39,548 parcels.
- 2000M-121U-13 Should be Dell Computer Encroachment.

Ms. Oglesby moved and Mr. Small 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-311G-14 Deferred two weeks, by applicant.
- 2000S-328U-05 Deferred two weeks, by applicant.
- 28-87-P-06 Deferred two weeks, by applicant.
- 98-85-P-14 Deferred indefinitely, by applicant.
- 2000M-097U-05 Deferred two weeks, by applicant.
- 2000M-120U-09 Deferred two weeks, by applicant.
- 2000M-121U-13 Deferred two weeks, by applicant.

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

**APPROVAL OF MINUTES**

Mr. Manier moved and Ms. Oglesby seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of September 28, 2000.

**RECOGNITION OF COUNCILMEMBERS**

Councilmember Vic Lineweaver spoke in favor of 2000Z-026T and asked the Commission to support the proposal. He asked for a deferral on 2000Z-110G-06 and stated he would defer it indefinitely at Council.

**ADOPTION OF CONSENT AGENDA**

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

**SUBDIVISION PROPOSALS**

- 99S-254G-14**
- Windsong Subdivision
- Map 98, Parcels 141 and 142
- Subarea 14 (1996)
- District 12 (Ponder)

A request for final plat approval to create 24 lots abutting the east margin of South New Hope Road, approximately 185 feet south of John Hager Road (9.89 acres), classified within the RS15 District, requested by McCulloch Company, owner/developer, Dale and Associates, Inc., surveyor.

**Resolution No. 2000-753**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-254G-14, is **APPROVED SUBJECT TO A BOND OF \$283,500 (6-0).”**

**99S-438G-04**  
Ravenwood  
Map 52-4, Parcel 92  
Subarea 4 (1998)  
District 9 (Dillard)

A request for final plat approval to create 40 lots abutting the southwest margin of Cheyenne Boulevard, approximately 650 feet northwest of Shawnee Road (10.97 acres), classified within the RS10 District, requested by Allen Earps, owner/developer, MEC, Inc., surveyor.

**Resolution No. 2000-754**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-438G-04, is **APPROVED SUBJECT TO A BOND OF \$449,000 (6-0).”**

**2000S-286G-14**  
Stoner’s Glen, Phase 2 (Horizontal Property Regime)  
Map 75, Part of Parcel 67  
Subarea 14 (1996)  
District 12 (Ponder)

A request for final plat approval to record a horizontal property regime with 22 units abutting the northeast terminus of Stoner Glen Drive, approximately 1,138 feet northeast of Andrew Jackson Parkway (14.0 acres), classified within the RM2 District, requested by Stoners Glen, LLC, owner/developer, C. Michael Moran, surveyor.

**Resolution No. 2000-755**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-286G-14, is **APPROVED SUBJECT TO A BOND OF \$185,000 (6-0).”**

**2000S-317G-06**  
Lieb Subdivision  
Map 114, Parcels 1, 2, 2.01 and 301  
Subarea 6 (1996)  
District 23 (Bogen)

A request for final plat approval to consolidate four parcels into two lots abutting the north margin of Old Charlotte Pike, approximately 4,390 feet east of Buffalo Road (7.18 acres), classified within the R80 and AR2a Districts, requested by John F. and Martha J. Lieb, owners/developers, John Kohl and Company, surveyor.

**Resolution No. 2000-756**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-317G-06, is **APPROVED (6-0).”**

**2000S-320G-12**  
Sugar Valley, Commercial Site #2  
Map 181, Part of Parcels 16 and 17  
Subarea 12 (1997)  
District 31 (Knoch)

A request for final plat approval to create four lots abutting the east margin of Nolensville Pike, opposite Bluff Road (4.61 acres), classified within the CS District, requested by Paul E. Johnson, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

**Resolution No. 2000-757**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-320G-12, is **APPROVED SUBJECT TO A BOND OF \$5,000 (6-0).”**

**2000S-327G-06**

Steeplechase Park, Resubdivision of Parcel 1  
(formerly Devon Hills)  
Map 142, Parcels 108, 354, 355 and 357  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request for final plat approval to subdivide one lot into three lots abutting the west margin of Old Hickory Boulevard and the east margin of Hicks Road (32.0 acres), classified within the RS20 Residential Planned Unit Development District, requested by William E. Kantz, Jr., owner/developer, Thomas, Miller and Partners, surveyor.

**Resolution No. 2000-758**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-327G-06, is **APPROVED SUBJECT TO A BOND OF \$16,000 (6-0).”**

**ZONE CHANGE, PUD AND UDO PROPOSALS**

**2000Z-094U-00**

Council Bill No. BL2000-476  
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 (38,219 parcels; 13,893 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. 2000-759**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-094U-00 is **APPROVED (6-0):**

**This applies the provisions of the Urban Zoning Overlay District to an additional portion of land within the urban core of Nashville, the site of the old Tennessee State Prison on Centennial Boulevard. There is interest in redeveloping this property as a mixed-use development and preserving the historically significant prison building, as the state is considering selling the property. This additional area should be included within the Urban Zoning Overlay since it is contiguous and should be redeveloped in an urban pattern."**

**89P-032U-12**

Stonebrook Drive Suites  
Map 171, Parcel 159  
Subarea 12 (1997)  
District 32 (Jenkins)

A request to cancel the undeveloped Commercial (General) Planned Unit Development District located abutting the east margin of Stonebrook Drive, approximately 180 feet south of Fox Ridge Drive (6.56 acres), classified R10 and proposed for RM15, approved for a 129,600 square foot office building, requested by Ragan-Smith and Associates, for Brentwood Hightop LLC, owners.

**Resolution No. 2000-760**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 89P-032U-12 is given **CONDITIONAL APPROVAL (6-0)**. The following condition applies:

Approval of the PUD cancellation by the Metropolitan Council.”

**75-87-P-14**  
Riverglen, Phase IV  
Map 52, Parcel 2  
Subarea 14 (1996)  
District 15 (Loring)

A request for final approval for a phase of the Residential Planned Unit Development District located abutting the east margin of Pennington Bend Road and the east terminus of Penn Meade Way, classified RS10 (3.92 acres), to develop 24 single-family lots, requested by Barge, Waggoner, Sumner and Cannon, for Julius Doochin, owner.

**Resolution No. 2000-761**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 75-87-P-14 is given **CONDITIONAL FINAL APPROVAL (6-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, a final subdivision plat shall be recorded including the bonding of all required public improvements.”

**2000P-007G-02**  
Green View Estates  
Map 7, Parcel 47  
Subarea 2 (1995)  
District 10 (Balthrop)

A request for final approval for a Planned Unit Development District located abutting the northwest corner of Springfield Highway and Tinnin Road, classified RS20 (21.71 acres), to permit 30 single-family lots, requested by Hart, Freeland and Roberts Engineers, for Arles Green, owner. (Also requesting final plat approval).

**Resolution No. 2000-762**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2000P-007G-02 is given **CONDITIONAL FINAL APPROVAL; FINAL PLAT APPROVAL SUBJECT TO POSTING A BOND IN THE AMOUNT OF \$368,500 (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 final subdivision plat shall be recorded and bonds shall be posted in the amount of \$368,500 for required public improvements. Lots 2 thru 11, 16 thru 24, and 29 shall be labeled as critical lots.”

**2000UD-001U-10**  
Zerfoss Insurance Agency  
Map 104-12, Parcel 52  
Subarea 10 (1994)  
District 18 (Hausser)

A request for final construction plans approval for a new 5,667 square foot office building located on 21<sup>st</sup> Avenue north of Fairfax Avenue (0.26 acres), classified in the MUN zoning district and the Hillsboro Village urban design overlay district, requested by Everton Oglesby Askew Architects, appellant, for T. Zerfoss, owner.

**Resolution No. 2000-763**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2000UD-001U-10 is **APPROVED (6-0).**"

**MANDATORY REFERRALS**

**2000M-074G-01**  
Council Bill No. BL2000-448  
Joelton Water Storage Reservoir Easement Acquisition  
Map 22, Parcel 3  
Subarea 1 (1997)  
District 1 (Gilmore)

A request to acquire an easement and/or fee simple take on a portion of property to accommodate the Joelton Water Storage Reservoir located at 3612 Old Clarksville Pike, classified within the R40 District (3.7 acres), requested by the Department of Water Services.

**Resolution No. 2000-764**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 2000M-074G-01."

**2000M-088U-09**  
Trafalgar Square Encroachment: 300 2nd Avenue South  
Map 93-6, Parcel 39  
Subarea 9 (1997)  
District 19 (Wallace)

A request to encroach into the public right-of-way an awning encroaching 8 feet over the public sidewalk at a height of 10'2" along Second Avenue South and measuring 10 feet wide x 3 feet in height, with poles located within the sidewalk at a distance of 16" to 18" from the curb; and four architectural, pole mounted lights within the Second Avenue South right-of-way with a maximum height of 13 feet at a distance of 18" from the curb, requested by Joe Savage, appellant, for Twenty One Management LLC, lessee, for Colonial Realty Company, owner.

**Resolution No. 2000-765**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 2000M-088U-09 **subject to MDHA approval.**"

**2000M-111U-09**  
Council Bill BL2000-427  
Conveyance of Easement and Park Improvements  
to Metro Government  
Map 93-6-4, Parcel 104  
Subarea 9 (1997)  
District 19 (Wallace)

An ordinance authorizing the conveyance to Metropolitan Government of Nashville and Davidson County of an easement and park improvements located between Fourth and Fifth Avenues north of Demonbreun Street adjacent to the Hilton Suite Hotel, classified within the CF District on 4.84 acres, requested by Metropolitan Development and Housing Agency.

**Resolution No. 2000-766**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 2000M-111U-09."

**2000M-123G-12**  
Council Bill No. BL2000-492  
Henry Maxwell Elementary School Easement Dedication  
Map 173, Parcel 45  
Subarea 12 (1997)  
District 31 (Knoch)

A request for a 20' temporary easement and a permanent easement (9,246 square feet) to accommodate the extension of a sewer line, located on Blue Hole Road at the site of Henry Maxwell Elementary School, classified within the RS10 District on 15.83 acres, requested by the Public Property Administration for Metro Government, owner.

**Resolution No. 2000-767**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 2000M-123G-12."

**2000M-124G-04**  
Rename Two Mile Parkway to "Rivergate Parkway"  
Map 34-2, Parcels 17, 65, 66, 67, 74, 84, 88 and 89  
Map 34-6, Parcel 1  
Subarea 4 (1998)  
District 10 (Balthrop)

A request to rename a portion of Two Mile Parkway to "Rivergate Parkway" between Gallatin Pike North and the north margin of parcel 65 on map 34-2, requested by Debbie G. Robinson, Executive Director of Goodlettsville Area Chamber of Commerce.

**Resolution No. 2000-768**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 2000M-124G-04 **subject to approval of Public Works.**"

**OTHER BUSINESS:**

1. MPO Contract with Gresham-Smith and Partners for the Development of a Major Street and Collector Street Plan Update for Nashville and Davidson County

**Resolution No. 2000-769**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the MPO Contract with Gresham-Smith and Partners for the Development of a Major Street and Collector Street Plan Update for Nashville and Davidson County."

2. Approval of the “Designing a Community On-Line Project” grant award from the U.S. Department of Commerce Technology Opportunities Program

**Resolution No. 2000-770**

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the “Designing a Community On-Line Project” grant award from the U.S. Department of Commerce Technology Opportunities Program."

3. Employee Contracts for Bob Leeman and Keith D. Covington

**Resolution No. 2000-771**

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the employee Contracts for Bob Leeman and Keith D. Covington for one year."

This concluded the items on the consent agenda.

**SUBDIVISION PROPOSALS**

**2000S-180G-04 (Public Hearing)**

Peak Business Park  
Map 51, Parcels 51-56, 169 and 171  
Subarea 4 (1998)  
District 4 (Majors)

A request for preliminary approval for seven lots abutting the northwest corner of Cheron Road and Briarville Road (8.8 acres), classified within the OR40 District, requested by Peak Returns, Ltd., owner/developer, Rick Fussell, surveyor. (Deferred indefinitely from meeting of 6/22/00).

Mr. Stuncard stated staff is recommending approval. The Tennessee Department of Transportation has a project underway in this area to realign an intersection and this plan will conform to those new improvements being proposed.

No one was present to speak at the public hearing.

Ms. Oglesby moved and Mr. Small seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

**Resolution No. 2000-772**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-180G-04, is **APPROVED; PUBLIC HEARING CLOSED (6-0).”**

**2000S-331G-12 (Public Hearing)**

Christianstead Valley, Phase 2  
Map 172, Parcels 36 and 37  
Subarea 12 (1997)  
District 31 (Knoch)

A request for revised preliminary approval for 50 lots abutting the east termini of Christianstead Lane and Palomar Court, approximately 70 feet north margin of Mt. Pisgah Road (17.56 acres), classified within the RS15 District, requested by Regent Development, LLC, owner/developer, S & A Surveying, surveyor.

Mr. Stuncard stated staff is recommending approval. The preliminary plan for the entire Cluster Lot development was approved in May of 1999. This new plan proposes 2 eastwardly connections to the eastern most property line, which will allow for expansion for the large undeveloped tracts to the east.



No one was present to speak at the public hearing.

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

**Resolution No. 2000-773**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-331G-12, is **APPROVED; PUBLIC HEARING CLOSED (6-0).”**

**2000S-316G-04**

Dixie Pure Food Company’s Subdivision,  
Resubdivision of Lot 10  
Map 43-2, Parcel 24  
Subarea 4 (1998)  
District 9 (Dillard)

A request for final plat approval to subdivide one lot into two lots abutting the west margin of Snow Avenue, approximately 602 feet north of Cedarwood Lane (2.05 acres), classified within the RS7.5 District, requested by Kevin D. Wisner, owner/developer, Steven E. Artz and Associates, Inc., surveyor.

Ms. Carrington stated staff is recommending disapproval. In this case there are several subdivision regulations not met, the 4 to 1 lot depth to width ratio, the maximum lot size and comparability for lot area. There are no topography or floodplain problems on this site and staff could not find any justification for these variances, and therefore, are recommending disapproval.

Ms. Oglesby moved and Mr. Manier seconded the motion to disapprove.

Mr. Larry Epps, representing the owner, asked for a 2 week deferral instead of disapproval to work with staff to solve the problems.

Ms. Oglesby and Mr. Manier withdrew their motions and moved, which carried unanimously, to defer this matter for 2 weeks.

**2000S-322G-03**

Larry Raymon Property  
Map 58, Parcel 46  
Subarea 3 (1998)  
District 1 (Gilmore)

A request for final plat approval to create one lot abutting the west margin of Cato Road, approximately 2,449 feet north of Ashland City Highway (3.86 acres), classified within the RS15 District, requested by Larry A. and Joynell E. Raymon, owners/developers, Richard D. Graves Land Surveying, surveyor.

Ms. Carrington stated this item would require a variance to the Subdivision Regulations for maximum lot size. In this case there is an existing house on the property and they are connected to sewer. There are no floodplain or topography issues that would justify a need for a variance and staff is recommending disapproval.

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

**Resolution No. 2000-774**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-322G-03, is **DISAPPROVED (6-0).”**

**ZONE CHANGE, PUD AND UDO PROPOSALS**

**2000Z-026T**  
Council Bill No. BL2000-480

A text amendment to amend Sections 17.16.175 (Commercial Special Exceptions), 17.16.060 (Medical Uses) and 17.08.030 (District Land Use Tables) by allowing a kennel as an ancillary use to a Veterinary Clinic as a special exception (SE) use in the CN District and inserting additional conditions in those zoning districts which allow veterinary clinics as a "permitted with conditions" (PC) use (mixed use districts, office districts, shopping center districts, and the CN district), requested by Planning Commission Staff.

**2000Z-110G-06**  
Council Bill No. BL2000-472  
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. (Deferred from meeting of 9/14/00).

Mr. Reid stated 2000Z-110G-06 was deferred from the last meeting in order to allow staff to look at a text amendment to allow indoor kennels as an accessory use to a veterinary clinic. The applicant for this zone change operates a vet clinic and wants to also have an indoor kennel as part of this operation, which the existing CN district does now allow. That is why he was requesting the CL zoning, which staff is not in support of because the preferred zoning pattern is CN being adjacent to a residential neighborhood to the north. Staff is still recommending disapproval of the zone change, but recommending approval of the text amendment. A change to the text amendment is to increase the square footage for a vet clinic from 2,500 to 5,000 square feet. That would be consistent with the fact that we have retail in the Zoning Code that allows up to 5,000 square feet in the CN district, and staff feels the vet clinic use is no more impactful than the retail.

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

Mr. Small questioned the square footage increase being based on retail.

Mr. Reid stated the 2,500 is consistent with other office uses, but the code allows retail permitted with conditions, up to 5,000 square feet and staff has determined this type use, because it is an indoor kennel, would be no more impactful than a retail use.

Mr. Small asked what is the average size of a vet clinic.

Mr. Reid stated they vary between 4,000 and 7,000 square feet, but a lot of those were already in commercial zoning districts, which allow larger sizes. Staff is also recommending approval of other vet clinics, where they are permitted with conditions, to have the same increase in square footage so we treat all vet clinic the same.

Mr. Small asked if the 5,000 square feet would be inclusive of the kennel facility?

Mr. Reid stated it would have to be 5,000 square feet total and 30% of that could be used for an indoor kennel.

Mr. Small stated, so you could have 10,000 square feet of vet clinic on one lot and could effectively have doubled the size it could be adjacent to the residential neighborhood.

Mr. Reid stated staff was proposing 5,000 square feet per lot not per establishment.

Mr. Small asked if the motion should be changed to reflect that fact.

Mr. Lawson stated it did need to be changed.

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

**Resolution No. 2000-775**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-026T is **APPROVED (6-0) with revisions:**

**This text amendment proposes to allow veterinary clinics to operate indoor kennels (no outdoor boarding) provided they do not exceed 30% of their maximum permitted gross floor area of 5,000 square feet. The 5,000 gross floor area limitation is similar to that for retail uses within the CN, MUN, and ORI districts. Since these zoning districts are often located near residential neighborhoods, making kennels a special exception (SE) use and requiring a public hearing before the Board of Zoning Appeals is appropriate."**

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-110G-06 is **DISAPPROVED (6-0):**

**The CN district is the preferred zoning to implement the Subarea 6 Plan's unmapped neighborhood commercial policy for this area. This property is located next to Harpeth Valley Elementary School (see sketch) at the entrance to the Poplar Creek Estates residential subdivision on Collins Road. The existing CN district is appropriate since it ensures compatibility between this commercial property and the adjacent residential and institutional uses."**

**2000Z-030U-11**

Council Bill No. BL2000-367

Map 93-15, Parcels 308 (.11 acres) and 309 (.17 acres)

Subarea 11 (1999)

District 19 (Wallace)

A council bill to change from R6 to MUL 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. (Deferred from meeting of 9/28/00).

**2000Z-120U-11**

Map 105-3, Parcels 332 (.15 acres), 333 (.15 acres),

334 (.15 acres) and 335 (.15 acres)

Subarea 11 (1999)

District 19 (Wallace)

A request to change from OR20 to CS district properties at 1204, 1206, 1208, and 1210 Third Avenue South, approximately 100 feet south of Chestnut Street (.60 acres), requested by Jim Fischer, appellant, for John Alden Rodgers, trustee.

Mr. Reid stated both of these zone change requests fall within the existing mixed use policy. That policy currently calls for a mixture of office, residential and retail uses as well as the preservation of historic structures that are found in the residential neighborhood in this area. Staff is recommending disapproval of both of these changes because they are not consistent with the policy. The MUL would require a neighborhood conservation overlay district to protect the historic structures to the south. The CS district, because it permits heavier commercial uses, is not consistent with mixed use policy of allowing office, retail and residential uses that are compatible with the residential neighborhood. It is also directly across from a park and staff believes this area would be more appropriate for some type of office or a small retail operation.

Staff has met with the Trimble Action Group, and in addition to preserving historic structures in their neighborhood, they also would like to restrict the land uses to residential.

Ms. Ann Deol and Ms. Joyce Owens spoke in opposition to the zone change and asked the Commission for help with the subarea plan amendment.

Mr. Tom White, representing the applicant, Mr. Jim Fischer, stated there were two matters being considered together and the comments the Commission has heard are not on the property Mr. Fischer has. They are on the other tract. Staff's reason for disapproval is because of the heavier commercial uses, which could be permitted in CS, and this proposal is only for expansion of the existing office. He asked the Commission for approval, but if not, for disapproval so the matter can move forward.

Mr. Reid stated the existing CS zoning next door that Mr. White referred to has been zoned that way since 1974, which predates the subarea plan. The land information system classifies that use as an auto repair and that is not the type of use, in a mixed use policy, that would be compatible with the residential. Also, this request is still part of the same mixed use policy as the other request, which does call for respecting the existing residential.

Chairman Lawson stated that to focus discussion and action relative to these requests they should be taken separately.

Mr. Bernhardt stated, to clarify, staff is recommending disapproval on 2000Z-120U-11 as being inconsistent with the current policy and 2000Z-030U-11 is inconsistent with the current policy because it does not include the neighborhood conservation overlay and in addition to that there has been a request by the neighborhood to consider amending the policy.

Chairman Lawson stated the Commission would discuss item 2000Z-030U-11 first.

Ms. Oblesby stated she did not have any questions and that she was not prepared to support this proposal, which was unanimous.

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

**Resolution No. 2000-776**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-030U-11 is **DISAPPROVED (6-0)**:

**The current Mixed Use (MU) policy encompassing these properties calls for a mixture of residential, office, and commercial uses and the protection of the historic structures along 2<sup>nd</sup> Avenue South. The MUL or MUN districts, in conjunction with a Neighborhood Conservation Overlay District (NCOD), would implement the goals of the MU policy. Since there is not an associated request to apply an NCOD to this area, the MUL district is not consistent with the MU policy. The Trimble Action Group (TAG), a local neighborhood group, has requested an amendment to the Subarea 11 Plan which provides guidance on the area's future development. TAG is seeking to preserve the area's historic structures and residential land uses."**

Councilmember Ponder moved and Mr. Cochran seconded the motion to disapprove 2000Z-120U-11.

Mr. Manier suggested it be disapproved contrary to the General Plan.

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

**Resolution No. 2000-777**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-120U-11 is **DISAPPROVED (6-0) as contrary to the General Plan:**

**These properties fall within the Subarea 11 Plan's Mixed Use (MU) policy calling for the use of existing residential structures as offices and various professional services that do not require substantial structural alterations. The heavier commercial uses permitted within the CS district are not consistent with that policy. Extending CS zoning would encroach further into the residential areas to the south and consume more of the historic fabric of the area. The existing OR20 zoning, MUL or MUN districts, in conjunction with a Neighborhood Conservation Overlay District (NCOD),**

**would be the preferred zoning tools to implement the existing MU policy. The Trimble Action Group (TAG), a local neighborhood group, has requested an amendment to the Subarea 11 Plan which provides guidance on the area's future development. TAG is seeking to preserve the area's historic structures and residential land uses."**

**2000Z-121U-12**  
Map 171, Parcel 159  
Subarea 12 (1997)  
District 32 (Jenkins)

A request to change from R10 to RM15 district property at Stonebrook Drive (unnumbered), approximately 180 feet south of Plum Nelly Circle (6.56 acres), requested by Terry Mulvaney, appellant, for Brentwood Highlands, LTD., owners.

Ms. Regen stated staff is recommending approval of the RM15 zoning because it is consistent with the Subarea 12 Plan. It is in the residential medium high policy and the RM15 falls right in the middle of the policy allowing 9 to 20 units per acre.

Mr. Manier expressed concerns regarding overcrowding of the area schools and stated he felt approving these type proposals was doing a disservice to the children. The continual rezoning that floods that school and the other schools in the area is a dereliction on our part, as far as our responsibility. This is part of the infrastructure.

Ms. Oglesby stated she understood what Mr. Manier was saying, but that she didn't know if the Commission had the reasoning to disapprove this based on schools. We should not hold that over this developer's head. It is not his fault or responsibility that he is coming in at this particular time.

Mr. Cochran stated he felt the Commission would have to have more evidence before them, legally, than just their opinion.

Mr. Small stated the schools are a critical issue and did not disagree with Mr. Manier, but people that want to buy in this area will move in there recognizing the issue of the over capacity of the school and that will have some affect on the development in that area in terms of what builds out and when and who buys them so that part of the market will take care of itself.

Councilmember Ponder agreed with Mr. Manier and stated he looked forward to the day the Commission would be able to consider the schools legally and legitimately as part of the consideration, and moved to approve.

Mr. Manier stated that in years past the Commission had turned down subdivisions for lack of infrastructure. Franklin Limestone road was one of them. It is a narrow road and we didn't rezone and a school is not any different.

Mr. Diaz-Barriga stated this Commission did not deny or approve a rezoning request. It simply makes a recommendation to the Council for denial or approval. Specifically to schools, the Metropolitan Code of Laws does require this Commission, in its recommendation to the Council, to evaluate the impact of the proposed development on the school system. This Commission generally does look at infrastructure and the adequate facilities of infrastructure for proposed development. If the Commission perceives schools to be included in bundled infrastructure then the issue of inadequate facilities should be viewed in the matter any inadequate infrastructure would be perceived by this Commission and certainly should be considered in its determination as to making the recommendation to the Council.

Chairman Lawson stated so it is appropriate for this Commission, in making it's recommendations to Council, recommend its approval or disapproval based upon certain factors of infrastructure that we deem are important to the community, such as roads, schools, fire and police protection and traffic.

Mr. Diaz-Barriga stated that was correct.

Councilmember Ponder disagreed and stated, as much as he would like to accept that, infrastructure items are controlled by Public Works and schools are not. It is a matter of definition that bothers me.

Chairman Lawson asked Mr. Diaz-Barriga if it would be appropriate for the Commission to establish a policy for staff to follow defining what is included in infrastructure for our decision making process.

Mr. Diaz-Barriga stated it would be.

Chairman Lawson suggested that staff come back to the Commission with a recommendation of a policy the Commission could discuss and enact that defines those infrastructure elements.

Ms. Oglesby stated she feels the schools are a gray area because everyone is going to drive on the road, use water and sewer, children go to private schools, not everybody has a child in the school system and it is not a concrete issue because there are choices. We can estimate the number of people moving in and how many children will be in a development, but it may be way more or way less.

Mr. Small agreed with Ms. Oglesby and stated this could get into some very philosophical issues that cannot be written on paper.

Councilmember Ponder withdrew his motion to approve and moved to defer 2000Z-121U-12 and 89P-032U-12 until next meeting pending the receipt of the report from Mr. Diaz-Barriga.

Mr. Cochran stated the map shows everything surrounding this property as R15 and to him it would be discriminating to deny this.

Mr. Small stated he agreed with Mr. Cochran and the Commission needed to look at this piece of property because it is surrounded by RM15. It is not equitable to defer this request, go back and look at a policy we are going to try to clarify, and then retroactively go back and apply it to this.

Councilmember Ponder withdrew his motion to defer.

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

**Resolution No. 2000-778**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-121U-12 is **APPROVED (5-1)**:

**This property falls within the Subarea 12 Plan's Residential Medium High (RMH) policy calling for 9 to 20 units per acre. The RM15 district is consistent with that policy and the multi-family zoning pattern to the north and south."**

**OTHER BUSINESS**

4. Legislative Update

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

**PLATS PROCESSED ADMINISTRATIVELY**

September 28, 2000 through October 11, 2000

**98S-432G      BRENTWOOD COVE, First Revision**  
Corrects map reference

**99S-229G      BRUNNERS ACRE**  
One parcel into two lots

**2000S-161U      BLAKEMORE SQUARE**

Horizontal property regime

- 2000S-254U HILLWOOD ESTATES, Section 4, Part of Lot 39**  
Part of one lot into one lot
- 2000S-278U GOWER CENTER, Resubdivision of Lot 2**  
One lot into two lots
- 2000S-299U CLAUDINE M. BRYANT LOTS**  
One parcel into two lots
- 2000S-300G MELVIN SCOTT LOT**  
Plats one deeded parcel as one lot
- 2000S-304U BROWNSTONE, Section 1, Resubdivision  
of Lots 19, 20 & Open Space**  
Consolidates two lots and open space into one lot and open space
- 2000S-305G OCTOBER WOODS, Phase 5, Section 8,  
Resubdivision of Lots 528 and 527**  
Reconfigures two lots
- 2000S-307U HAYWOOD DEVELOPMENT, Lot 2, First Revision**  
Re-establish the boundary by utilizing a proposed right-of-way dedication
- 2000S-325U EDGEFIELD LAND COMPANY, Resubdivision of Lots 345 and 346**  
Reconfigures two lots
- 2000S-326G NEW HOPE POINT, Phase 2, Section 4, Revision of Lot 6**  
Reduction of public utility and drainage easement and front setback line
- 2000S-333G SPIES SUBDIVISION**  
One parcel into two lots

#### **ADJOURNMENT**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:35 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Minute Approval:  
This 26<sup>th</sup> day of October, 2000

