

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: November 30, 2000
Time: 1:00 p.m.
Place: Board of Education

Roll Call

Present:

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

Absent:

Mayor Bill Purcell

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
Robert Leeman, Planner I
Jeff Stuncard, Planner I
Jimmy Alexander, Planning Technician II

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Advance Planning & Research:

Ryan Latimer, Planning Technician I

Others Present:

Jim Armstrong, Public Works

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Ms. Carrington announced the following addendum items to be added to the agenda under Other Business:

3. Reorganization
4. Employee Contract for Jeff Lawrence
5. Employee Contract for Ann Hammond

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-358G-03 Deferred indefinitely, by applicant.
- 2000S-370G-12 Deferred one week, by applicant.
- 98-85-P-14 Deferred until 01/04/01, by applicant.
- 2000M-122U-09 Deferred one week, by applicant.

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

APPROVAL OF MINUTES

Ms. Nielson moved and Ms. Oglesby seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of November 9, 2000.

RECOGNITION OF COUNCILMEMBERS

Councilmember Norma Hand spoke in favor of Zone Change Proposal 2000Z-148U-07.

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

99S-192G-04
Laemmle-Janson Subdivision
Map 34-6, Parcel 45
Subarea 4 (1998)
District 10 (Balthrop)

A request for final plat approval to subdivide one parcel into two lots abutting the southwest margin of Myatt Drive, approximately 1,380 feet southeast of Gallatin Pike (6.32 acres), classified within the CS District, requested by Quality Recycling Specialists, Inc., owner/developer, Volunteer Surveying, surveyor.

Resolution No. 2000-844

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-192G-04, is **APPROVED SUBJECT TO A BOND OF \$38,000.00 (8-0).”**

2000S-037G-04
Williams Valley PUD
Map 42-12, Parcels 75, 76 and 85
Subarea 4 (1998)
District 3 (Nollner)

A request for final plat approval to create 31 lots abutting the north margin of Williams Avenue, approximately 220 feet west of Heritage View Boulevard (6.31 acres), classified within the R10 Residential Planned Unit Development District, requested by Jeffrey W. George and Sandra Lee and Ben Dunn, owners/developers, Dale and Associates, surveyor.

Resolution No. 2000-845

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-037G-04, is **APPROVED SUBJECT TO A BOND OF \$132,500.00 (8-0).”**

2000S-235U-07
Massey Subdivision, Phase 2
Map 92-13, Parcels 397, 399, 400 and 401
Subarea 7 (2000)
District 24 (Summers)

A request for final plat approval to reconfigure four lots into five lots abutting the southwest corner of Nevada Avenue and 33rd Avenue North (.86 acres), classified within the RS5 District, requested by Brett Massey, owner/developer, Wamble and Associates, surveyor. (Deferred indefinitely from meeting of 7/20/00 and deferred from meeting of 11/9/00).

Resolution No. 2000-846

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-235U-07, is **APPROVED SUBJECT TO A BOND OF \$204,000.00 (8-0).”**

2000S-363G-06
Allens Green, Section 2, First Revision
of Lots 18, 20, 21 and 22
Map 155-3-D, Parcels 18, 20, 21 and 22
Subarea 6 (1996)
District 35 (Lineweaver)

A request for final plat approval to reconfigure four lots and provide an easement for storm water drainage on lots 18 and 20 abutting the southeast margin of Tree Line Court, approximately 215 feet southeast of Allens Lane (2.69 acres), classified within the RS20 Residential Planned Unit Development District, requested by Louis C. Chanatry and Rita Chanatry et al, owners/developers, William Robert Seigenthaler, surveyor.

Resolution No. 2000-847

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-363G-06, is **APPROVED (8-0).”**

2000S-366G-14

Burnett Road (R.O.W. Dedication)
Map 35, Part of Parcels 5, 10 and 11
Subarea 14 (1996)
District 11 (Brown)

A request for final plat approval to dedicate 5 feet of right-of-way on Burnett Road abutting the northeast corner of Swinging Bridge Road and Burnett Road (.23 acres), classified within the IG District, requested by ABC Nashville, LLC, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 2000-848

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-366G-14, is **APPROVED (8-0).”**

2000S-367G-14

Strickland Acres
Map 87, Parcel 53
Subarea 14 (1996)
District 12 (Ponder)

A request for final plat approval to subdivide one parcel into two lots abutting the west margin of North New Hope Road, approximately 641 feet north of Central Pike (6.02 acres), classified within the RS15 District, requested by Sandra L. Strickland, owner/developer, John D. McCormick, surveyor.

Resolution No. 2000-849

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-367G-14, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS (8-0).”**

2000S-371G-02

Kersh Estates
Map 41, Parcel 113
Subarea 2 (1995)
District 3 (Nollner)

A request for final plat approval to record one deed parcel as one lot abutting the north margin of Bell Grimes Lane, approximately 1,040 feet east of Brick Church Pike (2.06 acres), classified within the RS20 District, requested by Michael B. and Latasha D. Kersh, owners/developers, W. Murray Wall and Company, surveyor.

Resolution No. 2000-850

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-371G-02, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS (8-0).”**

ZONE CHANGE AND PUD PROPOSALS

2000Z-030T

Billboards Text Amendment

A text amendment to Section 17.32.150 (Billboards) of the Zoning Ordinance to prohibit billboards in Planned Unit Developments (PUDs), requested by planning department staff.

Resolution No. 2000-851

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-030T is **APPROVED (8-0)**:

This council bill amends Section 17.32.150.A (Billboards) of the Zoning Ordinance by prohibiting billboards in Planned Unit Developments. Billboards are not consistent with the design intent of PUDs to promote consistency and compatibility with surrounding properties. Billboards were not permitted within PUDs prior to 1998, but a loophole was inadvertently created with the adoption of the new Zoning Ordinance. There are ample opportunities for billboards in other commercial zoning districts."

2000Z-031T

Application Fee Schedule Text Amendment

A council bill requesting to amend Sections 17.40.750, 17.40.760, and 17.40.770 (Application fees) to clarify that the Zoning Administrator, Planning Commission, and Board of Zoning Appeals may develop fee schedules, and the Metro Council shall establish by resolution the fee schedule, which partially or totally defray costs associated with the processing and review of various development applications, requested by planning department staff.

Resolution No. 2000-852

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-031T is **APPROVED (8-0)**:

This council bill amends Sections 17.40.750, 17.40.760, and 17.40.770 (Application fees) by clarifying that the Zoning Administrator, Planning Commission, and Board of Zoning Appeals may develop fee schedules, but that Council establishes fees by resolution. Also, it creates an opportunity to charge an applicant for the cost of materials used for renotification of a public hearing deferred at the Planning Commission or Council. "

2000Z-033T

District Bulk Table Text Amendment

A text amendment to Section 17.12.020 (District bulk tables: Table 17.12.020B) of the Zoning Ordinance by providing no maximum floor area ratio for multi-family developments in the OR20 and OR40 districts, requested by planning department staff.

Resolution No. 2000-853

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-033T is **APPROVED (8-0)**:

This council bill amends Section 17.12.020 (District bulk tables: Table 17.12.020B) of the Zoning Ordinance by eliminating the maximum floor area ratio for multi-family developments in the OR20 and OR40 districts. The bill's intent is to correct a code deficiency that prevents a developer from actually achieving the maximum multi-family density that these districts permit. The real concern with large-scale, multi-story developments is not the size of the units, but the structure's building mass in relationship to adjoining properties. Since the other bulk standards in the zoning code shall continue to regulate a structure's mass (e.g. setbacks, impervious surface ratio (ISR), maximum building height, and number of units per acre), removing the FAR limitation is appropriate.

2000Z-148U-07

Map 80, Part of Parcel 2 (20 acres)
Subarea 7 (00)
District 22 (Hand)

A request to change from IR to IG district a portion of property at 7200 Centennial Boulevard, approximately 500 feet west of Briley Parkway (17.37 acres), requested by James Overby, appellant, for Visteon Corporation, owner.

Resolution No. 2000-854

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-148U-07 is **APPROVED (8-0)**:

This property falls within the Subarea 7 Plan's Industrial (IND) policy calling for manufacturing, warehousing, and bulk distribution uses. The IG district is consistent with that policy and is also appropriate for the remaining properties between Briley Parkway, the Cumberland River, the IG zoning to the north, and Centennial Boulevard."

MANDATORY REFERRALS

2000M-133U-12

Kinhawk Drive Water Reservoir Easement Acquisition
Map 172, Parcel 193
Map 172-07, Parcels 1, 2, 6 and 7
Subarea 12 (1997)
District 31 (Knoch)

A request for easement acquisition and/or fee simple to accommodate two water tanks, a 16" water main, and an 8" sanitary sewer line, located on Kinhawk Drive, classified within the R15 District on 13.76 acres, requested by the Department of Water Services.

Resolution No. 2000-855

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 2000M-133U-12."

2000M-135U-13

Council Bill No. BL2000-521
Burwick Place Property Sale
Map 151-01-0-A, Parcel 166.00CO
Subarea 13 (1996)
District 29 (Holloway)

An ordinance approving the sale of a parcel of property located on Burwick Place (unnumbered), classified within the R15 Residential Planned Unit Development District on .05 acres, requested by the Public Property Administrator for Metro Government, owner.

Resolution No. 2000-856

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 2000M-135U-13."

OTHER BUSINESS

1. Proposed Fee Increase

Resolution No. 2000-857

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the Proposed Fee Schedule."

ADDENDUM

OTHER BUSINESS

4. Employee Contract for Jeff Lawrence.

Resolution No. 2000-858

"BE IT RESOLVED by the Metropolitan Planning Commission that it approves the employee contract for Jeff Lawrence for two years, from January 1, 2001 through December 31, 2002."

5. Employee Contract for Ann Hammond.

Resolution No. 2000-859

"BE IT RESOLVED by the Metropolitan Planning Commission that it approves the employee contract for Ann Hammond for two years, from January 1, 2001 through December 31, 2002."

This concluded the items on the consent agenda.

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

ZONE CHANGE AND PUD PROPOSALS

2000Z-028T

Temporary Outdoor Storage and Outdoor
Storage Text Amendments

A text amendment to Sections 17.04.060 (Definitions of general terms), 17.08.030 (District land use tables), and 17.16.185 (Industrial Special Exception Uses) of the Zoning Ordinance to create a new land use called

“Temporary Outdoor Storage” to be permitted as a special exception use in the AG, AR2a, RS80, and R80 districts and a new land use called "Outdoor Storage" to be permitted in the IG district, requested by planning department staff.

Ms. Regen stated there is merit to permitting temporary outdoor storage of equipment in rural areas or areas in transition. Temporary outdoor storage uses would not have any permanent facilities or improvements and would not alter the land in any manner. It is also appropriate to allow outdoor storage as a permitted condition use in the IG district since it is a heavy industrial district. Staff recommends approval with the condition that it shall be permitted for a period of 5 years, and structures could not exceed 500 square feet.

Chairman Lawson stated he had concerns regarding unified property.

Mr. Small stated there was no reference in the amendment regarding materials that might have odor, such as mulch, and suggested that should be mentioned in the amendment.

Ms. Regen stated staff would make the change.

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

Resolution No. 2000-860

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-028T is **APPROVED (9-0) with an amendment to the definition to exclude odor-producing materials:**

This council bill permits “temporary outdoor storage” as a special exception use in the AR2a, R80, and RS80 districts and “outdoor storage” as a permitted with conditions (PC) use in the IG district. There is merit to permitting this use on an interim basis in rural areas where the natural topography and vegetation can obscure the view of stored items from adjacent properties and roads. No permanent facilities or improvements are allowed; therefore, the area’s long-term land use goals would not be impeded. It is also appropriate to allow outdoor storage as a PC use in the IG district since it is a heavy industrial district."

2000Z-029T

Accessory Apartment Text Amendment

A text amendment to Section 17.16.250 (Residential accessory uses) of the Zoning Ordinance by modifying the accessory apartment standards to permit a free-standing or above a garage accessory apartment in certain situations, requested by planning department staff.

Ms. Regen stated that if you have a home you can have a portion of that home to be used as an accessory apartment by a family member. Conditions are that the single-family residence must be owner-occupied. There must be free and clear access between the units except on oversized lots. They must be constructed in the rear yard. Only one utility meter allowed for both units. They can be no larger than 500 square feet. They must be compatible with the existing structure. They have no entrance visible from the street. The second unit must be occupied by a family member. Covenants provided may be enforced by the Codes Department and notice shall be recorded with the register's office that the apartment is being established.

Mr. Bernhardt stated this came up at a Mayor's Night Out meeting. Accessory apartments are currently allowed in the code today as long as the apartment is a part of the house. This also allows for the free-standing apartment on oversized lots.

Mr. Small stated the last part of condition 5 doesn't make sense and asked that "may be used for the accessory apartment" be deleted.

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

Resolution No. 2000-861

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-029T is **APPROVED (9-0) with a correction to the proposed Section 17.16.250A5:**

This council bill amends Section 17.16.250.A (Residential accessory uses: Accessory Apartment) of the Zoning Ordinance by permitting an accessory apartment to be a freestanding building or above a garage. Currently the Zoning Ordinance does not permit this use in a freestanding or detached structure. This amendment is appropriate to promote a variety of housing types and to respond to a changing social dynamic of older parents wanting to live with their children in a small structure on the same property."

2000Z-140U-12

Map 160, Parcel 223 (4.02 acres) and
Part of Parcel 54 (7.9 acres)
Subarea 12 (1997)
District 32 (Jenkins)

A request to change from CL to OR40 district a portion of properties at 5548 and 5588 Franklin Pike Circle, abutting the north margin of Old Hickory Boulevard (11.92 acres), requested by Bill Forte of Barge, Cauthen & Associates, Inc., appellant, for Brentwood Properties Limited Partnership, owner. (Deferred from meeting of 11/9/00).

94P-009U-12

Brentwood Properties
Map 160, Parcels 54, 55 and 223
Subarea 12 (1997)
District 32 (Jenkins)

A request to amend and cancel a portion of the Commercial (General) Planned Unit Development District located abutting the north margin of Old Hickory Boulevard and the east margin of Franklin Pike Circle, classified OR20 and CL and proposed for OR40 for a portion (14.42 total acres), to cancel parcel 55 on tax map 160 (1.20 acres) and to develop 130 condominium units, a 10-story 250,000 square foot office building and two 8,000 square foot restaurants, replacing 366,000 square feet of restaurants, office, hotel, and an extended-stay hotel, requested by Barge, Cauthen and Associates, for Brentwood Properties, owner. (Deferred from meeting of 11/9/00).

Ms. Regen pointed out the portion of the property to be removed from the PUD, the location of the proposed condominium units, office building and restaurants and stated staff is recommending approval. The cancellation of parcel 55 from the PUD will diminish the ability to realign Franklin Pike Circle.

Mr. Manier expressed concerns regarding the school overcrowding, traffic and road configuration.

Ms. Nielson also expressed concerns regarding the road configuration.

Mr. Small asked if there would be an access from Franklin Pike Circle.

Ms. Regen stated the access would only be off of Old Hickory Boulevard.

Mr. Dan Barge III and Mr. Richard Spears spoke in favor of the project and explained their plan.

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

Resolution No. 2000-862

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-140U-12 is **APPROVED (6-3)**:

These properties fall within the Subarea 12 Plan's Office Concentration (OC) policy calling for a concentration of office development. The OR40 district is consistent with that policy and is appropriate along this stretch of Old Hickory Boulevard which already serves a variety of office uses near the I-65 interchange."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-009U-12 is given **CONDITIONAL APPROVAL TO AMEND THE PRELIMINARY PUD PLAN AND TO CANCEL A PORTION OF THE COMMERCIAL PUD (6-3)**. 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. Approval by the Metropolitan Council of Zone Change Proposal No. 2000Z-140U-12 and this PUD amendment.
3. Prior to or in conjunction with final PUD plan submittal to the Planning Commission, construction plans for the following road improvements shall be submitted to the Planning Commission for review and approval:
 - a) On Franklin Pike Circle, provide a dedicated left-turn lane, a shared left turn lane and a thru-lane, and dedicated right-turn lane onto Old Hickory Boulevard;
 - b) On Franklin Pike Circle provide a 50 foot left-turn lane into parcel 56 on tax map 160 (Waffle House presently);
 - c) On Old Hickory Boulevard provide a dedicated right-turn lane onto Franklin Pike Circle with 200 feet of storage and 200 feet of transition area;
 - d) On Old Hickory Boulevard increase the length of the existing left-turn lane onto Franklin Pike Circle by 100 feet for a total storage length of 250 feet plus an additional 100 feet of transition area;
 - e) At the Old Hickory Boulevard/Franklin Pike – Stonebrook Drive intersection, modify the traffic signal to include an overlap for the dedicated right-turn lanes required by conditions (b) and (d) above. The signal should also be modified to include pedestrian signals and push-buttons so pedestrians can safely cross from all four corners of this intersection;
 - f) At the Old Hickory Boulevard/Franklin Pike – Stonebrook Drive intersection, install crosswalk striping from all four corners of the intersection for pedestrians; and,
 - g) At the second driveway located on Franklin Pike Circle, provide a left-turn lane and right-turn lane for exiting traffic."

2000Z-144G-06

Map 168, Part of Parcel 185 (1.04 acres)

Subarea 6 (1996)

District 35 (Lineweaver)

A request to change from RS40 district to CS district a portion of property located at 9051 Highway 100, approximately 2,800 feet east of South Harpeth Road (1.04 acres), requested by Dwight M. Roper, appellant, for Clyde E. Hall and William J. Hall, owners.

Ms. Regen stated the applicant wants to operate an auto repair shop on this property. This property contains a vacant structure that was previously operated as a service station. The property falls within the Natural Conservation policy in the Subarea 6 Plan, calling for very low residential development. It is unlikely this property will ever be used for residential due to demolition costs and the environmental risks. Staff is recommending disapproval as contrary to the General Plan.

Councilmember Vic Lineweaver spoke in favor of the proposal.

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

Resolution No. 2000-863

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-144G-06 is **DISAPPROVED (9-0) as contrary to the General Plan:**

This property falls within the Subarea 6 Plan's Natural Conservation (NC) policy calling for very low density residential development at a maximum of 4 units per acre. The CS district is not consistent with that policy. Allowing commercial zoning on this property could encourage a commercial strip development pattern which could adversely impact the residential viability of this area."

2000Z-145U-11
Map 119-13, Parcel 307
Subarea 11 (1999)
District 16 (McClendon)

A request to change from R10 to OG district property at 312 Timmons Street, approximately 140 feet east of Nolensville Pike (.17 acres), requested by Brent Miller, appellant/owner.

Ms. Regen stated staff is recommending disapproval as contrary to the General Plan. This property falls within the Residential Medium policy in the Subarea 11 Plan. This request would extend nonresidential Zoning too far into the residential neighborhood resulting in the loss of an affordable housing unit.

Mr. Phil Dillingham, area resident, spoke in opposition to the proposal.

Mr. Brent Miller, applicant, stated he was misled by his realtor that Burger King was interested in the property to expand parking. The property is in poor condition and needs repairs. Some repairs have been started and the yard has been cleaned up. Since staff is not in favor of the OG, he requested the zoning be changed to ON rather than OG because it would accommodate the plans he had for the property.

Mr. Bernhardt stated staff would not be in favor of the ON zoning.

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

Resolution No. 2000-864

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-145U-11 is **DISAPPROVED (9-0) as contrary to the General Plan as amended to ON district by the applicant at the meeting:**

This property falls within the Subarea 11 Plan's Residential Medium (RM) policy calling for the preservation of the existing residential neighborhood and new development of single-family homes at a density between 4 and 9 units per acre. The ON district is not consistent with that policy. This

request would extend nonresidential zoning too far into the neighborhood resulting in the loss of an affordable housing unit since this property contains a single-family home. The loss of this single-family home would also implicate other residential properties in the area."

OTHER BUSINESS:

1. Legislative Update
2. Re-organization

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 2:45 p.m.

Chairman

Secretary

Minute Approval:
This 4th day of January, 2001

