

**MINUTES**  
**OF THE**  
**METROPOLITAN PLANNING COMMISSION**

Date: December 7, 2000  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

Frank Cochran  
Tonya Jones  
William Manier  
Ann Nielson  
Vicki Oglesby  
Douglas Small  
Marilyn Warren

**Absent:**

Mayor Bill Purcell  
James Lawson, Chairman  
Councilmember Phil Ponder

**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

**Community Plans Division:**

Cynthia Wood, Planner III

**Advance Planning & Research:**

Jeff Lawrence, Planner III  
Michelle Kubant, Planner II  
Amy McAbee-Cummings, Planner I  
Marty Sewell, Planner I

**Others Present:**

Jim Armstrong, Public Works  
Brook Fox, Legal Department  
Chris Koster, Mayor's Office

Vice Chairman Small called the meeting to order.

#### **ADOPTION OF AGENDA**

Ms. Carrington announced the following changes to the agenda.

- IV. Approval of November 9, 2000 Minutes - should be deleted.
- 12. 2000S-385G-06, West Hills Condominiums - has been withdrawn.
- 16. 2000S-389G-02, Kemper Heights - the request is to subdivide one lot into 3 lots.
- 31. 2000Z-1528-14, the request has been amended to RM9.
- 32. 2000Z-154U-07, the request has been amended to MUL.
- 39. 2000M-134U-11, Closure of Allen #1880 - the easements are to be retained.
- 40. 2000M-141G-02, Brick Church Pike Easement Abandonment - should be a closure of a portion of Brick Church Pike.

Ms. Nielson moved and Ms. Oblesby 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-249U-03 Deferred until 01/04/01, by applicant.
- 2000S-328U-05 Deferred indefinitely, by applicant.
- 2000S-370G-12 Deferred indefinitely, by applicant.
- 2000S-383G-04 Deferred indefinitely, by applicant.
- 88P-029G-01 Deferred until 01/04/01, by applicant.
- 96P-023G-04 Deferred until 01/18/01, by applicant.
- 2000M-122U-09 Deferred indefinitely, by applicant.

#### **OTHER BUSINESS**

- 1. Fiscal Year 2002 Transportation Planning Contract with the Tennessee Department of Transportation, Deferred until 01/04/01.

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

#### **RECOGNITION OF COUNCILMEMBERS**

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

#### **ADOPTION OF CONSENT AGENDA**

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

## SUBDIVISION PROPOSALS

### **99S-242G-06**

DMW Subdivision (formerly Lacap Subdivision)  
Map 142, Parcel 18  
Subarea 6 (1996)  
District 23 (Bogen)

A request for final plat approval to subdivide one parcel into four lots abutting the northeast margin of Hicks Road, approximately 200 feet north of Still Springs Hollow Drive (3.62 acres), classified within the R20 District, requested by Macario and Remedios Lacap, owners/developers, Chapdelaine and Associates, surveyor. (Deferred indefinitely from meeting of 7/8/99).

### **Resolution No. 2000-844**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-242G, is **APPROVED SUBJECT TO A BOND OF \$30,000.00 (7-0).”**

### **99S-437U-13**

Watersview  
Map 136, Parcel 53  
Subarea 13 (1996)  
District 27 (Sontany)

A request for final plat approval to create 32 lots abutting the east margin of Bell Road and the west terminus of Watersview Drive (9.8 acres), classified within the R10 District, requested by Jack Williams, owner/developer, MEC, Inc., surveyor.

### **Resolution No. 2000-845**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-437U-13, is **APPROVED SUBJECT TO A BOND OF \$217,000.00 (7-0).”**

### **2000S-189U-10**

Tennessee Teachers Credit Union  
Map 105-6, Parcels 144, 146, 147 and 148  
Subarea 10 (1994)  
District 17 (Greer)

A request for final plat approval to consolidate seven lots and a portion of a closed alley into one lot abutting the west margin of 8<sup>th</sup> Avenue South between Hamilton Avenue and Lynwood Avenue (1.55 acres), classified within the CS and OR20 districts, requested by Gresham-Smith and Partners, for Tennessee Teachers Credit Union, owner/developer.

### **Resolution No. 2000-846**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-189U-11, is **APPROVED (7-0).”**

### **2000S-331G-12**

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

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

**Resolution No. 2000-847**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-331G-12, is **APPROVED SUBJECT TO A BOND OF \$652,500.00 (7-0).”**

**2000S-379G-06**

Boone Trace at Biltmore, Section 7  
Map 126, Parcel 139  
Subarea 6 (1996)  
District 23 (Bogen)

A request for final plat approval to create 25 lots abutting the southeast terminus of Settler's Way, approximately 100 feet east of Daniel Trace (7.83 acres), classified within the RS20 Residential Planned Unit Development District, requested by Tennessee Contractors, Inc., 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-379G-06, is **APPROVED SUBJECT TO A BOND OF \$240,500.00 (7-0).”**

**2000S-382G-12**

Windyhill, Resubdivision of Lot 15  
(formerly Old Smyrna Estates)  
Map 172-13-B, Parcel 15  
Subarea 12 (1997)  
District 32 (Jenkins)

A request for final plat approval to subdivide one lot into two lots abutting the south margin of Windyhill Court and the north margin of Old Smyrna Road (.80 acres), classified within the RS20 District, requested by McEwen Development, LLC, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

**Resolution No. 2000-849**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-382G-12, is **APPROVED SUBJECT TO A BOND OF \$12,800.00 (7-0).”**

**2000S-386G-14**

River Glen, Phase 4, Section 3  
(Horizontal Property Regime)  
Map 52, Part of Parcel 2  
Subarea 14 (1996)  
District 15 (Loring)

A request for final plat approval to create 24 units abutting the northeast terminus of Penn Meade Way, approximately 517 feet northeast of Benay Road (3.99 acres), classified within the RS10 Residential Planned Unit Development District, requested by Julius Doochin, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

**Resolution No. 2000-850**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-386G-14, is **APPROVED SUBJECT TO A BOND OF \$177,500.00 (7-0).”**

**2000S-387G-13**  
Meadow Woods, Section 4  
Map 164, Part of Parcel 145  
Subarea 13 (1996)  
District 29 (Holloway)

A request for final plat approval to create 32 lots abutting the northwest margin of Old Hickory Boulevard, approximately 500 feet west of Post Oak Drive (9.88 acres), classified within the RS10 District, requested by Jerry Butler Builders, owner/developer, MEC, Inc., surveyor.

**Resolution No. 2000-851**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-387G-13, is **APPROVED SUBJECT TO A BOND OF \$192,500.00 (7-0).”**

**2000S-388G-13**  
Meadow Woods, Section 5  
Map 164, Part of Parcel 145  
Subarea 13 (1996)  
District 29 (Holloway)

A request for final plat approval to create 20 lots abutting the south terminus of Post Oak Drive, approximately 130 feet south of Laurel Oak Drive (6.06 acres), classified within the RS10 District, requested by Jerry Butler Builders, owner/developer, MEC, Inc., surveyor.

**Resolution No. 2000-852**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-388G-13, is **APPROVED SUBJECT TO A BOND OF \$160,000.00 (7-0).”**

**2000S-389G-02**  
Kemper Heights, Section 1, Resubdivision of Lot 122  
Map 41-12, Parcels 78, 114 and 132  
Subarea 2 (1995)  
District 3 (Nollner)

A request for final plat approval to subdivide one lot into 3 lots abutting the northeast corner of Westchester Drive and Dickerson Road (1.04 acres), classified within the CS District, requested by Erminia S. Coarsey, trustee, owner/developer, Ragan-Smith Associates, Inc., surveyor.

**Resolution No. 2000-853**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-389G-02, is **APPROVED (7-0).”**

**ZONE CHANGE AND PUD PROPOSALS**

**Zone Change Proposal No. 2000Z-031T**  
Council Bill BL2000-560  
Zoning Fees

This council bill amends Sections 17.40.750 (Fees established by the zoning administrator) 17.40.760 (Fees Established by the Planning Commission), and 17.40.770 (Fees Established by the Board of Zoning Appeals) by clarifying that the Zoning Administrator, Metro Planning Commission, Board of Zoning Appeals develops fees for the Metro Council's consideration and approval; clarifies a fee is required for zoning text amendments; and adds a fee for renotification of a project's public hearing before the Planning Commission or Metro Council, proposed by Planning Department staff.

**Resolution No. 2000-854**

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

This clarifies that the Metropolitan Planning Commission, Board of Zoning Appeals, and Zoning Administration may develop fees for the Metro Council's consideration and approval

**Zone Change Proposal No. 2000Z-032T**  
Council Bill BL2000-560  
Mobile Storage Unit

This council bill proposes to amend Section 17.04.060 (Definitions of general terms), 17.08.030 (District land use tables: Commercial Uses), and 17.16.070 (Uses permitted with conditions: Commercial Uses) to create a new land use called "Mobile Storage Unit" to be permitted with conditions in commercial, shopping center, and industrial zoning districts, proposed by Planning Department and Codes Department staff.

**Resolution No. 2000-855**

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

**These units have become popular in the retail, commercial, and construction trade to store excess inventory, equipment, layaway items, records, and seasonal merchandise. This text amendment accommodates the demand for these types of units while also addressing compatibility with surrounding land uses. The proposed amendment permits the units on-site for no more than 90 days and permits no retail or commercial advertising on them."**

**Zone Change Proposal No. 2000Z-036T**  
Council Bill BL2000-559  
Community Services Facility

This council bill applies to Sections 17.04.060 (Definitions of General Terms), 17.08.030 (District Land Use Tables: Institutional Uses), 17.16.035 (Institutional Uses Permitted with Conditions), 17.16.170 (Institutional Special Exceptions), and 17.20.030 (parking requirements) of the Zoning Ordinance to create a new land use called "Community Services Facility" as a SE (special exception use) in the AR2a, all RS district, all R districts, MHP, and I districts, as a PC (permitted with conditions use) in the MUL, MUG, MUI, OL, OG, OR20, OR40, CL, CS, and SCC districts, and as a P (permitted use) in the MUI, CA, CF, CC, and SCR districts, requested by St. Luke's Community House and Planning Department staff.

**Resolution No. 2000-856**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-036T is **APPROVED (7-0)**:

**The proposed standards of this text amendment will ensure compatibility with surrounding residential areas and will allow the provision of essential neighborhood services to surrounding residential areas."**

**Zone Change Proposal No. 2000Z-037T**  
Council Bill BL2000-559  
Historic Bed & Breakfast Homestay  
Rural Bed & Breakfast Homestay

This council bill amends Section 17.16.160 (Residential Special Exceptions) of the Zoning Ordinance to require that Historic Bed and Breakfast Homestay and Rural Bed and Breakfast Homestay be occupied by the property owner, proposed by Planning Department and Codes Department staff.

**Resolution No. 2000-857**

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

**This provision to require owner-occupied dwellings was inadvertently omitted from the new Zoning Ordinance when it was adopted in January 1998."**

**2000Z-152U-14**  
Map 86, Parcel 148  
Subarea 14 (1996)  
District 12 (Ponder)

A request to change from RS15 to RM9 district property at 3911 Dodson Chapel Road, abutting the north margin of Brook Mills Circle (5.10 acres), requested by John Stone, appellant, for Lisa H. Stone et vir, owners.

**Resolution No. 2000-858**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-152U-14 is **APPROVED (7-0)**:

**This property falls within the Subarea 14 Plan's Residential Medium High (RMH) policy calling for a density of 9 to 20 units per acre. The RM9 district is consistent with that policy and provides a transition from the single-family development across the street to the higher density multi-family developments to the south and east."**

**114-84-G-06**  
Council Bill No. BL2000-547  
Maddox Townhomes  
Map 128-7-A, Parcels 14-18  
Subarea 6 (1996)  
District 23 (Bogen)

A council bill to amend a portion of the preliminary plan of the Residential Planned Unit Development District located abutting the western terminus of Ridgelake Parkway, east of Sawyer Brown Boad, classified R10 and RM4 (25.78 acres), to permit the development of 60 townhomes replacing 118 multi-family units on the approved plan, and to abandon 1,470 feet of the existing unimproved right-of-way of Ridgelake Parkway, requested by Walter H. Davidson and Associates for New Hope Associates, LLC, owner.

**Resolution No. 2000-859**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 114-84-G-06 is given **CONDITIONAL APPROVAL FOR A PUD AMENDMENT (7-0)**. The following conditions apply:

1. Approval of the amended PUD plan by the Metropolitan Council.
2. Prior to the issuance of any building permits, a final plat shall be recorded combining parcels 14, 15, 16, 17, and 18 on Tax Map 128-07-A, and showing the abandonment of the 1,470 foot long portion of unbuilt Ridgelake Parkway right-of-way. This plat shall include any bonds necessary for public improvements associated with this phase. This plat shall be signed by the property owner(s) of the Ridgelake Apartment development to abandon the dedicated right-of-way for Ridgelake Parkway running through the existing Ridgelake Apartments (1,550 feet). A total of 3,020 feet shall be abandoned.
3. In conjunction with the submittal of a revised final plat to abandon the existing Ridgelake Parkway right-of-way, as outlined in condition #2 above, a request to cancel the \$206,500 bond being held by the Planning Commission since 1986 for improvement to this same 1,550 feet of Ridgelake Parkway from Old Hickory Boulevard through the existing Ridgelake Apartment Complex, shall be submitted to the Planning Commission staff for bond release.
4. 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.”

**2000UD-002U-10**

Educators Credit Union  
Map 104-8, Parcels 95-98 and 100  
Subarea 10 (1994)  
District 18 (Hausser)

A request for approval of final construction plans for modifications and minor additions to an existing 32,000 square foot four-story office building located at the intersection of 21<sup>st</sup> Avenue north and Blakemore Avenue (1.32 acres), classified in the MUN zoning district and the Hillsboro Village urban design overlay district, requested by HBE Corporation, appellant, for Educators Credit Union, owner.

**Resolution No. 2000-860**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2000UD-002U-10 is **APPROVED SUBJECT TO A REVISED PLAN INCORPORATING THE PARKING REDUCTION IN THE URBAN ZONING OVERLAY DISTRICT (7-0)**.”

**MANDATORY REFERRALS**

**2000M-134U-11**

Closure of Alley #1880  
Map 119-5, Parcels 358 and 359  
Subarea 11 (1999)  
District 16 (McClendon)

A request to close **unbuilt** alley #1880 from Whitsett Road north to its terminus at alley #1878, requested by H. A. McClaron, Trustee for Patterson Memorial United Methodist Church, appellant and abutting property owner. (Easements are to be abandoned).



**Resolution No. 2000-861**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-134U-11."

**2000M-141G-02**  
Brick Church Pike Easement  
Map 41, Parcel 3  
Map 32, Parcel 180  
Subarea 2 (1995)  
District 10 (Balthrop)

A request to close Brick Church Pike from Old Hickory Boulevard to its terminus at the newly relocated portion of Brick Church Pike (approximately 785 feet north of Old Hickory Boulevard), requested by Randall Dunn Interim Director for the Department of Public Works. **(Easements are to be abandoned).**

**Resolution No. 2000-862**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-141G-02."

**2000M-142G-12**  
Mt. Pisgah Road Property Acquisition  
Map 172, Parcels 41, 42, 62, 63, 173, 174 and 199  
Subarea 12 (1997)  
District 31 (Knoch)

A request to authorize the acquisition of property by negotiation or condemnation to accommodate the construction of a new elementary school and a new middle school, located on Mt. Pisgah Road and classified within the RS15 and AR2a districts on 29.05 acres, requested by the Public Property Administration.

**Resolution No. 2000-863**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-142G-12."

**2000M-143G-12**  
Oak Highlands Off-Site Sewer Easement Acquisition  
Map 173, Parcel 51  
Subarea 12 (1997)  
District 31 (Knoch)

A request for a 20' public utility and drainage easement and a 10' temporary construction easement to accommodate the extension of a sewer line (approximately 430 feet in length), located on Blue Hole Road south of I-24, classified within the AR2a district on 5.01 acres, requested by the Department of Water Services.

**Resolution No. 2000-864**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-143G-12."

**2000M-144U-10**  
12<sup>th</sup> Avenue South Property Acquisition  
Map 118-01 Parcels 101, 111 and 127  
Subarea 10 (1994)  
District 17 (Greer)

A request to acquire portions of three parcels of property to extend the M.D.H.A. project for urban renewal, located on 12<sup>th</sup> Avenues South between Caruthers Avenue and Halcyon Avenues, classified within the CS district on 1.01 acres, requested by the Department of Public Works.

**Resolution No. 2000-865**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-144U-10."

**2000M-145U-11**  
Council Bill No. BL2000-562  
Robertson Street Property Sale  
Map 93-16, Parcels 425  
Subarea 11 (1999)  
District 19 (Wallace)

A council bill to sell a piece of property located at 79 Robertson Street, classified within the R6 district on .11 acres, requested by the Public Property Administration for Metro Government, owner.

**Resolution No. 2000-866**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-145U-11."

**2000M-146U-00**  
Council Bill BL2000-526  
Adopt Official Street & Alley Map

A council bill to adopt the Official Street and Alley Map in accordance with Metro Code of Laws, Section 13.08.010 for all streets and roads which have been accepted for the period of October 1, 1999 through September 30, 2000.

**Resolution No. 2000-867**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-146U-00."

**2000M-149U-10**  
Aerial Encroachment for Educators Credit Union  
Map 104-8, Parcels 95-98 and 100  
Subarea 10 (1994)  
District 18 (Hausser)

A request to encroach 4'0" at a height of 55'0" above the public sidewalk with two architectural turrets at the top of the Educators Credit Union building one facing Blakemore Avenue and one facing 21st Avenue South, and to encroach 3'9" with a building canopy at a height of 10'0" above the sidewalk for a length of 25' along 21st Avenue South, requested by Hank Flury, President of Educators Credit Union, appellant/owner.

**Resolution No. 2000-868**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-149U-10."

**2000M-152G-04**  
Right-of-Way Property Sale  
Map 51, Part of Parcel 166  
Subarea 4 (1998)  
District 4 (Majors)

A request authorizing the sale of certain property located east of I-65 and south of Due West Avenue, to the State of Tennessee in conjunction with the construction of Project No. 19012-2152-44, classified within the R10 district on 1.02 acres, requested by the Public Property Administration.

**Resolution No. 2000-869**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-152G-04."

This concluded the items on the consent agenda.

**PUBLIC HEARING: AMENDMENT TO SUBDIVISION REGULATIONS**

A request to amend Section 2-6 (Streets and Pedestrian Ways) to modify sidewalk requirements; Section 2-7 (Requirements for Dedication, Reservations, or Improvements) to adopt an Open Space Conservation Easement for greenways; and Section 2-4 (Lot Requirements), to reduce the required lot street frontage.

Ms. McAbee-Cummings presented the proposed changes to the Subdivision Regulations regarding the following:

1. Requiring sidewalks on both sides of the streets when permissible.
2. Greenway trails and connections. There is no requirement for the developer to build a Greenways trail, but only to provide an easement for Metro.
3. Eliminating the required 50 feet of road frontage for lots.

Mr. David McGowan, representing the Middle Tennessee Homebuilders Association, expressed concerns regarding the requirement for sidewalks on both sides of roads, and that he was happy to see the lot frontage requirement change.

Mr. Davis Lamb, real estate developer, spoke regarding Section 2-6, which pertains to the sidewalks, and stated the biggest challenge with putting sidewalks on both sides of the street is not an economic decision. It is more of a matter of topography that is particularly challenging on the remaining parcels of land available for development in Nashville.

Mr. McGowan stated that in regards to Greenways, a lot of times when we develop a community in Nashville there is topography we cannot develop because the terrain is too steep. In Fredericksburg, we had a very large slope difference between 2 parcels of land and where we left all the trees in a natural state. Also, in Cotton Court, we installed a walkway, green trail/green belt down in an area considered a floodway. In essence to require us to start at the floodway and move back 75 feet, would take a lot of developable land. We are asking you to look at the overall floodway in relation to how wide that floodway is and does it make sense to start at the corner of the floodway and then move back in 75 feet. It could possibly the 75 feet be inside the floodway itself in land that would be dedicated as a greenbelt.

Mr. Mike Anderson asked that if the sidewalk issue was approved today at what point in time does it become effective with regards to existing subdivisions.

Mr. Bernhardt stated subdivisions approved prior to the adoption of this amendment would not apply, but any preliminary plat filed after January 1, 2001, would be subject to change. Any final plat that is consistent with the preliminary plat filed would have until January 1, 2003. If the preliminary plat that is amended the change would pertain to them. If you have multi-phase development for which at least one phase was approved by the Planning Commission prior to January 1, 2001, compliance of future phases, with these amendments, shall be required at the discretion of the Planning Commission.

Mr. Gene Teselle expressed concerns regarding city neighborhoods with small lot zoning and them being cramped too closely and urged the Commission not to ease this requirement for city and midtown neighborhoods.

Mr. John Stern, president of the Nashville Neighborhood Alliance, stated the intent of many Nashvillians are very focused on increasing the livability of our neighborhoods. Sidewalks are extremely important to Nashvillians because they believe that it does make a more friendly, safer and ultimately a more livable community.

Mr. Harold Delk stated that in regards to the Greenways, the presentation you were given informed you that the floodway limits were generally at the top of the bank, but the floodway is a long way from being at the top of the bank. This should be looked at again to determine what kind of a land mass we are talking about and what kind of land mass you need to accomplish what you are trying to accomplish for Greenways.

Ms. Nielson moved and Ms. Oglesby seconded the motion, which carried unanimously, to close the public hearing.

Ms. Nielson stated she felt this was a good start, but that the Commission needs to take into consideration some of the concerns referred to and look at them a little closer, especially the Greenways.

Mr. Bernhardt stated staff understood the floodway doesn't necessarily start at the bank. What is being proposed is a recognition that in order to have an effective Greenways program you need a minimum of 75 feet from the floodway.

Ms. Oglesby stated she supported having sidewalks on both sides of the street and was uncomfortable proceeding with approving this today in light of the words Rick just spoke to on the Greenways.

Ms. Jones stated she felt this proposal needed to go forward and that the Commission will have a chance to look at it again as an ongoing process.

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

**Resolution No. 2000-870**

"Be it resolved by the Metropolitan Planning Commission that it approves the amendments to the Subdivision Regulations that incorporate the following changes, as shown in quotation marks:

Page number 3

paragraph numbers 1-8

*Effective date of amendments*  
*Add the following paragraph:*

"Subdivisions approved prior to Adoption of Amendments on December 7, 2000 - The effective date of the Subdivision Regulations as amended shall be January 1, 2001. Any new or revised preliminary plat

submitted after January 1, 2001 and any final plat consistent with the approved preliminary plat submitted after January 1, 2003, shall comply with the Subdivision Regulations as amended on December 7, 2000. For multi-phase developments in which at least one phase was approved by the Planning Commission prior to January 1, 2001, compliance of future phases with these amendments shall be required at the discretion of the Planning Commission. In determining compliance, the Planning Commission will evaluate the location of the phase and the appropriateness of the application of these requirements relative to the remaining phases or adjacent properties."

Page number 8

paragraph numbers 2-4.2 A

*Lot Frontage*

*Delete the following paragraph:*

"Lots shall have a minimum public street frontage of fifty (50) feet or thirty-five (35) feet along the terminus of a cul-de-sac. This provision will not apply within planned unit developments where the platted lot shape and dimensions shall be in accordance with the approved Final Planned Unit Development plan."

*And replace it with the following paragraph:*

"Each lot shall have frontage on a public street to enable vehicular access to be provided. Flag lots generally shall not be permitted. In the event the Planning Commission finds that due to unusual topographic conditions, direct lot frontage on a street is precluded, it may recommend a waiver."

Page number 10

paragraph numbers 2-4.5

*Relationship to Watercourses*

*Add the following:*

"Except as noted in section 2-7.5, Open Space Conservation Easements,"

Page number 13-14

paragraph numbers 2-6.1 A

*Pedestrian Ways*

*Delete the following:*

Sidewalks shall be required in all subdivision except those proposed within "industrial zones and" ...

"Residential subdivisions proposed to accommodate housing affordable to families of less than median income, and in which the cost for infrastructure development is paid principally by public funds, shall be exempt from these sidewalk requirements. Sidewalks shall be required on one side of a street, except that along arterial routes sidewalks shall be required on both sides."

"Transition of sidewalks from one side of a street to another will be permitted when topography makes continuation along the same side of the street impractical. Transitions shall be made only at street intersections. In residential zones, sidewalks will not be required on permanent dead-end streets less than 300 feet in length."

*Add the following:*

Sidewalks shall be required "on both sides of the street"

"In cluster lot developments, sidewalks shall be required on both sides of the street when the minimum lot size is less than 20,000 square feet."

"The Planning Commission may grant a variance to Section 2-6.1 to require a sidewalk on only one side of the street, subject to design review by Metropolitan Planning Commission staff, in cases where the proposed sidewalk and landscaped strip cross section area is located on land with a cross-slope greater than 9%, and the applicant has demonstrated to the Planning Commission that construction of sidewalks on both sides of the street would create a hazardous condition or is impracticable."

Page number 26 paragraph numbers 2-7

*Requirements for Dedication, Reservations, or Improvements*  
*Add the following:*

Where a proposed subdivision adjoins or encompasses either "a Greenway Corridor shown on the Countywide Greenways Plan or Countywide Parks Master Plan," a substandard street, or a route depicted upon the Major Street Plan or Collector Plan to be opened, widened or realigned, then the following shall apply.

Page number 27 paragraph numbers 2-7.5

*Open Space Conservation Easements*  
*Add the following:*

"Open Space Conservation Easements - Open Space Conservation easements shall be required in subdivisions contiguous to greenways as indicated on the Countywide Greenways Plan or the Countywide Parks Master Plan. The location and size of the easement shall be recommended by the Metropolitan Greenways Commission.

The conservation easement shall be a minimum of 25 feet wide in areas where the primary function of the greenway is as an urban transportation connector.

In areas where the greenway is intended to protect the natural environment of and public access to the major waterways in Davidson County, and serve the multifunctional roles of recreation, transportation, and habitat protection, the minimum width shall be 75 feet, measured from the edge of the floodway. In cases where the maximum cross-slope of the land included in the easement is greater than 15%, the easement width shall be extended to include an area at least 25 feet in width where a cross-slope of 15% or less exists, to enable an ADA accessible trail acceptable to the Greenways Commission Director to be constructed. In cases, such as those where the entire site has steep slopes, and the Planning Commission determines that this proves a hardship to the property owner, a review for alternative routes will be granted.

Paths, when constructed, shall be built to meet the specifications of the Metropolitan Greenways Commission and the Metropolitan Greenways Design Standards for Nashville and Davidson County.

A note shall be placed on the face of the plat that states "except as authorized by approved construction plans, no grading, cutting of trees, or disturbance of natural features shall be performed within this easement." The note shall be referenced by arrow or number to the Open Space Conservation easement location.

Any easement area may be used to calculate minimum lot areas for compliance with zoning requirements."

## SUBDIVISION PROPOSALS

### **2000S-395U-10 (Public Hearing)**

Cedar Lane Subdivision  
Map 118-1, Parcel 96  
Subarea 10 (1994)  
District 17 (Greer)

A request for preliminary plan approval to resubdivide two lots into three lots abutting the northwest corner of Cedar Lane and 12th Avenue South (.78 acres), classified within the R8 District, requested by Marjorie Gleaves and Marion H. Stone, owners/developers, Littlejohn Engineering Associates, Inc., surveyor.

Mr. Stuncard stated staff is recommending approval of this plan. These lots are configured similar to those along Cedar Lane. Access will be provided via a private driveway access easement, which will run from Cedar Lane along the rear of the property. Staff has received a letter from Councilmember Ronnie Greer requesting deferral pending submittal of information to him from the applicant.

Mr. Nathan Montgomery, developer, stated the letter from Councilmember Greer was a surprise to him because he had spoken with him on November 29<sup>th</sup> and had met with him on December 1<sup>st</sup> right before he left for Boston.

Mr. Eddie Montgomery stated it was the property owner's desire to close as quickly as possible because of her financial needs. The contract is contingent upon this preliminary approval.

Ms. Paula Holly, adjacent property owner, stated she had been given no information regarding the plans and supported the deferral.

Mr. Glen Asher, adjacent property owner, stated he had met with the Montgomery's and had seen the preliminary plan, but was not aware the alleys were going to connect. He stated he was opposed to entering on Cedar Lane because of the grade. He requested the landscaping be in place before construction began.

Ms. Carolyn Tate stated she felt there were too many issues outstanding and expressed concerns about making the sidewalk ADA compliant because of the grade of the street.

Vice Chairman Small stated it might be appropriate to consider deferring this to allow Mr. Montgomery to have the chance to meet with the neighborhood as well as Councilmember Greer.

Ms. Jones stated this is a preliminary, not a zoning change, and that she did not understand why the Commission couldn't make the move to let them go ahead with the process, which is all they are asking for in a preliminary.

Ms. Nielson stated that the Councilmember had asked for the opportunity to work with the neighbors.

Ms. Warren stated that she didn't understand why more neighbors were not aware of this public hearing because the notices were sent over a week in advance.

Ms. Jones stated she didn't feel it was the Commission's job to hold up the process because the Councilmember is out of town. He's met all the regulations and staff has preliminary approved it.

Mr. Manier moved and Ms. Nielson seconded the motion, which carried with Mr. Cochran and Ms. Jones in opposition, to leave the public hearing open and defer this matter until January 4, 2001.

## **ZONE CHANGE AND PUD PROPOSALS**

### **Zone Change Proposal No. 2000Z-027T**

Council Bill BL2000-559

Service Organization Club/Lodge

This council bill amends Sections 17.04.060 (Definition of general terms), 17.08.030 (District Land Use Tables: Educational Uses), 17.16.035 (Institutional Uses Permitted with Conditions), 17.16.170 (Institutional Special Exception Uses), and 17.20.030 (Parking Requirements) of the Zoning Ordinance by allowing "service organization club/lodge" as a SE (special exception use) in the AR2a, all RS districts, all R districts, MHP, and I districts, as a PC (permitted with conditions use) in the CN, MUN, and SCN districts, and as a P (permitted use) in the MUL, MUG, MUI, OL, OG, OR20, OR40, CL, CS, CA, CF, CC, SCC, and SCR districts, requested by James Calvin Green of Buena Vista Masonic Lodge #639.

Ms. Regen stated this is a request received from the Masonic Lodge at Old Hickory Boulevard and Clarksville Pike, in Councilmember Gilmore's district. The request is to allow Service Organization Club/Lodges in residential districts. This is was a type of use that was previously allowed in the old Zoning Code. This use was removed in 1998 believing these sort of uses would be more appropriate in commercial districts.

Mr. Calvin Green, representing the Masonic Lodge, spoke in favor of the proposal and explained their problem and plan.

Ms. Nielson stated she could see the intent, but didn't see that it fit into the residential areas.

Ms. Warren stated that up until 1998 they did fit in and then all of a sudden we deemed them not acceptable. The churches in residential areas cause more traffic and have more functions then these.

Ms. Oglesby stated this is not site specific, and would allow this to change forever. Yes, up until 1998 it was allowed, but that doesn't necessarily mean it was right, and at this point she would vote to disapprove.

Mr. Cochran stated he felt the Commission should look at the neighborhood.

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

### **Resolution No. 2000-871**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-027T is **DISAPPROVED (6-1)**:

**These types of facilities are not appropriate in residential areas. Since these facilities generate large social gatherings, their locations should be restricted to the intersection of two collector/arterial streets and away from residential areas to minimize the traffic and noise impacts on surrounding residential properties."**

### **Zone Change Proposal No. 2000Z-035T**

Council Bill BL2000-559

Community Education Uses

This council bill amends Section 17.16.040 (Education Uses Permitted with Conditions) of the Zoning Ordinance by modifying the conditions required for community education uses (elementary, middle, and high school), proposed by Planning Department staff.

Mr. Sewell stated this amendment offers site location criteria, will eliminate the site size requirements and will also require a site plan review by the Planning Commission, who will establish standards for



landscaping, playgrounds, athletic fields and lighting. This is in conjunction with 2000Z-039T; Final Site Plan Review Requirements that has specific guidelines and standards that will insure compatibility to the surrounding areas in future.

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

**Resolution No. 2000-872**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-035T is **APPROVED (6-0)**:

**The text amendment eliminates minimum campus size requirements, utilizes building setback requirements of the base zoning district, adjusts the street standard required to allow the location of high schools on collector streets, and adds site plan review by the Metropolitan Planning Commission as a condition under uses permitted with conditions for community education. This text amendment is appropriate to encourage walking and biking to schools, thereby decreasing traffic congestion around schools. The reduced site size proposed in the text amendment also allows new schools in suburban locations to be built on smaller sites."**

**Zone Change Proposal No. 2000Z-038T**  
Council Bill BL2000-560  
Boarding House & Hotel/Motel

This council bill amends Sections 17.04.060 (Definitions of General Terms) of the Zoning Ordinance to modify the definition of "boarding house" and add a definition for "hotel/motel" use, proposed by Planning Department and Codes Department staff.

Ms. Regen stated staff is recommending approval with one modification that came from discussions with Legal Counsel and the Codes Department. That is to remove on boarding house - "no more than 6 months".

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

**Resolution No. 2000-873**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-038T is **APPROVED (7-0) with revision to time period**:

**It is appropriate to protect residential neighborhoods by preventing single-family homes and duplexes from being used as boarding houses and extended stay motels."**

**Zone Change Proposal No. 2000Z-039T**  
Council Bill BL2000-560  
Final Site Plan Review

This council bill amends Sections 17.40.170.B (Final Site Plan: Final Approval by the Planning Commission) in its entirety and provides more specific guidelines and standards to ensure certain uses (e.g. Community Services Facility and Community Education) and projects within Planned Unit Developments (PUDS), and overlay districts are compatible with surrounding properties, proposed by Planning Department staff.

Ms. Regen stated this amendment improves the standards that are currently in the Zoning Code. At the present time we don't have information regarding final site plan review by the Planning Commission. Items such as Service Organizations, Club/Lodge, Community Service Facilities and Community Education Uses

would come back before the Planning Commission for final site plan review and approval. This would allow the Commission to place conditions of approval on the project to deal with operating characteristics.

Ms. Jones stated the Commission should have more information and more time to think about these things that make such significant changes.

Ms. Nielson stated she would like to discuss things like this at one meeting and then vote on it at the next meeting.

Mr. Manier stated he had the same concerns but much of this originated with this Commission so they should receive the information, have discussion and then vote.

Ms. Nielson moved and Ms. Oglesby seconded the motion, which carried with Ms. Jones and Mr. Cochran abstaining, to approve the following resolution:

**Resolution No. 2000-874**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-039T is **APPROVED as amended (5-0-2)**:

**The proposed language provides more specific guidelines and standards to ensure uses are compatible with surrounding properties."**

**2000Z-006G-02**  
Council Bill No. BL2000-558  
Map 51, Parcel 15  
Subarea 2 (1995)  
District 3 (Nollner)

A council bill to rezone from RS10 district to RM15 district property at 732 Due West Avenue North, abutting the west margin of Interstate 65 (13.81 acres), requested by Judy Beasley of the Freeman Webb Company, appellant, for Freeman Florida Venture Ltd., owner.

Ms. Regen stated that in January of this year the Commission considered a zone change on adjacent property. The applicant had applied for this rezoning wanting to take it from single family residential to multi-family in recognition of the uses that have been there since prior to 1974. In case there was a fire or tornado they would be able to build back 100%. Staff at that time, as now, are recommending disapproval of this rezoning because the property falls within a residential low-medium policy.

Ms. Warren asked if this was brought up because of insurance reasons.

Ms. Regen stated that was correct.

Ms. Warren stated the staff recommended disapproval of this earlier, the Commission approved it and asked what happened to it and why it was back.

Ms. Regen stated Council deferred it indefinitely because some residents came out in opposition.

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

**Resolution No. 2000-875**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-006G-02 is **APPROVED (6-1)**:

**The RM15 district is appropriate to recognize the existing apartments on these properties which already exist at medium-high densities (14.9 units per acre). The remaining properties in this area fall within a Residential Medium (RM) policy calling for 4 to 9 units per acre."**

**2000Z-126G-12**

Council Bill No. BL2000-532

Map 188, Parcels 8, 13 and Part of Parcel 5

Subarea 12 (1997)

District 31 (Knoch)

A council bill to rezone from AR2a to RS15 district a portion of property at 7107 Carothers Road, 7211 Carothers Road, and Carothers Road (unnumbered), approximately 1,000 feet east of Battle Road (135.0 acres), requested by Mike Anderson, appellant, for Phillips Builders, Inc., optionee and R. E. Carothers, owner. (Deferred from meetings of 10/26/00 and 11/9/00).

Ms. Regen stated this area, in the subarea plan, falls within residential low-medium policy. This resembles the "leap frogging" effect because the infrastructure is not available. In this case, sewer is available from Lavergne. Traffic is also an issue because of the substandard road system.

Mr. Manier stated this is a classic example of sprawl. There are no schools, inferior roads, you have to extend police protection and eventually fire protection. This is not good planning.

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

**Resolution No. 2000-876**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000z-126G-12 is **DISAPPROVED (7-0)**:

**It is premature to intensify zoning in this area without a traffic impact study, necessary transportation improvement commitments, and an overall design plan for this general area. Additionally, the area road network is not sufficient to accommodate traffic generated by the introduction of RS15 zoning at this time. The Subarea 12 Plan recommends this area be developed in a contiguous pattern to promote the efficient delivery of public facilities and services. Rezoning this property to RS15 now and extending sewer service to it would not promote efficiency. Instead, the RS15 zoning will open the remainder of this intervening rural (AR2a) area within Davidson County for development, placing significant demands on infrastructure and services beyond those currently anticipated."**

**2000Z-131U-13 (Public Hearing)**

Council Bill No. BL2000-529

Map 135, Parcel 302

Subarea 13 (1996)

District 27 (Sontany)

A council bill to apply the Neighborhood Landmark Overlay District to property located at 200 Nashboro Boulevard, approximately 850 feet east of Murfreesboro Pike, zoned RM6 with a Residential Planned Unit Development Overlay District (7.33 acres), requested by Robert Amity, appellant/owner.

Ms. Regen stated this request for the Neighborhood Landmark Overlay District is for the historic house that used to sit on the Kroger property. This property falls within a residential policy area. Staff feels this house and property qualifies for the Neighborhood Landmark Overlay District because it is unique to the neighborhood. In this instance the residential zoning would not allow for commercial use of the property and by applying this NLOD the applicant will have to come back to the Commission at another public

hearing and establish what uses the applicant wants, which would be up to the Commission's discretion. Staff is recommending approval.

Mr. Bob Amity, owner, spoke in favor of the proposal.

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

**Resolution No. 2000-877**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-131U-13 is **APPROVED (7-0)**:

This property falls within the Subarea 13 Plan's Residential Medium (RM) policy calling for residential land uses between 4 and 9 units per acre. The Neighborhood Landmark Overlay District (NLOD) is consistent with this policy. By allowing the reuse of a structure within the context of the individual neighborhood, the specific needs of the community, in conjunction with those of the actual site and structure, can be accommodated through the NLD without commercial zoning. By preserving the existing home, an important element of this neighborhood's fabric will be retained."

**2000Z-146U-07**

Council Bill No. BL2000-535

Map 91-2, Parcels 266 (1.12 acres), 271 (.19 acres), 277 (.70 acres), 293 (.19 acres) and 315 (.19 acres)

Subarea 7 (00)

District 22 (Hand)

A council bill to rezone from R6 and CN districts to I district properties at 5601 New York Avenue, 5510 and 5610 California Avenue, and 1605 56th Avenue North, approximately 820 feet west of Centennial Boulevard (2.93 acres), requested by Douglas Anderson, appellant, for Saint Lukes Community House, Inc., and the Episcopal Clinic & Settlement of Nashville, owners.

Ms. Regen stated this area falls within a residential policy area with different pockets of surrounding non-conforming uses. The applicant is requesting to rezone these properties and apply an Institutional Overlay to them in order to use them for counseling. Saint Lukes has day cares and some administrative office uses in different locations in the immediate area. Staff is recommending disapproval because this overlay is intended for colleges and universities and Saint Lukes never submitted a master plan, which is one of the prerequisites for submitting for the overlay district.

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

**Resolution No. 2000-878**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-146U-07 is **DISAPPROVED (7-0)**:

**The I district was intended to be used for colleges and universities in conjunction with the IOD (institutional overlay district), which requires the submittal of a detailed master development plan showing the existing and proposed uses. It was never intended to accommodate other special exception uses such as churches, social services, or community facilities. Additionally, since no master development plan was submitted with this zone change, the application is not consistent with the intent of the I district to provide compatibility with the surrounding residential neighborhood."**

**2000Z-150U-03**  
Map 49, Parcel 263  
Subarea 3 (1998)  
District 3 (Nollner)

A request to change from R10 to IWD district property at 3401 Knight Drive, opposite Green Lane (.37 acres), requested by Jerry Smotherman, appellant, for Jerry W. and Linda Joan Smotherman, owners.

Ms. Regen stated the applicant wants to rezone this property in order to use it for light manufacturing or sheet metal work. The Commission will recall that staff had a prior rezoning for industrial use, by Charles Hawkins, as well as a large adjacent rezoning for industrial use. This may look like one piece of property and it is very small, but staff feels that to be consistent with the previous recommendations for disapproval this property should not be rezoned to industrial. This is an area where we don't have the water pressure for industrial uses and sewer is not available. Staff is recommending disapproval.

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

**Resolution No. 2000-879**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-150U-03 is **DISAPPROVED (7-0)**:

**It is premature to intensify zoning when inadequate water, sewer, and road infrastructure exists in this area. While this is a small site, allowing industrial zoning to expand in this area would prematurely implicate the properties across the street and to the north for industrial use."**

**2000Z-151U-14**  
Council Bill No. BL2000-550  
Map 95-15, Parcels 6 (1.2 acres) and 44 (2.54 acres)  
Subarea 14 (1996)  
District 15 (Loring)

A council bill to rezone from CL to CS district properties at 616 McGavock Pike and Elm Hill Pike (unnumbered), approximately 1,200 feet east of Briley Parkway (3.74 acres), requested by Robert Jenkins, appellant, for MUD Tavern Properties Limited, Inc., and Joe L. Jenkins et ux (le) et al, owners.

Ms. Regen stated the applicant wants CS zoning in order to put an auto sales lot on this property. Staff is recommending disapproval of the change based on the fact that CL zoning is the preferred zoning district and is what should be along Elm Hill Pike.

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

**Resolution No. 2000-880**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-151U-14 is **DISAPPROVED (7-0)**:

**The CL district is the preferred zoning to implement the Subarea 14 Plan's Commercial Arterial Existing (CAE) policy around the Briley Parkway/Elm Hill Pike interchange. The properties around the Elm Hill Pike/McGavock Pike intersection were rezoned from CL to CS when the county was remapped in January, 1998 in conjunction with the adoption of the new Zoning Ordinance. That district was applied to recognize the predominant development pattern in this area which includes hotels, vacant land, a gas station, restaurants, and an office park. Therefore, the CL district is the**

**preferred zoning between the Briley Parkway/Elm Hill Pike interchange and the Elm Hill Pike/McGavock Pike intersection.”**

**2000Z-153U-14**

Council Bill No. BL2000-552  
Map 62-7, Parcel 1 (.45 acres)  
Map 62-11, Parcel 32 (.62 acres)  
Subarea 14 (1996)  
District 15 (Loring)

A council bill to rezone from RS30 to RS15 district properties at 2925 Western Hills Drive and Western Hills Drive (unnumbered), approximately 170 feet north of Gaywinds Court (1.07 acres), requested by Paul Weatherford, appellant, for Joseph Virgil Clemmons et ux, owners.

Ms. Regen stated staff is recommending disapproval of this rezoning. It falls within a residential low-medium policy. The RS15 zoning would be consistent with that, but in 1990 the Commission and Council did a mass rezoning of 3,366 parcels to RS30. The boundary was Southerland Heights and these properties were not included.

Mr. Paul Weatherford spoke in favor of the proposal and stated he planned to rezone and move the property line over to balance the areas between the lots so the property would be worth something, and the owner could will the property to her son and daughter.

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

**Resolution No. 2000-881**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-153U-14 is **DISAPPROVED (7-0)**:

**The RS30 district is the preferred zoning to implement the Subarea 14 Plan's Residential Low Medium (RLM) policy calling to up to 4 units per acre. This property was rezoned to the RS30 district in 1990 as part of a large area rezoning involving 3,366 properties. The RS30 district is consistent with the predominant lot sizes within the Sutherland Heights subdivision averaging 30,000 square feet.**

**2000Z-154U-07**

Council Bill No. BL2000-530  
Map 104-1, Parcel 169  
Subarea 7 (2000)  
District 24 (Summers)

A council bill to rezone from IWD to MUL district property at 3628 Redmon Street, approximately 300 feet east of 37th Avenue North (3.44 acres), requested by Councilmember John Summers, appellant, for Clements-Niles Partnership, owner.

Ms. Regen stated the property falls within a residential medium policy within the subarea plan calling for no more than 4 to 9 units per acre. The building was constructed years ago as a 7 court indoor tennis facility, and has since then been used for warehousing. This request was originally filed by Councilmember Summers from IWD to OL, but then he amended that to MUL and introduced the bill at Council. Staff is recommending approval since industrial zoning is clearly not compatible with the residential area. Staff has a letter from Councilmember Summers requesting the Commission to act on this item today. Staff also has a letter from the homeowners group in the area supporting the rezoning.

Mr. Bob Clements, property owner, gave the history and use of the property and stated this was his property and he did not request the zone change and did not want it changed.

Ms. Warren stated she had a real problem with someone rezoning someone else's property without their consent.

Mr. Manier stated he understood this procedure was perfectly legal but ethically it is a travesty.

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

**Resolution No. 2000-882**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-154U-07 is **DISAPPROVED7-0**):

**The zone change application was filed without the property owner's knowledge or consent. The property owner disagrees with the zone change request and desires to retain the existing IWD zoning to provide for maximum flexibility for this unique warehouse location."**

**MANDATORY REFERRALS**

**2000M-148U-12**

Council Bill No. BL2000-519  
Edmondson Pike Library Lease Agreement  
Map 161, Parcels 29 and 31  
Subarea 12 (1997)  
District 32 (Jenkins)

A council bill approving a shared parking agreement between the Edmondson Pike Medical Center LLC, and The Metropolitan Government of Nashville and Davidson County, acting through the Nashville Public Library, allowing the Edmondson Pike Medical Center to use the Edmondson Pike Library parking lot and in return allowing the Edmondson Pike Library to use the Edmondson Pike Medical Center parking lot, located on Edmondson Pike and classified within the RM4 and OL districts on 10.08 acres, requested by the Public Property Administration.

Ms. Regen stated the proposed office building, which is required to have 181 parking spaces, wants to provide 133 spaces in their lot and to us an access way to use the library parking lot for a shared parking arrangement. The library has 110 spaces and is required to have 84 spaces. Staff would like to see the sidewalk extended to the library access. The lease agreement has no option that if Metro, at some point, terminates the agreement, and we can do so within 30 days, that the applicant has to remove the access way and restore the landscaping.

Ms. Jones asked of the Commission was the proper venue for this because typically if there is a shared relationship it usually goes to the Zoning Administrator.

Ms. Regen stated this shared parking agreement was approved by the Zoning Administrator, but if it is terminated the lease doesn't state what happens to them as far as building a tiered parking structure.

Mr. Bernhardt stated this is before the Commission because it is a Mandatory Referral and a lease, not because of the shared parking.

Mr. Bernhardt recommended a relocation of the sidewalk to the front of the building and also along the front of the property.

Mr. Jay West presented the plans for the office building and stated his client would agree to the sidewalk conditions and to restoring the landscaping in case of lease termination.

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

**Resolution No. 2000-883**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-148U-12 **with conditions that if the lease is terminated, the property will be restored to its present condition and relocation of sidewalks.**"

**OTHER BUSINESS:**

2. Legislative update

**ADJOURNMENT**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:45 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Minute Approval:  
This 4<sup>th</sup> day of January, 2001

