

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: August 17, 2000
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Bill Purcell
Vicki Oglesby
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

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Advance Planning & Research:

Jeff Lawrence, Planner III

Others Present:

Jim Armstrong, Public Works
Mark Macy, Public Works

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Ms. Carrington announced the following changes to the agenda:

- 2000Z-101G-14 Should be changed to include the entire parcel, which will change the acreage to 9.46.
- 97P-007U-12 Should be Parcel 44 only.
- 2000S-217G-14 Villages of Larchwood should be added as an Addendum.

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

- 2000S-129G-12 Deferred indefinitely, by applicant.
- 2000Z-089U-13 Deferred indefinitely, by applicant.
- 2000Z-091G-14 Deferred two weeks, by applicant.
- 88P-069U-12 Deferred two weeks, by applicant.
- 2000M-081U-07 Deferred indefinitely, by applicant.

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

APPROVAL OF MINUTES

Ms. Nielson moved and Mr. Small seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of August 3, 2000.

RECOGNITION OF COUNCILMEMBERS

Councilmember Arriola spoke in opposition to proposal 80-81-U-12 for a sign variance from Southern Hills Medical Center. She also stated, in regards to fiber optic cable installment, businesses and homeowners should receive notification.

ADOPTION OF CONSENT AGENDA

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

SUBDIVISION PROPOSALS

- 2000S-230G-04**
Shannon Place, Section 4
Map 43-1, Parcels 72, 87, 96, 220 and 260
Subarea 4 (1998)
District 9 (Dillard)

A request for final plat approval for 27 lots abutting the north margin of Shannon Avenue, approximately 340 feet east of Redbird Court (7.52 acres), classified within the RS7.5 District, requested by Charles E. and Carole Rhoten, owners/developers, Burns and Associates, Inc., surveyor. (Deferred from meetings of 7/20/00 and 8/3/00).

Resolution No. 2000-640

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-230G-04, is **APPROVED SUBJECT TO A BOND OF \$296,500.00 (7-0).”**

ZONE CHANGE AND PUD PROPOSALS

2000Z-100U-10
Map 92-11, Parcel 80
Subarea 10 (1994)
District 21 (Whitmore)

A request to change from R6 to OR20 district property at Clifton Avenue (unnumbered), abutting the east margin of 21st Avenue North (.18 acres), requested by Bill Lockwood, appellant, for Amercian Cancer Society Midsouth Division, Inc., owners.

Resolution No. 2000-641

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-100U-10 is **APPROVED (7-0)**:

This property falls within the Subarea 10 Plan’s Mixed Use (MU) policy calling for a mixture of residential, office, and commercial uses. The OR20 district is consistent with that policy and the non-residential zoning pattern between Clifton Avenue, Charlotte Avenue, and 21st Avenue North.”

2000Z-101G-14
Map 87, Part of Parcel 161
Subarea 14 (1996)
District 12 (Ponder)

A request to change from AR2a to RS15 district property at 921 Tulip Grove Road, abutting the terminus of Wonderland Pass (9.46 acres), requested by Arnold Cole, appellant, for Arnold A. and Alice Faye Cole, owners.

Resolution No. 2000-642

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-101G-14 is **APPROVED (7-0)**:

This property falls within the Subarea 14 Plan’s Residential Low Medium (RLM) policy calling for up to 4 units per acre. The RS15 district is consistent with that policy and the predominant zoning pattern in the area.”

2000Z-105U-03
Map 71-2, Part of Parcel 5 (.42 acres)
Map 71-2, Parcels 5.01 (1.01 acres), 5.02 (1.66 acres)
and 5.03 (1.03 acres)
Subarea 3 (1998)

District 2 (Black)

A request to change from R8 to IWD district properties at Brick Church Pike (unnumbered), opposite Brooklyn Avenue (4.2 acres), requested by Tommy Pierce, appellant, for Norma L. and Clara Mae Belt, owners.

Resolution No. 2000-643

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-105U-03 is **APPROVED (7-0)**:

These properties fall within the Subarea 3 Plan's Industrial (IND) policy calling for wholesaling, warehousing, and bulk distribution uses. The IWD district is consistent with that policy and is also appropriate for parcel 6 to the south, which is across from the existing IWD zoning on parcels 136 and 137. The area to the south falls within Commercial Mixed Concentration (CMC) policy around the I-65/Brick Church Pike interchange, calling for commercial, office, and higher density residential uses."

98-73-G-02

Hickory Hills (XME Medical, Inc.)
Map 40, Parcel 221
Subarea 2 (1995)
District 10 (Balthrop)

A request for final approval for a portion of the Commercial (General) Planned Unit Development District located abutting the west margin of Hickory Hills Boulevard, north of Westcap Road, classified OR20 district (1.8 acres), to develop a 15,266 square foot medical equipment repair and maintenance building with a small office, requested by Xray Medical Electronics, for Hickory Lenders, Ltd., L.P., owner. (Deferred from meeting of 8/3/00).

Resolution No. 2000-644

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98-73-G-02 is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (7-0)**. The following condition applies:

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

46-83-U-14

Airport Center (Ameri Suites)
Map 108-1, Parcel 58
Subarea 14 (1996)
District 14 (Stanley)

A request to revise the approved final site plan for a portion of the Commercial (General) Planned Unit Development District located abutting the north margin of Royal Parkway, 420 feet east of Donelson Pike, classified CS (.01 acres), to permit a variance to signage above the roof line of the building, requested by Amer Suites, owner.

Resolution No. 2000-645

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 46-83-U-14 is given **CONDITIONAL APPROVAL (7-0)**. The following condition applies:

Approval by the Metropolitan Board of Zoning Appeals.”

7-87-P-12
Haywood Oaks
Map 148, Parcel 14
Subarea 12 (1997)
District 30 (Kerstetter)

A request to revise the approved final site plan of the Commercial (General) Planned Unit Development District located abutting the west margin of Linbar Drive and I-24, classified CS (.01 acres), to permit a variance to the location of a billboard from residential zoning and to eliminate an approved billboard location 1,750 feet southeast of the sign requesting the variance, requested by Pinnacle Media.

Resolution No. 2000-646

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 7-87-P-12 is given **CONDITIONAL APPROVAL (7-0)**. The following conditions apply:

1. Approval is subject to the applicant submitting a revised preliminary plan by Monday, August 28, 2000 eliminating the approved billboard located 1,750 feet southeast of this proposed billboard for which a variance is sought.
2. Approval by the Board of Zoning Appeals for a variance to permit this proposed billboard to be located approximately 390 feet away from any property zoned for residential use.”

88P-020G-04
The Woods of Neeley’s Bend, Phase 1
Map 53-14-A, Parcels 27 and 28
Subarea 4 (1998)
District 9 (Dillard)

A request to revise the preliminary plan and for final approval for a portion of the Residential Planned Unit Development District located abutting the northeast margin of Comanche Run, south of Nawakwa Trail, classified RS15 (.33 acres), to reduce the rear yard setback from 40 feet to 30 feet on two lots, where 20 foot rear setbacks are required by the base zoning district, requested by Bruce Rainey and Associates, for Michael R. Stokes, owner. (Also requesting final plat approval).

Resolution No. 2000-647

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-020G-04 is given **APPROVAL OF THE REVISION TO THE PRELIMINARY PLAN, CONDITIONAL FINAL APPROVAL OF A PORTION, AND FINAL PLAT APPROVAL (7-0)**. The following conditions apply

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

MANDATORY REFERRALS

2000M-083G-04

Neelys Bend Road Extension Property Acquisition
Map 51-4, Parcels 57, 58, 63, 64 and 65
Subarea 4 (1998)
District 3 (Nollner)

A request to acquire portions of four properties, two construction easements and accept one parcel being donated by Jack in the Box, Inc., to accommodate the Neelys Bend Road Extension, from Gallatin Pike to Madison Street, Project No. 99-R-6, classified within the CS District, requested by the Public Works Department.

Resolution No. 2000-648

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-083G-04."

2000M-084U-09

Council Bill No. BL2000-387
120 Third Avenue North Property Conveyance
Map 93-6-2, Parcel 37
Subarea 9 (1997)
District 19 (Wallace)

A council bill authorizing the conveyance of real property located at 120 Third Avenue North to the Metropolitan Government of Nashville and Davidson County, classified within the CC District (.30 acres), requested by MDHA.

Resolution No. 2000-649

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-084U-09."

2000M-085U-00

Council Bill No. BL2000-377
Adopt Metro Nashville and Davidson
County Property Maps

A council bill adopting the property identification maps for the Metro Government of Nashville and Davidson County which shall become the official maps for identifying real estate for tax assessment purposes.

Resolution No. 2000-650

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-085U-00."

2000M-090U-07

Close Portion of Alley #1211
Map 91-2, Parcels 266, 271, 272 and 277
Subarea 7 (2000)
District 22 (Hand)

A request to close Alley #1211 located between California Avenue, New York Avenue, 56th Avenue North and 57th Avenue North, requested by Douglas Anderson of St. Luke's Community Center for abutting property owners. (Easements are to be retained).

Resolution No. 2000-651

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-090U-07."

OTHER BUSINESS

1. Contract between Metro, City of Brentwood and Fischbach Transportation Group for the Development of a Concord Road Corridor Study.

Resolution No. 2000-652

"BE IT RESOLVED by the Metropolitan Planning Commission that it approves the Contract between Metro, City of Brentwood and Fischbach Transportation Group for the Development of a Concord Road Corridor Study."

This concluded the items on the consent agenda.

SUBDIVISION PROPOSALS

2000S-051G-14 (Public Hearing)
Rock Crest Subdivision
Map 75, Parcel 142
Subarea 14 (1996)
District 12 (Ponder)

A request for preliminary approval for 25 lots abutting the east margin of Tulip Grove Road, approximately 390 feet north of Tulip Grove Lane (10.0 acres), classified within the RS15 District, requested by Tim Grindstaff, owner/developer, Dale and Associates, surveyor.

Mr. Stuncard stated this applicant had requested a two weeks deferral to schedule a meeting with staff to discuss possible future stub locations.

There were members of the audience present to speak at the public hearing so Mr. Stuncard made a full presentation of the proposal.

This preliminary plan was approved by the Commission in February of this year. The primary difference between the approved plan and this request is in regard to a stub street that this applicant is requesting to be removed, which would require a variance to the 750 foot dead end street length and staff is not willing to support that plan.

Ms. Barbara Collins, Mr. Arnold Cole and Mr. Rex Carrigan expressed concerns regarding the types of homes to be built, water drain off and low water pressure.

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

2000S-251U-03 (Public Hearing)

Bryant Wood Trace Subdivision

Map 58, Parcel 139

Subarea 3 (1998)

District 1 (Gilmore)

A request for preliminary approval for 19 lots abutting the east margin of Homeland Drive, west of Clarksville Pike, approximately 1,290 feet south of Echo Lane (32.02 acres), classified within the RS40 District, requested by Walter and Ellen L. Bryant, Jr. et al, owners/developers, Turner Engineering, surveyor. (Deferred from meeting of 8/3/00).

Mr. Stuncard stated this has been deferred indefinitely in order to resolve pump problems with the Water Services Department.

No one was present to speak at the public hearing.

Ms. Nielson moved and Mr. Small seconded the motion, which carried unanimously, to close the public hearing and defer this matter indefinitely.

Councilmember Jim Shulman arrived late and requested to speak at this point in the agenda.

Councilmember Shulman stated there was concern in his district regarding item 2000M-082U-00, Fiber Optic Cable Franchise Agreement. There are a lot of complaints on how the lines are being buried and the mess that is being made, the notice requirements and the right- of-ways and stated it may be helpful if the Commission would defer this matter.

2000S-264G-14 (Public Hearing)

Andrew Jackson Business Park, Phase 11

Map 64-15, Parcel 13

Subarea 14 (1996)

District 11 (Brown)

A request for preliminary approval for ten lots abutting the west terminus of Jackson Meadows Drive, approximately 750 feet west of Andrew Jackson Parkway (7.13 acres), classified within the CS District, requested by Ben Doubleday, owner/developer, Dale and Associates, surveyor.

Mr. Stuncard stated this applicant has also requested a two week deferral to meet with Public Works regarding some detention boundaries they are showing.

No one was present to speak at the public hearing.

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

ADDENDUM

2000S-217G-14

Villages of Larchwood, Phase 2, Section 4

Map 108, Part of Parcel 52

Subarea 14 (1996)

District 14 (Stanley)

A request for final plat approval to create 25 lots abutting the southeast terminus of Fitzpatrick Road and the southwest terminus of Blackwood Drive (9.32 acres), classified within the R10 Residential Planned Unit Development District, requested by Hillmore Properties, owner/developer, Crawford Land Surveying, Surveyor.

Ms. Carrington stated staff is recommending conditional approval subject to admission of a revised construction plan, which extends the street to connect to the White Pine Estate Subdivision and posting a bond for construction of roadways and extension of utilities. This Planned Unit Development District was approved in April of 1999, with a street connection. This is the last section of the subdivision and the approved street plan did show the street connecting to White Pine, adjacent to the east. The White Pine street is in and the Larchwood street has been cul-de-saced. The issue on this request is that of street connections. The Larchwood PUD has come in and ended their cul-de-sac 40 feet from the property line. The PUD approval did require the connection. After this PUD was approved the White Pine Estates Subdivision adjacent was approved, their final approval came in June after the PUD was approved in April and it also had the street connection.

Mr. Phil Hill, owner/developer, stated he bought this property in 1996 and it had a preliminary PUD overlay that goes back to the 1970's. We developed 3 sections and last year we submitted our construction plan for this last section to Public Works. Public Works asked us to make a change to those plans, we have the stamped plans from Public Works. Public Works told us in a meeting, since then they notified the Planning Commission of this change to put a cul-de-sac there because of the difference in elevations and some other technical reasons. This item was on the July 6th agenda for final approval and staff asked we defer it because they had a problem with the road connection. In the mean time White Pines had been completed and their plat was on the same agenda and they got their plat approved.

Mr. Tom Ragsdale stated he had been working with Mr. Hill since he started the first phase of this project. The statements made already about the preliminary PUD being approved in 1996 is correct as the staff stated. Right after that we submitted construction plans to Public Works. We submitted those plans just like the PUD showed them, with the cul-de-sac all the way to the edge of the property. Our engineer met with Public Works and they rejected those plans. They informed us that what we needed to do was to pull the cul-de-sac back away from the end of the property, about 34-40 feet, and do a tear drop to the left. We made the appropriate changes to those plans and those plans were stamped by Public Works. We then submitted them to Water Services, the state and then came back. At that point we requested a grading permit from Public Works. They submitted a grading permit to us to grade the project just as the construction plans were approved by their staff. We commenced to do the construction and followed the procedures outlined on page 28 of the Subdivision Regulations and notifying the appropriate authorities when we went from one phase to the next. We got all the way down and paved the project just as we were told. We had our surveyor come out and stake the roadway in so we were sure we got it in the right location. At that point we submitted a final plat to the Planning Commission. That Plat shows a tear drop with a proposed extension of the road for some time in the future. That plat was rejected by the Planning Commission because it did not meet their criteria. So, we then scheduled a meeting with the staff. At that meeting, there were two representatives from the Planning Commission and a representative from Public Works. We went over the entire situation. We had a copy of the approved plans there stamped by Public Works, The statement that we received from the planning staff was that this is a collector and needs to be a through street. Our position, we reiterated the fact that it wasn't designed or built as a collector and we did what we had been told and relied on the construction plans. Our dilemma is, we took an approved, stamped set of plans from Public Works and relied on them, went out there and built it. We called the appropriate people at Public Works as we built it to insure that we were getting it right. We completed it in good faith and we feel like we have done this as we were supposed to do it and followed the procedures we have always been told to follow.

As far as the question of the connector/collector, I'd like to point out a few things to the Commission. First our road grade is approved for 10%. On page 16 of the Subdivision Regulations it says collectors can only be 8%. Furthermore, the roadway widths and right-of-ways of a collector must be 60 foot right-of-ways

with 37 feet of pavement. Our approved section is 50 foot right-of-way with 27 feet of pavement. The design criteria says a collector should 40 miles per hour and our is 30 miles per hour. We don't match anywhere any shape or form of a collector.

He asked the Commission for approval and stated they don't feel that it's their responsibility to do anymore construction than they already have.

Mr. Mike Philben, attorney, stated making this road a collector would jeopardize the welfare and safety of this neighborhood. This is the same plan that was discussed regarding the sidewalk issue. They complied with all of those requirements and no time was the street brought up. We are the victim in this circumstance.

Councilmember Stanley stated this PUD was approved by the Planning Commission in 1977. This PUD is a dinosaur and can bring nothing but nightmares to the existing Nashville area. The interaction between the Larchwood PUD and the White Pines PUD; there are concerns that should be raised regarding who should finance this connection. Should it be Villages of Larchwood that was approved back in 1977 or should it be the White Pines PUD, which was approved back in the mid 1990's. 90% of the original area for the Villages of Larchwood PUD has been completed. There are over 400 homes in this PUD already. The streets, many of which were constructed prior to 1992 when Metro forced the new private streets to meet the same standard as public streets, were constructed prior to that. He stated he was not in favor of many cut throughs from Elm Hill Pike, which is a major thoroughfare, through a residential district. When traffic backs up on the main thoroughfares it causes traffic to detour through the subdivision and I would rather see this maintained as a cul-de-sac. This is obviously a miscommunication between Public Works and the Planning Commission and perhaps this matter should be deferred until a meeting can be held between all parties involved and issues resolved.

Mr. Bernhardt stated staff would have no objection to Councilmember Stanley's suggestion to defer this and research it more.

Mr. Hill stated they had met with planning staff and with Public Works with no resolution. Their final comment was; we've got a problem, how are we going to solve it. The only way it is going to be solved is they're going to make me finish the road and connect the road that the Councilmember doesn't want and the people don't want. We built the road exactly the way it was supposed to be constructed as we were told to construct it. If we defer it again, it's already been deferred twice and we've already met with everybody that can be met with. We need to have this approved the way we constructed it and we constructed it the way they told us to.

Councilmember Ponder asked Mr. Hill if it was correct that he had met with Public Works and talked about the possibility of extending the road at Public Works expense.

Mr. Ragsdale stated he had talked with Mr. Dunn about this problem and that he was very sorry about the lack of coordination and that he wanted to make it right. I asked him if Public Works was going to build the road and he said no.

Mr. Manier stated that if a mistake is made and the public relies on that particular department then it should be made right. If Mr. Ragsdale had stamped construction plans and built accordingly than there is nothing to discuss. We don't have the right to hold the developer up indefinitely while we meet and talk.

Mr. Mark Macy, Public Works, stated he could assure the Commission there were no miscommunications between Planning and Public Works. We knew the road was supposed to go through. The Planning Commission knew the road was supposed to go through and the developer and his engineer knew the road was supposed to go through. This PUD was approved in April 1999 showing the road to go through. It was very clear. This PUD was approved April 1999 showing this road going through. The plans were approved 3 months after that. We asked for the plans to include a cul-de-sac at the end of that street because we knew we had 2 subdivisions that eventually were going to meet. This is routine business to require each of these

subdivision, not one but both of them, to include on that street a temporary cul-de-sac with the understanding that someday these streets are going to connect. We cannot run their business. We cannot dictate when things get built. That is up to the developer. We have to assume that one of these streets are going to be built before the other one. If that street is in place then it needs a cul-de-sac so the road can function for some period of time until the second developer comes on board and builds his section of the street. White Pines Subdivision was built first and there was a cul-de-sac constructed at the end of their property. Mr. Ragsdale developed his property after White Pines and built his street after White Pines and drove up there with a bulldozer and was looking right at a connecting street that he knew he had to connect to. It is common knowledge among our development community that when you come up in that situation you have to make the connection. It is very clear.

Ms. Jones asked if the elevation change between the two roads was a significant issue.

Mr. Macy stated it was only a matter of 3 to 4 feet.

Ms. Jones asked if this street would be a collector street.

Mr. Macy stated he was not prepared to talk about the collector but that he did know there were at least 2 other roads that cut through from Bell Road.

Mr. Bernhardt stated this is not intended to be a collector road and never was designed or intended to be a collector road.

Ms. Jones stated she would like to see the construction drawing.

Ms. Nielson moved and Ms. Jones seconded the motion, which carried unanimously, to defer this matter for two weeks for planning, Public Works, the Councilmember and the developer to meet.

Ms. Jones stated, by just looking at the map, the elevation difference could be 7 to 8 feet. I'm hoping they will come up with a solution that doesn't require the last guy in to tear up 20-40 feet of the new subdivision to make his connection work because he is the last one. I think that's wrong too. I would encourage them to come up with a solution that would connect these roads without making a lot of damage and extraneous costs or inconvenience to the other subdivision if they can't make the elevations go together.

Ms. Nielson stated the Commission has seen many, many temporary cul-de-sacs come in being requested to be constructed and with the understanding and noted on the plans that it was temporary.

ZONE CHANGE AND PUD PROPOSALS

2000Z-082G-02

Map 7, Part of Parcels 187 (.34 acres) and 195 (.94 acres)

Subarea 2 (1995)

District 10 (Balthrop)

A request to change from AR2a to RS40 district a portion of property at Baker Station Road (unnumbered), approximately 100 feet north of Springfield Highway (1.28 acres), requested by Richard Uselton, appellant, for Richard W. and Janelle M. Uselton, owners.

Mr. Reid stated staff is recommending disapproval. This is an area, in the subarea plan, that calls for natural conservation policy, which calls for very low residential development. The existing AR2a zoning is the lowest density residential district and therefore, is the preferred zoning district in this area until public sewer service becomes available.

Mr. Steve Artz stated this is not a preliminary for us to come back and request for additional zoning changes on this property. There is an existing house that sits in between a drain and sharp hillside. Mr. Uselton owns other properties around this particular tract we are discussing. We want to reduce this lot previously created back down to a 1 acre tract in order to have access onto the neighboring parcel. If we don't get the rezoning we are requesting we are going to have to come back and add most of that back portion of that property that we are asking to be taken back out and kept in the AR2a with an ingress/egress easement.

Mr. Reid stated approving this zone change could set a precedent because it will encourage other rezoning before the infrastructure is in place.

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

Resolution No. 2000-653

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-082G-02 is **DISAPPROVED (7-0)**:

It is premature to intensify zoning in this area until sewer service is available. These properties fall within the Subarea 2 Plan's Natural Conservation (NC) policy calling for very low-density residential development and protection of the area's steep hillsides and floodplains. While the RS40 district is generally consistent with that policy, AR2a zoning is the preferred district until sewer service becomes available."

2000Z-102U-11

Map 119-10, Parcel 38 (1.65 acres) and
Part of Parcel 39 (.61 acres)
Subarea 11 (1999)
District 16 (McClendon)

A request to change from R10 to OL district properties at 105 Whitsett Road and Whitsett Road (unnumbered), opposite Sterling Boone Drive (2.26 acres), requested by Jim Fleming, appellant, for William A. King et ux and Woodbine Congregation of Jehovah's Witnesses, owners.

Mr. Reid stated staff is recommending disapproval because the OL district is not consistent with the residential policy in this area calling for protection of the residential area to the north, south and east. The subarea plan recognizes the area of industrial development, which is IWD zoning, to the west as a non-conforming use. It recognizes those uses exist but ultimately calls for not allowing these uses to encroach into the residential and ultimately to go back to residential.

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

Resolution No. 2000-654

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-102U-11 is **DISAPPROVED (7-0)**:

These properties fall within the Subarea 11 Plan's Residential Low Medium (RLM) policy calling for protection of the existing residential units and new single-family infill development at up to 4 units per acre. The OL district is not consistent with that policy. Additionally, increasing commercial traffic is not appropriate at this location since Whitsett Elementary School is across the street."

2000Z-103G-02

Council Bill No. BL2000-368
Map 50, Part of Parcel 75
Subarea 2 (1995)
District 4 (Majors)

A request to change from R10 to CS district a portion of property at 3465 Dickerson Pike, at the southeast corner of Dickerson Pike and Old Due West Avenue (11.8 acres), requested by Randy Caldwell, appellant, for Terry and Steve Denny and Scotty Chambliss, owners.

Ms. Regen stated the subarea plan calls for this area south of Old Due West Avenue and north of the hospital to be residential medium policy. The subarea plan was revised in June of 1998 to accommodate the relocation of the hospital and this entire area was looked at. At that time consideration was given to extending commercial policy and the thought was that the commercial zoning should extend along Dickerson Pike and it should include the hospital, but it should not include the area further to the north because of the steep topography in the area and that it would be more suitable for residential uses. Staff is recommending disapproval for this request to rezone CS.

Mr. Randy Caldwell stated that in addition to owning this property, Terry and Steve Denny own 50 acres in and around the Dickerson Pike area so they have a vested interest in what happens along Dickerson Pike. We knew the subarea plan recommendations and knew that staff and this Commission takes that very seriously. What we were hoping, with this application, there might be some latitude for interpretation of the boundary of that R10 policy and giving consideration to the topography, which is very steep in this area.

Mr. Cochran moved and Councilmember Ponder seconded the motion, which failed, with Mr. Cochran and Councilmember Ponder in favor and with Mr. Manier, Ms. Nielson, Chairman Lawson, Mr. Small and Ms. Jones in opposition.

Mr. Small stated it sounds like the applicant has received a number of proposals for buying this property and he can't see a way to develop it the way it is, so change the zoning and it will give him a better chance to develop it. This subarea plan was looked at 2 years ago and it should be left the way it is.

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

Resolution No. 2000-655

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-103G-02 is **DISAPPROVED (7-0)**:

This property falls within the Subarea 2 Plan's Residential Medium (RM) policy calling for residential development between 4 and 9 units per acre. Due to the area's steep topography, the subarea plan envisions clustering multi-family development on the flatter lands with access to Dickerson Pike. Deepening CS zoning would not be consistent with this policy. The existing CS zoning boundary on this property is consistent with the commercial zoning boundary to the north and the south. There are other vacant commercial opportunities in this area which should be developed prior to expansion of additional CS zoning."

2000Z-104U-03
Map 69-16, Parcel 37
Subarea 3 (1998)
District 2 (Black)

A request to change from CL to CS district property at 3308 North Hydes Ferry Road, approximately 120 feet south of Clarksville Pike (2.73 acres), requested by Bill Lockwood, appellant, for Steven E. Crook and Associates, owners.

Ms. Regen stated this applicant received CL zoning from the Commission in January 2000. At that time staff understood the applicant was wanting all this property to have the same zoning because it previously had split zoning. It had residential and commercial on it and staff thought there was supposed to be some sort of a drug store that was going on it. The applicant is now coming back and asking for CS zoning in order to do self service storage. The only districts that allow that are CF, IWD and IG. Staff does not feel that is appropriate in this area to rezone this property to CS. There is a real good zoning boundary here between the Cumberland River and north of Ashland City Highway. There is no CS zoning in this area. It is all zoned CL and that was a conscious decision made by the Commission and Council in 1998, that this area would have less intense commercial uses.

Mr. Bill Lockwood stated this request has been made for CS for a specific user who wants to take this property for mini storage. The property owner has talked to Councilmember Black and he feels this is an appropriate location for this use and will support the proposal.

Mr. Steven Crook stated he has owned the adjoining property for 20 year and have owned this property for 2 or 3 years. It was our intention, when we acquired and assimilated this property to relocate Walgreen's within the center and tear down part of the existing center. They made the choice to go across the corner so we put the property on the market. The first capable user came up and we have a contract with the buyer but his use is in the storage unit business. This property has been radically changed over the years. Approximately 80% of the property, over the past 20 years, has been vacant and neglected. There has been no opposition from any of the neighbors and the commercial owners are delighted to seen anything professional and productive happen with this site.

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

Resolution No. 2000-656

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000z-104U-03 is **DISAPPROVED (7-0)**:

While CS zoning can be consistent with the Subarea 3 Plan's Commercial Arterial Existing (CAE) policy along North Hydes Ferry Pike, it is not consistent with the established CL zoning pattern along this stretch of North Hydes Ferry Pike. Therefore, CL is the preferred zoning district for this property."

80-81-U-12
Southern Hills Medical Center
Map 147-7, Parcel 112
Subarea 12 (1997)
District 26 (Arriola)

A request for a revision to the final site plan of the Commercial (General) Planned Unit Development District located abutting the east margin of Nolensville Pike, south of Wallace Road, classified OR20 (.01 acres), to permit a variance in the height and maximum allowable square footage for a new sign, requested by Cummings Sign Company.

Ms. Regen stated the applicant wants their sign to be visible from the intersection of Harding Place and Nolensville Road. They want the height to be 30 feet rather than the 20 foot maximum and to be 180 square feet instead of the 160 foot maximum. Staff is recommending disapproval because you can see this property clearly and there is an embankment, which this sign would sit on, that rises almost 10 foot above the street level. That would make the sign height as high as 40 feet.

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

Resolution No. 2000-657

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 80-81-U-12 is given **DISAPPROVAL (7-0)**:

There is not a unique situation or unusual hardship which would justify the requested variance. The proposed sign would be located on an embankment approximately ten feet above Nolensville Pike where there are no obstacles in the line of sight to the proposed sign. No other buildings or signs are located in proximity to this Nolensville Pike frontage to obscure or impair the view of the sign where it is proposed on this property. There is no reason to approve more signage than the Code allows.”

97P-007U-12

Seven Springs

Map 160, Parcels 44, 46, 47, 213 and 214

Subarea 12 (1997)

District 32 (Jenkins)

A request to revise a portion of the approved preliminary plan of the undeveloped Planned Unit Development District located abutting the north margin of Old Hickory Boulevard, opposite Cloverland Drive, classified OR40 (42.47 acres), to permit the redesign of the approved 1,029,000 square feet of office, assisted living and independent living to a 937,200 square feet of office, assisted living and independent living, requested by Ragan-Smith and Associates for Solomon Builders, owner. (Also requesting final plat approval).

Ms. Regen stated this revision involves relocating some buildings, eliminating 2 parking garages and relocating some of the internal drives. The issue that brought interest on this project from surrounding neighborhoods is that they think there is a multi level parking garage proposed along Old Hickory Boulevard, but the applicant is not proposing a multi level parking garage. All that is being proposed is a one level parking deck to be depressed below the surface of Old Hickory Boulevard and the plan shows berming as well as landscaping. Staff is recommending approval of the revision to this plan. There are two conditions of approval with this project. One is that when the applicant comes in with the final design and landscaping for the parking deck it will have to be reviewed and approved by the Executive Director of the Planning Commission, and secondly, they provide an access point between this PUD and the adjoining PUD.

Mr. Tom White, attorney, stated they were certainly willing to adhere to the conditions which the staff has recommended and explained the proposed changes to the Commission.

Mr. John Lawrence, neighbor stated that after listening to the revised plans he had no problem with the project.

Mr. Alan Bass asked if the actual landscaping plants would be as close together as they are shown on the plan.

Mr. Bernhardt stated he preferred the parking garage to be a foot lower, but that will be traded off for a much more intensive landscape package.

Mr. Steve Diggs stated he had understood the parking garage would be multi level, 300 feet long and facing Old Hickory Boulevard and had not heard anything about it being underground. He explained he had sent out a flier to that effect and read a letter regarding the concerns signed by approximately 65 neighbors. He

apologized for any problems he might have caused and asked the Commission to consider approving the landscaping plan that will hide the top level of the garage as well as the cars.

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

Resolution No. 2000-658

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-007U-12 is given **CONDITIONAL APPROVAL OF A REVISION TO THE PRELIMINARY PLAN FOR A PORTION AND CONDITIONAL FINAL PLAT APPROVAL (7-0)**. The following conditions apply:

1. The applicant shall submit to the staff of the Planning Commission no later than August 31, 2000 a revised plan showing a cross-access easement from parcel 44 to parcel 211 on tax map 160 lying to the west known as the “American General PUD” which aligns the internal drives within both PUDs, providing the possibility of future access between these two PUDs.
2. With any request for final PUD approval of any parking deck along or facing Old Hickory Boulevard, the applicant shall submit a plan showing how the parking deck will be depressed below Old Hickory Boulevard as well as buffered and landscaped to minimize the parking deck’s visual and aesthetic impact for the review and approval of the Executive Director of the Planning Department.
3. In conjunction with the submittal of any subsequent final PUD plans for any portion of this PUD, the applicant shall submit drainage calculations for all phases included in that plan or may submit calculations for the entire PUD project to be reviewed and approved by the Department of Public Works.
4. Prior to the issuance of any building permits, a final PUD plan shall be approved by the Metro Planning Commission. All of the lots created by this plat and the prior plat in January, 2000, are not building sites until final PUD approval has occurred.
5. 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.
6. Prior to the issuance of any building permits or in conjunction with any final PUD approval, a final subdivision plat shall be recorded and bonds shall be posted for any necessary public improvements.
7. Prior to the issuance of any Use and Occupancy permits for any building or structure, all off-site traffic and circulation improvements shall be constructed, approved and accepted by the Traffic Engineer and Public Works Department.”

MANDATORY REFERRALS

2000M-082U-00

Metromedia Fiber Optic Cable Franchise Agreement
Maps 92, 93, 95, 104-107, 117, 118, 120,
132-134, 146 and 147
Subareas 8 (1995), 9 (1997), 10 (1994), 11 (1999),
12 (1997), 13 (1996) and 14 (1996)
Districts 13 (Derryberry), 15 (Loring), 16 (McClendon),

17 (Greer), 18 (Hausser), 19 (Wallace), 20 (Haddox),
21 (Whitmore), 25 (Shulman), 26 (Arriola), 27 (Sontany), 28
(Alexander), and 33 (Turner)

A request for a telecommunications franchise contract for local service between Metromedia Fiber Network Services, Inc., and Metro Government, requested by Wesley Weeks of Boulton, Cummings, and Conners & Berry, appellant, for Metromedia Fiber Network Services, Inc.

Ms. Regen explained the proposed cable route. The franchise would give them the right to put fiber optic anywhere in Davidson County. After approval they only have to go to Public Works to get a permit for an encroachment and the Planning Commission and Council never review the actual routes again. In return Metro Government is supposed to get 5% of the local telecommunications revenue from local customers as well as hookups to various Metro owned buildings along the routes. Staff is asking to have this item deferred for 2 weeks so more information can be gathered.

Mr. Wesley Weeks, attorney, explained the process and stated the applicants had agreed to the 2 week deferral.

Mr. Ponder asked how the route was chosen and if this would mean a particular street would be dug up 3 times for different companies to put in the fiber optics.

Ms. Kim Johnson stated the route was selected because of the market and the availability of duct that is already associated with the route. Bell systems already has duct available which will prevent digging up streets again.

Ms. Nielson asked how many franchises were in Davidson County

Mr. Bernhardt stated there were 7.

Ms. Jones asked why were we holding up this company. What is it we need to know about this one that is different from the other companies.

Ms. Regen stated the difference is that suddenly we have had 17 fiber optic lines in the past 4 years come through Davidson County and in the last year we've had 4 or 5. We have 2 cable franchises, which will be above ground that will come to the Commission in the next month. We are trying to slow down this process for a few weeks to look at the entire process because we've got right-of-way being torn up, and torn up and patch and may be done 2 or 3 times and neighborhoods are upset. Also, to make sure we get maps of all the routes and proper revenues.

Mr. Bernhardt asked what were the logistics of a notice procedure where Metromedia provided notice to property owners two weeks in advance of when they are going to be on that block, saying that they are going to be there for 'X' period of time and if you have any questions call a certain person.

Mr. Weeks stated that was part of their policy already, to provide notice and they do put up signs where they are doing work.

Councilmember Ginger Hausser stated it would be helpful to have the Commission, Councilmembers that are representatives of the districts involved, and legal staff to explain how this works and what restrictions can be put franchises and what can't.

Mr. Small stated this is a serious issue but that he did not feel it was necessary to hold up this application as it relates to the whole concept of fiber optic cable installation across the city of Nashville.

Mr. Manier moved and Ms. Nielson seconded the motion, which carried with Mr. Small and Ms. Jones in opposition, to defer this matter for two weeks.

OTHER BUSINESS

2. 21st Avenue Corridor Study - Findings and Recommendations Presentation

Mr. Bob Murphy, RPM Associates, presented the 21st Avenue Corridor Study, findings and recommendations.

Councilmember Ginger Hausser complimented Mr. Murphy on how he conducted the study, and explained her plans to implement some of the projects.

Mr. Bernhardt stated he had discussions with the state and they have enhancement money and we are trying to apply for some of that money for implementation of these projects and other plans that are in place.

Councilmember Ponder stated Councilmember Hausser had expressed a need for a Bike/Pedestrian Coordinator and that he did everything he could to get that in the last budget and it didn't work out. The Mayor's office is following up on that.

3. Legislative update

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

Mr. Bernhardt stated we are in the process of interviewing and hopefully hiring a Bicycle/Pedestrian Coordinator through the MPO that will serve as spokes person for Davidson County and surrounding counties.

Mr. Bernhardt asked the Commission to think about scheduling an annual study trip to go look at cities that are dealing with the same kinds of issues that we are dealing with. Perhaps leaving one morning, spend the night and come back that evening.

PLATS PROCESSED ADMINISTRATIVELY

July 3, 2000 through August 16, 2000

2000S-087U WEST MEADE FARMS, Sec. 14 Lot 895
Abandon utility and drainage easements on rear of lot

2000S-259G ROBERT HAY PROPERTY
Create one lot

2000S-262G WINFIELD PARK, Phase 1 Sec. 1 Lot 42 & 48
Reconfigures two lots

2000S-240G BASKIN SUBDIVISION
Plats one parcel as one lot

97S-474U TOWNHOMES of FREDERICKSBURG,
Phase 2, Section 5, First Revision

Adds Street name to private street

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:50 p.m.

Chairman

Secretary

Minute Approval:
This 31st day of August, 2000