

**MINUTES OF A MEETING OF  
THE PLANNING COMMISSION OF  
THE CITY OF FOREST HILLS**

**JUNE 19, 2009**

The Forest Hills Planning Commission (herein also the "Board") held its rescheduled monthly meeting on June 18, 2009 at Percy Priest School, Nashville, Tennessee, beginning at 6:00 p.m. Vice Chairman Winston Evans, presided. Also present were Mr. Sandy Moore, Mr. David Waller, Mr. Em Ghianni, Mrs. Carroll Kimball, Mayor Coke, Commissioner Tim Douglas, and Vice Mayor Lovell. Others present are shown on the attached sign-in sheet. A copy of the Agenda is also attached to these minutes.

1. Approval of the minutes of the April 16, 2009 Planning Commission meeting. Upon motion by Mr. Em Ghianni, which was seconded by Mayor Coke, the Board the Board unanimously voted to approve the minutes of the April 16, 2009 meeting.

2. Letters of Credit: **NO ACTION REQUIRED**

- a. Expires: August 31, 2009 /  
#SCL012915 National City, Cleveland, OH  
Advising Bank ---Tennessee Commerce Bank, Franklin, TN  
WDL Investments, LLC (Tyne Estates) ---\$497,000
- b. Expires: January 19, 2010 / Issued: January 19, 2007  
#P003902 SunTrust 25 Park Place, 16thFloor Atlanta , GA 30303  
Joseph C. Davis LLC – Demolition--- 1134 Balbade Drive
- c. Expires: April 10, 2010 / Issued: April 10, 2007  
#PO004093 SunTrust 25 Park Place, 16<sup>th</sup> Floor Atlanta, GA 30303  
Scott Siman-Demolition --- 1808 Stonehaven Ct.

3. Engineers Report- Brad Bivens :

- a. Tyne Estates: status of infrastructure and Letter of Credit: Mr.

Bivens informed he has completed his review of the infrastructure status of the Tyne Estates Subdivision. There has been no change since the previous inspection and several items need to be addressed. The letter of credit will expire in August and he will prepare a recommendation for the amount needed to bring the subdivision into compliance.

Mr. Bivens will present the request in the July Planning Commission meeting.

4. Mr. Hugh Smalley of Compass Development LLC, representing Mr. and Mrs. Neil O'Donnell, residents of 5329 North Stanford seek approval of a **development plan** and **preliminary plat** in consolidating their two lots into one lot. The lot, on which the house is located, contains 2.07 acres. The vacant lot contains 2.69 acres. A combined lot would be 4.76 acres. After hearing the request, Upon motion by Mr. David Waller, which was seconded by Commissioner Tim Douglas, the Members the Board unanimously voted to approve approval of the development plan and the preliminary plat, conditioned on adding a ten (10) foot easement on the rear and side property lines.

5. Hillsboro Church of Christ, located at 5800 Hillsboro Road, seeks approval for a proposed church addition along with a parking lot modification. The proposed plan will require no variance requests. The Chairman outlined the procedure for consideration of this matter. First: Ragan Smith and the Church representatives will speak; Second: the Planning Commission Members will ask questions; Third: the Planning Commission will receive Public Comment; Fourth: the Members will consider the matter; Fifth: the Members will vote.

Mr. Stan Lowery opened the presentation for the Hillsboro Church. Following Mr. Lowery was Mr. Sid Smith of Ragan Smith and Associates. Mr. Smith introduced Mr. Joseph Binkley, of Binkley Garcia Architecture, the architect for the Church's project. Mr. Smith returned to the microphone and explained other details of the plan, then introduced Mr. Brandon Baxter, traffic engineer for Ragan Smith. Mr. Smith returned and was followed by Mr. Lowery, who closed the Church's presentation.

The Chairman then called for the attorney representing the group of neighbors to introduce himself and the people he is representing. Mr. Wesley Weeks introduced himself and stated he is representing a small group of neighbors and rather than introducing them, those neighbors wish to address the Planning Commission directly, and they are: Ms. Joy Flynn; Mr. Charlie Martin; and Mr. Rolf Habermann, all of whom live directly across from the Church property. Also speaking will be Dr. Terry Allen and Ms. Deborah Wade, an architect and neighbor. Mr. Weeks gave a brief overview and the neighbors listed above spoke in turn, then Mr. Weeks concluded.

The Chairman asked for any other comments from neighbors.

Ms. Joanne Knight, 1849 Laurel Ridge Drive; s. Lara Stroud, 1907 Tyne; Mr. Ben Shields, 1537 N. Stanford Drive; Mr. Lou Harris, 1051 Lynwood; Ms. Gloria Mentor, 1913 Cromwell; Mr. Mark Gale, 4 Annandale; Mr. Steve Church, Roslyn Circle; Mr. Greg Walker 5825 Fredericksburg. The Chairman closed the public comment portion and called for questions from the Members.

The Members of the Planning Commission asked questions of various members of the Church's representatives and discussed various conditions and possibilities. The Chairman asked, "Does anybody want to make a motion?"

Mayor Coke offered a motion to deny the request, which was which was seconded by Mr. Mr. David Waller. The Chairman called for a vote: voting in favor were: Mayor Coke, Mr. David Waller, and Mr. Em Ghianni. Voting against the motion to deny were: Mr. Sandy Moore; Vice Mayor Lovell; Commissioner Tim Douglas; and Mrs. Carroll Kimball. The Chairman announced, "That's four to three. The motion fails, if I counted that right."

The Chairman inquired, "Does anybody else have a motion?"

Vice Mayor Lovell moved to approve the request, subject to the City staff entering into negotiation with the church to review the landscaping, lighting, and traffic and try to work out a solution, which would be acceptable to all, prior to the next Board of Commissioners meeting. Mrs. Carroll Kimball seconded by the motion.

Commissioner Tim Douglas said I would like to second that motion, but want to include a representative of the neighbors who are immediately impacted.

The Chairman said I think you want to make a motion to amend the existing motion.

Then the Chairman asked do I have a motion to second the amendment to the motion?

Mr. Sandy Moore seconded the motion to amend.

The Chairman stated let me be sure I have this right for the court reporter. Vice Mayor Lovell made the original motion, which was seconded by Mrs. Carroll Kimball.

Commissioner Tim Douglas made a motion to amend, which was seconded by Mr. Sandy Moore. The Chairman then called for a vote to amend the motion. Voting in favor to

amend were: Mr. Sandy Moore; Commissioner Tim Douglas; Mrs. Carroll Kimball and Mr. Em Ghianni. Voting against the motion to amend was: Mr. David Waller.

The Chairman called for a vote on the amended motion: Voting for were: Mr. Sandy Moore; Vice Mayor Lovell; Commissioner Tim Douglas; and Mrs. Carroll Kimball. Voting against the motion were: Mr. David Waller; Mayor Coke; and Mr. Em Ghianni.

The Chairman said that's it I think the meeting will stand adjourned.

There being no further matters to be discussed and no further business to come before the Board, the meeting was adjourned.

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Recorder

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Chairman