MINUTES

OF THE

METROPOLITAN PLANNING COMMISSION

Date: June 1, 1995 Time: 1:00 p.m.

Place: Howard Auditorium

Roll Call

Present: Absent:

Gilbert N. Smith, Chairman Arnett Bodenhamer William Harbison Janet Jernigan James Lawson William Manier Councilmember Larry McWhirter Ann Nielson

Also Present:

Executive Office:

T. Jeff Browning, Executive Director and Secretary Carolyn Perry, Secretary II

Current Planning and Design Division:

Edward Owens, Planning Division Manager Mitzi Dudley, Planner III Tom Martin, Planner III Shawn Henry, Planner II Charles Hiehle, Planning Technician II

Advance Planning and Research Division

John Palm, Planning Division Manager

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Others Present:

Jim Armstrong, Public Works

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

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Mayor Philip Bredesen Jimmy Allen Ms. Nielson moved and Ms. Jernigan seconded the motion, which was unanimously passed, to adopt the agenda.

ANNOUNCEMENT OF DEFERRED ITEMS

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

95Z-036U - Applicant requested deferral. 95S-136G, Jackson Downs Commercial - Applicant requested deferral.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to defer the above matters.

APPROVAL OF MINUTES

Mr. Lawson moved and Ms. Nielson seconded the motion, which was unanimously passed, to approve the minutes of the regular meeting of May 18, 1995.

ADOPTION OF CONSENT AGENDA

Mr. Lawson moved and Ms. Jernigan seconded the motion to adopt the following items on the consent agenda, which carried unanimously.

APPEAL CASES:

Appeal Case No. 95B-087G Map 52-9, Parcel 201 (Subarea 4) (9th District)

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct a 3,670 square foot single-family residence with attached garage, deck, porch, and bonus room within the R10 District, on property located on the northwest margin of Falls Avenue, approximately 730 feet northeast of Palestine Avenue (.88 acres), requested by Thomas C. Hill, for Daniel S. Crowell, appellant/owner.

Resolution No. 398

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-087G to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 95B-088U Map 73-10, Parcel 13 (Subarea 5) (8th District)

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct a 768 square foot addition to a single-family residence within the R10

District, on property located on the east margin of Moss Rose Drive, directly east of Morganmeade Drive (.27 acres), requested by John H. Edwards, appellant/owner.

Resolution No. 399

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-088U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-058U Map 92-14, Parcels 89 and 90 (Subarea 10) (19th District)

A request to change from CG District to MRO District certain property abutting the northwest margin of Park Plaza and the southwest corner of Charlotte Avenue and 25th Avenue North (14.89 acres), requested by Thomas F. Ramsey of Columbia/HCA, Nashville Healthcare Properties, Inc., owner.

Resolution No. 400

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-058U is **APPROVED.**

The Subarea 10 Plan designates this area with "office concentration" policy in keeping with the surrounding office and residential uses. The MRO district, permitting both residential and office uses with limited permitted retail uses, is appropriate to implement this policy designation."

Zone Change Proposal No. 95Z-060U Map 149-8, Parcel 57 (Subarea 13) (28th District)

A request to change from OP District to CS District certain property abutting the east margin of Murfreesboro Pike, approximately 300 feet north of Rural Hill Road (.46 acres), requested by Terry Stevens of Stevens Group, for Jack Williams et ux, owner.

Resolution No. 401

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-060U is **APPROVED.**

The Subarea 13 plan designates this area with neighborhood related commercial policy. The existing OP district was originally applied to provide a land use transition between the CS zoning around the intersection of Rural Hill Road and Murfreesboro Pike and the residential area to the north. Subsequent to that, however, a commercial PUD district was applied next door. The OP district no longer provides a land use transition function and it is appropriate to change the zoning to CS."

Zone Change Proposal No. 95Z-061U Map 160, Parcels 36 and 152 (Subarea 12) (32nd District) A request to change from R40 District to R20 District certain property abutting the northeast corner of Kelly Road and Franklin Pike Circle (3.81 acres), requested by John G. Brittle et ux and Jack Clark et ux, owners.

Resolution No. 402

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-061U is **APPROVED.**

The subarea 12 plan applies residential 'low-medium 'policy (2-4 units an acre) to which both the existing R40 and the proposed R20 district comply. The existing residential PUDs to the east are developed at approximately 2 units per acre, which is comparable to the yield R20 will allow."

Zone Change Proposal No. 95Z-065UMap 92-8, Parcel 130
(Subarea 8)
(19th District)

A request to change from CS District to OP District certain property abutting the west margin of Fisk Street, approximately 150 feet north of Charlotte Avenue (.18 acres), requested by Jack Hollis of Park Center, M.D.H.A. owner.

Resolution No. 403

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-065U is **APPROVED**.

This site is within the mixed use "commercial arterial existing" policy in the Subarea 8 Plan. This policy classification encourages a mixture of residential, commercial and office uses, which the OP district, permitting both residential and office uses, will provide."

Zone Change Proposal No. 95Z-066G Map 63-1, Part of Parcels 18 and 19 (Subarea 4) (10th District)

A request to change from RS40 to CSL District and from CSL to RS40 District certain property abutting the northeast corner of Hudson Road and Neelys Bend Road (approximately 1.5 acres), requested by Opal and Rick Williams, owners.

Resolution No. 404

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-066G is **APPROVED.**

These zone changes will help to establish a more reasonable zoning pattern than the one that exists today."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

District Applications and Finals:

Proposal No. 15-82-G

Jackson Business Park (Palm International) Map 175, Parcel 149 (Subarea 13) (29th District)

A request for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the south margin of Owen Drive, approximately 716 feet west of Old Hickory Boulevard (2.59 acres), to permit the development of a 35,822 square foot wholesale sales and limited manufacturing facility, requested by J. T. Dugger and Sons, Inc., for Palm International, owner.

Resolution No. 405

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 15-82-G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE**. The following condition applies:

Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works."

Proposal No. 130-85-P

Northside Commons Map 26, Parcels 4, 39 and Part of Parcel 3 (Subarea 4) (10th District)

A request to revise the preliminary site development plan and for final approval of the Commercial (General) Planned Unit Development District abutting the southwest corner of Gallatin Pike and Northside Drive (9.96 acres), to permit the development of a 109,404 square foot retail and restaurant facility, requested by Northvest Associates Limited Partnership, owner.

Resolution No. 406

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 130-85-P is given **CONDITIONAL APPROVAL**. The following conditions apply:

- 1. Written confirmation of final approval from the Stormwater Management and Traffic Engineering Sections of the Metropolitan Department of Public Works.
- 2. Revised detention plans as approved by the Stormwater Management Section of the Metropolitan Department of Public Works.
- 3. Posting of bonds for the traffic signal at the driveway entrance on Gallatin Pike and for the required improvements to Northside Drive and Gallatin Pike. The traffic signal shall not be installed until vehicular volume counts demonstrate that signal warrants are met.
- 4. Recording of a boundary plat.
- 5. Recording of a final plat of subdivision and posting of bonds as may be required by the Metropolitan Department of Public Works and the Metropolitan Department of Water Services for required public improvements."

Proposal No. 94P-015G Arby's Restaurant Map 160, Parcel 56.2 (Subarea 12) (32nd District)

A request for final approval of the Commercial (General) Planned Unit Development District abutting the southwest corner of Franklin Pike Circle and Old Hickory Boulevard (.97 acres), to permit the development of a 3,094 square foot restaurant facility, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Arby's Inc., owner.

Resolution No. 407

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-015G is given **CONDITIONAL FINAL PUD APPROVAL**. The following conditions apply:

- 1. Written confirmation of final approval from the Stormwater Management and Traffic Engineering Section of the Metropolitan Department of Public Works.
- 2. The recording of boundary and subdivision plats.
- 3. Submittal to the Metropolitan Department of Public Works, Traffic Engineering Section, and the Metropolitan Planning Commission Staff a striping plan acceptable by the Metropolitan Traffic Engineer."

Proposal No. 95P-019G

The Orchards Map 163, Parcel 154 Map 164, Parcel 13 (Subarea 13) (29th District)

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the east margin of Old Franklin Road, south of Mt. View Road (45.1 acres), classified RS8, to permit the development of a 586 unit multi-family development, requested by Dale and Associates, for Doris Brent, owner.

Resolution No. 408

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-019G is given **CONDITIONAL PRELIMINARY APPROVAL**. The following conditions apply:

- 1. Receipt of written confirmation of preliminary approval from the Stormwater Management and Traffic Engineering sections of Public Works.
- 2. Receipt of written confirmation of approval of sewer capacity from the Department of Water Services.
- 3. Filing of a boundary plat for the proposed PUD District and a plat of subdivision which combines the parcels with final site plan submittal."

SUBDIVISIONS:

Final Plats:

Subdivision No. 95S-030G High Valley Subdivision Map 159, Parcel 66 (Subarea 10)

(33rd District)

A request to create 17 lots abutting the west margin of Oman Drive, approximately 2,676 feet northeast of Granny White Pike (25.02 acres), classified within the R40 District, requested by McCohen Development, Inc., owner/developer, Ragan-Smith Associates, Inc., surveyor. (**Deferred from meeting of 05/18/95**).

Resolution No. 409

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-030G be APPROVED subject to posting a performance bond in the amount of \$535,000.00."

Subdivision No. 312-84-G

Poplar Creek Estates, Phase 3, Section B Map 155, Part of Parcel 203 (Subarea 6) (35th District)

A request to create 16 lots abutting the northwest terminus of Forest Oaks Drive, approximately 110 feet northwest of Forest Oak Court North (7.31 acres), classified within the RS30 Residential Planned Unit Development District, requested by Poplar Creek Development Company, owner/developer, Joseph G. Petrosky Associates, Inc., surveyor. (**Deferred indefinitely from meeting of 06/30/94).**

Resolution No. 410

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 312-84-G be APPROVED subject to posting a performance bond in the amount of \$149,000.00.

Subdivision No. 95S-132U

Barton Subdivision Map 93-15, Parcels 118 and 120 (Subarea 11) (16th District)

A request to subdivide two lots into three lots abutting the northeast corner of Lafayette Street and First Avenue South (2.22 acres), classified within the CS District, requested by J. D. Eatherly, John W. and Carolyn M. Barton, owners/developers, Crawford Land Surveying, surveyor.

Resolution No. 411

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-132U, be APPROVED."

Subdivision No. 95S-135U New Mount Zion Subdivision Map 81-16, Parcels 502-505, 510 and 511 (Subarea 8) (19th District) A request to consolidate seven lots into one lot located between Jefferson Street and Meharry Boulevard, approximately 172 feet west of 11th Avenue North (.91 acres), classified within the CS and RM8 Districts, requested by Trustees of Mt. Zion Baptist Church, owners/developers, Sanders Surveying, surveyor.

Resolution No. 412

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-135U, be APPROVED."

Request for Bond Extension:

Subdivision No. 74-87-P

The Peninsula, Phase One Jerry Butler Construction, Inc., principal (Request received 04/28/95)

Located abutting the south margin of John Hager Road, approximately 1,310 feet southwest of New Hope Road.

Resolution No. 413

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 74-87-P, The Peninsula, Phase One, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the reduced amount of \$433,000.00 by **July 5, 1995** and extending the expiration date to April 1, 1996. **Failure of principal to provide amended security documents shall be grounds for collection without further notification."**

Subdivision No. 88P-038G

Long Hunter Chase, Phase Two, Section One JCH Development, Inc., principal (Request received 04/26/95)

Located abutting the southwest corner of Smith Springs Parkway and Hobson Pike.

Resolution No. 414

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 88P-038G, Long Hunter Chase, Phase Two, Section One, until October 1, 1995, as requested, said approval being contingent upon submittal of a letter by **July 5, 1995** from the Frontier Insurance Company agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 89P-016G

Magnolia Place Magnolia Place Property Partnership, principal (Request received 04/26/95)

Located abutting the south margin of Old Harding Pike, approximately 225 feet southwest of Colice Jeanne Road.

Resolution No. 415

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 89P-016G, Magnolia Place, until October 1, 1995, as requested, said approval being contingent upon submittal of a letter by **July 5, 1995** from the Farmington Insurance Company agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 92P-008G

Addition to Brelan Park, Section One Wayne Meadows, principal (Request received 05/01/95)

Located abutting the southern terminus of Saddlewood Lane.

Resolution No. 416

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 92P-008G, Addition to Brelan Park, Section One, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the reduced amount of \$57,000.00 by **July 5, 1995** and extending the expiration date to April 1, 1996. **Failure of principal to provide amended security documents shall be grounds for collection without further notification."**

Subdivision No. 93P-016G

Traceside, Section One Centex Real Estate Corporation, principal (Request received 04/25/95)

Located abutting the southeast margin of Highway 100, approximately 904 feet northeast of Pasquo Road.

Resolution No. 417

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 93P-016G, Traceside, Section One, until October 1, 1995, as requested, said approval being contingent upon submittal of a letter by **July 5, 1995** from the Safeco Insurance Company agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Request for Bond Extension and Replacement:

Subdivision No. 141-79-G

Plantation Walk, Section Two Phillips Builders, Inc., principal (Request received 04/28/95)

Located abutting both margins of Meadowgreen Drive, approximately 87 feet southeast of Sweetwater Circle.

Resolution No. 418

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for replacement and extension of a performance bond for Subdivision No. 141-79-G, Plantation Walk, Section Two, until October 1, 1995, as requested, in the reduced amount of \$135,000.00, said approval being contingent upon submittal of appropriate security and execution of the replacement bond by **July 5, 1995**. **Failure of principal to provide amended security documents shall be grounds for collection without further notification."**

Subdivision No. 87-50-U

Bell Forge Village, Section Five Phillips Builders, Inc., principal (Request received 04/28/95)

Located on both sides of Bell Forge Parkway, approximately 550 feet north of Mt. View Road.

Resolution No. 419

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for replacement and extension of a performance bond for Subdivision No. 87-50-U, Bell Forge Village, Section Five, until October 1, 1995, as requested, in the full amount of \$17,000.00, said approval being contingent upon submittal of appropriate security and execution of the replacement bond by **July 5, 1995**. **Failure of principal to provide amended security documents shall be grounds for collection without further notification."**

Subdivision No. 88P-056G

Mulberry Downs, Phase One-B Phillips Builders, Inc., principal (Request received 04/28/95)

Located abutting the west terminus of Mulberry Downs, approximately 92 feet west of Cranapple Cove.

Resolution No. 420

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for replacement and extension of a performance bond for Subdivision No. 88P-056G, Mulberry Downs, Phase One-B, until October 1, 1995, as requested, in the reduced amount of \$135,000.00, said approval being contingent upon submittal of appropriate security and execution of the replacement bond by **July 5, 1995**. **Failure of principal to provide amended security documents shall be grounds for collection without further notification."**

Request for Bond Release:

Subdivision No. 307-84-G

Jackson Downs, Section Three RCM Interest, principal (Request received 05/15/95)

Located abutting the southeast corner of Jackson Downs Boulevard and Lebanon Pike.

Resolution No. 421

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 307-84-G, Jackson Downs, Section Three, in the amount of \$5,000.00, as requested."

Subdivision No. 70-85-P

Kensal Green, Phase One Phillips Builders, Inc., principal (Request received 05/05/95) Located abutting the southeast margin of Mt. View Road, opposite Huntingboro Trail.

Resolution No. 422

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 70-85-P, Kensal Green, Phase One, in the amount of \$24,000.00, as requested."

Subdivision No. 83-85-P

Ransom Place, Phase One, Amendment Ransom Place Homes, Inc., principal (Request received 05/05/95)

Located abutting the southwest corner of Ransom Place and Murfreesboro Pike.

Resolution No. 423

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 83-85-P, Ransom Place, Phase One Amendment, in the amount of \$5,000.00, as requested."

Subdivision No. 9-87-P

River Plantation, Section Ten, Phase One Haury & Smith Contractors, Inc., principal (Request received 05/03/95)

Located abutting the south margin of Sawyer Brown Road, approximately 720 feet south of General George Patton Road.

Resolution No. 424

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 9-87-P, River Plantation, Section Ten, Phase One, in the amount of \$72,630.00, as requested."

Subdivision No. 75-87-P

River Glen, Phase Two-C, Section One Julius Doochin, principal (Request received 05/17/95)

Located abutting the northwest corner of Benay Road and Alandee Street.

Resolution No. 425

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 75-87-P, River Glen, Phase Two-C, Section One, in the amount of \$5,280.00, as requested."

Subdivision No. 75-87-P

River Glen, Phase Two-C, Section Two Julius Doochin, principal (Request received 05/17/95)

Located abutting both margins of Alandee Street, approximately 85 feet northeast of Benay Road.

Resolution No. 426

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 75-87-P, River Glen, Phase Two-C, Section Two, in the amount of \$11,500.00, as requested."

Subdivision No. 92S-222U

Peppertree Forest, Section Fourteen Jerry Butler, principal (Request received 05/16/95)

Located abutting the south margin of Deerhaven Drive and both margins of Peppertree Drive.

Resolution No. 427

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 92S-222U, Peppertree Forest, Section Fourteen, in the amount of \$28,250.00, as requested."

Subdivision No. 93S-216U

Oakwood Subdivision, Phase Six, Section Two Centex Real Estate Corporation, principal (Request received 05/05/95)

Located abutting both margins of Johnson Ridge Road and both margins of Pebble Creek Drive.

Resolution No. 428

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 93S-216U, Oakwood Subdivision, Phase Six, Section Two in the amount of \$10,000.00, as requested."

XI. MANDATORY REFERRALS:

Proposal No. 95M-049U

Ferndale Avenue Closure Map 117-16 (Subarea 10) (33rd District)

A proposal to close Ferndale Avenue between the north property line of Parcel 122 and the north property line of Parcel 163 on Map 117-16, requested by David Moss, Barge, Waggoner, Sumner and Cannon, for David Lipscomb University, adjacent property owner. (Easements are to be abandoned).

Resolution No. 429

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-049U.

Proposal No. 95M-054U

Pillow Street Closure Map 105-11 (Subarea 11) (17th District) A request to close Pillow Street between Southgate Avenue and Alley No. 1807, requested by Ronald W. Hambrick, for adjacent property owners. (Easements are to be retained).

Resolution No. 430

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-054U.

Proposal No. 95M-056U

Awning at 2803 West End Avenue Map 104-3, Parcel 46 (Subarea 9) (18th District)

A mandatory referral from the Department of Public Works proposing the installation of a 4'4" by 35'6" awning over the sidewalk in front of 2803 West End Avenue (Scarlett Begonia), requested by Jack Elias, for John Carnes, owner.

Resolution No. 431

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-056U.

Proposal No. 95M-059U

Closure of Alleys 517 and 556 Map 81-15 (Subarea 8) (20th District)

A request to close Alley No. 517 between Knowles Street and Alley No. 556, and to close a segment of Alley No. 556 between the west margin of Alley No. 517 and the east margin of a proposed alley, requested by Ms. Beverly W. Lockhart, for abutting property owners. (**Easements are to be abandoned**).

Resolution No. 432

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-059U.

Proposal No. 95M-060U

Awnings at 231 Sixth Avenue North Map 93-6-1, Parcel 3 (Section 9) (19th District)

A mandatory referral from the Department of Public Works proposing the installation of a 6' by 1.5' awning over the sidewalk on the east margin of Capitol Boulevard approximately 88 feet south of Union Street, and the re-covering of two existing awnings on the Union Street and Sixth Avenue North facades of 231 Sixth Avenue North (Hermitage Hotel), requested by Pace Cooper, president of Hermitage Hotel, owner.

Resolution No. 433

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-060U.

Proposal No. 95M-061U

Sign and Spotlights at 121 Second Avenue North Map 93-6-2, Parcel 52 (Subarea 9) (19th District)

A mandatory referral from the Department of Public Works proposing the installation of a 5' by 14' sign and four spotlights over the sidewalk in front of 121 Second Avenue North (Scooter's), requested by Ken Davis, Acme Boot Company, Inc., d/b/a/ Scooter's Boots.

Resolution No. 434

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-061U.

Proposal No. 95M-062U

Awnings at 2025 Eighth Avenue South Map 105-10, Parcel 183 (Subarea 10) (17th District)

A mandatory referral from the Department of Public Works proposing the installation of four awnings over the sidewalk on Douglas Avenue and Eighth Avenue South facades of 2025 Eighth Avenue South (Zanies), requested by Lenny Sesselman, for Zanies Nashville Building Partnership, owner.

Resolution No. 435

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-062U.

Proposal No. 95M-063U

East Valley Road Closure Map 129-4 (Subarea 7) (23rd District)

A proposal to close East Valley Road between Vossland Drive and the eastern margin of Parcel 88 and Map 129-4, requested by Dan S. Sanders, III, for adjacent property owners. (Easements are to be retained).

Resolution No. 436

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-063U

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-055U Map 103-6-A, Parcels 1-48 (Subarea 7)

(24th District)

A request to change from R6 District to RM8 District certain property abutting the southeast corner of Oakmont Circle and White Bridge Road (2.23 acres), requested by Tate Rogers. (**Deferred from meeting of 05/18/95**).

Ms. Dudley stated staff had discussed this issue with the Department of Law in light of a recent Supreme Court case. Recently the Supreme Court decided that people suffering from drug and alcohol addiction would fall under the protective term of handicapped. Under the fair housing act the government cannot preclude these people from living together. The legal department has advised that the Codes Administration should issue a permit under the existing zoning. Staff suggests that the rezoning is not needed to meet the purpose sought in this application, and therefore recommends disapproval. The petitioner should be able to obtain the needed permit from Codes Administration for operation under existing zoning.

Mr. Tate Rogers, the petitioner, was present to state he was satisfied with the staff's recommendation and said he would be happy to follow those procedures and that he appreciated the Commission's considerations.

Mr. Arthur Fort, a resident in the area thanked the Commission for its consideration.

Ms. Jernigan said she thought the Commission should not deny the request and that they should support the plan. She said she was in favor of doing whatever was necessary for them to be able to continue to operate in their present capacity. She suggested the Commission advise the Department of Codes that it favors the continuation of this service at this location.

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

Resolution No. 437

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-055U is **DISAPPROVED.**

The adopted Subarea 7 plan has recommended residential "low-medium" policy for this general area, including the properties fronting on White Bridge Road. It is the intent of the adopted plan to preserve the existing residential character to avoid the intensification of uses along this busy corridor.

However, the Commission also advised the Zoning Administrator to issue a permit for the operation of a recovery program as the Legal Department has advised that this use is protected by the Fair Housing Act, and is permitted in the existing R6 zone district."

Zone Change Proposal No. 95Z-057U Map 163, Parcels 145, 146 and 343 Map 174, Parcels 26, 30 and 169 (Subarea 13) (29th District)

A request to change from R10 District to RM8 District certain property abutting the south margin of Mt. View Road at Old Franklin Road (91. 98 acres), requested by Allen Patton, for Hickory Downs Development, Inc. (**Deferred from meeting of 05/18/95**).

Proposal No. 84-87-P

The Crossings of Hickory Hollow

Map 163, Parcels 145, 146 and 343 Map 174, Parcels 26, 30 and 169 (Subarea 13) (29th District)

A request to cancel a portion of the Commercial (General) Planned Unit Development District abutting the south margin of Mt. View Road at Interstate 24 and Old Franklin Road (91.98 acres), and to redesign a portion of the remaining preliminary site development plan to permit the development of commercial office showroom, requested by Hodgson and Douglas, for Hickory Downs Development, Inc., owner. (**Deferred from meeting of 05/18/95).**

Mr. Martin reminded the Commission these requests were deferred from the last meeting. Since the last meeting, staff has met with the applicant and other property owners involved. The drainage, grading and other concerns have been worked out with the PUD and all parties are in agreement. Therefore, staff recommends approval of the PUD revisions and the zone change.

Those in attendance were in favor of approving both petitions, but no one chose to speak during the continuation of the public hearing.

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

Resolution No. 438

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-057U is **APPROVED**.

The requested RM8 is appropriate to implement the objectives of the Subarea 13 Plan, which encourages a mixture of retail, office, and high density residential uses along this future mass transit corridor."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-87-P is given **APPROVAL FOR CANCELLATION**. The following conditions apply to the remainder of the PUD:

- 1. Confirmation of adequacy of on-site detention with final site plan submittal.
- 2. Receipt of written confirmation of preliminary approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
- 3. Recording of a revised boundary plat for the remaining PUD District and recording of final plats of subdivision creating the new parcels with final submittal."

Zone Change Proposal No. 95Z-059U Map 119-13, Parcel 122 (Subarea 11) (26th District)

A request to change from R8 District to CS District certain property abutting the north margin of Timmons Street, approximately 150 feet west of Nolensville Pike (.18 acres), requested by Randel Crotts of Southern Motor Cars, for Lena Crotts and Patricia Osborne, owners.

Ms. Dudley stated all of the property in the area along Nolensville Pike is zoned CS. The Subarea Eleven Plan puts the subject property at the edge of the existing commercial arterial policy that encompasses primarily the existing CS zoning, with the rest of the area, including the parcel in question, in a residential low medium policy category. The intent of the plan is to preserve the character of the existing residential area. There are some vacant lots and the plan suggests in-fill development with single family housing stock. The property immediately next door to the subject property is a residence. The subject property is behind a car sales operation and they are currently using the lot to store cars in conjunction with their business. The request for CS zoning is obviously an attempt to legitimate the commercial use on the property. Since this is at the edge of a commercial and residential area, it is up to the Commission to decide which category the property best fits into. Staff feels it is more oriented to and within the residential portion of this subarea and are recommending disapproval.

Mr. Randel Crotts, the applicant, was present to state he was currently leasing this lot to someone and did not know they were encroaching with the cars and the fence. He asked the Commission for approval of his application.

Mr. Lawson pointed out that this application was similar to some other policy decisions that the Commission has made regarding encroachment into residential areas along Nolensville Road. In other instances the Commission has searched for potential benefits to the area that rezoning to commercial would bring. In this case Mr. Lawson stated he could see no benefits that would be derived from the rezoning.

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

Resolution No. 439

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-059U is **DISAPPROVED.**

A strong objective of the adopted Subarea 11 plan is to protect the Radnor neighborhood from further encroachment of commercial uses. Vacant land within the neighborhood is recommended for single-family in-fill development. Turning the corner with CS zoning at this location will implicate parcels 134 and 135 directly across the street as well as parcel 121 next door, introducing more uncertainty and instability into an area the Subarea plan strongly seeks to protect."

Zone Change Proposal No. 95Z-063U Map 115, Parcel 8 (Subarea 6) (23rd District)

A request to change from R40 District to RM8 District certain property abutting the southeast margin of Charlotte Pike, opposite Old Charlotte Pike (15.82 acres), requested by F. Clay Bailey, Joanne Geny Bailey and Oscar Geny, Jr., owners.

Proposal No. 110-86-P and No. 5-87-P Wholesale Florist Map 115, Part of Parcel 8 (Subarea 6) (23rd District)

Requests to cancel the Commercial (General) Planned Unit Development Districts abutting the southeast margin of Charlotte Pike, opposite Old Charlotte Pike (7.85 acres), requested by F. Clay Bailey et al, owners.

Ms. Dudley suggested the Commission hear this zone change and the PUD cancellations together. Currently on the property, over the R40 zoning district are two PUD's that permit a mixture of retail and office use. At on time the retail was used as a nursery. The applicant now wished to remove the commercial PUDs and change the zoning to RM8 to provide the opportunity for multi-family housing. This is supported in the Subarea Six Plan. The policy supports a mixture of intensive development with a mixture of commercial, retail, office and multi-family development. She stated staff is recommending approval of the zone change and the two PUD cancellations, and reminded the Commission the zoning ordinance required a public hearing be held for those owning the PUD.

Mr. Clay Bailey, one of the owners, was present to state he simply wanted it rezoned for multi-family use because the PUD plans did not work out. He stated multi-family development would be the best use for the property and asked the Commission to approve the application.

No one else was present who wished to speak during the public hearing.

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

Resolution No. 440

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-063U is **APPROVED.**

The Subarea 6 plan recommends a mixed commercial policy for this area, which encourages a mixture of commercial, high-density residential and office uses. This request for RM8 (residential multi-family), is appropriate to implement these policy objectives."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal Nos. 110-86P and 5-87-P are given **APPROVAL FOR CANCELLATION.** The following condition applies:

Concurrence of the cancellation by the Metropolitan Council."

Zone Change Proposal No. 95Z-064U Map 162, Parcels 188, 189 and 190 (Subarea 12) (31st District)

A request to change from AR2a District to CS District certain property abutting the south margin of Bell Road, approximately 2,100 feet east of Old Hickory Boulevard (8.58 acres), requested by Farakh Froskie Fani, for G. A. Driver, Pauline and C. A. Peay, owners.

Ms. Dudley stated this was close to the commercial node around Bell Road and Old Hickory Boulevard. In addition, the subject property lies between two very large commercial centers. This request is in an area that is in residential policy that has been placed there to prevent the stripping of Bell Road. Staff recommends disapproval as contrary to the General Plan. The commercial needs of the area have been satisfied with regional and subregional commercial concentrations in either direction along Bell Road, and with neighborhood commercial policy in the immediate vicinity at Bell Road and Old Hickory Boulevard.

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

Resolution No. 441

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-064U is **DISAPPROVED as contrary to the General Plan.**

This site lies west of the Hickory Hollow activity center, a short distance west of the site proposed for CS at the May 18th meeting (at the intersection of Bell Road and Blue Hill Road.) The properties seeking this rezoning are clearly outside the commercial activity center of the Hickory Hollow Mall, as well as being clearly beyond the scope of the small neighborhood oriented commercial node at the intersection of Bell Road and Eulala Drive. The property lying between the neighborhood commercial node and the Hickory Hollow Mall area is all within residential policy, placed there to prevent the commercial stripping of Bell Road. This proposal is in conflict with both the commercial and residential policies of the General Plan."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

District Applications and Finals:

Proposal No. 95P-015G New Hope Pointe Map 98, Parcel 52.1 (Subarea 14) (13th District)

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the west margin of New Hope Road, approximately 1,440 feet south of John Hager Road (29.3 acres), classified R15, to permit the development of 99 single-family lots, requested by MEC, Inc., for Robert E. Earheart, optionee. (**Deferred from meeting of 05/18/95).**

Mr. Martin stated the reason for deferral from the meeting of 05/18/95 was because of inability of the Department of Water Services to confirm the availability of sanitary sewer services. The applicant sought approval from the Cumberland Utility District. Since the time the application was filed, Metro has taken over this utility district. During the ensuing weeks the Department of Water Services has been working to get background information and tests on the site to determine the capacity for sewer service without violating the State mandate to prevent overflow. As of this point in time, they have not been able to complete that assessment. Mr. Martin stated staff is recommending approval with an advisement to the Council that verification of adequate water and sewer service should be forthcoming prior to passage on third and final reading.

Ms. Jernigan moved and Councilman McWhirter seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 442

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-015G is given **CONDITIONAL APPROVAL WITH AN ADVISEMENT TO METRO COUNCIL**. The following conditions apply:

- 1. Written confirmation of preliminary approval from the Stormwater Management and Traffic Engineering Section of the Metropolitan Department of Public Works.
- 2. The recording of a boundary plat prior to or concurrent with the first phase of construction.
- 3. The recording of a subdivision plat and the posting of all bonds as may be required with any subsequent final approval request.

4. The Commission advises the Metropolitan Council that the enacting ordinance should not be passed on third reading until the Department of Water and Sewer Services confirms the availability of sewer capacity."

Proposal No. 95P-017G Smith Spring Corner Map 136, Parcel 39 (Subarea 13) (28th District)

A request to grant preliminary approval for a Commercial (Neighborhood) Planned Unit Development District abutting the northwest corner of Smith Springs Road and Bell Road (.98 acres), classified R10, to permit the development of a 3,200 square foot retail convenience market facility, requested by Dale and Associates, for Billy R. Dean, owner.

Mr. Martin stated this area is policied in the Subarea Thirteen Plan for residential medium density development. In that plan there is no commercial node at this intersection. Clearly the site meets the requirement for location at two arterials. However, staff feels the site fails to meet the criteria for distance. Approximately three quarters of a mile to the east is a developing retail local neighborhood policy area with considerable undeveloped area policied for retail. There is a small area in Nashboro Village which has not developed that is policied for local convenience retail. There is a community level development at the intersection of Una-Antioch Pike and Murfreesboro Road with a small amount that is developed and a fair amount undeveloped. Because this is a low to medium density area, staff believes that other retail locations are present in the area to more than adequately meet the neighborhood needs of the area, and recommends disapproval for failing to meet the locational criteria.

Councilman Roy Dale was present to ask approval of the proposal. He stated there were two criteria that needed to be considered. The proposal is located on two arterials, and thus meets the requirement for access. Mr. Dale stated several of the alternative sites were more than three-fourths mile away, which is the suggested separation in areas of high density. Mr. Dale stated the additional trade brought about by lake traffic would make this area comparable in demand to a high density area. The spacing requirement would be met under these assumptions.

.Chairman Smith asked if there was a ramp in that location.

Councilman Dale stated there is an existing ramp on Anderson Road but Public Works has requested that if this facility is to be constructed, that the ramp access be moved one hundred feet further away from Smith Springs Road. The changes as far as set backs, parking, detention and location of ramps have all been revised according to the recommendations of all the different agencies.

Mr. Bodenhamer stated there are at least three convenience markets within five eighths of a mile.

Councilman Dale stated that actually there is only one within five eighths of a mile which is at Nashboro Village and that has not been built yet. The closest is three quarters of a mile to the east.

Mr. Bodenhamer moved for disapproval and Mr. Manier seconded the motion.

Councilman McWhirter stated that this location looked like a convenience location.

Upon voting there were four Commissioners in favor and four Commissioners in opposition. The motion did not pass.

Mr. Browning stated the staff's concern was the type of commercial that would gravitate toward an intersection location is more the CS strip commercial and that staff did not feel that should get started in the area at all.

Chairman Smith stated that if the Commission did not take action on the proposal, it would go to Council without the Commission's recommendation.

Councilman McWhirter moved and Ms. Jernigan seconded the motion to approve the following resolution:

Resolution No. 443

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-017G is given APPROVAL.

The motion carried with Mr. Harbison, Ms. Jernigan, Ms. Nielson, Chairman Smith and Councilman McWhirter voting in favor of the motion, and Mr. Manier, Mr. Lawson and Mr. Bodenhamer voting against the motion.

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 95S-131G

Dickerson Park
Map 12, Part of Parcel 48 and Part of Parcel 50
(Subarea 2)
(11th District)

A request to create eleven lots abutting the east margin of the CSX Transportation Railroad and the west margin of Dickerson Pike (44.5 acres), classified within the AR2a District, requested by Trailmont Park, Inc., owner/developer, Ragan-Smith-Associates, Inc., surveyor.

Mr. Bracey stated this would be a public hearing and that the proposal did meet the requirements of the AR2A district and that staff recommended approval.

Mr. Tom White, representing the applicant, stated his client has met all requirements for a subdivision under the existing AR2a zoning. His client, however, would prefer to develop the property for industrial uses, and has made proposals for this use in the recent past. His client has had numerous meetings with residents of the area about the eventual use of this property. The currently proposed subdivision would meet subdivision requirements for an industrial subdivision as well as a large lot subdivision under AR2a zoning. Mr. White asked for approval from the Commission.

Mr. Miles Sillis, an area resident, was present to represent his neighborhood. He presented a petition signed by twenty-five or thirty of his neighbors in opposition to the proposal. He stated the area homes were on two acre or larger home sites with the homes ranging in value from one hundred fifty to four or five hundred thousand dollars. He stated the proposed site did not have water, sewer, electricity or proper police or fire protection because it was outside of Goodlettsville. He asked the Commission to give the surrounding residents time to understand what was being proposed, because they had heard rumors that the property could become a waste water treatment plant, and that he and his neighbors felt they were being threatened. He asked the Commission to defer the matter.

Mr. Browning stated the property is currently zoned AR2A which requires two acre lots and allows residential development and also mobile homes on those individual lots. There has been a request for

industrial zoning in this area and if it were zoned industrial, this subdivision could adapt to industrial usage. The new Subarea Two Plan which is currently under way is suggesting industrial policy in this area. From the staff's point of view and the CAC's point of view that is the direction of future land use.

Mr. Harbison moved and Mr. Manier seconded the motion, which carried unanimously, to close the public hearing and to approve the following resolution:

Resolution No. 444

"BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 95S-131G, be given PRELIMINARY APPROVAL."

Subdivision No. 95S-137U
Percy Warner Boulevard Property
Map 129, Parcel 11
(Subarea 7)
(35th District)

A request to create 13 lots abutting the southwest margin of Percy Warner Boulevard, approximately 145 feet northwest of Highland Park Drive (2.94 acres), classified within the R8 District, requested by Joel Wilson, developer, Jewish Community Center, owner, Wamble and Associates, surveyor.

Mr. Bracey stated this was a relatively simple subdivision pattern and the pattern itself meets the subdivision regulations. However, there were issues that needed to be brought out. There is a severe drainage problem in the area resulting from runoff from the drainage swale to the rear of the proposed subdivision. Rain runoff collects just to the south of the proposed subdivision where the terrain flattens out. While the proposed subdivision is only a minor part of the area drained by this swale, there is concern that the additional development will worsen an already bad flooding situation. Mr. Bracey indicated detailed drainage information was not provided with the subdivision. If after the public hearing the Commission felt additional information should be forthcoming before any approval was granted, he suggested the Commission defer action at that point.

Mr. Jim Armstrong was present to discuss the drainage problems. He pointed out on a map the areas of the flooding problems and said it was the city's responsibility to resolve the problem. He suggested Public Works and the developer of the property could combine their funds for infrastructure improvements. He stated Public Works had not had time to look into the matter completely to determine the problem areas.

Chairman Smith asked if a two week deferral would give Public Works time to gather their findings and return with answers for the Commission.

Mr. Danny Wamble, design engineer for the project was present to speak in favor of the project. He stated he had been out to talk to the neighbors and to examine the flooding problem. He said his client wanted to work with the neighbors but they had to be reasonable. The subdivision met all the zoning regulations, subdivision regulations and dealt with the traffic concerns. He stated the property could support fourteen lots but they have proposed only thirteen lots because of a small cemetery located on one of the pieces of property. He said they would agree to be bound by whatever conditions the Commission would set. He asked the Commission to have the public hearing, close it, and defer this matter for two weeks.

Ms. Adalee Nicholson, a property owner in the area stated her main concern was the cemetery and its historic value.

Mr. Joe Holzmer, a property owner in the area stated he was directly affected by the flooding problems and that he was concerned about further flooding. He said he was not directly opposed to the subdivision but as

it stood he was opposed to the effects of the flooding. He also expressed his concern regarding the traffic in the area because of children and walkers in the neighborhood.

Ms. Gail Given, Mr. Jack Flaisher, Mr. Joe Perland, Mr. Brooks Garland and Mr. Joe McGovern were present to express their concerns regarding flooding directly on their property and also traffic concerns.

Councilman McWhirter stated he was concerned about the size of the lots and the location of the driveways which would force the owners to back out onto the street which is a fairly heavily traveled street.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to keep open the public hearing and defer action for two weeks.

OTHER BUSINESS:

1. East Bank Redevelopment Plan.

Mr. Jerry Fawcett from the Metro Planning Commission and Mr. Mark Sturdevant from MDHA presented the East Bank Redevelopment Plan and stated it was before the Commission for their review for consistency with the Subarea Nine Plan. He presented the background, gave a summary of the plan and the ideas for the future of the area.

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

Resolution No. 445

BE IT RESOLVED by the Metropolitan Planning Commission that it approves the East Bank Redevelopment Plan as being consistent with the Subarea 9 Plan, with notation in the study that the success of the East Bank plan will depend upon relocation of many of the heavy industries from this area to other sites. For those industries requiring both river and railroad frontage, one of the few remaining areas to achieve both is in western Davidson County, along the Cheatham County Railroad. Therefore, it is imperative that Metro and the state take appropriate measures to ensure the renovation of the railroad across the Cumberland River and along the north side of the river.

2. Set Subarea 2 Public Hearing Date for June 29, 1995.

Ms. Nielson moved and Ms. Jernigan seconded the motion to set the Subarea Two Public Hearing date for June 29, 1995. The motion carried unanimously.

Mr. Browning announced Amy Pierce and Janet Willis, the summer interns reported for work on June 1 and Mr. Deforrest K. Mapp, the TSU student had decided the take a position in another city.

Mr. Browning informed the Commission there was a meeting set for June 2, at the Mayor's office to discuss the Franklin Corridor and explained the details of the plan.

Plats Processed Administratively:

May 18 Through May 31, 1995

95S-102G G. Smith Subdivision

A plat to create one lot out of a large tract.

89P-017G Bradford Hills, Section 15 Revision

	A plat to convert one lot to open space within a Residential PUD.	
103-79-G	Riverfront Shopping Center, Section 3 A plat to create one lot within a commercial PUD.	
95S-142U	Subdivision, Resubdivision Lot 1 A plat to divide one lot into two.	
93P-011G	Holt Woods, Section one Revision A plat to revise the location of open space and one lot	within a Residential PUD.
ADJOURNMENT:		
There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:30 p.m.		
		Chairman
		Secretary
Minute Approval This 15th day of .		