

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: Thursday, January 25, 1996
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith, Chairman
Arnett Bodenhamer
Councilmember Stewart Clifton
Janet Jernigan
James Lawson
William Manier
Ann Nielson

Absent:

Mayor Philip Bredesen
William Harbison
Stephen Smith

Also Present:

Executive Office:

Jeff Browning, Director and Secretary
Carolyn Perry, Secretary II

Current Planning and Design Division:

Edward Owens, Planning Division Manager
Tom Martin, Planner III
Shawn Henry, Planner II
John Reid, Planner I
Charles Hiehle, Planning Technician II

Advance Planning and Research Division:

Jeff Ricketson, Planning Division Manager

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Others Present:

Leslie Shechter, Legal Department
Jim Armstrong, Public Works Department

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced, before the adoption of the agenda, Zone Changes Proposal 96Z-009 had been amended by the applicant to change from AR2A to the RS10 district and 96P-002 had a caption change from Calumet Place to Magnolia Place.

Mr. Owens stated item number 95M-137G, Acquisition of the Harpeth Valley Utility District, should have been deferred to the February 8th agenda and should be stricken from this agenda.

Mr. Owens updated the Commission on the Madison Annex request for rehearing, 95S-347G. The Commission had declined to consider a rehearing on this proposal and instructed the petitioner to work with staff to review any new information. Mr. Owens stated the staff reviewed the information but found no pertinent new information that had not already been addressed, and therefore had not added the item to this agenda.

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to adopt the agenda with the changes noted.

ANNOUNCEMENT OF DEFERRED ITEMS

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

96Z-001U Deferred indefinitely by applicant.

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

APPROVAL OF MINUTES

Mr. Manier moved and Ms. Jernigan seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of January 11, 1996 with clarification made to the motion regarding deferral of 95M-137G, Acquisition of the Harpeth Valley Utility District.

RECOGNITION OF COUNCILMEMBERS

Councilmember Phil Ponder spoke in favor of Zone Change proposal 96Z-007G and related proposal 91P-003G located on Central Pike. He stated he had visited the property and it looked ideal for apartments. He asked the Commission to disapprove 95P-004G, Allen Estates. He had held a community meeting for a preview of this proposal for 51 units, and the community voted to disapprove what was proposed in the presentation. He also spoke in favor of 96P-003G, Summit Run, located at Chandler Road and Old Lebanon Dirt Road, although he said he and the community had some concerns regarding sidewalks leading to Dodson Chapel School.

Councilmember Roy Dale expressed his concerns regarding the Pennington Bend area and other areas located in the Subarea 14 Plan review. He stated there needed to be more community input on any new proposals being considered in the area.

Councilmember Horace Johns stated he was present to speak regarding the Richland-West End Zone Change and that he would wait until it came up on the agenda to address the Commission.

ADOPTION OF CONSENT AGENDA

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

APPEAL CASES:

Appeal Case No. 95B-254U
Map 73-5, Parcel 145
Subarea 5
District 8

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 480 square foot addition to an existing residence within the R10 District, on property abutting the southeast corner of Cooper Court and Cooper Lane (.43 acres), requested by Charles Preston, for S. J. Dale, appellant/owner. **(Deferred from meeting of 01/11/96).**

Resolution No. 96-52

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-254U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 95B-257U
Map 73-6, Parcel 58
Subarea 5
District 8

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 484 square foot detached garage within the R10 District, on property abutting the west margin of Moss Rose Drive, approximately 100 feet north of Morganmeade Drive (.28 acres), requested by John Schlueter, for Ruth M. Bauer, appellant/owner.

Resolution 96-53

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-257U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 95B-261U
Map 59-14, Parcel 220
Subarea 3
District 2

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 416 square foot addition to an existing residence within the R10 District, on property abutting the northeast corner of Boatner Drive and Rowan Drive (.29 acres), requested by Ed Sutton, for George Hill et ux, appellant/owner.

Resolution 96-54

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-261U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria.”

Appeal Case No. 95B-262U
Map 91-10, Parcel 371
Subarea 7
District 22

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 400 square foot detached accessory carport within the R6 District, on property abutting the northwest margin of Illinois Avenue, approximately 275 feet northeast of Delray Drive (.11 acres), requested by William V. Collins, appellant/owner.

Resolution 96-55

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-262U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-009G
Map 164, Parcels 106.1 and 145
Subarea 13
District 29

A request to change from AR2a District to RS10 District certain property abutting the south margin of Pin Hook Road and the north margin of Old Hickory Boulevard, (61 acres), requested by Houston Ezell Corporation, for Land Investment and Development Corporation, owner.

Resolution 96-56

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-009G is **APPROVED as amended to RS10:**

The land use policy for this area is Residential Low Medium Policy (up to 4 dwelling units per acre). RS10 will implement this policy and will continue the emerging zoning pattern in this general area east of Hobson Pike and north of Murfreesboro Road.”

Zone Change Proposal No. 96Z-011U
Map 72-13, Parcels 372 and 373
Subarea 5
District 7

A request to change from CS District to MRO District certain property abutting the southwest corner of Strouse Avenue and Gallatin Pike (.38 acres), requested by Steve Lovvern, for Nashville Auto Diesel College, owner.

Resolution 96-57

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-011U is **APPROVED:**

The land use policy in this general area is Commercial Arterial Existing, calling for retail, office, and high density residential uses at appropriate locations. The MRO District will implement this policy. The MRO District is more restrictive in the range of uses permitted than the existing CS district (permitting a wide variety of commercial service uses), but allows for more intense development. This property is part of the Nashville Auto Diesel College campus, and this district will provide opportunities supportive of this institution which has existed since 1935 at this location.”

Zone Change Proposal No. 96Z-012U
Map 95-16, Parcel 6
Subarea 14
District 15

A request to change from R10 District to OP District certain property abutting the west margin of Emery Drive, approximately 200 feet north of Elm Hill Pike (.64 acres), requested by Roy B. Stewart, for Jim Smith Realtors, owner.

Resolution 96-58

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-012U is **APPROVED:**

This property falls within Office Concentration policy in the Subarea 14 Plan. The OP district will implement this policy, and will continue the transitional pattern from residential to commercial emerging in this area.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 4-86-P
Murfreesboro Road Shurgard
Map 135, Parcel 244
Subarea 13
District 27

A request to amend the approved preliminary master plan of the Commercial (General) Planned Unit Development District abutting the northeast margin of Murfreesboro Road, opposite British Woods Office Park (5.7 acres), to permit the development of an additional 15,300 square foot self-service storage facility, requested by Walter Davidson and Associates, for The Freeman Group, owner. **(Deferred indefinitely from meeting of 08/11/94).**

Resolution 96-59

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 4-86-P is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE.** The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Approval by the Metropolitan Council.”

Proposal No. 68-85-P
Cumberland Terrace
Map 70-6, Parcels 35 and 36
Map 70-10, Parcel 5

Subarea 3
District 2

A request to revise the preliminary site development plan and grant final approval for grading of the Residential Planned Unit Development District abutting the south margin of West Trinity Lane, opposite Buena Vista Pike (16.0 acres), requested by Ragan-Smith Associates, for Morris Thurman, partner. **(Deferred from meetings of 11/30/95 and 12/14/95).**

Resolution 96-60

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 68-85-P is given **CONDITIONAL APPROVAL FOR REVISION TO THE PRELIMINARY PLAN AND FINAL APPROVAL FOR GRADING ONLY.** The following conditions apply:

1. Receipt of written confirmation of approval from the Storm Water Management and Traffic Engineering sections of Public Works.
2. Filing of a PUD Boundary Plat and a plat of subdivision combining the parcels, including the posting of any bonds which may be necessary for required public improvements, at the time of filing of final plans for the apartments.”

Proposal No. 117-67-G
Belle Forest Shopping Center
Map 142, Parcel 159
Subarea 6
District 23

A request to amend the approved preliminary site development plan of the Commercial (General) Planned Unit Development District abutting the northeast quadrant of the intersection of the Memphis-Bristol Highway (US 70S) and Old Hickory Boulevard (4.4 acres), to permit the addition of a 9,600 square foot retail facility, Dale and Associates, Inc., for Belle Forest Properties, owner.

Resolution 96-61

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 117-67-G is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE.** The following condition applies:

1. Written confirmation of preliminary approval from the Stormwater Management and Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Approval by the Metropolitan Council.”

Proposal No. 61-77-G
W. C. Gifford Lands
Map 22, Part of Parcel 30
Subarea 1
District 1

A request to amend the approved preliminary site development plan of the Commercial (General) Planned Unit Development District abutting the southeast quadrant of the intersection of I-24 and Whites Creek Pike (1.32 acres), to permit the development of an additional 14,400 square feet of self-service storage, requested by Harry Martin, architect, for William C. Gifford, owner.

Resolution 96-62

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 61-77-G is given **CONDITIONAL PRELIMINARY APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE**. 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. Approval by the Metropolitan Council.
3. The recording of a revised boundary plat.”

Proposal No. 122-83-U
The Woodlands
Map 172, Parcel 179
Subarea 12
District 31

A request to amend the approved preliminary site development plan of the Residential Planned Unit Development District abutting the southern terminus of Woodlands Drive and Windypine Drive (55.24 acres), to permit the development of a 150 unit residential townhome complex, requested by Alley and Associates, Inc., for Richter/Dial Builders, owners.

Resolution 96-63

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 122-83-U is given **CONDITIONAL PRELIMINARY APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE**. The following conditions apply:

1. Receipt of written confirmation of approval from the Storm Water Management and Traffic Engineering sections of Public Works.
2. With submittal of final PUD, filing of a final plat of subdivision and posting of bonds as may be required for any necessary public improvements.”

Proposal No. 96P-002U
Magnolia Place
Map 160, Parcel 17
Subarea 12
District 32

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the east margin of Franklin Pike Circle, approximately 370 feet south of Hill Road (10.04 acres), classified R40, to permit the development of a 20 lot single-family development, requested by Bledsoe Engineering Company, for Advantage Builders, owner.

Resolution 96-64

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-002U is given **CONDITIONAL PRELIMINARY APPROVAL**. The following conditions apply:

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

2. With any final approval request the applicant shall address the need for either on-site detention or downstream improvements to comply with the Stormwater Management Ordinance.
3. With any subsequent final approval request the recording of a boundary plat and a subdivision plat upon the posting of all performance bonds as may be required.”

Proposal No. 96P-003G
Summit Run
Map 86, Parcel 39 and Part of Parcel 40
Subarea 14
District 12

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the north margin of Old Lebanon Dirt Road and the southeast margin of Chandler Road (10.22 acres), classified R15, to permit the development of a 41 lot single-family residential complex, requested by Bill Hostettler, trustee, for James Burriss and Marguerite Smith, owners.

Resolution 96-65

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-003G is given **CONDITIONAL PRELIMINARY APPROVAL**. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of Public Works.
2. With the submittal of the final plans, submittal of a plat of subdivision which combines the parcels, as well as posting of any bonds which may be necessary for required public improvements.
3. Prior to consideration by the Metropolitan Council, the applicant shall provide revised plans which correct the dedication of right-of-way at the intersection of Chandler Road and Old Lebanon Dirt Pike.”

SUBDIVISIONS:

Final Plats:

Proposal No. 93P-019G
Lakeridge, Phase Two
Map 109, Part of Parcel 226
Subarea 14
District 13

A request for final plat approval for 30 lots abutting the west margin of Bell Road, opposite Lincoya Bay Drive (9.56 acres), classified within the R10 and RS10 Residential Planned Unit Development Districts, requested by C. Michael Moran, for B & P Developments, Inc., owner. **(Deferred from meeting of 01/11/96).**

Resolution 96-66

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Plat of Subdivision No. 93P-019G, be **APPROVED** subject to posting a performance bond in the amount of \$251,000.00.”

Subdivision No. 96S-026U
Autozone - 40th Avenue North
Map 91-16, Parcels 292 and 293
Map 92-13, Part of Parcel 2.1
Subarea 7
District 24

A request to consolidate five lots into one lot abutting the southeast corner of Charlotte Avenue and 40th Avenue North (.86 acres), classified within the CS District, requested by Donald M. and Sandra J. Ford and Peter A. Jensen, owners/developers, Thomas, Miller and Partners, surveyor.

Resolution 96-67

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Plat of Subdivision No. 96S-026U, be **APPROVED.**”

Request for Re-approval:

Subdivision No. 93P-021G
Holt Woods, Section Seven
Map 172, Part of Parcels 208 and 211
Subarea 12
District 31

A request to create seven single-family lots abutting the west margin of Holt Hills Road, approximately 80 feet north of Crosswind Drive (2.19 acres), classified Residential Planned Unit Development District, requested by Paul E. Johnson, owner/developer, Anderson-Delk and Associates, surveyor. (**Previous approval lapsed 01/15/96**).

Resolution 96-68

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Plat of Subdivision No. 93P-021G, be **RE-APPROVED** subject to posting a performance bond in the amount of \$12,000.00.”

Subdivision No. 28-79-G
Hickory Manor Apartments
Map 163, Parcel 128
Subarea 13
District 28

A request to subdivide one lot into two lots abutting the west margin of Hamilton Church Road, approximately 50 feet north of Zelida Avenue (19.3 acres), classified within the R15 Residential Planned Unit Development District, requested by Harding University, Inc., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. (**Previous approval lapsed 05/03/95**).

Resolution 96-69

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 28-79-G, be **RE-APPROVED** subject to posting a performance bond in the amount of \$102,900.00, plus a \$10,132.00 traffic signal contribution.”

MANDATORY REFERRALS:

Proposal No. 95M-131U
Council Bill No. 095-121
Mill Creek Conservation Easement
Map 148, Parcels 37, 38 and 224, and Map 162, Parcel 14
Subarea 13
District 28

An ordinance authorizing the acceptance of a conservation easement for use as a greenway. (**Deferred from meeting of 01/11/96**).

Resolution 96-70

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-131U.

Proposal No. 95M-113G
Old Hickory Boulevard/Hobson Pike Name Change
Maps 164 and 175
Subarea 13
District 29

A mandatory referral from the Department of Public Works proposing to change the name of Old Hickory Boulevard between Murfreesboro Pike and (Old) Old Hickory Boulevard to "Hobson Pike."

Resolution 96-71

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-113G.

Proposal No. 95M-145G
Mansker Creek Wastewater Conveyance Facilities
Map 19, Parcel 16; Map 19-14, Parcels 14 and 18; Map 26,
Parcels 62 and 141; Map 26-12, Parcel 11; Map 26-16,
Parcels 3-11, 48 and 49; and Map 27-13, Parcels 1-9
Subarea 4
District 10

A request from the Department of Water and Sewerage Services to approve the acquisition of land for the improvement of the wastewater conveyance facilities along Mansker Creek, from Long Hollow Pike to south of Gallatin Pike. (**Project No. 93-SC-107**).

Resolution 96-72

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-145G.

Proposal No. 96M-001U
Easement Abandonment - Former Alley No. 2055
Map 94

Subarea 11
District 15

A proposal to abandon portions of the public utility and drainage easements retained in the former right-of-way of Alley No. 2055 which was closed by Ordinance O84-431. Requested by Charles Hankla for D. and S. Properties, owner.

Resolution 96-73

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-001U.

Proposal No. 96M-002U
Council Bill No. O96-160
Lease Agreement with Cummins Station, Inc.
Map 93-9, Parcel 320
Subarea 9
District 19

An ordinance authorizing the Metropolitan Government, on behalf of the Arts Commission and the Historical Commission, to enter into a lease agreement with Cummins Station, Inc. for office space located at 209 10th Avenue South.

Resolution 96-74

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-002U.

Proposal No. 96M-003U
North and South Bernard Circle Closure
Map 105-9
Subarea 10
District 17

A proposal to close North Bernard Circle and South Bernard Circle east of 15th Avenue South, requested by Alfred N. Raby for Belmont University, adjacent property owner. (**Easements are to be retained**).

Resolution 96-75

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-003U.

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-086U
Map 160, Parcels 44, 46, 47, 213 and 214
Subarea 12
District 32

A request to change from R40 District to RS6 and RS10 Districts certain property abutting the north margin of Old Hickory Boulevard, opposite Cloverland Drive (42.726 acres), requested by Charles Lee Cornelius and James W. Granbery et al, owners.

Proposal No. 95P-023U
Woodway Square
Map 160, Parcels 44, 46, 47, 213 and 214
Subarea 12
District 32

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the north margin of Old Hickory Boulevard, opposite Cloverland Drive (42.726 acres), classified R40 and proposed for RS6 and RS10, to permit the development of a 627 unit multi-family residential complex, requested by Charles G. Cornelius, for Charles L. Cornelius, Jr., Llewellyna Granberry Cornelius, James T. Granberry, Jr., Charles G. Cornelius, Seven Springs Farm, L.P. (Jas W. Granberry, general partner), Llweyllyna Cornelius Susan C. West and Steven L. West, owners.

Mr. Reid stated the requests would rezone the property and impose a planned unit development overlay which would allow development of 627 apartments on approximately 43 acres. The project would dedicate right-of-way for extension of Trousdale Road through the property to Old Hickory Boulevard, and would construct about one-third of the road. He stated this same request was before the Commission in August of 1995, but was withdrawn.

Two main issues are whether the density associated with this PUD implements the subarea plan, and whether construction of only a portion of Trousdale would be acceptable, or whether the road must be constructed for the entire length of the project. Mr. Reid stated the property lies between low-medium residential policy to the north and east, and office concentration policy to the west. The subarea committee had considered this property specifically when developing the subarea plan, and had stated the preference to place this property in the low-medium density policy allowing up to four dwelling units per acre, in spite of the property's location along a major arterial (Old Hickory Boulevard) and adjacent to a major collector (Trousdale).

The developer contends the office concentration policy should be extended to Trousdale extended, because Trousdale and Old Hickory Boulevard will form a major intersection, which location would adequately serve higher density residential development. Development of the property as proposed would appropriately form a node of higher residential concentration around this major intersection. The developer has alleged that it would be logical to enlarge the office concentration policy because of its close proximity to I-65 and to the commercial development that has occurred in this area.

Mr. Reid stated the issue before the Commission was whether the subarea plan would permit extending office concentration policy across a portion of this property to Trousdale extended. If the Commission determined that the office concentration policy is appropriate, the rezoning to RS10 and RS6 would be permissible. The PUD proposing 627 apartments likewise could be approved, in that the plans meet all zoning ordinance requirements for preliminary PUD approval. That portion of the site west of Trousdale would be zoned RS6 and developed at 18 units per acre. The portion of the site east of Trousdale would be zoned RS10 and developed at eight dwelling units per acre, thus forming a transition to lower density residential development to the east.

If the Commission finds the office concentration policy should be held to its current boundary and not applied to this property, the rezonings and PUD would not be approvable because they would not implement the residential low-medium policy of this area.

The second issue is the extent to which the developer should be required to improve Trousdale. The planning staff suggests the developer should be required to dedicate the entire right-of-way, but to construct only the southern one-third of the road, which would extend Trousdale from Old Hickory Boulevard to the proposed entrances to the apartment development. Public Works personnel advise that the entire road should be constructed to connect into the existing Hearthstone Subdivision. The planning staff feels the developer has made a reasonable offer to construct one third of the road and leave the remaining portion for

Metro to build at a later point in time, since it is a collector street serving other traffic needs other than this development. This connector road is part of a long range street plan to eventually connect to Harding Place to the north.

Mr. Charles G. Cornelius, owner/developer, stated this land was a remaining portion of a 320 acre farm owned by his grandfather. During the development of the Subarea 12 Policy Plan in 1990, the citizens advisory committee elected to assign a low-medium residential policy to this entire 43 acres. The CAC introduced this low-medium policy to preserve the low density nature of the homes fronting on Old Hickory Boulevard across from this land. The CAC felt a higher density policy on these 43 acres would place pressure on the properties fronting the south side Old Hickory Boulevard to develop in a similar matter. Many changes have taken place since the CAC 1990 policy recommendations. Old Hickory Boulevard was a two land road in 1990. Today it is a major five lane thoroughfare. The PUD layout of Brentwood Commons Office Park had a significantly different configuration in 1990 than it has today. The bulk influences of Brentwood Commons on this land are far more significant today than they were in 1990. The homeowners across Old Hickory Boulevard from this proposal are not opposed to this development. The Woodway Square is not only a very attractive development of unusual quality but it is an appropriate transitional use between the intensive Brentwood Commons commercial development and the residential PUDs to the north and east.

Mr. Ken Shaw from the Hanover Company in Houston, Texas, presented pictures of the proposed development to the Commission and stated this was an excellent transition plan.

Mr. William J. Vaughn, a resident across Old Hickory Boulevard from the proposed development, stated it was a pleasure for him to recommend this development because it would be an asset to the community.

Mr. Vincent Zucaro, a resident of Hearthstone Manor Condominiums, spoke in favor of the 1990 CAC recommendation and in opposition to the development. He stated area residents were not opposed to development of this property, but only to this particular proposal, because it was not in the best interest of the neighborhood or the city, and asked the Commission to disapprove the proposal.

Ms. Jernigan asked at what point a traffic study would be done?

Mr. Owens stated a traffic study had been conducted and there were no problems indicated by the Traffic Engineer.

Mr. Lawson stated there must be some issues because someone recommended Trousdale be constructed as part of this proposal.

Mr. Owens stated it was the policy of Metro Government that streets are built by development and not by Metro.

Mr. Browning stated staff indicated to the subarea committee during the subarea plan preparation that the two to four units per acre density might be too low, given all the circumstances that had been mentioned, and had suggested a medium density policy might be more appropriate, which is in the range of five to ten units per acre.

Councilmember Clifton asked how this policy could be changes without reworking the subarea plan?

Mr. Manier stated the Commission had the right to make minor changes in the General Plan such as make minor corrections to policy boundaries.

Mr. Lawson moved to disapprove.

Chairman Smith stated the motion failed because of lack of a second.

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

Resolution No. 96-76

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-086U is **APPROVED**:

The Commission determined that an appropriate interpretation of the boundary between ‘office concentration’ and ‘residential’ policies is along the proposed extension of Trousdale Drive bisecting the subject property. The proposed RS6 district along the west margin of Trousdale (extended), and the RS10 district along the east margin, in association with the proposed planned unit development district, establishes a reasonable transition from non-residential activities to the west to the lower intensity residential uses to the east of this property.”

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-023U is given **CONDITIONAL PRELIMINARY APPROVAL**. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of Public Works.
2. Compliance with the requirements of the applicant’s Traffic Impact Study, dated July, 1995.
3. Submittal of a PUD Boundary Plat and a plat of subdivision which combines the parcels at the time of final plan submittal, along with the posting of bonds as may be required for any necessary public improvements.

Zone Change Proposal No. 96Z-005U

Map 103-8, Parcels 256 to 263
Map 103-12, Parcels 263 to 275, 278 to 284 and 294
Map 103-12-F, Parcels 101 to 104
Map 104-5, Parcels 149 to 152, 154 to 206, 209 to 213, 215 to 320, 275.1, 322 to 365, 377 to 406, 410 to 411, 420 and 422 to 424
Map 104-5-B, Parcels 1 to 6
Map 104-5-G, Parcels 1 to 5
Map 104-9, Parcels 1 to 14, 17, 19 to 93, 253, 273, 96 to 107, 110 to 21, 136 to 138, 140, 143, 146 to 153
Subarea 10
District 24

A request to apply a Neighborhood Conservation District on certain property within an area bounded by the south margin of the CSX Railroad, Murphy Road, and the south margin of Richland Avenue (to a depth of approximately 200 feet), the west margin of Park Circle, and the east margin of Wilson Boulevard (108 acres), requested by Historic Zoning Commission, for various owners.

Mr. Reid stated the subarea plan places these properties in low-medium density policy and also calls for conserving the residential and historical character of these properties. The Historical Commission has recommended approval of this overlay district and recommends that it is a necessary planning tool to protect the historical character of this area. Therefore, staff is recommending approval.

Chairman Smith asked why the conservation overlay is important in implementing the general plan and subarea plan objectives?

Mr. Reid responded the general plan intended to use historical and conservation districts to protect a large area with historically significant structures from radical and harmful structural renovations and removals.

Ms. Ann Reynolds, Director of The Historical Commission, stated the Commission was approached last spring by the Richland - West End neighborhood to begin discussion about applying this conservation zoning overlay. They met with the board of that neighborhood and began working on design guidelines. Historic and conservation zoning provide for design review. In this case, because it is conservation zoning, it will be design review of demolitions and any new construction and additions to property. The neighborhood obviously has been thriving, but the neighborhood felt they needed a tool to manage change. In late July, design guidelines were mailed, along with a notice of a public meeting, to every property owner. That public meeting was held in August. This proposal was approved by the Historic Zoning Commission last week. It meets criteria of historic significance as stated in the zoning ordinance, and there is strong property owner support. Historic and conservation zoning does not alter the base zoning in any way.

Councilmember Horace Johns stated he lives in this neighborhood and felt the conservation zoning would be appropriate, sound and proper planning for this area of town.

Mr. Jim Kelley, president of the Richland - West End Neighborhood Association, Carol Kenner, Rachel Steele and Allen DeCuyper spoke in favor of the proposal, and gave the Commission background information regarding their meetings and plans.

Mr. John Stern, a representative from the Nashville Neighborhood Alliance, stated the Neighborhood Alliance was fully behind the neighbors' efforts to increase the cohesiveness and quality of life in their neighborhood.

Mr. Donald Fisch, member of the West End Church of Christ, stated a portion of the church's property fronting on Richland Avenue is included in the proposed conservation zoning. He expressed concern that the value of the property could be diminished by the increased regulations that conservation zoning would place in their property. He asked the Commission to exclude the church lots from the proposal or to defer the matter to give them a chance to understand the probable effects of this zoning on the church's property.

Mr. Robert Pickerilly, Academic Dean at Freewill Baptist Bible College, requested that their land holdings be excluded from the conservation zoning. He stated that every real estate developer and broker that the college has talked with has responded that the conservation zoning is not in the best interest of the college, and the increased restrictions have the potential of negatively affecting the value of the property. He alleged that excluding the college property is only a small portion of the whole area and on the border of the zone, and would not affect the preservation of the historic character of the neighborhood. He asked the Commission to either exclude the college property or defer this matter for two weeks to enable them to meet with the neighborhood leaders, planning staff and codes administration staff.

Mr. Tom White, representing the Freewill Baptist Bible College and West End Church of Christ, suggested deferral of a vote on this matter until the February 8, 1996, meeting. There had been one meeting between the Councilmember, college and church officials and the neighborhood residents. There needs to be more time for all parties involved to discuss this matter, and it should be deferred.

Discussion ensued regarding the college's ability to sell its property to another entity for continued use as a college. Mr. Browning stated several colleges in Nashville were present before the current zoning ordinance, but most of them have been subject to the conditional use provisions for any development that has taken place under the current code since late 1974. Most colleges have been expanding and redeveloping under campus plans required by the conditional use provisions. Ms. Leslie Shechter stated the conditional use permission that accrued to the Freewill Baptist Bible College would not be transferable to another user. The conditional use permission would not run with the land, but would be unique to the user who had been granted the conditional use. Mr. Browning pointed out that the mechanism

by which a subsequent user could be granted a conditional use to use the Freewill Baptist College property for college purposes would be the same whether or not conservation zoning were applied.

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

Resolution No. 96-77

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-005U is **APPROVED**:

These properties fall within Residential Low Medium density policy (up to 4 dwelling units per acre) in the Subarea 10 Plan. Further, the Subarea Plan calls for conservation of this established residential area. The proposed Conservation district furthers the goals of the Subarea 10 Plan."

Zone Change Proposal No. 96Z-006G
Map 51-10, Part of Parcel 30
Subarea 4
District 3

A request to change from R10 District to CSL District certain property abutting the east margin of Briarville Road, approximately 170 feet north of Worth Street (.29 acres), requested by Mike Anderson, for KS Realty, LLC, optionee, David H. Parker et al, owners.

Mr. Reid stated the Commission disapproved this request to change to CSL district in March of 1994 because there was not a demonstrated need for additional commercial zoning in this area. The adjoining tract is already zoned CSL and is vacant. There is also a large undeveloped commercial PUD across the street which has been approved for a shopping center and office development. Given the prior stance of the Commission, staff is recommending disapproval.

Councilmember Ron Nollner stated the petitioner is attempting to place CSL zoning on all of his property. Approval of this zone change would accomplish this purpose. The petitioner wishes to develop a convenience market on the property.

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

Resolution No. 96-78

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-006G is **APPROVED**:

A portion of this property is currently zoned CSL. The Commission determined that it was appropriate to extend CSL zoning on the remainder of this parcel."

Zone Change Proposal No. 96Z-007G
Map 86, Parcel 206
Subarea 14
District 12

A request to change from R8 District to RM8 District certain property abutting the south margin of Central Pike opposite Tulip Grove Road (13.48 acres), requested by Hamilton Cartwright, Jr., partner, for Herman F. and Jack Odum, et al, owners.

Proposal No. 91P-003G (Public Hearing)

Central Pike Golf
Map 86, Parcel 206
Subarea 14
District 12

A request to cancel the Commercial (General) Planned Unit Development District abutting the south margin of Central Pike, approximately 1,350 feet east of Old Hickory Boulevard, requested by Hamilton Cartwright, Jr., partner, for Herman F. Odum et al, owners.

Mr. Reid stated RM8 will implement the commercial mixed concentration policy which calls for an appropriate mixture of high density multi family, retail and office development. It is being presented today because it requires cancellation of a PUD which requires a public hearing. He stated staff recommended approval.

Mr. David Hall, representing David Hammond and Associates, stated there were plans for development of luxury apartments on this site. There was no site plan available but staff had covered all the information and he asked the Commission for approval.

No one else was present to speak in regard to canceling the current planned unit development.

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

Resolution No. 96-79

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-007G is **APPROVED:**

The RM8 district (permitting high density residential uses) will implement the Commercial Mixed Concentration policy for this area, which calls for a mixture of retail, office, and high density residential uses."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 91P-003G is given **APPROVAL**. The following condition applies:

Approval by the Metropolitan Council."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 95P-004G
Allen Estates
Map 75, Parcels 48 and 49
Map 75-14, Parcels 76-79 and 81
Map 75-15, Parcels 1 and 2
Subarea 14
District 12

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the south margin of Tyler Drive, between Eva Drive and Andrew Jackson Parkway (6.1 acres), classified R10, to permit the development of a 61 multi-family unit complex with a 1,500 square foot club/office/storage facility and a swimming pool, requested by Barge, Waggoner, Sumner and Cannon, Inc., for A. H. Johnson Company, L.L.C., owner. **(Deferred indefinitely from the meeting of 02/23/95).**

Mr. Martin reminded the Commission that Councilmember Ponder had requested disapproval of this proposal at the beginning of the meeting.

The proposal before the Commission is a request for a new PUD for sixty-one dwelling units on 6.1 acres for a gross density of ten units per acre. Staff is recommending disapproval because the proposed density is higher than is recommended by the subarea land use policy. The Subarea 14 Plan states this area should be residential medium density, 4 to 9 dwelling units per acre. The area north of Stoners Creek should be limited to six dwelling units per acre when frontage on Andrew Jackson Parkway is available, and two and one half dwelling units per acre when the properties do not have direct access to Andrew Jackson Parkway. This site has its general frontage on Andrew Jackson Parkway and staff recommends it is appropriate for a maximum of six units per acre. Therefore, staff recommends disapproval of this application proposing ten dwelling units per acre.

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

Resolution No. 96-80

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-004G is given **DISAPPROVAL**.

The Commission determined that the proposed density is excessive for this location.”

Proposal No. 158-77-G (Public Hearing)

Villages of Hickory Hollow
Map 163, Parcel 290
Subarea 13
District 28

A request to cancel a portion of the Residential Planned Unit Development District abutting the north margin of Mt. View Road, approximately 340 feet east of Rural Hill Road (2.6 acres), requested by Barge, Cauthen and Associates, Inc., for Shurgard Freeman-Hickory Hollow Joint Venture, owner.

Proposal No. 115-83-U (Public Hearing)

Nashville Office Building
Map 163, Parcel 316
Subarea 13
District 28

A request to cancel the Commercial (General) Planned Unit Development District abutting the northeast corner of the intersection of Mt. View Road and Rural Hill Road (2.4 acres), requested by Barge, Cauthen and Associates, Inc., for Shurgard Freeman-Hickory Hollow Joint Venture, owner.

Proposal No. 96P-004U

Shurgard Storage
Map 163, Parcels 290 and 316
Subarea 13
District 28

A request to create a Commercial (General) Planned Unit Development District abutting the northeast corner of the intersection of Rural Hill Road and Mt. View Road (5.05 acres), classified R8, to permit the

development of a 70,635 square foot self-service storage facility, requested by Barge, Cauthen and Associates, Inc., for Shurgard Freeman-Hickory Hollow Joint Venture, owner.

Mr. Martin stated 96P-004U was a new commercial PUD to be formed from canceled PUDs 115-83-U and 158-77-G. This proposal is to use these two parcels of land in a new commercial PUD which would have 70,000 square feet of self-service storage. This property is part of the Hickory Hollow activity center in the Subarea 13 Plan. Because of the proximity of this site to the Hickory Hollow Mall and the fact there is CS zoning to the west across Rural Hill and to the east along the Bell Road area, staff recommends the site is also appropriate for commercial zoning. The plans have been approved by all the reviewing agencies and the applicant has agreed to modification of the plan to bring them into compliance with the Commission's recently approved standards for self service storage in commercial districts. Therefore, staff recommends approval of the two PUD cancellations and approval with conditions of the proposed new PUD.

No one was present to speak at the public hearing regarding the PUD cancellations.

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

Resolution No. 96-81

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 158-77-G, a request to cancel a residential planned unit development, and Proposal No. 115-83-U, a request to cancel a commercial planned unit development, are given **APPROVAL**.

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-004U is given **CONDITIONAL PRELIMINARY APPROVAL**. The following conditions apply:

1. Prior to Council consideration, receipt of plans revised to show increased screening and to delineate the perimeter fencing, as well as to show opaque fencing and restrictions to prevent the use of barbed or razor wire, as agreed by the applicant on January 16, 1996.
2. With the submittal of final plans, removal of the proposed detention basin from the future right-of-way of Rural Hill Road and provision of road profiles on Mt View Road which demonstrate the safety of the entrance on Mt View Road.
3. Receipt of written confirmation of approval from the Storm Water Management and Traffic Engineering sections of Public Works.
4. At the time of filing of the final PUD, submittal of a PUD Boundary Plat and a final plat of subdivision which combines the two parcels and dedicates the required right-of way on Rural Hill Road, along with the posting of bonds which may be required by any necessary public improvements.
5. Prior to approval of any building permits, the applicant shall abandon and relocate the existing sewer force main and easement located on parcel 290, and shall provide proof of acceptance by the Department of Water Services.”

Proposal No. 24-85-P
Forest View North
Map 149, Parcel 189
Subarea 13
District 29

A request to revise the approved preliminary site development plan for the Residential Planned Unit Development District abutting the west margin of Forest View Drive, approximately 600 feet north of

Murfreesboro Pike (35.56 acres), to permit the development of a 339 unit residential complex, requested by Lose and Associates, Inc., for J. E. Cain, III, owner.

Mr. Martin stated the current plan was approved for a mixture of about 350 town homes and apartments. He stated the proposed application would convert the town homes into single family lots. He stated the original application showed a 60 foot wide buffer between the town homes and the surrounding single family subdivision. With conversion of this plan to single family lots, though smaller in size than those surrounding the development, the petitioner was reducing the depth of the perimeter buffer. Since the buffer is being reduced, staff recommended that the application should be considered a significant change in concept, and therefore be required to return to council for passage as an amendment.

Mr. Browning stated the sixty foot buffer was put in this PUD originally because it was all multi family which was inserted in the single family residential area. This part of the PUD is now being changed to single family like what is surrounding it. Mr. Browning suggested that a perimeter buffer should not be as critical if the dwelling type is being changed to single family detached units.

Mr. Martin stated the lots are 7,800 square feet in the new proposal. They back up to lots that are ten to fifteen thousand square feet in area. Mr. Martin stated staff was concerned with the difference in the size of the building envelopes.

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

Resolution No. 96-82

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 24-85-P is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE**. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of Public Works.
2. Submittal and approval by the Metro Traffic Engineer of a Traffic Impact Study prior to submittal of the final plan.
3. With the submittal of the final plan, submittal of a PUD Boundary Plat for the amended PUD District and a final plat of subdivision, including posting of bonds as may be required for any necessary public improvements.”

Proposal No. 95P-020G
Council Bill No. O95-129
Bellevue Hollow
Map 143, Parcel 37
Subarea 6
District 23

Council re-referral of a proposed Commercial (Neighborhood) Planned Unit Development District abutting the north margin of the Memphis-Bristol Highway, approximately 2,400 feet east of Old Hickory Boulevard (1.88 acres), classified R15, to permit the development of a 14,500 square foot neighborhood retail facility, requested by Dale and Associates, for Randy and Dianne Knowles, owners. **(Disapproved at meeting of 06/15/95).**

Mr. Martin stated this proposal for a neighborhood convenience commercial PUD was disapproved by the Commission on June 15th last year. The proposal has been re-referred to the Commission from Council. This proposal failed to meet the two locational criteria set out in the land use application portion of the

General Plan for location of retail local convenience activities, in that it is located too close to the community scale retail node just to the west at Old Hickory Boulevard. The Commission determined that a local convenience retail center would not be needed at the proposed location with the array of shopping opportunities provided in the community scale center one-half mile away. The application is unchanged since the June 15th disapproval. Staff therefore recommended that the Commission reaffirm its previous disapproval.

Councilmember Crafton stated he tried to meet with the owners and adjacent property owners as well as people not contiguous to the property but who would be affected by any precedent that might be set by this approval. He stated the intent was to try to reach some solution that everyone would be happy with. The plan has not changed and the area residents are against it. Therefore, Mr. Crafton asked the Commission to reaffirm their previous decision to disapprove.

Mr. Randy Knowles, property owner, stated he felt he had been treated unfairly the last time this proposal was heard by the Commission and that another property owner had gotten approval for a convenience center and his circumstances were no different. He quoted from various rules, regulations and statements from the Subarea 6 Plan and claimed his property met all requirements for development.

Mr. John Knowles, representative from Coronado Condominiums, stated they had been watching this matter very closely and felt the Planning Commission did consider all the facts, and ask them to reaffirm their earlier decision.

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

Resolution No. 96-83

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-020G is **DISAPPROVED**.

The Commission reaffirmed its earlier determination that convenience retail land uses are not appropriate at this residentially policed location.”

Proposal No. 96P-001G

Stone Creek Park
Map 180, Parcel 101 and Part of Parcels 5 and 39
Subarea 12
District 31

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the west margin of Redmond Lane, approximately 800 feet south of Holt Road (52.2 acres), classified R20, to permit the development of a 138 unit single-family complex, requested by Anderson-Delk and Associates, Inc., for John H. Gillespie, owner.

Mr. Martin stated this proposal was in the south central portion of the county along the Williamson County line, south of Holt Road. A portion of this property lies in Williamson County and is being considered for rezoning by the Williamson County Planning Commission on February 12th. The land use plan for Subarea 12 has placed this area in residential low-medium density policy, which allows 2 to 4 dwelling units per acre; therefore, this proposal is within the policy as approved in the Subarea 12 Plan.

The site is partially surrounded by an existing subdivision, Southern Woods with lots averaging 22,000 square feet. This proposal is for lots which will range in size from 9,000 to 17,000 square feet along the interface with the large lots in Williamson County. The applicant has placed the largest of his lots in the southern end of the property to maximize compatibility with the lots in Southern Woods. The proposal

retains approximately eighteen percent of the site in open space in order to preserve steep slopes in the south and stream areas to the north. Staff recommends approval of this proposal with conditions.

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

Resolution No. 96-84

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-001G is given **CONDITIONAL PRELIMINARY APPROVAL**. The following conditions apply:

1. With the final plan submittal the applicant shall provide a flood study to demonstrate the acceptability of the lots adjacent to Holt Creek and road profiles to illustrate the need of the 13% slope on the local street through the site.
2. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of Public Works.
3. At the time of submittal of the final plan, submittal of a PUD Boundary Plat and a plat of subdivision which combines the parcels, along with posting of bonds which may be required by any necessary public improvements.
4. The applicant shall provide evidence of final zoning approval and preliminary subdivision approval by the Williamson County Planning Commission for that portion of the property in Williamson County prior to or concurrent with the final plan submittal.”

SUBDIVISIONS:

Mr. Henry updated the Commission on a request to rehear 95S-293U, Glen Echo Resubdivision of Lots 17 on Hillmont Drive. The Commission disapproved this subdivision because it failed lot area and lot frontage comparability. The petitioner submitted a request to rehear within the time frame set forth in the regulations. The merits of the rehearing will be on the February 8th agenda, and at that point the Commission can decide on the merits of a rehearing, and whether to notify for a public hearing on February 22, 1996.

Preliminary Plats:

Subdivision No. 95S-368G (Public Hearing)

James T. Hayes Subdivision
Map 51, Parcels 160, 161 and 187
Subarea 4
District 8

A request to subdivide three lots into six lots abutting the southeast margin of Indian Trail, approximately 307 feet southwest of Beach Avenue (23.17 acres), classified within the R20 District, requested by James T. Hayes, Sr., owner/developer, Ragan-Smith Associates, Inc., surveyor. **(Deferred from meetings of 12/14/95 and 01/11/96).**

Mr. Henry stated this item had been deferred on two occasions. He stated staff was recommending conditional approval with several variances. One will be a variance in the requirement to upgrade a street, Indian Trail. A waiver to the non-radial lot lines requirement will be required, as well as a waiver allowing creation of lots more than three times larger than the minimum size required in the district. Mr. Henry stated the petitioner had submitted a plan of resubdivision which indicated the large lots could be further subdivided in the future more in keeping with the lot sizes required by the zoning district.

Mr. Tom White stated he had discussed this proposal with the petitioner's engineer, Mr. Pete Ragan. He stated there is no objection to the subdivision, but he wanted to make the Commission aware they are working to come up with a document to set out all the items staff had mentioned, and hoped to have that in place before coming back for the final plat.

No one else was present to speak on this subdivision.

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

Resolution No. 96-85

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plat of Subdivision No. 95S-368G, is granted **APPROVAL.**”

Subdivision No. 96S-023G (Public Hearing)
Old Mill Stream, Section 1
Map 40, Part of Parcel 3
Subarea 3
District 1

A request for preliminary approval to create 64 lots abutting the north margin of Old Hickory Boulevard and the west margin of Whites Creek Pike (20.8 acres), classified within the RS10 and R15 Districts, requested by William H. Thompson, Sr., owner/developer, Rick Fussell, surveyor. **(Deferred from meeting of 01/11/96).**

Mr. Henry stated there were steep slopes in the northwest portion of the property. Last year the Commission approved a rezoning of this property to allow this subdivision. These sixty-four lots are the first phase. All reviewing departments are satisfied regarding scenic easements and flood plain development, and staff recommends conditional approval. There will also be a common area maintenance agreement required with this development regarding open space along the stream bank.

No one was present to speak at the public hearing.

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

Resolution No. 96-86

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plat of Subdivision No. 96S-023G, is granted **APPROVAL.**”

Subdivision No. 96S-028U (Public Hearing)
Demoss Subdivision
Map 103-2, Parcels 83-86
Subarea 7
District 24

A request for preliminary approval to subdivide four lots into four lots abutting the southwest corner of Demoss Road and Maudina Avenue (3.62 acres), classified within the R6 District, requested by B and G Construction, owner/developer, Kevin L. Birdwell, surveyor.

Mr. Henry stated staff was recommending approval of the proposal with a variance to allow creation of lots more than three time the minimum lot area required in the zoning district. Mr. Henry stated the petitioner

had shown a future plan of subdivision which would bring the lot sizes into conformance with the density suggested by the applicable zoning. Mr. Henry stated the subdivision is creating four lots, three of which conform to current zoning. The fourth lot is oversized, but could be resubdivided into 12 lots served by an extension of Maudina.

No one was present to speak at the public hearing.

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

Resolution No. 96-87

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the PRELIMINARY Plat of Subdivision No. 96S-028U, is granted **APPROVAL**.”

Subdivision No. 96S-029G (Public Hearing)
Robert L. Sylar and Jerry A. Rittenberry Property
Map 63, Parcel 10
Subarea 4
District 9

A request to subdivide one lot into four lots abutting the west margin of Neelys Bend Road and the south margin of Hidden Acres Drive (10.82 acres), classified within the RS40 District, requested by Robert L. Sylar and Jerry A. Rittenberry, owners/developers, Gresham, Smith and Partners, surveyor. (**Also requesting final plat approval**).

Mr. Henry informed the Commission there was a request for deferral by the applicant. This is a public hearing. Staff is recommending disapproval. In order to approve this subdivision of four lots, it will require a variance to the minimum frontage of fifty feet for each lot. There are three houses behind this proposed subdivision served by a private drive. They are proposing to create four additional lots which will also use that private drive. There is infrastructure in place and utilities to support urbanized development.

The Subarea 4 Plan calls for low-medium density development in this area. Staff feels this property should develop either on a public street created from Neeley’s Bend to serve these lots or by obtaining access to Hidden Acres Drive. Because a “spite strip” of land lies between these properties and the Hidden Acres Drive right-of-way, staff feels it may be difficult to acquire access to Hidden Acres Drive, and the solution would be to extend the cul-de-sac from Neeley’s Bend. Staff is recommending disapproval of the variance to the fifty foot minimum street footage, and therefore disapproval of the subdivision.

Chairman Smith asked how did we allow a spite strip to be developed?

Mr. Henry stated it was allowed in 1970.

Chairman Smith asked who owned that strip?

Mr. Henry stated it was owned by the original owner of the large tract. This owner built the street, created the lots, and at that time created the spite strip.

Ms. Joyce Redden, the property owner’s daughter, stated she was not in opposition but wanted to explain about the spite strip. In 1970 when the city required her father to build the road, he had asked the neighbors in the Sylar-Rittenberry property if they would chip in to build the road, and he, in return, would give them access to the road (Hidden Acres Drive). They refused to help with the road, so he created the spite strip.

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

Mr. Lawson left at this point in the agenda.

Subdivision No. 96S-035G (Public Hearing)
Dickson-Chaudoin Subdivision
Map 133-15, Parcel 141
Subarea 12
District 26

A request to configure two lots abutting the north margin of Verbena Drive, approximately 567 feet northwest of Aster Drive (5.13 acres), classified within the R10 District, requested by Robert H. and Mary R. Chaudoin, owner/developer, Volunteer Surveying, surveyor. **(Also requesting final plat approval).**

Mr. Henry stated the proposal is to subdivide the front portion of a large lot from the back portion of the lot, and to combine the back portion with an adjacent lot through the replatting process.

Mr. Henry stated the front portion of the lot in question, the portion of the lot containing the dwelling unit, had been sold to a different owner several years ago. This sale had been accomplished by deed transaction. The current buyer of the house was made aware that clear title to the house and front portion of the lot could not be obtained without legitimating the split of the lot through the platting process.

Mr. Henry stated the lot created through the replatting process to contain the dwelling unit in question would be smaller than other lots immediately adjacent. However, he stated the lot would be comparable in size to other lots in the general vicinity. He further stated that the other lot created by combining the back portion of the lot in question with the adjacent lot would be more than three times larger than the minimum size required by the zoning district, which would require a waiver, and would have an unusual shape. However, he stated both circumstances could be justified by the extensive floodplain on much of the lot.

Ms. Jackie Dickson stated she lived in the house at 320 Verbena Drive, the house in question, and was not aware, until today, there had been any opposition voiced regarding this proposal. This situation was created approximately 16 years ago when Paul Durham sold this property to the Neals. This house has changed hands three times since then and has never come before the Commission because it was always done with cash in hand. When she filed for a mortgage this was brought up and her title insurance person said this lot was never legally divided. What the Commission is considering approval of is a situation that has already existed for 16 years. The reason for the back being area being combined with the adjacent lot is to show that Mr. Durham does have access to this lot. In allowing her to go ahead and close on her house, if you should approve, the Commission would not be making an illegal situation with a landlocked lot in the back.

Mr. L. F. Stewart, a resident of Verbena Drive, stated this subdivision was known as High View Acres and the lots are already platted. Mr. Stewart stated the concern that creating one very large lot in this process could lead to development of apartments at the end of the street, or could encourage extending the street to add additional lots.

Mr. Henry stated these actions would require the Commission's approval along with a public hearing. There is not enough street frontage at the end of this cul-de-sac to support more than two additional lots.

Ms. Mandy Schuster, a resident of Verbena Drive, stated her concern was for any future development on Verbena Drive down the cul-de-sac that is not consistent with development already on Verbena Drive.

No one else was present to speak on this matter.

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

Resolution No. 96-88

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY and FINAL Plat of Subdivision No. 96S-035G, is granted **APPROVAL.**”

OTHER BUSINESS:

1. Employee Contract - John Reid.

Mr. Manier moved and Ms. Jernigan seconded the motion, which carried unanimously, to renew with a promotion to a Planner II position, Mr. John L. Reid’s contract for one year, from February 1, 1996, through January 31, 1997.

2. Consideration of the *Subarea 14 Plan: 1995 Update*.

After a brief update on a community meeting held and a recap of the items that needed the Commission’s action, the Commission deferred this matter until the February 22, 1996, meeting to give staff appropriate time to present, at a community meeting, all multi-media information collected including information on pre and post production facilities.

3. MPO technical assistance contracts with City of Mt. Juliet, City of Portland and Greater Nashville Regional Council.

Ms. Nielson moved and Ms. Jernigan seconded the motion, which carried unanimously, to approve the MPO contracts with the City of Mt. Juliet, City of Portland and Greater Nashville Regional Council.

4. Fee structure for Yard Violations. **(Deferred from meetings of 11/30/95, 12/14/95 and 01/11/96).**

This item was deferred until the February 8, 1996 meeting.

5. Aerial photography contract.

Mr. Browning stated there were five bid proposals on the aerial photography for Davidson County. A committee reviewed all five of the proposals and selected the preferred firm which was Merrick and Company. The contract has not been totally negotiated but it is important for this firm to get started as soon as possible to make the flight before the leaves come out on the trees. Therefore, staff would like the Commission to send a letter of intent to award a contract, which is a standard procedure.

Mr. Manier moved and Ms. Nielson seconded the motion, which carried unanimously, to authorize the executive director to notify Merrick and Company of the Commission’s intent to award a contract for aerial photography and aerial mapping services.

6. Legislative Update.

Mr. Owens provided an update on the current legislative status of items previously considered by the Commission.

PLATS PROCESSED ADMINISTRATIVELY

95S-295G Burris & Smith Property, 1st Revision
Added a lot number that was omitted earlier and also made minor revisions to more accurately reflect property configuration.

- 95S-353U Anna Rebecca Estates, Revised
Re-recorded plat to correct parcel numbers.
- 96S-009U Hillhurst Acres, Section One
Relocates the interior line between two existing lots.
- 23-85-P Forest Pointe, Phase One, 1st Revision
Corrects street names.

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 6:00 p.m.

Chairman

Secretary

Minute Approval:
This 8th day of February 1996