

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

Date: Thursday, February 8, 1996  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

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

**Absent:**

Mayor Philip Bredesen  
Ann Nielson  
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  
Mitzi Dudley, Planner III  
Shawn Henry, Planner III  
Tom Martin, Planner III  
John Reid, Planner II  
Charles Hiehle, Planning Technician II

**Advance Planning and Research Division**

Jeff Ricketson, Planning Division Manager

**Community Plans Division:**

Jerry Fawcett, Planning Division Manager

Chairman Smith called the meeting to order.

**ADOPTION OF AGENDA**

Mr. Owens announced Addendum items for the Aerial Photography Contract and the Minutes from the February 6, 1996, called meeting should be added to the agenda before adoption.

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which unanimously passed, to adopt the agenda including the Aerial Photography Contract and the Minutes from the February 6, 1996, called meeting.

### **ANNOUNCEMENT OF DEFERRED ITEMS**

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

95P-002G        Two week deferral, requested by applicant.  
96M-006U        Two week deferral, requested by applicant.

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which unanimously passed, to defer the items listed above.

### **APPROVAL OF MINUTES**

Mr. Bodenhamer moved and Mr. Manier seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of January 25, 1996 and the called meeting of February 6, 1996.

### **RECOGNITION OF COUNCILMEMBERS**

Councilmember Vic Lineweaver stated he had spoken with the homeowners and developers regarding 89P-019G, Allens Green, Sections One and Two, and expressed their concerns regarding not wanting sidewalks in the subdivision.

Councilmember James Dillard presented the Commission with a petition from effected property owners and spoke in support of Subdivision 96S-029G, Robert L. Sylar and Jerry A. Rittenberry Property.

Councilmember Eileen Beehan, spoke in favor of Mandatory Referral 96M-004U, the East Bank Redevelopment.

Councilmember Melvin Black spoke in support of Zone Change 96Z-018U, stating this business relocation was connected to the East Bank Redevelopment.

Councilmember Saletta Holloway spoke in favor of and asked the Commission to approve Subdivision 96S-041U, Stone Bridge. She stated this would add a much needed road to the area.

### **ADOPTION OF CONSENT AGENDA**

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

#### **APPEAL CASES:**

**Appeal Case No. 96B-006U**  
Map 146-3, Parcel 22  
Subarea 12  
District 33

A request for a conditional use permit under the provisions of Section 17.124.130 (Non-Assembly Cultural) as required by Section 17.24.030 to construct a 5,170 square foot education center within the R20 District,

on property abutting the north margin of Farrell Parkway, approximately 425 feet west of Stillwood Drive (8.01 acres), requested by Stephen Rick, for Colonial Dames of America State of Tennessee, appellant/owner.

**Resolution No. 96-90**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-006U to the Board of Zoning Appeals:

**The site plan complies with the conditional use criteria."**

**Appeal Case No. 96B-007U**  
Map 91-10, Parcel 54  
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 768 square foot, two-story addition to an existing residence within the R6 District, on property abutting the north margin of Rome Avenue, approximately 230 feet west of Hite Street (5.73 acres), requested by Kenneth Cantrell, for Joe Barnes Jr., and Earl Milligan, appellant/owner.

**Resolution No. 96-91**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-007U to the Board of Zoning Appeals:

**The site plan complies with the conditional use criteria."**

**Appeal Case No. 96B-010U**  
Map 93, Parcel R.O.W.  
Subarea 9  
District 19

A request for a conditional use permit under the provisions of Section 17.124.190 (Extensive Impact) as required by Section 17.60.030 to construct a multi-level landport within the CF District, on property abutting the south margin of Demonbreun Street, approximately 175 feet west of 10th Avenue South (3.22 acres), requested by Bob Babbitt, for MTA, appellant/owner.

**Resolution No. 96-92**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-010U to the Board of Zoning Appeals:

**The site plan complies with the conditional use criteria."**

**ZONE CHANGE PROPOSALS:**

**Zone Change Proposal No. 96Z-014U**  
Map 163, Parcels 121, 276 and 311

Subarea 13  
District 28

A request to change from R10 and AR2a Districts to R8 District certain property abutting the west margin of Baby Ruth Lane, approximately 1,000 feet north of Mt. View Road (4.99 acres), requested by Houston T. Ezell, owner.

**Resolution No. 96-93**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-014U is **APPROVED:**

**This property falls within an area designated as Residential Medium Density policy (4 to 9 dwelling units per acre). The R8 District will implement this policy, and will continue the R8 zoning pattern emerging in this vicinity."**

**Zone Change Proposal No. 96Z-016G**  
Map 161, Parcel 34  
Subarea 12  
District 32

A request to change from CSL District to CS District certain property abutting the northwest corner of Old Hickory Boulevard and Edmondson Pike (1.07 acres), requested by Pravin Patel, for James Edwin McFarland, owner.

**Resolution No. 96-94**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-016G is **APPROVED:**

**This property falls within a quadrant of a major intersection, which has been placed in non-residential policy. All four quadrants of this major intersection have been approved for retail development. The CS district will implement commercial policy and will support the retail presence emerging at this node."**

**SUBDIVISIONS:**

**Final Plats:**

**Subdivision No. 88P-067G**  
Brandywine Pointe, Phase Two, Section Two  
Map 64, Part of Parcel 8  
Subarea 14  
District 11

A request to create six lots abutting the northeast corner of Shute Lane and Brandywine Pointe Boulevard (2.14 acres), classified within the R20 Residential Planned Unit Development District, requested by Brandywine Pointe Partners, L.P., owner/developer, by Gresham, Smith and Partners, surveyor.

**Resolution No. 96-95**

"**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Plan of Subdivision No. 88P-067G, is **APPROVED."**

**Subdivision No. 88P-067G**  
Brandywine Pointe, Phase 9  
Map 64, Part of Parcel 8  
Subarea 14  
District 11

A request to create 17 lots abutting both margins of Shannon Place, approximately 130 feet east of Brandywine Pointe Boulevard (10.09 acres), classified within the R20 Residential Planned Unit Development District, requested by Brandywine Pointe Partners, L.P., owner/developer, requested by Gresham, Smith and Partners, surveyor.

**Resolution No. 96-96**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 88P-067G, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of \$241,800.00.”

**Subdivision No. 96S-003U**  
West Meade Farms, Inc., Section 9  
2nd Revision of Lots 809 and 810  
Map 115-14, Parcels 2 and 75  
Subarea 7  
District 23

A request to enlarge two lots at the terminus of Grayson Court, approximately 592 feet north of Grayson Drive (7.11 acres), classified within the RS40 District, requested by Charles G. Smith, Jr. and Virginia Abernethy, owners/developers, Dale and Associates, Inc., surveyor.

**Resolution No. 96-97**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Plan of Subdivision No. 96S-003U, is **APPROVED**.”

**Subdivision No. 96S-043U**  
Asheford Crossing, Section Two  
Map 164, Part of Parcel 14  
Subarea 13  
District 29

A request to create 62 lots abutting both margins of Asheford Trace, approximately 130 feet south east of Cedar Ash Crossing (17.21 acres), classified within the RS8 District, requested by Phillips Builders, Inc., owner/developer, Dale and Associates, Inc., surveyor.

**Resolution No. 96-98**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Plan of Subdivision No. 96S-043U, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of \$495,200.00.”

**Request for Bond Extension:**

**Subdivision No. 94S-388G**

J & G Subdivision  
Bill Sudekum, co-principal  
Gerlie Rickard, co-principal

Located abutting the west margin of Dickerson Pike, approximately 300 feet south of Mulberry Downs.

**Resolution No. 96-99**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 94S-388G, Bond No. 94BD-107, J & G Subdivision, until May 8, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the amount of \$24,000.00 by March 1, 1996 and extending the expiration date to November 8, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

**Request for Bond Release:**

**Subdivision No. 7-86-P**  
Sheffield on the Harpeth, Phase Three-C  
Phillips Builders, Inc., principal

Located abutting both margins of Londonberry Road, approximately 90 feet southwest of River Fork Drive.

**Resolution No. 96-100**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 7-86-P, Bond No. 93BD-048, Sheffield on the Harpeth, Phase Three-C, in the amount of \$20,000.00, as requested."

**Subdivision No. 88P-047G**  
Peppertree Forest, Section Ten  
Allen Earps, principal

Located abutting the south margin of Pin Hook Road, approximately 200 feet east of Lavergne-Couchville Pike.

**Resolution No. 96-101**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 88P-047G, Bond No. 88BD-031, Peppertree Forest, Section Ten, in the amount of \$78,000.00, as requested."

**Subdivision No. 88P-067G**  
Brandywine Pointe, Phase Seven, Section One  
Brandywine Pointe Partners, L.P., principal

Located abutting the southeast corner of Shute Circle and Brandywine Pointe Boulevard.

**Resolution No. 96-102**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 88P-067G, Bond No. 94BD-027, Brandywine Pointe, Phase Seven, Section One, in the amount of \$13,000.00, as requested."

**Subdivision No. 89P-017G**  
Bradford Hills, Section Thirteen  
J & Y, L.P., principal

Located abutting the west terminus of Roundhill Drive and the south terminus of Call Hill Road.

**Resolution No. 96-103**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 89P-017G, Bond No. 93BD-033, Bradford Hills, Section Thirteen, in the amount of \$5,800.00, as requested."

**Subdivision No. 89P-017G**  
Bradford Hills, Section Fourteen  
J & Y, L.P., principal

Located abutting the north terminus of Cody Hill Road, approximately 100 feet north of Scout Drive.

**Resolution No. 96-104**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 89P-017G, Bond No. 93BD-073, Bradford Hills, Section Fourteen, in the amount of \$5,000.00, as requested."

**Subdivision No. 95S-056U**  
Myrtlewood Estates, Section Nine, Phase Three  
Samuel H. Hagan, principal

Located abutting the southwest corner of Stillmeadow Drive and Myrtlewood Drive.

**Resolution No. 96-105**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 95S-056U, Bond No. 95BD-018, Myrtlewood Estates, Section Nine, Phase Three, in the amount of \$48,500.00, as requested."

**OTHER BUSINESS:**

1. **Capital Budget Amendment:**

A request to amend the Capital Improvements Budget to change the timing and source of financing for Open Space or Greenways Acquisition and Development as follows:

**Resolution No. 96-106**

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES amendments to the 1995-1996 - 2000-2001 Capital Improvements Budget and Program as follows:

I.D. No. 91PR075  
Open Space or Greenways Countywide  
Acquisition and Development

From:

\$1,150,000	Proposed General Obligation Bonds	FY 1995-1996
\$1,700,000	Proposed General Obligation Bonds	FY 1996-1997
To:		
\$650,000	Miscellaneous Revenues	FY 1995-1996
\$600,000	Proposed General Obligation Bonds	FY 1995-1996
\$1,600,000	Proposed General Obligation Bonds	FY 1996-1997

This concluded the items on the consent agenda.

**PUBLIC HEARING: Amendment to the Major Street Plan:**

Mr. Ricketson prefaced the presentation by recapping the problem Metro has experienced in implementing the scenic arterial provision of the Major Street Plan. He stated that from the time they were first included in the Major Street Plan in 1980 to the present, no scenic arterials have been implemented. Further, he discussed the purpose and intent of scenic arterials as defined in the Major Street Plan and illustrated the differences between the design characteristics of these and other roads. The problem, Mr. Ricketson concluded, is that all roads designated as scenic arterials in Nashville-Davidson County are state highways. Therefore, all improvements to these roads are made according to state specifications and not local specifications. Hence, roads designated as scenic arterials in the Major Street Plan have routinely been developed as urban or rural arterials due largely to the expense in developing scenic arterials.

Having reviewed the problem, Mr. Ricketson presented a proposed amendment to the Major Street Plan designed to give TDOT, Public Works and the Planning Commission more flexibility in designing roads. The main feature of the proposed amendment is that scenic arterial can be designed on a case by case basis, thus taking into consideration such constraints as available right-of-way, adjacent land use and environmental features

No one was present to speak at the public hearing.

Mr. Lawson suggested before the Commission approved this plan he would like to have input from other agencies involved, particularly police, fire and emergency response agencies whose jobs could be affected by street design.

Mr. Lawson moved and Mr. Harbison seconded the motion, which carried unanimously, to close the public hearing and defer for further input from other agencies involved.

The Planning Commission instructed APR staff to forward the proposed amendment to the Metro Fire and Police Departments for comment and approval. APR will report back to the Planning Commission on this matter at the February 22nd MPC meeting.

**ZONE CHANGE PROPOSALS:**

**Zone Change Proposal No. 96Z-013G**  
 Map 86, Part of Parcel 309  
 Subarea 14  
 District 12

A request to change from R15 District to CS District certain property abutting the southwest margin of Old Hickory Boulevard and the north margin of the CSX Railroad, approximately 1,660 feet south of Panama Drive (2.5 acres), requested by Jeffrey A. Smith, for MS-Cot, owner.



Mr. Reid stated there is commercial policy along this stretch of Old Hickory Boulevard which the CS will implement and staff is recommending approval for that reason. Last May, the Commission recommended approval of this same request because the CS district would implement the commercial policy. The reason it is before the Commission again is because the request failed in Council due to concerns of safety because the rezoning would lead to a commercial driveway ramp too close to the adjacent railroad. However, staff feels the zoning and operational issues of this property are two separate issues, and the access issue should be worked out after the appropriate zoning is assigned to the property. The subarea plan has clearly designated this area as being appropriate for commercial use.

Councilmember Phil Ponder endorsed the proposal because it was a commercial area and would fit well within the plan and encouraged the Commission to approve the proposal.

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

**Resolution No. 96-107**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-013G is **APPROVED:**

**The land use policy along this stretch of Old Hickory Boulevard calls for commercial development. The CS District will implement that policy."**

**Zone Change Proposal No. 96Z-015U**

Map 119-5, Parcel 330

Subarea 11

District 16

A request to change from R6 District to CS District certain property abutting the south margin of Joyner Avenue, approximately 150 feet east of Nolensville Pike (.12 acres), requested by Ronnie Haislip, for Nolensville Road Auto Mart, Inc., owner.

Mr. Reid stated this property was currently being used to store cars. Staff recommends disapproval of this request because the deepening of the commercial policy would intrude into the residential area which is unwarranted. Also, there is an alley which provides a good separation point between the residential zoning to the east and the commercial zoning along Nolensville Pike. There is also ample commercial opportunities across Nolensville Pike in the CS and CG zoning which backs up to the railroad track and would not intrude into any residential areas.

Mr. Alfred Haislip, applicant, stated his business had been in this same location for thirty-three years and he would like to expand the business and build a garage. This is a small growing business and he needed help with the zone change to grow with Nashville.

Mr. Harbison asked if the proposed change was on a separately platted lot?

Mr. Reid stated it was a separate platted lot available for residential use.

Mr. Owens stated this was in the Woodbine area and one of the basic emphases of the subarea plan is to protect the residential integrity of the residential areas.

Mr. Browning stated there had been concerns expressed from the community regarding encroachment of commercial development into residential areas.

Ms. Kay Cochran, an area resident, stated she had canvassed the community on this issue and found the majority of people in the area opposed the rezoning. She stated the property had been used illegally for storage of automobiles.

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

**Resolution No. 96-108**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-015U is **DISAPPROVED:**

**The Commission determined that the deepening of commercial zoning along this segment of Nolensville Pike is unwarranted and could have a destabilizing effect on this residential area. The alley along the west side of this property provides a clear separation between the commercial activities oriented towards Nolensville Pike and the established residential neighborhood."**

**Zone Change Proposal No. 96Z-017U**

Map 81-10, Parcel 258

Subarea 8

District 20

A request to change from R6 District to CS District certain property abutting the south margin of Buchanan Street, approximately 40 feet west of 23rd Avenue North (.56 acres), requested by William Bentley, owner.

Mr. Reid stated staff had failed to inform the Commission there was a request to defer this matter and asked if the Commission would like to honor this request. The applicant would like to defer this matter until the February 22nd meeting.

Mr. Lawson asked if this request came in before the meeting.

Mr. Reid stated it had.

Mr. Lawson moved and Mr. Harbison seconded the motion, which carried, with Mr. Bodenhamer in opposition, to defer this proposal until February 22nd.

**Zone Change Proposal No. 96Z-018U**

Map 71-7, Part of Parcels 85, 86 and 87

Subarea 5

District 2

A request to change from CS District to CG District certain property approximately 200 feet west of Dickerson Pike, and approximately 160 feet south of West Trinity Lane (approximately 2.25 acres), requested by Jack L. Jenkins, for Davang and Harsad Patel, C. J. Cowley and Joseph William Sauve, owners.

Mr. Reid stated the policy surrounding this entire interchange is commercial mixed concentration which calls for retail, office and apartments. The CG district is not a district that would implement that policy due to its intense nature. The policy calls for CS and CH zoning with a mixture of gas stations, restaurants and motels. The CG district would not implement that policy and staff is recommending disapproval.

Mr. Brock Rust stated a group of property owners are requesting the rezoning in order to permit a specific use. There may be some overnight storage which is the reason for requesting CG. The building itself will be of mixed use. There will be some offices, an accounting service and some storage. This is the first opportunity in about ten years to make a difference in the area and clean it up.

Mr. Jack Jenkins stated this was a good opportunity to clean up the area. He stated there was no opposition from any one in the area and asked the Commission for approval.

During discussion among the Commission, members stated they felt the heavier CG uses are more appropriate in this area, given the current character of the area. The Commission questioned that the area could transition to more retail uses in the foreseeable future.

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

**Resolution No. 96-109**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-018U is **APPROVED:**

**The immediate area around the I-65/Trinity Lane interchange is designated as Commercial Mixed Concentration policy, which calls for a mixture of retail, office, and high density residential development at appropriate locations. This property falls within the southeast quadrant of this interchange, where there is an established CG zoning pattern. The Commission determined that this relatively minor expansion of the CG zoning pattern would not invalidate the long term commercial goals of this area."**

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 88P-040G**  
Bellevue Putt-Putt Golf and Games  
Map 114, Parcel 309  
Subarea 6  
District 23

A request to revise the approved preliminary site development plan and for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the west margin of Old Hickory Boulevard, south of I-40 (0.66 acres), to permit the addition of a go-cart track to an existing commercial recreation facility, requested by Robert E. Corenswet, general partner, for West Nashville Golf Company, L.P., owner/developer.

Mr. Martin stated this request was to add a go-cart track to the facility. The tract is proposed to be located in the north corner of the site adjacent to the I-40 right-of-way. The applicant anticipated some difficulties with issues on this development and has met with the neighbors prior to and during the filing of the application and determined they are concerned about noise and traffic impacts of this proposal. The applicant conducted a sound study utilizing the services of a certified audiologist. During that test, the applicant simulated the use of the property for a go-cart operation and produced tests which indicates to staff's satisfaction that the background noise would be similar to that which is generated by the continual use of Interstate 40, Old Hickory Boulevard and the Sam's parking lot. The applicant is proposing to operate this track with go-carts powered with muffled four cycle engines, similar to those used on a power generator, mower or tiller, rather than using the ones that are more highly pitched and related to chain saw engines. With that as a condition staff recommends approval.

Councilmember Eric Crafton stated he had talked with the applicant, Mr. Corenswet, and the owner of Belle Valley Apartments, Ms. Woody. There is some disagreement as to the actual sound level. According to the audiologist report there is little noise if any going to the apartments. He said this would be good for the community if there was no noise going to the apartments.

Mr. Robert Corenswet had an audio test done and presented and explained to the Commission a written report on the test results. He stated his plans were to close down the operation at mid-night and the go-carts would not make as much noise as trucks entering Interstate 40 and delivering to Sam's Warehouse.

Ms. Charlene Greer, as resident of Belle Valley, expressed their concerns regarding the noise and late hours of the operation. She stated the audio test should be done with the actual motors that would be running on the go-carts.

Councilmember Clifton moved and Mr. Harbison seconded the motion, which carried unanimously, to defer the above matter for two weeks. Within this two week period the audio test should be redone with Councilmember Crafton, Planning staff, the applicant and representative from Belle Valley Apartments present and Mr. Corenswet and Belle Valley Apartments should share the cost of the test.

**Proposal No. 96P-005G**  
Lakeshore Marine  
Map 109, Parcel 195  
Subarea 14  
District 12

A request to grant preliminary approval for a Commercial (General) Planned Unit Development District abutting the northeast corner of Stewarts Ferry Pike and Old Hickory Boulevard (1.44 acres), to permit a boat repair business, requested by Robert L. Hewell, for Joe W. Hill, owner.

Mr. Martin stated this request is to approve a new commercial PUD to legitimize a repair operation for boats which has existed for approximately twelve years in violation of Metro's zoning code. There is a building with a parking lot and some boat storage on the fringe of the site. Staff recommends this should be disapproved as contrary to the General Plan. The site exists in the middle of a very large area of Subarea 14 which has been policed for residential uses of low - medium density. The site itself was zoned in 1974 when the current zoning ordinance was brought into effect as convenience services limited and operated for a number of years as a convenience market. However, approximately twelve years ago, the business evolved into simply a boat repair operation and is no longer a convenience market. If this application were made today it could not be approved because it conflicts with the adopted Subarea 14 Plan. The boats serviced here must arrive by trailer. The site does not have any unique characteristics such as being water front property. Approval of this request could set a precedent which could make it difficult to deny other commercial zoning requests in this area. Therefore, staff recommends disapproval of this application as contrary to the General Plan.

Councilmember Phil Ponder presented the Commission with a petition from area residents asking the Commission to approve the application.

During discussion among the Commissioners, it was pointed out that the business is in operation and has been in operation for several years. However, it was also pointed out that the operation is illegal under the current neighborhood convenience commercial zoning. The Commission acknowledged that the convenience commercial zoning was appropriate because of its proximity to a large surrounding area with residential policy. However, heavier commercial zoning was not appropriate because there was nothing unique about this property which made it suitable for heavier commercial zoning within the midst of a large residentially designated area. The Commission expressed its wish to validate the existing business, but stated there was no way to do so in accordance with established land use policy.

Mr. Manier moved and Mr. Lawson seconded the motion, which carried, with Ms. Jernigan and Councilmember Clifton in opposition, to approve the following resolution:

**Resolution No. 96-110**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-005G is **DISAPPROVED AS CONTRARY TO THE GENERAL PLAN:**

**The Commission determined that the CS type activity is inappropriate in an area policed residential.”**

**SUBDIVISIONS:**

**Preliminary Plats:**

**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 south 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). (Deferred from meeting of 01/25/96).**

Mr. Henry stated the issue raised at the last meeting was the insufficient street frontage along Neeleys Bend to support the four lots proposed. Each lot has a narrow neck of land that extends onto Neeleys Bend Road. The applicant was going to pursue one of two options: either to obtain access to Hidden Acres Drive by acquiring a five foot strip, thus giving two lots the required minimum street frontage; or to extend a cul-de-sac in off of Neeley’s Bend Road allowing all four lots to obtain legal frontage. Thirty-five feet is the minimum required street frontage on a cul-de-sac. The applicant has submitted a revised plan with access off of Hidden Acres Drive with the two rear lots with access off of Neeleys Bend Road. The applicant has reported they have been unable to acquire that five foot strip. Staff is recommending disapproval of the variance in the minimum street frontage.

Mr. Robert Sylar and Mr. Jerry Rittenberry, owners, explained their plans for the property and asked the Commission to approve the proposal.

No one was present in opposition to the proposal.

Mr. Owens stated there was an almost identical case on the agenda which is creating two lots, and frontage problems were solved by constructing a cul-de-sac in accordance with the subdivision requirements. The staff showed slides of the subdivision, explained the similarities of the cases, and pointed out how this subdivision was being proposed without requiring variances to the regulations.

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

**Resolution No. 96-111**

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-029G, **DISAPPROVED** since the proposed lots do not comply with the minimum street frontage requirement of the Subdivision Regulations (Section 2-4.2) and reasonable alternatives for compliance exist.”

Chairman Smith suggested the applicants return with a plan for a cul-de-sac to avoid a variance.

**Subdivision No. 96S-039G (Public Hearing)**

Dale Kimbrough Lots  
Map 33, Parcel 197  
Subarea 2  
District 10

A request to subdivide one lot into two lots abutting the south margin of Lowes Lane, approximately 1,035 feet west of Old Dickerson Pike (1.94 acres), classified within the R20 District, requested by Dale M. and Donna G. Kimbrough, owners/developers, Tommy E. Walker, surveyor. **(Also requesting final plat approval).**

Mr. Henry stated the Subarea 2 Plan called for low-medium density development in this area. This subdivision request would require a variance of the four to one ratio. This area is intended for urbanization. The proper way to develop this area would be to extend streets off of Lowes Lane to service this area. A network of streets is going to be needed at some point in the future in order to implement the long range plan. Staff is recommending disapproval of the plat based on insufficient evidence the variance needed is justified.

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 to approve the following resolution:

**Resolution No. 96-112**

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-039G, **DISAPPROVED** since the proposed lot widths do not comply with the minimum width-to-depth ratio requirement of the Subdivision Regulations (Section 2-4.2).”

**Subdivision No. 96S-041U (Public Hearing)**  
Stone Bridge  
Map 150, Parcels 170 and 175  
Subarea 13  
District 29

A request for preliminary approval of 22 lots abutting the south margin of Anderson Road, approximately 175 feet west of Towne Village Road (7.51 acres), classified within the RS8 District, requested by J. B. Knight et ux, owners/developers, Thomas, Miller and Partners, surveyor.

Mr. Henry reminded the Commission this was the proposal Councilmember Saletta Holloway had recommended for approval. The proposal is to bring a street off of Stone Bridge into this property and reconnect with Towne Village Road. The subarea plan calls for an extension of Anderson Road across this property. There is a need for improved traffic circulation to the north and south. This development has set aside land for the accommodation of that roadway extension. All departments reviewing this proposal have approved it. Public Works is satisfied with the reservation of the future right-of-way for Anderson Road and staff is recommending approval.

No one was present to speak at the public hearing.

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

**Resolution No. 96-113**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-041U, is granted **APPROVAL.**”

**Subdivision No. 96S-049U (Public Hearing)**

McGinn Property  
Map 129-7, Parcel 13  
Subarea 7  
District 23

A request to subdivide a lot into three lots abutting the west margin of Brook Hollow Road, approximately 430 feet south of East Valley Road (6.33 acres), classified within the RS2a District, requested by Money Management Investment, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Henry stated this property is zoned RS2a and staff had received calls from people who had received notices confused as to whether or not this project would allow duplex development. It would not and for clarification, the RS2a restricts structures to single family only. This area in Subarea 7 is identified for residential conservation. It has two acre minimum lot sizes and staff is recommending approval.

No one was present to speak at the public hearing

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

**Resolution No. 96-114**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-049U, is granted **APPROVAL.**”

**Request for Rehearing:**

**Subdivision No. 95S-293U**

Glen Echo, Resubdivision of Lot 17  
Map 117-11, Parcel 78  
Subarea 10  
District 25

A request to subdivide a lot into two lots abutting the north margin of Hillmont Drive, approximately 683 feet east of Glen Echo Road (.95 acres), classified within the R10 District, requested by Montgomery G. Turner, owner/developer, H & H Land Surveying, Inc., surveyor.

Mr. Henry stated the existing lot was just under one acre. The request is by the owner/applicant to reconsider the Commission’s earlier disapproval of his proposal to subdivide the property. New information is required in order for a new hearing. Staff has received a petition from neighboring property owners expressing support of the subdivision. This property was disapproved by the Commission last October due to failure to meet lot size and lot area comparability. After disapproval last fall, staff received two letters of opposition to this subdivision in December. Also there has been an architectural rendering submitted by the applicant with language to the effect this subdivision will increase homeownership on Hillmont Drive. The subdivision of land has nothing to do with home ownership. Single family homes can be rented. There is also mention of this project being infill development in supporting the goal of Metro Government. In response to that, the comparability requirement in the subdivision regulations is to provide the Commission with a guide to evaluate whether or not infill development is going to be compatible. Staff stated that none of the information submitted was new or relevant to the issue, and suggested the request for rehearing should be disapproved.

Mr. James Higgins, representing the applicant, stated the new information was a more complete picture of the subdivision. He felt at the last meeting some of the information was left out. The majority of the surrounding neighbors support this proposal. Throughout Green Hills there are single family homes and to the east, part of Glen Echo has rental property and duplexes. There are more single family dwellings on Mr. Turners half of the street. Also, Mr. Turner has the option of a horizontal property regime which would allow construction of a duplex structure.

Ms. Jernigan stated she did not feel there was any new information presented.

Mr. Harbison stated the Commission had decided against the subdivision based on the comparability and there was nothing new on that issue and it still fails.

Mr. Harbison moved and Ms. Jernigan seconded the motion, which carried unanimously, to deny the rehearing.

**Resolution No. 96-115**

“BE IT RESOLVED by the Metropolitan Planning Commission that the Request for Rehearing the PRELIMINARY and FINAL Plan of Subdivision No. 95S-293U, is **DENIED.**”

**Request for Bond Release and Removal of Bond Requirement for Sidewalks:**

**Subdivision No. 89P-019G**  
Allens Green, Section One  
Zaring Homes, Inc., principal

Located abutting the south margin of Poplar Creek Road, opposite Rolling River Parkway.

**Request for Removal of Bond Requirement for Sidewalks:**

**Subdivision No. 89P-019G**  
Allens Green, Section Two  
Zaring Homes, Inc., principal

Located abutting the south margin of Poplar Creek Road, opposite Rolling River Parkway.

Mr. Henry stated Allens Green is a residential PUD that was approved in 1990 for 94 lots. In 1991 the new street standards were adopted by this Commission. Those new street standards included provisions for the construction of sidewalks in new developments. After a year of dealing with opposition by developers regarding sidewalks being required in developments that had already been granted approval, the Commission adopted grandfathering provisions in 1992 to deal with that situation. These provision exempted previously approved developments from the sidewalk requirement so long as the development had 20 percent or more of the project put to record with the Register of Deeds by January 1, 1992.

The bond covering all of the public improvements in this project, roadways, drainage, water and sewer and sidewalks was agreed to in 1993. Section one was recorded in 1994, which was two years after the cut off date for the exemption criteria. Based on that, this project was not exempt from the sidewalk requirement. The letter of credit for section one expires in April of this year, so there is some urgency on this matter. Section one is currently at 98% buildout and for one reason or another, Zaring Homes has not built the sidewalks. They have completed everything including final pavement. They have even graded the area where the sidewalks are to go but have not installed the sidewalks primarily because of neighborhood opposition.



Homeowners who have bought into this development were apparently not made aware of the sidewalks to come. There is concern about the front yards being ripped up to accommodate the sidewalks. There is comment about this subdivision being self contained. The fact remains, the residential PUD approved 94 lots and that development density is greater than two dwelling units per acre. That is the minimum threshold for the requirement of sidewalks. Staff recommends against the bond release at this time and against the waiver of the sidewalk requirements on both section one and section two.

Chairman Smith stated this was a great struggle at one time to get everybody grandfathered.

Dr. John Williams, representing the homeowners association, pointed out a petition was signed by virtually every resident occupying a dwelling in section one. Most of those signatures stem from individuals whose lots will not be affected by sidewalk installation. The neighborhood opposition is not limited to people whose yards are going to be directly effected. He pointed out he was a father of three young children under the age of four and is very sensitive to safety issues regarding this neighborhood.

Most of the homeowners were unaware of the sidewalks to be installed when they purchased their lots and found out only subsequently. The lots have a twenty foot frontage. The sidewalks will take six feet from the curb and most people will lose one third of their front yard to sidewalk installation. From a safety issue, these sidewalks are going to be installed across the street of two thirds of the residents, and since the main traffic will be down to the pool and back, most residents will have to cross the street multiple times just to utilize the sidewalks, which would not be promoting safety in the neighborhood. He asked the Commission to consider the homeowners' position on this issue, particularly the impact of installing the sidewalks this late in occupancy and development of the neighborhood, and also because the neighborhood feels strongly about this issue.

Chairman Smith stated he was glad Dr. William understood this had been a city wide controversy over a few years.

Dr. Williams stated he was very sensitive to that and when he moved to Nashville two years ago he was rather struck that most of Nashville did not have sidewalks in the neighborhoods. He stated he found it refreshingly different but now he could understand the arguments for favoring them since most developments have major thoroughfares running through them. In Allens Green six of the eight traffic pathways are either dead end streets or circle streets and the only continuous pathway is less than 0.2 miles in length.

Mr. Harbison stated there was no way the Commission could go against the subdivision regulations regarding sidewalks.

Mr. Davis Lambe, from Zaring Homes, stated they wanted to honor the request of the homeowners if possible. In June a contractor was hired to install the sidewalks in the subdivision and was met with great opposition at that time. Basically there are eighty lots in the front section. There are forty-one lots in section one and thirty-nine lots in section two. The remaining lots have not been given approval. Based on the eighty lots and the acreage there are less than two dwelling units per acre. At that time, it was his understanding, staff would require the cul-de-sac at the top to have sidewalks because it would be a through street to another subdivision but sidewalks would not be required in sections one and two of Allens Green. Zaring Homes passed that information along in good faith through written correspondence to the homeowners. Only when the bond was reviewed for release Public Works brought up the fact sidewalks were missing and required. Zaring Homes is prepared to honor the decision the Commission makes but asked the Commission honor the homeowners' request.

Mr. Leland Bailey, Mr. James Yarborough and Mr. Josh Whitmere, residents of Allens Green, expressed their opposition to the sidewalks.

Mr. Harbison stated he was sympathetic to their situation but there was no option to the subdivision regulations.

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

**Resolution No. 96-116**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby DISAPPROVES the request for bond release and removal of the sidewalk requirement for Subdivision No. 89P-019G, Bond No. 93BD-062, Allens Green, Section One. The principal is directed to complete sidewalks by May 1, 1996 and to extend the present Letter of Credit to November 1, 1996. Principal shall provide evidence of compliance concerning the Letter of Credit by February 12, 1996. Failure of principal to provide amended security documents or failure to complete the performance agreement requirements shall be grounds for collection without further notification."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that it hereby DISAPPROVES the request for removal of sidewalk requirement for Subdivision No. 89P-019G, Bond No. 93BD-063, Allens Green, Section Two."

Mr. Owens stated there was the issue of the performance bond expiring and the letter of credit was due to expire the first of April and there needed to be some authorization form the Commission to either collect the bond and have Public Works build the sidewalks or to allow a short extension of the bond with proper paper work in within the next five days.

Mr. Harbison moved and Mr. Lawson seconded the motion, which carried unanimously, for Zaring Homes to complete the sidewalks by April 1, 1996 and to have all paper work in to Planning staff within five days.

**MANDATORY REFERRALS:**

**Proposal No. 96M-004U**  
Council Bill No. O96-163  
Eastbank Redevelopment Plan  
Subarea 9  
District 6

An ordinance declaring the land area covered by the Eastbank Redevelopment Plan as a blighted area and authorizing the MDHA to acquire it by negotiation or condemnation to further the purposes of the plan, which are to remove blight and construct a football stadium and related facilities. The area is generally bounded by the Cumberland River, James Robertson Parkway, Interstate 65 and Sylvan Street.

**Proposal No. 96M-005U**  
Council Bill No. O96-164  
Stadium Property Acquisition  
Subarea 9  
District 6

An ordinance authorizing the MDHA to acquire by negotiation or condemnation properties within the area covered by the Eastbank Redevelopment Plan.

Mr. Fawcett stated 96M-004U granted the authority to MDHA to provide for a stadium and related development within a project area that is designated the East Bank Redevelopment Project Area.

Proposal 96M-005U authorizes specific land acquisition within that area described. The boundaries of the area are the Cumberland River on the west, Main Street, around the Salvation property, the western right-of-way of Interstates 65 and 24 down to Sylvan Street to Second Street and across properties and back to the river.

Staff is recommending approval of these two items. The East Bank Redevelopment provides for land acquisition, relocation assistance, land use controls and design controls within that described area. All properties within the project area are subject to acquisition, although some properties may be exempted at MDHA's option. Relocation assistance is under applicable federal, state and local laws and guidelines. Acquisition is expected to be phased. Land use controls will be established over all properties in the project area whether acquired or not. The land use plan for this area is general in nature. It established design standards including a design review committee designated by MDHA to administer these standards. The standards include site plan review, landscaping and screening, buildings, parking, signs and loading facilities.

The Planning Commission's role in the review of this plan is for its consistency with the Subarea 9 Plan. The Subarea 9 Plan policies call for mixed use of commercial, office and residential and near the interstate small business development for interstate related uses. The plan policy would be implemented by those zoning districts which would include CS, CH, MRO, OP and OG among others. Each of these districts would permit a stadium as a conditional use. In addition, the existing zoning districts, the IR and the IG that are there today, also permit a stadium as a conditional use. There is excellent interstate access and there are three bridges connecting to the central business district.

Mr. Bodenhamer asked if there were going to be any new interchanges added to Interstate 65?

Mr. Fawcett stated there would have to be improvements made to the interchanges but no new ones would be included.

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

**Resolution No. 96-117**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-004U.

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-005U.

**OTHER BUSINESS:**

2. Draft Multimedia Policy for Application in Subareas.

Mr. Fawcett presented the Commission with the Draft Multimedia Policy and stated there was no presentation for this because it was self explanatory but he would answer any questions the Commission had.

Mr. Manier stated a campus like environment could be mandated with existing zoning.

Mr. Fawcett stated there would probably have to be a very low density office zoning district which would only be useful for this kind of situation.

The Commission stated the policy reflects Commission's current perception of limited pre and post production multimedia facilities, and authorized the staff to use the draft policy statement during the Subarea 14 community meeting.

3. Fee structure for Yard Violations. **(Deferred from meetings of 11/30/95, 12/14/95, 01/11/96 and 01/25/96).**

Mr. Owens stated these violations come in as final plat amendments to change the yard requirements, and are unlike most final plats where our process is to coordinate the review with the other departments such as Codes. In addition to that, staff usually goes out and inspects the site.

Chairman Smith asked if staff talked with Traffic and Parking?

Mr. Owens stated they had on occasion when the encroachment was on a corner lot where there was a sight distance concern.

Chairman Smith stated that if staff had a computer system that drew the information up, it could be pulled up and checked immediately. He asked how much this would cost for the equipment and installation and how much should be charged for the use?

Mr. Owens stated that technology would be a derivative of the new GIS system. It should be getting easier to do the checking.

Mr. Lawson stated there was slim to no chance of instituting fees that would make it more expensive to the builder or Codes. This is an administrative issue and should not be brought before the Commission. It should be handled at staff level.

Mr. Browning stated the only reason they come before the Commission is that it has been staff's perception that it has been just lack of due diligence in reviewing. As long as staff continues to handle this administratively, staff will become the escape mechanism.

Mr. Owens stated the only real penalty being imposed is the time that it takes for it to come back to the Planning Commission.

Chairman Smith stated the process should remain as it is handled.

Mr. Browning stated the only other item requiring action is the Addendum item regarding the Aerial Photography Contract.

Mr. Fawcett stated that at the last meeting the Commission granted an authorization for Merrick & Company to proceed on the basis of an intent to award a contract. The particulars have been negotiated to fly the county creating the aerial photographs, provide aerial photo prints, detect changes from the 1987 GIS information that we have derived from aerial photos in the past. Wherever a change is detected, the consultant will update the GIS with those changes. This process will take approximately twenty-two months and the cost is \$688,101.10. Metro Legal has reviewed and approved the contract.

Mr. Manier moved and Mr. Lawson seconded the motion, which carried unanimously, to approve the Aerial Photography Contract.

4. Legislative Update.

Mr. Browning provided an update on the current legislative status of items previously considered by the Commission and explained in detail the agreement reached between Metro and Harpeth Valley Utility District.

**PLATS PROCESSED ADMINISTRATIVELY:**

93P-016G          Traceside, Section 2, Resubdivision Lot 41

Increases the area in a platted lot, by incorporating small amount of area from parent tract.

- 95S-357U Marengo Park, Resubdivision, Lots 62 & 63  
Minor alterations of interior lot line between two platted lots.
- 95S-373U Henry Hill, Jr. Et Ux Property  
Divides one lot into two lots.
- 96S-020G Jessie James Creek Estates, Section 2  
Creates a .48 acre lot out of a 42 acre tract.
- 96S-030G Jesse Downs Subdivision  
Creates a 2.0 acre lot out of two larger tracts.
- 96S-040U Fessler's Lane Business Park, Resubdivision, Lots 3 & 4  
Minor adjustment of interior property line between two platted commercial lots.
- 96S-044U Ashford Crossings, Section 1 Revision to Lots 277-279  
Relocates a drainage easement effecting three lots, no lot lines effected.
- 96S-050G H. P. Gwinner Subdivision  
Alters the location of an interior property line between two lots.
- 96S-058G Louella Brown Lot  
Creates a 2.0 acre tract, reducing parent parcel to 6.0 acres.

**ADJOURNMENT:**

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

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Minute Approval:  
This 22nd day of February, 1996