

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: March 21, 1996
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Arnett Bodenhamer
Councilmember Stewart Clifton
William Harbison
Janet Jernigan
James Lawson, Vice-Chairman
William Manier
Ann Nielson

Absent:

Gilbert N. Smith, Chairman
Mayor Philip Bredesen
Stephen Smith

Also Present:

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

Current Planning & 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

Vice Chairman Lawson presided and called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced the withdrawal of Zone Change Proposal No. 96Z-027G on Gallatin Pike.

Mr. Bodenhamer moved and Ms. Nielson seconded the motion, which unanimously passed, to adopt the agenda with 96Z-027G withdrawn.

ANNOUNCEMENT OF DEFERRED ITEMS

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

96Z-025U	Two weeks, requested by applicant.
31-86-P	Two weeks, requested by applicant.
90P-20G	Two weeks, requested by applicant.
94P-008U	Two weeks, requested by applicant.
88P-067G	Two weeks, requested by Water Services.
88P-067G	Two weeks, requested by Water Services.
95S-368G	Four weeks, requested by applicant.

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

APPROVAL OF MINUTES

Ms. Nielson moved and Ms. Jernigan seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of March 7, 1996.

RECOGNITION OF COUNCILMEMBERS

Councilmember Phil Ponder stated he was taking no position on Proposal 95P-036G, Santa Rosa Apartments, and there had been no community meetings regarding the proposal. He stated there had been three community meetings regarding Proposal 16-86-P, Home Depot, and the community had asked for eight different items and had received very good cooperation in putting those items into effect. He also spoke in favor of Proposal of 96P-009U, Walden Woods.

ADOPTION OF CONSENT AGENDA

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

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 83-86-P
National Self Storage
Map 147-11, Parcels 39, 39.1, 39.2 and 39.3
Subarea 12
District 26

A request to revise the approved preliminary site development plan and for final approval for the Commercial (General) Planned Unit Development District abutting the southwest margin of Nolensville Pike, 200 feet southeast of Cotton Lane (4.04 acres), to permit the development of a 71,100 square foot mini-storage facility, requested by Derby Storage, L.L.C., for The Realty Shop, Inc., owner. **(Deferred from meeting of 03/07/96).**

Resolution No. 96-168

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 83-86-P is given **CONDITIONAL APPROVAL**. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of Public Works.
2. Receipt of modified plans with corrections as called out by the Fire Marshal and the Department of Codes Administration, as well as an updated landscape plan and table of data.
3. Recording of a final plat which combines the parcels and the posting of bonds which may be required for any necessary public improvements.”

Proposal No. 117-83-U
Music City Outlet Center
Map 62, Parcel 34
Subarea 14
District 15

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 north margin of McGavock Pike, 800 feet west of Music Valley Drive (4.04 acres), to permit the development of an 87,375 square foot, 140 unit motel and a 6,300 square foot restaurant (motel only for final approval), requested by Littlejohn Engineering Associates and Ragan-Smith Associates, Inc., for Platinum Inc., owner.

Resolution No. 96-169

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 117-83-U is given **APPROVAL OF REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE**. The following condition applies:

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

Proposal No. 23-85-P
Forest Pointe
Map 150, Parcel 238
Subarea 13
District 29

A request to revise the approved final site development plan for the Residential Planned Unit Development District abutting the east margin of Forest View Drive, 380 feet north of Murfreesboro Pike, to permit the relocation of one of the 37 single-family lots, requested by Barge, Waggoner, Sumner and Cannon, for Fox Ridge Homes, owner. **(Also requesting final plat approval).**

Resolution No. 96-170

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 23-85-P is given **CONDITIONAL APPROVAL OF REVISION TO FINAL PUD AND FINAL PLAT APPROVAL**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat.”

Proposal No. 16-86-P
Home Depot (Hermitage Market Place)
Map 75, Parcel 122
Subarea 14
District 12

A request to revise the approved preliminary site development plan for the Commercial (General) Planned Unit Development District (31.20 acres), abutting the east margin of Old Hickory Boulevard opposite Juarez Drive, to permit the development of a 227,284 square foot general retail, office and restaurant development, requested by Greeberg Farrow Architecture, Inc., for The Home Depot U.S.A., Inc.

Resolution No. 96-171

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 16-86-P is given **CONDITIONAL APPROVAL OF A REVISION TO THE PRELIMINARY MASTER DEVELOPMENT PLAN.** The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. With any request for final approval the recording of a final subdivision plat upon bonding of all off site road improvements as required by the Traffic Engineering Section of the Metropolitan Department of Public Works, sewer line extensions as required by the Metropolitan Department of Water Services and water line extensions as required by the Cumberland Utility District.
3. Final plans shall include interior property line adjustment approved by the Metropolitan Building Appeals Board at its meeting on March 13, 1996 and adjustment to the landscape buffer and water line easement along the easterly right-of-way of Old Hickory Boulevard as requested by the Cumberland Utility District.
4. Prior to the submittal of a final plan for phase 1 the applicant shall consult with the Metropolitan Public Works Department, Traffic Engineering Division, to revise the drive way from the Walmart property to the northern drive of the Home Depot site in a manner which is acceptable to the Traffic Engineering Division.
5. Receipt of a revised preliminary grading plan, acceptable to staff, lowering the grades at the rear of out parcel number 3 and across the Home Depot parking lot. The purpose of this change is to create “fail-safe” drainage so that upstream homes will not be flooded due to a failure of the primary drainage system (box culvert) or by a flood event greater than a 100 year storm.”

Proposal No. 78-87-P
Fredericksburg
Map 160, Parcel 133
Map 171, Part of Parcel 89
Subarea 12
District 32

A request to revise the preliminary site development plan and for final approval for a phase of the Residential Planned Unit Development District abutting the south margin of Old Hickory Boulevard opposite Hearthstone Lane, to permit the development of a 114 unit residential complex, requested by Anderson-Delk and Associates, for Radnor Development Corporation, owner.

Resolution No. 96-172

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 78-87-P is given **PRELIMINARY APPROVAL AS A REVISION AND CONDITIONAL FINAL APPROVAL FOR A PHASE.** The following conditions apply:

1. Written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Metropolitan Department of Public Works.
2. Posting of bonds for the installation of the fourth leg of the traffic signal at the intersection of Old Hickory Boulevard and Hearthstone Lane.
3. Recording of a final plat of subdivision and posting of bonds as may be required by the Metropolitan Department of Public Works and the Metropolitan Department of Water Services.”

Proposal No. 96P-009U
Walden Woods
Map 75, Parcel 78
Subarea 14
District 12

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the east margin of Tulip Grove Road, approximately 500 feet south of Chandler Road, classified R15, to permit the development of a 63 lot single-family residential complex, requested by Dale and Associates, for Elvis L. Wallace.

Resolution No. 96-173

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-009U is given **CONDITIONAL PRELIMINARY APPROVAL.** The following conditions apply:

1. Written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Metropolitan Department of Public Works.
2. Revised plans approved by the Metropolitan Traffic Engineer showing sight distance easements across lots 62 and 65 at the intersection of Walden Woods Drive and Wyntree Court.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 9-87-P
River Plantation, Phase 2C, Section 10
Phase Boundary Plat
Map 142, Part of Parcel 124
Subarea 6
District 35

A request to create a phase located approximately 250 feet west of Sawyer Brown Road, approximately 915 feet south of General George Patton Road (3.12 acres), classified within the R15 Residential Planned Unit Development District, requested by Haury and Smith Contractors, Inc., owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 96-174

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 9-87-P, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of \$22,900.00.”

Subdivision No. 75-87-P
River Glen, Phase 4, Section 1
Condominium Site Plan
Map 52, Part of Parcel 2
Subarea 14
District 15

A request to create 23 condominium sites abutting both margins of Benay Road, approximately 150 feet northwest of Alandee Street (4.2 acres), classified within the R15 Residential Planned Unit Development District, requested by Julius Doochin, Trustee, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 96-175

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 75-87-P, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of \$64,600.00.”

Subdivision No. 94P-021G
Hanover Park of Sheffield
Map 141, Parcel 42
Subarea 6
District 35

A request to create 51 lots abutting the west margin of Somerset Place and the north terminus of River Fork Drive (23.09 acres), classified within the RS30 Residential Planned Unit Development District, requested by Phillips Builders, Inc., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 96-176

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 94P-021G, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of \$365,200.00.”

Request for Bond Extension:

Subdivision No. 158-77-G
Willow Pointe Apartments
Willow Pointe Partnership, co-principal
National Construction, L.L.C., co-principal

Located abutting the northwest corner of Bell Road and Hickory Hollow Terrace.

Resolution No. 96-177

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 158-77-G, Bond No. 94BD-111, Willow Point Apartments, until June 1, 1996, in the amount of \$7,640.00, as requested."

Request for Bond Release:

Proposal No. 90S-229G
Interchange City Industrial Park, Lot 215-B
Interchange City Associates, principal

Located at the south terminus of Gould Boulevard.

Resolution No. 96-178

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 90S-229G, Bond No. 90BD-013, Interchange City Industrial Park, Resub. of Lot 215-B, in the amount of \$3,000.00, as requested."

MANDATORY REFERRALS:

Proposal No. 96M-007U
Lester Avenue and Hart Street Closures
Maps 105 and 106
Subarea 11
District 19

A proposal to close Lester Avenue, between Murfreesboro Pike and the north margin of Stanley Street and between the south margin of Woodard Avenue and Factory Street/Woodycrest Avenue and to close Hart Street, between Lester Avenue and Nance Lane, requested by Alfred N. Raby for Trevecca Nazarene University, adjacent property owners. **(Easements are to be retained). (Deferred from meeting of 02/22/96).**

Resolution No. 96-179

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES with conditions** Proposal No. 96M-007U.

Trevecca Nazarene University shall enter a maintenance agreement with the Department of Public Works for the portion of Lester Avenue between Stanley Street and Woodard Avenue which will remain a public street. The University shall dedicate property for a cul-de-sac at the point where Lester Avenue becomes a public street again at its southern end, and post a bond for the construction of this improvement."

This concluded the items on the consent agenda.

APPEAL CASES:

Appeal Case No. 96B-023G
Map 158, Parcel 13
Subarea 10
District 34

A request for a conditional use permit under the provisions of Section 17.124.400 (Increases in maximum floor area ratio for places of worship) as required by Section 17.28.050 to construct a 51,915 square foot addition to the side of an existing church within the R40 District, on property abutting the southwest corner of Old Hickory Boulevard and Hillsboro Pike (9.96 acres), requested by Joseph Street, for Forest Hills Baptist Church, appellant/owner.

Mr. Reid stated the reason this application was before the Commission was because it involved increasing the floor area by approximately 55,000 square feet of floor area on two floors. The maximum floor area ratio in the zoning code is fifteen percent, meaning all floor area of the building divided by the gross site area can exceed no more than fifteen percent. In the conditional use section of the zoning code it will allow for an increase of up to thirty-eight percent if certain conditions are met. This application involves expanding the floor area ratio from fifteen percent to twenty-five percent.

Staff believes all conditional use criteria for this application have been met. One of the critical criterion is looking at compatibility with the surrounding area. This expansion will have the greatest impact on the abutting residential properties. The applicant will provide a visual screen of tall and medium trees and shrubs which will meet the buffering requirements of the new code with a twenty-five foot buffer strip.

The applicant is also asking the Board of Zoning Appeals for variances to the lot coverage requirement and for a parking encroachment in a front yard setback along Old Hickory Boulevard. Mr. Reid pointed out that the additional floor area ratio request which the Commission was being asked to comment on can be placed on the property without necessitating either of the two variances for lot coverage and parking. For this reason staff advised that the increase in floor area ratio should not be used as justification for the variances to the lot coverage or for the parking encroachment.

Mr. Frank Orr, an architect for the project, asked the Commission to act favorably on this proposal. Parking is a real problem for this church and they have received complaints from neighbors because people park on Hillsboro Road in front of their property.

Mr. Browning stated he did not know how many parking spaces were available but they were exceeding the ordinance requirement by approximately one hundred, seventy spaces.

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

Resolution No. 96-180

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-023G to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria for increasing the floor area ratio on the site. However a finding of compliance with the conditional use criteria should not be construed as justification for variances to other provisions of the zoning code, notably permitted lot coverage and setback of parking from the public right-of-way."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 95P-036G
Santa Rosa Apartments
Map 75, Parcel 44
Subarea 14
District 12

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the west margin of Andrew Jackson Parkway, approximately 900 feet south of Highland View Drive (20.685 acres), classified R10 and OP, to permit the development of a 199 unit single- and multi-family unit complex, requested by Bernard L. Weinstein, architect, for Santa Rosa Development Company, owner. **(Deferred from meeting of 03/07/96).**

Mr. Martin stated this property was in two zone districts. The bulk of the land, approximately fourteen acres is zoned R10, However, in 1975 a piece of property, which has an existing dwelling on it, was zoned OP. This was a spot zone situation and was adopted over the recommendation of the Planning Commission. The remainder of the property is vacant, unused and is in an area the subarea plan policies as residential low-medium density, to allow up to four dwelling units per acre.

The applicant's plan is for an apartment complex. The gross density for the entire site is 9.62 units per acre. The basis upon which the applicant reached this point was to take the OP portion, which allows multi-family at 21.75 units per acre and the R10 which would allow 4 units per acre, add the two together and distribute the total evenly over both portions of the property. Staff is recommending disapproval because of the density and the fact there is an OP zone district which does not conform to the adopted policy. To capitalize on the OP zone district and spread the density it permits across the residential portion of the property would be improper.

Mr. Doug McCormick, Realtor and licensed surveyor, stated the owner of this property wishes to sell this property. There is 6.54 acres of OP land which has been zoned that way for twenty-one years. This is commercial zoning and the owner has his dental office there at the present time. Under this OP zoning 142.4 units are allowed. The requested total units are 199 and he explained to the Commission how he established that amount. In consulting with Mr. Ed Owens and Mr. Tom Martin a plan was established for 236 units. Mr. Weinstein, the architect, designed a plan, turned it into staff and they recommended disapproval, so the plan was then withdrawn. A second meeting with staff and Councilmember Phil Ponder resulted in a plan for 199 units. Again this was submitted to staff with no problems, but after a second look they recommended disapproval. Approximately six months have been wasted following staff recommendations, designing plans and having staff recommend disapproval. The plan for 236 units could be achieved by building three story apartments.

Mr. Bodenhamer asked if the spot zoning of the OP was the problem.

Mr. Owens stated that was a big part of the problem where staff is concerned. When the staff first met with the applicant on this matter it was pointed out to staff that because of the existing zoning they could load up the small OP area with apartments and could do normal R10 development on the rest and that would equal out a certain number of units. That could be done by right today. Their proposition was, since this was true, they should be permitted to use a PUD and use the same number of units but just spread them out over the entire area. It was hard to dispute that logic. When the application was presented formally and reviewed by all divisions, the overall consensus was if staff took the approach being proposed and let them spread the density out, then it would be acknowledging that OP zone should be there and is consistent with the policy. Staff's position is each zoning step should be according to the current policy plan, and development approval, particularly through the planned unit development should move toward implementing applied land use policy.

Mr. Bernard Weinstein, the architect, stated they had met with staff and got all their input and tried to do everything they had suggested. If he were to come back with another proposal there should be a meeting with all staff involved because the owner is being charged for each change.

Vice Chairman Lawson stated he felt perhaps there should be a meeting with all parties involved again because the Commission felt very uncomfortable about the situation, miscommunication and policy issues.

Mr. Bodenhamer moved and Ms. Nielson seconded the motion to defer this matter for two weeks to allow the developers time to again meet with all staff involved

Councilmember Stewart Clifton arrived at this point in the agenda.

Proposal No. 96P-006G

Mountain View Subdivision
Map 172, Parcel 30
Subarea 12
District 31

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the east terminus of Cloverland Drive, 2,000 feet east of Edmondson Pike, to permit the development of 110 single-family lots (118.2 acres), classified R15 and AR2a and proposed for R20, requested by Littlejohn Engineering, for Centex Homes, owner. **(Reference Zone Change Proposal No. 94Z-054G/U approved by the MPC on 07/28/94).**

Mr. Reid stated this PUD was for 110 single family lots on approximately 120 acres which resulted in a density of slightly under one dwelling unit per acre. This is the same plan that was before the Commission two years ago but expired in Council and is now back before the Commission. Staff and all agencies are recommending approval of this plan. The applicant is requesting a variance to the road standards and the length of the cul-de-sac which serves ten large lots on a very prominent hill within the development. Staff suggested the variance was in order because of the topography of the area, and because only ten large acreage lots are proposed along the long cul-de-sac.

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

Resolution No. 96-181

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-006G is given **CONDITIONAL APPROVAL WITH A VARIANCE TO THE SUBDIVISION REGULATIONS FOR CUL-DE-SAC LENGTH AND CURVE RADII FOR THE PRIVATE STREET SERVING THE 10 ESTATE LOTS.** The following conditions apply:

1. Written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Metropolitan Department of Public Works.
2. Revised plans showing a collector pavement width and a temporary cul-de-sac which complies with the Subdivision Regulations at the southern terminus of the proposed Frontier Drive.
3. Revised plans, acceptable to the Metropolitan Department of Public Works, showing a drainage easement between lots 21 and 22.”

Proposal No. 96P-007G
Elysian Springs
Map 172, Parcels 16 and 110
and Part of Parcels 109 and 111
Subarea 12
District 32

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the north margin of Old Smyrna Road, west of Edmondson Pike, classified R40, to permit the development of 190 single-family lots, requested by Gresham, Smith and Partners, for The Jones Company, owner.

Mr. Martin stated this particular piece of property came before the Commission in 1995 and was accompanied at that time by a zone change proposal to RS30. That plan, at 2 1/2 units per acre, was defeated in Council. Today this request is for preliminary approval for 190 units at 2 dwelling units per acre. The existing R40 base zone will be used. The policy is residential low-medium density.

In the staff report to the Commission disapproval was recommended. That recommendation was based on a plan which had the only access to the project off Old Smyrna Road. Staff suggested 190 units using Old Smyrna Road was somewhat excessive, even though the traffic engineer noted it would work from a numerical point of view. Mr. Mike Walker, City Manager of Brentwood, stated objection to 190 units because he felt in large measure they would be going to the east into the City of Brentwood.

The applicant and staff met on the issue of ingress to and egress from the PUD, and agreed that access from both Old Smyrna Road and Edmonson Pike would be appropriate. The plan has been revised to show both points of access, with the Old Smyrna Road point of access developed first. Connection to Edmonson cannot be accomplished until widening and straightening of Edmonson occurs. Staff reported this work is being included in the capital improvements program for the next three years. The second point of access will be developed with this work, and as the PUD is developed out.

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

Resolution No. 96-182

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-007G 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. Construction of the road linkage from lot 65 to Edmondson Pike. This link will not be required until the Metropolitan Government constructs an upgraded roadway alignment for Edmondson Pike, removing the substandard curve at the location of the proposed access point. The applicant shall bond the access roadway with the platting of the first phase finally approved.”

Proposal No. 96P-008U

Riverwood Plantation
Map 72-12, Parcel 315
Map 73-5, Parcels 22, 149 and 140
Map 73-9, Parcels 64, 65, 3 and 4
Subarea 5
District 8

A request to grant preliminary approval for a Residential Planned Unit Development District abutting both sides of Cooper Lane at the east terminus of Pinehurst Drive, classified R10, to permit the development of 180 single-family lots, requested by Barge, Waggoner, Sumner and Cannon, for Lawrence J. Timon, owner.

Mr. Reid stated this PUD was in the heart of East Nashville and within an already developed residential area. Cooper Creek runs through the property and there are some development constraints due to floodplain and the irregular shape of the property. A major concern was lots which were proposed in the flood way; however, that problem has now been resolved by taking those lots out of the plan. Another concern was the smaller cluster lots within the proposed development backing up to larger, 10,000 to 12,000 square foot lots in the existing neighborhood. The applicant has turned in a revised plan which addressed this problem by enlarging the lots along the perimeter. There are smaller lots within the center of the development. The applicant is also requesting a variance to the length of a 1,000 foot long cul-de-sac coming off Piedmont Avenue. Staff is recommending approval of the variance to avoid unnecessary manipulation of the floodplain to connect the dead end road into a nearby street.

There is a letter from the Riverwood Homeowners Association regarding lot size, traffic and flooding. Staff feels with the revised plan, all problems have been addressed. The lot count is now down to 170.

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

Resolution No. 96-183

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-008U is given **CONDITIONAL PUD APPROVAL WITH A VARIANCE TO THE CUL-DE-SAC LENGTH OFF OF PIEDMONT AVENUE.** The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Metropolitan Department of Public Works.
2. Prior to Final PUD approval, all public streets in this development must be designed to meet the standards of the Subdivision Regulations.
3. A flood study will be required at the time of Final PUD submittal.
4. Revised plans showing a total of 170 lots, which consolidate lots 1, 2, and 3 into 2 lots, consolidate lots 35,36, and 37 into 2 lots, of a minimum of 10,000 square feet, and which remove one of the lots fronting on Demarius Drive, so that the remaining lots contain a minimum of 90 feet of street frontage.”

SUBDIVISIONS:

Rehearing:

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 (1.93 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 that at the last Commission meeting Mr. Dale Kimbrough was granted a rehearing of this two lot subdivision on Lowes Lane. The reason this proposal was disapproved was because it failed the 25% rule, the width to depth ratio, established by the subdivision regulations. The purpose of that provision, which is also found in the zoning code, is to promote full utilization of developing properties. In this case Subarea 2, which has identified this area for low-medium density is expected to urbanize.

Mr. Browning advised the Commission they had already acted on this matter and had disapproved it because there was no justification given to grant the variance requested. In order to reverse the previous position the Commission would have to find there is some new evidence or new facts that would justify the variance.

Mr. Dale Kimbrough stated he had spoken to the land owners on each side of the property and one was interested in helping him. They have already been approved for a proposed subdivision on their parcel and they have no objection that the excess 3/4 acre adjoin their property for the future subdivision. By doing this the subject property would pass the four to one ratio. He said staff keeps on saying they see no hardship here to justify a variance, but the hardship is that he was told by staff before he bought the parcel that there would be no problems with the subdivision. There is no justification in building one house on this

two acre lot for the price paid for the property. He asked the Commission for their help so he can get two lots out of the property.

Ms. Nielson asked if the neighbors on the east would provide him access so he can divide the lot into three lots instead of two?

Mr. Henry stated that was correct and Mr. Kimbrough would have to apply to the Commission with that request involving the neighbor with a preliminary plat showing a future means of access.

Mr. Harbison asked Ms. Shechter what happens when the staff tells the public incorrect information.

Ms. Shechter stated nothing happens because the government is allowed to make mistakes. The Commission is charged with the responsibility of making the determinations and granting variances when they are justified. While it is an unfortunate situation, everyone makes mistakes, but the staff cannot commit the Planning Commission to any action.

Mr. Harbison stated that to grant this relief the Commission would have to find there is some particular hardship that is unique to the property and not based on economic hardship, and the Commission is not legally allowed to act on economic hardship.

Ms. Shechter stated that was correct and the Commission acted within the confines of the subdivision regulations. If they are not flexible enough then that is something that needs to be changed in the regulations themselves.

Ms. Nielson stated in light of the variance definitions, the Commission has not seen any difference from the previous disapproval.

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

Resolution No. 96-184

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the REHEARING and request for FINAL plat approval referencing Subdivision No. 96S-039G, is **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).”

Preliminary Plats:

Subdivision No. 96S-057G (Public Hearing)
Christian Subdivision
Map 52-7, Parcels 98 and 99
Subarea 4
District 9

A request to subdivide two lots into four lots abutting the northwest margin of Sanitarium Road, approximately 280 feet northeast of Neelys Bend Road (2.05 acres), classified within the R10 and MO Districts, requested by Melvin L. and Marie E. Christian, owners/developers, Frank V. Neeley, surveyor. **(Deferred from meetings of 02/22/96 and 03/07/96).**

Mr. Henry stated this site contained an existing house on two properties. It was reported staff was recommending disapproval because the applicant had not submitted evidence of clear title to the properties proposed for subdivision. Staff has now received that information and is now recommending preliminary approval. All other departments have reviewed and approved.

No one was present to speak at the public hearing.

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

Resolution No. 96-185

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-057G, is granted **APPROVAL.**”

Subdivision No. 96S-085G (Public Hearing)

Lockeridge Subdivision
Map 7, Parcel 158
Subarea 2
District 10

A request for preliminary approval for seven lots located between Springfield Highway and Old Springfield Highway, opposite Tinnin Road (8.17 acres), classified within the R40 District, requested by David B. Locke, owner/developer, Doug Worsham, surveyor. **(Also requesting final plat approval).**

Mr. Henry stated this proposal would have three one acre lots on Old Springfield Highway and four one acre lots on Springfield Highway. Each will be on private septic systems which have been approved by the Metro Health Department, and they have satisfied all conditions of approval. Staff is recommending approval of both the preliminary and final plat.

No one was present to speak at the public hearing.

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

Resolution No. 96-186

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY and FINAL Plans of Subdivision No. 96S-085G are granted **APPROVAL.**”

Subdivision No. 96S-099U (Public Hearing)

A. B. Miles Property, Resubdivision of Lot 2
Map 102-14, Parcel 113
Subarea 7
District 23

A request for preliminary approval for nine lots abutting the north margin of Belton Drive, between Davidson Road and Alfred Drive (3.7 acres), classified within the R15 District, requested by The Marchetti Company, optionee.

Mr. Henry stated this property was before the Commission last year when they were requesting to create 10 lots within the property. Those 10 lots did not meet the comparability test. The petitioner agreed to reduce the number of lots by one so that the subdivision lots are comparable with the surrounding lot sizes. All departments have reviewed and recommend preliminary approval, and staff is also recommending approval.

No one was present to speak at the public hearing.

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

Resolution No. 96-187

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-099U, is granted **APPROVAL.**”

OTHER BUSINESS:

1. Employee Contracts:

- Jacqueline Blue: Planner I (4/1/96)
- Douglas Delaney: Planner I (4/1/96)
- Debbie Frank: Planner I (4/16/96)
- Amy Pierce: Planner I (6/1/96)
- Jennifer Uken: Planner I (4/1/96)
- Howard Ways: Planner I (6/16/96)
- Jerry Yuknavage (Contract Extension Through 5/16/96)

Mr. Browning stated the first six contracts were for one year and the seventh one was for an extension through May 16th of 1996. They are all Planner I positions. The six new hires were interviewed by the Division Managers within the past month and staff is recommending them for employment and approval of the contracts.

Vice Chairman Lawson stated the staff had done an admirable job in selecting employees, and in bringing diversity to the staff. He noted Nashville’s attractiveness to recruit out of state and from some well known programs, and pointed out the new employees represented bright young talent that will serve the Commission well.

Mr. Harbison moved and Mr. Bodenhamer seconded the motion, which carried unanimously to approve one year contracts for Jacquelyn Blue, Douglas Delaney, Debbie Frank, Amy Pierce, Jennifer Uken, and Howard Ways and to extend Jerry Yuknavage’s contract until May 16, 1996.

2. Legislative Update.

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

PLATS PROCESSED ADMINISTRATIVELY

- 96S-062U Nashville Korean United Methodist Church
Consolidation of seven lots into one lot

- 96S-071U Haynes Street, Tract One
Converts a deeded parcel into a platted building site

- 96S-072U Betty C. Thomas Property
Creates a platted building site from a deeded parcel

- 96S-093G Lewis Subdivision
Creates one 2.0 acres lot from a larger parent parcel which remained over 5.0 acres

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:00 p.m.

Chairman

Secretary

Minutes Approval:
This 4th day of April, 1996