

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: April 18, 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, Vice-Chairman
William Manier
Ann Nielson

Absent:

Mayor Philip Bredesen
Stephen Smith

Also Present:

Executive Office:

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

Current Planning & Design:

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

Advance Planning and Research Division:

Jeff Ricketson, Planning Division Manager
Deborah Fleming, Planner III

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Debbie Frank, Planner I

Others Present:

Leslie Shechter, Legal Department
Tom Cross, Legal Department

Chairman Smith Called the meeting to order.

Mr. Browning introduced Debbie Frank to the Commission.

ADOPTION OF AGENDA

Mr. Bodenhamer moved and Mr. Lawson seconded the motion, which unanimously passed, to adopt the agenda.

ANNOUNCEMENT OF DEFERRED ITEMS

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

96Z-031G	Deferred until 05/16/96, requested by applicant.
96M-033U	Deferred until 05/16/96; review period extended by council.
96M-034U	Deferred until 05/16/96: review period extended by council.

Mr. Lawson moved and Ms. Jernigan seconded the motion, which carried unanimously, to defer the items listed above.

APPROVAL OF MINUTES

Mr. Browning announced there had been a correction to the minutes pointed out by Mr. Harbison. There were two motions offered for item 96S-114G. The first motion, which was defeated, is properly reflected in the minutes. The second motion carried unanimously but was not recorded as such. The change has been made to reflect the action on the second motion.

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of April 4, 1996 as corrected.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver spoke in favor of proposals 95P-024U, Carter's Glen and 151-82-G, Somerset Farms. He stated that even though staff had recommended approval of 94S-257G, Woodside Subdivision, he would like to see the plan because of the topography of the area.

Councilmember Regina Patton stated there were negotiations under way relative to Subdivision 96S-116U. If all matters can be resolved to the satisfaction of the residents of the adjacent subdivisions, she would be in favor of approval of this request. Otherwise, she would ask the Commission to disapprove.

Councilmember Eileen Beehan spoke in opposition to Zone Change 96Z-033U and asked the Commission to defer Mandatory Referrals 96M-033U and 96M-034U until May 16, 1996.

Mr. Owens announced staff was in receipt of a letter from Councilmember Dillard regarding a subdivision that is set for public hearing and that Mr. Henry would summarize the contents of that letter.

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-049U
Map 85-7, Parcel 142
Subarea 14
District 14

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 an addition (gym/locker room and classroom) within the AR2a and RS10 Districts, on property abutting the west terminus of Stafford Drive and the northwest margin of Danyacrest Drive at the western terminus (25.71 acres), requested by William Mims, for Donelson Christian School, Inc., appellant/owner.

Resolution No. 96-229

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-049U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-035U
Council Bill No. O96-263
Map 94, Parcel 57
Subarea 14
District 15

A request to change from R10 District to CS District certain property abutting the southeast corner of Lebanon Pike and Lebanon Pike Circle (.57 acres), requested by W. B. Adams, owner.

Resolution No. 96-230

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-035U is **APPROVED**:

This property falls within 'Commercial Arterial Existing' policy in the Subarea 14 Plan, which calls for a mixture of office, retail, and higher density residential uses at appropriate locations. The CS District will implement this policy, and will complete the commercial zoning pattern established between Lebanon Pike and Lebanon Pike Circle."

Zone Change Proposal No. 96Z-038U
Council Bill No. O96-282
Map 72-3, Part of Parcels 101, 122 and 123
Subarea 5
District 8

A request to change from R8 District to CS District certain property abutting the south margin of McChesney Avenue and the north margin of Howard Avenue, approximately 235 feet east of Gallatin Pike (.28 acres), requested by Dan Barge, III, for H. G. Hill Realty Company, owner.

Resolution No. 96-231

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-038U is **APPROVED**:

This property falls at the edge of commercial and residential policy. This minor expansion of commercial zoning will allow appropriate commercial redevelopment to occur along Gallatin Pike. The buffering requirements of the Zoning Code will sufficiently protect the residential properties abutting the commercial boundary.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 95P-024U
Carters Glen
Map 142, Parcel 69
Map 142-10, Parcel 27
Subarea 6
District 35

A request to amend the approved preliminary site development plan for the Residential Planned Unit Development District abutting the southeast margin of Old Harding Pike and Bellevue Road (3.09 acres), classified R15, to permit the addition of one single-family lot to the existing 11 single-family lot development, requested by Wamble and Associates, for Joel Wilson, owner. **(Deferred from meeting of 04/04/96).**

Resolution No. 96-232

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-024U is given **CONDITIONAL APPROVAL OF AMENDED PRELIMINARY PLAN REQUIRING COUNCIL CONCURRENCE:**

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

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

A request for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the northeast margin of Memphis Bristol Highway and Old Hickory Boulevard (4.94 acres), to permit the addition of a 9,600 square foot general retail building to the existing Planned Unit Development, requested by Dale and Associates, for Belle Forest Properties, owner.

Resolution No. 96-233

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 117-67-G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE.** The following conditions apply:

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

Proposal No. 43-85-P
The Hillsborough, Phase 3
Map 131-5-C, Parcels 101, 103, 105, 107 and 109
Subarea 10
District 34

A request to revise the approved preliminary plan and for final approval for Phase 3 of the Residential Planned Unit Development District abutting the northwest quadrant of the intersection of Hillsboro Road and Harding Place (0.32 acres), to permit the development of a five (5) unit residential complex, requested by Preston Quirk, architect, for First American National Bank, owner.

Resolution No. 96-234

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 43-85-P is given **CONDITIONAL APPROVAL OF REVISION TO PRELIMINARY AND FINAL FOR A PHASE.** The following conditions apply:

1. Receipt of corrected Grading and Drainage plans and drainage calculations as agreed by the Department of Public Works and the applicant on April 16, 1996, demonstrating modifications to the existing detention structures to reduce the rate of runoff. These plans shall be approved by the Department of Public Works.
2. Receipt of written confirmation of approval from the Traffic Engineering Section of the Department of Public Works.
3. Recording of a final condominium plat certifying to actual as-built conditions upon completion of construction.”

Proposal No. 91P-007G

Sunset Oaks
Map 86, Parcels 45 and 294
Map 75, Parcel 153
Subarea 14
District 12

A request to revise the approved preliminary site development plan and for final approval for Phase 3 of the Residential Planned Unit Development District, classified RS15, abutting the northeast margin of Old Lebanon Dirt Road and Tulip Grove Road (40.24 acres), to permit the development of 38 single-family lots, requested by B & P Development, Inc., for B & P Development, Inc., owners.

Resolution No. 96-235

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 91P-007G is given **CONDITIONAL APPROVAL OF REVISION TO PRELIMINARY AND FINAL APPROVAL FOR A PHASE.** The following conditions apply:

1. Receipt of modified final plans showing public sidewalks to serve lots 38-48.
2. Receipt of written confirmation of approval from the Traffic Engineering Section of the Department of Public Works.
3. Recording of a final plat of subdivision and the posting of bonds as may be required for necessary public improvements.”

Proposal No. 94P-017G

October Woods, Phase 2
Map 182, Part of Parcel 30
Map 183, Part of Parcel 4
Subarea 12
District 31

A request for final approval for Phase Two of the Residential Planned Unit Development District abutting the west margin of Old Hickory Boulevard, 1,800 feet south of Interstate 24 (34.03 acres), classified R10, to permit the development of 93 single-family lots, requested by Anderson and Delk, for Paul Johnson, owner.

Resolution No. 96-236

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-017G is given **CONDITIONAL FINAL 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 for phase 2 upon the posting of a bond for all road improvements as required by the Metropolitan Department of Public Works, water and sewer line extensions as required by the Metropolitan Department of Water Services and a contribution by the developer of \$500.00 per lot for the first 9 lots and \$300.00 per lot for the remaining 84 lots for off site road improvements as required by the approved traffic impact study.
3. The designation of lots 87 through 91 as critical lots on the final subdivision plat.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 95S-368G
James T. Hayes Subdivision
Map 51, Parcels 160, 161 and 187
Subarea 4
District 8

A request to subdivide three lots into six lots abutting the southeast margin of Indian Trail, approximately 307 feet southwest of Beach Avenue (23.17 acres), classified within the R20 District, requested by James T. Hayes, Sr., owner/developer, Ragan-Smith Associates, Inc., surveyor. **(Deferred from meeting of 03/21/96).**

Resolution No. 96-237

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 95S-368G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$70,000.00.**”

Subdivision No. 88P-067G
Brandywine Pointe, Phase 11, Section 1
Map 64, Part of Parcel 8
Subarea 14
District 11

A request to create 13 lots abutting the north margin of Shute Lane and both margins of Rachel Way (6.14 acres), classified within the R20 Residential Planned Unit Development District, requested by Brandywine Pointe Partners, L.P., owner/developer, Gresham, Smith and Partners, surveyor. **(Deferred from meetings of 03/07/96, 03/21/96 and 04/04/96).**

Resolution No. 96-238

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 88P-067G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$147,500.00.”**

Subdivision No. 88P-067G
Brandywine Pointe, Phase 11, Section 2
Map 64, Part of Parcel 8
Subarea 14
District 11

A request to create 13 lots abutting the northeast margin of Shute Lane and both margins of Rachel Way (6.14 acres), classified within the R20 Residential Planned Unit Development District, requested by Brandywine Pointe Partners, L.P., owner/developer, Gresham, Smith and Partners, surveyor. **(Deferred from meetings of 03/21/96 and 04/04/96).**

Resolution No. 96-239

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 88P-067G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$169,750.00.”**

Subdivision No. 95P-024U
Carters Glen
Map 142, Parcel 69
Subarea 6
District 35

A request to create 11 lots abutting the southeast corner of Bellevue Road and Old Harding Pike (3.09 acres), classified within the R15 Residential PUD District, requested by Magnolia Construction Company, Inc., owner/developer, Wamble and Associates, surveyor. **(Deferred from meeting of 04/04/96).**

Resolution No. 96-240

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 95P-024U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$153,150.00.”**

Subdivision No. 96S-041U
Stone Bridge
Map 150, Parcels 170, 175 and Part of 39
Subarea 13
District 29

A request to create 24 lots abutting the south margin of Anderson Road, approximately 175 feet west of Towne Village Road (5.92 acres), classified within the RS8 District, requested by J. B. Knight et ux, owners/developers, Thomas, Miller and Partners, surveyors. **(Deferred from meeting of 04/04/96).**

Resolution No. 96-241

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-041U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$252,100.00.”**

Subdivision No. 94S-257G
Woodside Subdivision
Map 142, Parcel 90
Subarea 6
District 35

A request to create ten lots abutting the northeast margin of Hicks Road, opposite Patten Lane (5.15 acres), classified within the R15 District, requested by Steve Ayers, owner/developer, Walker Engineering, surveyor. **(Deferred from meeting of 04/04/96).**

Resolution No. 96-242

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 94S-257G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$44,000.00.”**

Subdivision No. 151-82-G
Somerset Farms, Phase 1, Section 4
Map 141, Part of Parcel 15
Subarea 6
District 35

A request to create 25 lots abutting both margins of Somerset Farms Drive and both margins of Roslyn Court (4.48 acres), classified within the R10 Residential Planned Unit Development District, requested by Somerset Farms Joint Venture, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. **(Approval lapsed 03/07/96).**

Resolution No. 96-243

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 151-82-G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$194,000.00.”**

Subdivision No. 235-84-U
Harbor Village, Phase 2
Map 34-7, Part of Parcel 34
Subarea 4
District 10

A request to create 18 lots abutting both margins of Spring Branch Drive, approximately 195 feet southeast of Shepherd Hills Drive (3.2 acres), classified within the R20 Residential Planned Unit Development, requested by Glenn F. and Nancy A. Nabors, owners/developers, Caldwell Engineering and Surveying, surveyor.

Resolution No. 96-244

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 235-84-U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$88,000.00.”**

Subdivision No. 35-86-P

Pine Ridge, Section 4
Map 60, Parcel 42
Subarea 5
District 4

A request to create 22 lots abutting both margins of Pine Ridge Drive, approximately 140 feet west of Shadetree Court (5.12 acres), classified within the R8 Residential Planned Unit Development District, requested by Henry Matthew Ward, owner/developer, L. Steven Bridge, Jr., surveyor.

Resolution No. 96-245

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 35-86-P, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$67,500.00.”**

Subdivision No. 78-87-P

Fredericksburg, Sections 6A and 6B
Map 171, Part of Parcel 89
Subarea 12
District 32

A request to create 67 lots (33 lots in Section 6A and 34 lots in Section 6B) abutting the north margin of Cloverland Drive, approximately 90 feet west of Fredericksburg Way (19.67 acres), classified within the R20 Residential Planned Unit Development District, requested by Radnor Development Corporation, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 96-246

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 78-87-P, is granted **CONDITIONAL APPROVAL subject to posting a performance bond as follows: Section 6A - \$301,350.00; and Section 6B - \$288,500.00”**

Subdivision No. 96S-057G

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.

Resolution No. 96-247

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

Request for Bond Extension:

Subdivision No. 85-735-U

Metro Airport Center, Section Four, Phase Four
Metro Airport Center, Ltd., principal

Located abutting the southwest side of Elm Hill Pike, east of Donelson Pike.

Resolution No. 96-248

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 85-735-U, Bond No. 86BD-001, Metro Airport Center, Section Four, Phase Four, until August 1, 1996, in the amount of \$5,000, as requested."

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.

Resolution No. 96-249

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 89P-019G, Bond No. 93BD-063, Allens Green, Section Two, until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit in the amount of \$100,000 by May 22, 1996 and extending the expiration date to December 1, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 93P-016G

Traceside, Section One
Centex Real Estate Corporation

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

Resolution No. 96-250

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 93P-016G, Bond No. 94BD-059, Traceside, Section One, until July 15, 1996, as requested, in the amount of \$200,000, said approval being contingent upon submittal of a letter by May 22, 1996 from Safeco Insurance Company of America agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 93P-016G

Traceside, Section A (2.1)
Centex Real Estate Corporation

Located abutting the southwest terminus of Timber Gap Drive and the northeast terminus of Traceway Drive.

Resolution No. 96-251

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 93P-016G, Bond No. 95BD-026, Traceside, Section A (2.1), until September 15, 1996, as requested, in the amount of \$150,000, said approval being contingent upon submittal of a letter by May 22, 1996 from Safeco Insurance Company of America agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 93P-016G
Traceside, Section Three
Centex Real Estate Corporation

Located abutting both margins of Traceway Drive, abutting 100 feet northeast of Traceside Drive.

Resolution No. 96-252

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 93P-016G, Bond No. 95BD-074, Traceside, Section Three, until June 1, 1997, as requested, in the amount of \$202,000, said approval being contingent upon submittal of a letter by May 22, 1996 from Safeco Insurance Company of America agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Request for Bond Release:

Subdivision No. 74-73-G
Fiddlers Corner
Fiddlers Inn, Inc., principal

Located abutting the northwest margin of Music Valley Drive and the north margin of McGavock Pike.

Resolution No. 96-253

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 74-73-G, Bond No. 94BD-011, Fiddlers Corner, in the amount of \$76,700, as requested."

Subdivision No. 117-83-U
Music City Outlet Center
Factory Stores of America, Inc., principal

Located abutting the north margin of McGavock Pike, approximately 800 feet west of Music Valley Drive.

Resolution No. 96-254

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 117-83-U, Bond No. 89BD-007, Music City Outlet Center, in the amount of \$9,000, as requested."

Subdivision No. 31-86-P
Grove at Whitworth
HSW Whitworth I, L.P., principal

Located abutting the northeast margin of Elmington Avenue, approximately 335 feet southeast of Richardson Avenue.

Resolution No. 96-255

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 31-86-P, Bond No. 94BD-043, Grove at Whitworth, in the amount of \$5,000, as requested."

Subdivision No. 94S-308U
James W. McClendon (water)
Martha C. McClendon Estate, principal

Located abutting the northwest margin of Charlotte Pike, opposite Davidson Road.

Resolution No. 96-256

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 94S-308U, Bond No. 95BD-033, James W. McClendon (water), in the amount of \$5,000, as requested."

MANDATORY REFERRALS:

Proposal No. 96M-030U
Council Bill No. O96-271
Lease Agreement Between METRA and MDHA
Map 93-15, Parcel 118
Subarea 11
District 19

An ordinance approving a lease agreement between Metropolitan Government, acting through the Mayor's Employment and Training Resources Agency (METRA), and Metropolitan Development and Housing Agency (MDHA) for office space in the Southside Enterprise Center located at 78 Lafayette Street.

Resolution No. 96-257

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 96M-030U.

Proposal No. 96M-031U
Council Bill No. O96-277
Lease Agreement Between Social Services
Commission and MDHA
Map 93-15, Parcel 118
Subarea 11
District 19

An ordinance approving a lease agreement between Metropolitan Government, acting through the Social Services Commission, and Metropolitan Development and Housing Agency (MDHA) for office space in the Southside Enterprise Center located at 78 Lafayette Street.

Resolution No. 96-258

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-031U.

Proposal 96M-032U
Mayfair Avenue Encroachments
Map 103-12
Subarea 10
District 24

A mandatory referral from the Department of Public Works proposing the installation of HVAC lines under the right-of-way of Mayfair Road, 215 feet north of West End Avenue, requested by K. C. Ptomey, Sr., Pastor for the Westminster Presbyterian Church, adjacent property owner.

Resolution No. 96-259

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-032U.

Proposal No. 96M-035U
Council Bill No. O96-287
Cephas Street Surplus Property
Map 81-7, Parcel 393
Subarea 8
District 20

An ordinance approving the sale of surplus property located at 1821 Cephas Street.

Resolution No. 96-260

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-035U.

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-032G
Map 51-2, Parcel 37
Subarea 4
District 3

A request to change from R20 District to MO District certain property abutting the west margin of South Graycroft Avenue, approximately 1,150 feet north of Due West Avenue (1.23 acres), requested by Mildred Massey, Director of Volunteer Services of Columbia Nashville Memorial Hospital, for Health and Education Facilities Board, Metropolitan Government, owner.

Mr. Reid stated the staff is recommending disapproval of the requests. The applicant is proposing a hospitality house which will provide relatives of patients at the Columbia Memorial Hospital a place to stay overnight at no cost. The staff believes the use is a desirable one. However, the location proposed is an inappropriate one in which to extend the MO zoning, which is necessary to allow the proposed use.

The main goal of the subarea plan for this area is to protect the surrounding residential neighborhood by directing any new MO zoning to locate along Due West Avenue between South Graycroft and Acre Trails Drive. It also directs any hospital related uses to locate in the existing MO zoning districts on both sides of

Due West Avenue or within new MO zoning along the same areas. Staff believes placing non-residential zoning in the proposed location will intrude too far to the north into this residential neighborhood and believes the applicant should pursue this hospital related use in existing MO zoning.

Ms. Mildred Massey provided the Commission with a plan of the proposed hospitality house. She stated the house would be five bedroom, five bathroom dwelling with an in-house resident manager who would oversee the house. There would be established hours and guidelines for people using the house. She stated the entire community is supportive of this house.

Chairman Smith asked Mr. Owens if a commercial zoning is needed for a facility where there is no charge for the accommodations.

Mr. Owens stated it was residentially zoned property which allows permanent residential uses. Metro's zoning code limits occupancy of a dwelling unit to a certain number of unrelated persons. The zoning administrator has opined that this facility would not meet the definition of a residential dwelling.

Mr. Steve Flatt, minister of Madison Church of Christ, stated he felt it was unfortunate this had to be lumped into a general category of transient habitation because the use of this property will be anything but that of a motel and the benevolent purpose that it serves and is what it is able to do for families who are in dire need. He stressed the need for this type of hospitality house.

Ms. Jo Ann North stated it was unfortunate that zoning problems arise when there is a group of individuals that want to meet a need in the community. She said she was on the city Council and fought for the zoning for the Ronald McDonald House because there was the need for it, and that she hoped the Commission could work something out for this house.

Councilmember Ron Nollner, stated Columbia Memorial Hospital would like to have all the surrounding property zoned MO. Ms. Nyland, an adjacent property owner, was concerned about this house being between her and her daughter's house and had also expressed she had no problem if the entire block were zoned MO, which is Columbia's ultimate plan. He stated he felt this house would be good for the entire neighborhood and asked the Commission for approval.

Ms. Jernigan asked if Columbia already had other property that was properly zoned for this use.

Mr. Reid stated Columbia has property both within the MO zoning district and also in the residentially zoned area as well.

Ms. Jernigan asked if anyone had talked to the hospital about alternate sights?

Councilmember Nollner stated he had and the convenience of this one is for the convenience of the people that will be staying there and traveling to the hospital. The other pieces of property that would be acceptable for this use are further away.

Councilmember Clifton stated he had had some experience with this type of housing because the Ronald McDonald house was in his district. There was some controversy regarding it but there was no rezoning involved. This is apparently a permitted use in the RM zoning but the controversy was that through inadvertence the people originating the idea showed the neighborhood a plan and when they filed the actual papers for building it was twice as big. Now that it has been built, the actual use has been a real asset to the area, and it was built with a great deal of sensitivity and blends well. He stated the Commission should be actually talking about the whole area and to make the whole district MO eventually.

Mr. Bodenhamer stated the Commission needed to look at this very closely because this was one of those items that they need to have some sensitivity regarding and perhaps something could be worked out.

Mr. Lawson stated he was concerned to hear Columbia has acquired property adjacent to the south of Chadwell as if through acquisition it hopes for MO in the direction that is contrary to the subarea plan.

Ms. Dudley stated staff had been working very closely with the zoning administrator trying to work out something because this seemed to be a community facility or something being designed to serve the community. One possibility would be creating a conditional use that would fit this type of development tied in with the hospital.

Ms. Christine Nyland expressed her concerns regarding the hospitality house and stated the hospital had promised her there would be no more spot zoning in the area, and that it would be better to go ahead and rezone the entire side of the street.

Mr. Lawson moved and Ms. Nielson seconded the motion, which passed unanimously, to defer this matter for two meetings, until May 16, 1996, to give staff a chance to explore other avenues that may be available to accomplish the objectives.

Zone Change Proposal No. 96Z-033U
Council Bill No. O96-279
Map 83-9, Parcel 157
Subarea 5
District 6

A request to change from R6 District to MUL District certain property abutting the north margin of Woodland Street, approximately 50 feet west of North 14th Street (.13 acres), requested by Annette Rich Berman, owner.

Mr. Reid stated the staff was recommending disapproval of this request. He stated this property falls within Subarea 5 and also within the Five Points redevelopment plan. The major goal for both of the plans is to protect the historic character of the neighborhood while at the same time finding viable uses for the existing CSL districts. They seek to do that in a manner that will not encroach into the neighborhood and that will maintain the housing supply. There is some scattered CSL zoning districts in the neighborhood. These are old districts which have been around since 1974 or earlier and they are under-used and have many vacant structures on them now. Staff feels placing commercial opportunity at this location would be bad zoning because it eats further into the residential neighborhood and increases the problem of finding viable uses for the existing under-used commercial districts. Mr. Reid stated staff had received a letter from the East End Neighborhood Association expressing their disapproval as well because they feel the integrity of their neighborhood would be violated.

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

Resolution No. 96-261

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-033U is **DISAPPROVED**:

The Subarea 5 Plan and the Five Points Redevelopment plan seek to protect the character of this historic neighborhood. Placing commercial opportunities at this location will intrude into the residential fabric of the neighborhood, and will further decrease the commercial viability of vacant structures within the scattered pockets of CSL zoning districts in this area."

Zone Change Proposal No. 96Z-034U
Map 107, Parcel 8
Subarea 14
District 15

A request to change from R8 District to CS District certain property abutting the west margin of McGavock Pike, approximately 240 feet north of I-40 (1.10 acres), requested by Anjum Ali, owner.

Ms. Dudley stated the staff was recommending disapproval of the request. The Subarea 14 policy is for office concentration and the intent of that policy is to provide for areas envisioned to be major office submarkets. The applicant is requesting CS because he wants to build a hotel. Ms. Dudley stated the use is not incompatible with the area, because there are other hotels in the immediate vicinity. However, the CS zoning would allow other commercial uses that would not be compatible in the specific location, particularly because of there being no exposure to an arterial street.

Ms. Dudley stated that all of the development in the immediate vicinity had occurred under planned unit developments, which had worked well for the offices and other hotels in the area. She suggested that this site should be approved for development as a PUD as well.

Chairman Smith asked if the applicant was willing to accept a different zoning?

Ms. Dudley stated he was, but he and staff had not gone into much discussion about what would be involved in a PUD. His primary objective is to have zoning which will permit a hotel.

Chairman Smith said that would mean a deferral and the Commission should give some indication of direction.

Mr. Owens stated if the applicant chooses to come back with a PUD he would be looking for guidance from the Commission today.

Mr. Harbison moved and Ms. Nielson seconded the motion, which passed unanimously, to waive the filing fee up to the amount paid for the rezoning petition, and defer this matter for two weeks for the applicant to receive guidance from staff regarding a PUD.

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 18-84-U
Burton Hills Phase 5 Office
Map 131-6-A, Parcel 22
Subarea 10
District 33

A request to revise the approved preliminary site development plan for Phase V of the Commercial (General) Planned Unit Development District abutting the northern quadrant of the intersection of Seven Hills Boulevard and Burton Hills Boulevard (3.29 acres), to permit the development of an 86,000 square foot office building, requested by Gresham, Smith and Partners, for Dalton Development Corporation, owner.

Mr. Martin stated there were two changes from the approved master plan. The proposed building would be 86,000 gross square feet rather than 107,500 gross square feet, and the building will move southeasterly to the corner of the site. This proposed plan does meet all the code requirements and staff recommends approval. Staff has received a letter from the management association from Burton Hills indicating the Abbywood Homeowners Association has also recommended approval of this request.

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

Resolution No. 96-262

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 18-84-U is given **CONDITIONAL PRELIMINARY APPROVAL FOR PHASE V**. The following condition applies:

Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 96S-116U (Public Hearing)

Enchanted Hills, Section 14
Map 58-14, Parcel 71
Subarea 3
District 1

A request for preliminary approval for two lots abutting the south margin of Kings Lane, approximately 290 feet west of Enchanted Circle (3.37 acres), classified within the R15 District, requested by Enchanted Hills, Inc., owner/developer, Ragan-Smith Associates, Inc., surveyor. **(Deferred from meeting of 04/04/96).**

Mr. Henry stated this was deferred from the April 4th meeting so the applicant and neighboring homeowners could discuss the ultimate use of this property. It is a very long tract originally proposed as the Briley Parkway right-of-way. The proposal is to subdivide the tract into two lots. The large lot would require a variance in the maximum lot size rule because it is more than three times larger than the minimum base zone in this area which is R15 zoning. The other lot would require a 4 to 1 ratio variance. There have been negotiations for sale of the property to the abutting property owners, and the applicant is requesting a deferral for two more weeks.

Mr. Pete Ragan, applicant, and Mr. Julian Blackshear, representing neighboring homeowners, agreed they would like a two week deferral.

Ms. Jernigan moved and Ms. Nielson seconded the motion, which carried unanimously, to defer this matter for two weeks.

Subdivision No. 96S-118G (Public Hearing)

Bridle Path, Section 5
Map 124, Part of Parcel 3
Subarea 13
District 12

A request to revise the approved preliminary subdivision plat to terminate Thoroughbred Drive and for final approval of ten lots located between Thoroughbred Drive and Palomino Court (29.51 acres), classified within the R15 District, requested by David Taylor, owner/developer, Joseph E. Ahler, surveyor. **(Deferred from meeting of 04/04/96).**

Mr. Henry stated the staff is recommending disapproval of this request for amendment of a previously approved subdivision plan. He stated the applicant is proposing to sever Thoroughbred Drive, thus creating two dead end segments with cul-de-sacs. Both street segments would exceed the 750 feet maximum length allowed for dead end streets; one segment would be more than 2000 feet in length. Mr. Henry stated there is no hardship involved, in that the land is flat and no topographic or drainage issues preclude making the street a continuous street. Mr. Henry stated that the original subdivision plan called for Thoroughbred Drive to be a continuous street, and grading has been completed to accommodate a continuous street.

Therefore, Mr. Henry advised there is no basis for granting a variance to change the configuration of the street.

Mr. Henry presented petitions from several adjacent property owners in opposition to the dead end configuration. The petitions alleged the revised plat would limit traffic flow, would cause more traffic to have to drive longer distances to reach their homes, and would impede emergency responses in the neighborhood.

Councilmember Phil Ponder stated the applicant had made a promise to the property owners on Thoroughbred Drive and Palomino Court that it would not be a through street because a member of the staff advised him it did not have to be a through street. He presented the Commission with a petition from the homeowners nearest the situation in favor of the cul-de-sacs.

Mr. Robert Hoguestine, representing David Taylor, stated the people that would be most affected by the street dead ends are the ones on Councilmember Ponder's petition. They are the ones that have to live there and bought this fairly expensive property with nice houses on it with the understanding they would have some quiet security. He urged the Commission to consider the welfare of the people that would be most effected.

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

Councilmember Clifton asked if there was something to take this out of the ordinary analysis such as topography?

Mr. Henry stated that what makes this through street even more important is that the entire network of streets is on a dead end. Granny Wright extends into this peninsula east of the lake and there is no other way out. For emergency vehicles to get to Thoroughbred Drive they would have to negotiate narrow Granny Wright even farther if these cul-de-sacs are approved.

Ms. Jernigan said there seemed to be a trend of more and more people wanting cul-de-sacs, and it seems when the Commission varies those standards in length, there should be real good reason for it.

Mr. Owens stated there were no physical characteristics in the area to warrant the cul-de-sacs and it was a perfectly flat area of the county.

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

Resolution No. 96-263

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-118G, is **DISAPPROVED** since the two proposed cul-de-sac lengths exceed the **730 foot maximum prescribed by Subdivision Regulation 2-6.2.”**

Subdivision No. 96S-121G (Public Hearing)

Coker Subdivision, Resubdivision of Lot 2

Map 63, Parcel 222

Subarea 4

District 9

A request to subdivide one lot into three lots abutting the south margin of Pawnee Trail, opposite Ocoee Trail (1.03 acres), classified within the R15 District, requested by Carolyn J. and C. Allen Coker, owners/developers, Land Surveying, Inc., surveyor. **(Also requesting final plat approval).**

Mr. Henry stated this was a one acre tract that is cutting off the back portion into three lots which have frontage on Pawnee Trail. These 15,000 square foot lots comply with the zoning regulations. They implement the subarea land use density policies and staff is recommending approval of both the preliminary and final plats.

No one was present to speak at the public hearing.

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

Resolution No. 96-264

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY and FINAL Plan of Subdivision No. 96S-121G, is granted **APPROVAL.**”

Subdivision No. 96S-103U (Public Hearing)
West Meade Farms, Section 9
Resubdivision of Lot 810
Map 115-14, Parcel 2
Subarea 7
District 23

A request to subdivide one lot into two lots abutting the north margin of Grayson Court, approximately 531 feet north of Grayson Drive (5.21 acres), classified within the RS40 District, requested by Charles G. Smith, Jr., owner/developer, Dale and Associates, Inc., surveyor. **(Also requesting final plat approval).**

Mr. Henry stated there was an administrative plat approval in the past which created one additional lot from the large parcel in question. Staff is able to approve such two lot plats administratively if they meet all the rules and requirements of the subdivision regulations as well as the zoning code. Mr. Henry stated that the staff was unwilling to approve additional lots administratively, since that would amount to creating multiple lots from a parent lot, which, in staff's opinion, cannot be done without Planning Commission approval.

Mr. Henry further stated that the parent parcel remains quite large, and it should be expected that additional lots will be created from the large parent lot in the future. It would be preferable if the ultimate subdivision pattern were shown at the beginning so that the Commission could see the ultimate development of the property in question. Mr. Henry advised that the property in question is very steep, and all lots likely will be designated as critical lots in order to allow Metro review of the grading plans, proposed building sites, driveway plans, etc.

Mr. Browning stated there could be up to as many as four lots subdivided from this original lot and this should not be done administratively and that is why it is before the Commission.

Councilmember Roy Dale, engineer representing the owner of the property, spoke in favor of the subdivision and stated to his knowledge the owner did not have a specific plan on how he would divide the remainder of the property and may not divide it at all.

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

Resolution No. 96-265

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY and FINAL Plan of Subdivision No. 96S-103U, is granted **CONDITIONAL APPROVAL with the following condition: Each lot shall be designated a critical lot.**”

Subdivision No. 96S-139G (Public Hearing)
Canton Pass Subdivision
Map 53, Parcel 21
Subarea 4
District 9

A request for preliminary approval for 133 lots abutting the east terminus of Canton Pass, approximately 360 feet east of Cheyenne Boulevard (95.16 acres), classified within the R15 District, requested by Alvin R. Hawkins, owner/developer, Littlejohn Engineering Associates, Inc., surveyor.

Mr. Henry stated the staff was recommending approval of the subdivision, with several conditions and with certain suggestions for revision. First, the property is within the Cumberland River floodplain, and filling has been needed and currently is going on to raise the building sites above the 100 year flood level. The filling operation raises questions about the suitability of the area to accommodate street beds and building foundations. Mr. Henry stated one condition of approval should be verification that filling has occurred in a manner to support buildings and road construction.

Mr. Henry advised that the road leading into the subdivision is a cul-de-sac over 4000 feet in length, which exceeds the subdivision regulations allowing a dead end street of 750 feet in length. He pointed out that several short cul-de-sacs are proposed along the main spine road. Mr. Henry stated the staff felt that at least one of these cul-de-sacs, and preferably two of them, should be extended to the property line to provide eventual access to adjacent vacant property, and the potential to integrate this subdivision into the area's street network. Mr. Henry read a letter from Councilman Dillard who expressed concern that the subdivision proposed only one means of ingress and egress. Mr. Henry stated the developer has consented to provide one additional means of access to the subdivision within 800 feet of the end of the main road. This concept would reduce the variance needed for the length of the main road from 3250 feet to only 50 feet. He stated staff agreed with this revision, but would also suggest that a third means of access should be provided between the main entrance to the subdivision and the proposed access near the cul-de-sac.

With the revision to the street plan, a slight variance to the dead end street length would be needed. However, variances would be needed for maximum lot size and the width to depth ratio due to the flood plain. Mr. Henry stated the lots were platted larger than typical in the zone district, and were made deeper than the subdivision regulations allow in order to reduce the amount of filling needed to accommodate development within the floodplain. Mr. Henry stated this method of development is appropriate under these circumstances, and that the variances were justified by the floodplain.

Mr. Jeff Himes, from Littlejohn Engineering, representing Mr. Hawkins, stated there had been a plat approved between 1974 and 1984 showing basically two accesses into the property. Mr. Hawkins has been working on this property over the years with an intent to develop it for residential property. Mr. Himes stated they are agreeable with a revision to include an additional point of access toward the end of the cul-de-sac.

Mr. Pat Hawkins gave the Commission some history on the property and asked them for approval of the proposal.

Ms. Judy Murphy, Ms. Donna Gillaroy, Linda Kuhns and Mr. Richard Hillberry, area neighbors, were present to find out information regarding the development and expressed concerns regarding traffic, noise size and density of the proposed homes.

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

Councilmember Clifton moved and Mr. Harbison seconded the motion to approve the development with the proposed point of access and one additional access near the end of the cul-de-sac.

Mr. Bodenhamer stated he was not in agreement with using cul-de-sacs to control traffic.

Ms. Nielson said this access was being added for public safety reasons.

Mr. Bodenhamer said other people look at a cul-de-sac as a way to reduce crime by not having a lot of entrances in and out but, the Commission should be looking at how to get people in and out quicker and safer.

Upon voting on the motion for two entrances and exits, the motion failed with Councilmember Clifton, Mr. Harbison and Ms. Jernigan in favor, and with Chairman Smith, Mr. Manier, Ms. Nielson, Mr. Lawson, Chairman Smith and Mr. Bodenhamer in opposition.

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

Resolution No. 96-266

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-139G, located abutting the east terminus of Canton Pass, approximately 360 feet east of Cheyenne Boulevard (95.16 acres), requested by Alvin R. Hawkins, owner/developer and Littlejohn Engineering Associates, Inc., surveyor is granted **CONDITIONAL APPROVAL** with variances to the Subdivision Regulations pertaining to maximum lot size (2-4.2 D), maximum lot depth-to-width ratio (2-4.2 E), and maximum length of a dead-end street (2-6.2.2 E) due to the particular physical constraints to development of this property as a result of the 100-year floodplain. The following conditions shall apply:

- 1) The grading and drainage plans shall be revised to accommodate the extension and construction of Thoroughbred Court (phase 2) and Welsh Court (phase 4) to the western property line.
- 2) Such plans shall be approved by the Metropolitan Stormwater Management Committee prior to any filling and floodplain alteration;
- 3) A geotechnical study of roadbed compaction shall be reviewed and approved by the Department of Public Works prior to issuance of any grading permit.
- 4) All site filling and grading shall be complete and final prior to acceptance by the Department of Public Works of any street segment.
- 5) Prior to final plat approval by the Metropolitan Planning Commission, a geotechnical report shall verify the viability and integrity of all proposed lots to support, without settling, residential structures.
- 6) Prior to final plat approval of Phase 2, revised plans shall be submitted for the extension and construction of Thoroughbred Court to the western property line.
- 7) Prior to final plat approval of Phase 4, revised plans shall be submitted for the extension and construction of Welsh Court to the western property line.”

Chairman Smith left at this point in the agenda.

OTHER BUSINESS:

1. Visioning: “Report on the Chamber of Commerce Intercity Visit to Portland, Oregon.”

This item was deferred until May 2, 1996.

2. Concurrence with MPO Executive Board's selection of a consultant for the 1996 Regional Data Collection effort.

Mr. Ricketson asked the Commission's approval to negotiate with Neel-Schaffer as consultants for the 1996 Regional Data Collection effort.

Ms. Nielson moved and Ms. Jernigan seconded the motion, which carried unanimously, for staff to proceed with negotiations with Neel-Schaffer as consultants for the 1996 Regional Data Collection effort.

3. Legislative Update.

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

PLATS PROCESSED ADMINISTRATIVELY:

April 4 through 17, 1996

- 25-71-G Caudill Subdivision, Section 3, Resubdivision of Lots 2 & 3
Reconfigures interior property line between two platted lots
- 5-73-G Music Valley PUD, Phase 3, Revision
Combines two parcels into one lot
- 304-84-G Moss Creek Plantation, Revision to lots 1 & 2
Removes a reserved area from two platted lots
- 31-86-P Whitworth, Phase 3, Section 1,
Resubdivision of Lot 32 & Open Space
Reconfigures common property line between a platted lot & open space
- 96S-039G Dale Kimbrough Property
Plats a deeded parcel
- 96S-042U Beverly Heights, Section 4, Resubdivision of Lot 28
Reconfigures interior lot line between two platted lots
- 96S-104G Madison Park, Section 10
Divides one lot into two lots
- 96S-147G Hawkins Subdivision
Creates a 2.0 acre lot out of a 12.0 acre tract

Mr. Browning announced the annual report pictures would be taken April 29, 1996, at 1:15 p.m. in the Mayor's conference room.

Mr. Owens reported staff had received two requests for rehearings. Both will be on the agenda in two weeks and what the Commission will decide at that time is whether or not to rehear based on the information that has been provided in writing to staff. The first one is a PUD in Harpeth Trace called The Pointe and the second one is a CS rezoning application on Buchanan Street.

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:00 p.m.

Chairman

Secretary

Minute Approval:
This 2nd day of May, 1996