

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: May 2, 1996
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith, Chairman
Arnett Bodenhamer
Councilmember Stewart Clifton
William Harbison
William Manier
Ann Nielson
Stephen Smith

Absent:

Mayor Philip Bredesen
Janet Jernigan
James Lawson

Also Present:

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
Jackie Blue, Planner I

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Gary Dixner, Planner III

Others Present:

Leslie Shechter, Legal Department

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced Addendum item, 96S-185G, Williams Subdivision, and in addition two withdrawals, 96B-051U, an appeal case for a cemetery and 96S-116U, the Enchanted Hills Subdivision.

Ms. Nielson moved and Mr. Harbison seconded the motion, which unanimously passed, to adopt the agenda including addendum item, 96s-185G, Williams Subdivision, and excluding the two withdrawn items.

ANNOUNCEMENT OF DEFERRED ITEMS

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

16-86-P Deferral of final plat, requested by applicant.

Mr. Owens announced the petitioner for Rehearing of Proposal No. 175-75-G had asked that the rehearing be deferred to a later date. Staff asked that the matter remain on the agenda to be presented in order. Mr. Owens also stated Councilmember Kleinfelter had asked that Mandatory Referral 96M-029U, Cross Creek Road Closure, be deferred. However, staff suggested the Commission not defer the matter because the thirty day time limit expired that day, and deferral might be misinterpreted as no action.

Ms. Nielson moved and Mr. Bodenhamer seconded the motion, which unanimously passed, to defer only the final plat for 16-86-P.

APPROVAL OF MINUTES

Mr. Bodenhamer moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of April 18, 1996.

RECOGNITION OF COUNCILMEMBERS

Councilmember Charles French addressed the Commission in favor of Zone Change Proposal 96Z-040U and Subdivision No. 90-86-P.

Councilmember Eileen Beehan spoke in favor of Zone Change Proposal No. 96Z-036U stating the neighbors from the Eastwood and Lockland Springs areas are in favor of the change.

ADOPTION OF CONSENT AGENDA

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

APPEAL CASES:

Appeal Case No. 96B-064G
Map 183, Parcel 134
Subarea 13
District 29

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct a 49,900 square foot office/warehouse facility within the IR District, on property abutting the east margin of J. P. Hennessy Drive, opposite Corporate Place (4.1 acres), requested by Rick Jones, for JPH Partners, appellant.

Resolution No. 96-267

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-064G to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-036U
Map 83-6, Parcel 275
Subarea 5
District 6

A request to change from CSL District to MUL District certain property abutting the north margin of Eastland Avenue, approximately 165 feet west of Scott Avenue (.28 acres), requested by Josef Goller, owner.

Resolution No. 96-268

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-036U is **APPROVED**:

This property falls within one of the many small under used commercial clusters within East Nashville. The MUL District will encourage appropriate commercial revitalization at this location and beneficial use of an existing commercial structure, while sufficiently protecting the surrounding residential neighborhood through strict performance standards."

Zone Change Proposal No. 96Z-040U
Map 120-1, Parcels 134 and 135
Subarea 13
District 13

A request to change from RM8 District to RM6 District certain property abutting the north margin of Vultee Boulevard, approximately 132 feet west of Kermit Drive (1.57 acres), requested by Howard W. Anderson and George Anton, owners.

Resolution No. 96-269

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-040U is **APPROVED**:

This property falls within residential 'high' density policy (permitting over 20 dwelling units per acre) Office buildings are located across the street (Vultee Boulevard) to the south. The higher densities permitted by the RM6 zoning district would be appropriate in this location and also for the adjacent RM8 area to the west."

Zone Change Proposal No. 96Z-041U
Map 92-7, Parcels 176 to 179, 181 to 183, 185 and 385
Subarea 8
District 21

A request to change from IR District to RM6 District certain property abutting the south margin of Canby Court, the north margin of Batavia Street and the east margin of 21st Avenue North (2.59 acres), requested by Gerald F. Nicely, for MDHA, Meharry College, Metro Government and Elsie Adams, owners.

Resolution No. 96-270

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 96Z-041U is **APPROVED**:

These properties fall within mixed use policy within the Subarea 8 Plan. The RM6 district will implement this policy, and will allow MDHA to revitalize this area with a mixture of single family homes and multi-family units."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 16-86-P
Home Depot (Hermitage Market Place)
Map 72, Parcel 122
Subarea 14
District 12

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

Resolution No. 96-271

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 16-86-P is given **CONDITIONAL FINAL PUD APPROVAL, FINAL PLAT DEFERRED**. 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. Submittal to the staff of the Planning Commission of revised roadway plans which are acceptable to the Traffic Engineering Section of the Metropolitan Public Works Department and the Tennessee Department of Transportation.
3. The recording of a final subdivision plat upon the posting of a bond for all off site improvements as required by the Metropolitan Department of Public Works, all water line extensions as required by the Cumberland Utility District and all sewer line extensions as required by the Metropolitan Department of Water and Sewer Services.
4. Prior to the issuing of a U & O permit for Phase One, the construction of the driveway connection to the property to the north in a manner acceptable to the Planning Commission Staff and the Traffic Engineering Section of the Metropolitan Department of Public Works. The driveway plan shall be agreed upon by all parties in a timely fashion to prevent any delay to the applicant's schedule, and the applicant may construct the driveway as shown on the current plan if no other driveway plan can be agreed upon. The applicant shall keep all parties apprised of the proposed construction schedule."

SUBDIVISIONS:

Final Plats:

Subdivision No. 78-87-P
Townhomes of Fredericksburg, Phase 1, Section 1

Map 171, Part of Parcel 89
Subarea 12
District 32

A request to plat a phase with 38 units abutting the south margin of Old Hickory Boulevard, opposite Hearthstone Lane (6.86 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. 96-272

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 78-87-P, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of \$159,000.00.”

Subdivision No. 90-86-P
Harborview, Section 1
Map 108, Parcel 223
Subarea 14
District 13

A request to create 29 lots abutting the west terminus of Harborwood Circle, approximately 90 feet west of Timber Valley Drive (8.1 acres), classified within the R10 Residential Planned Unit Development District, requested by Precision Homes, Inc., owner/developer, MEC, Inc., surveyor.

Resolution No. 96-273

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 90-86-P, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of \$223,500.00.”

Subdivision No. 95S-307U
Anton Place
Map 148, Parcel 16
Subarea 12
District 30

A request to create 18 lots abutting the east terminus of Anton Drive, approximately 600 feet east of Creekside Drive (4.67 acres), classified within the R8 District, requested by The Regency Group, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 96-274

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 95S-307U, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of \$215,000.00.”

Subdivision No. 96S-081U
Tea Garden Place
Map 150, Parcel 92
Subarea 13

District 29

A request to create six lots abutting the northwest corner of Hamilton Church Road and Tea Garden Way (1.1 acres), classified within the R8 District, requested by Southeast Builder Group, owner/developer, MEC, Inc., surveyor.

Resolution No. 96-275

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 96S-081U, is granted **APPROVAL.**”

Subdivision No. 96S-146U
Horton Heights, Section 10 Reserve Parcel
Map 102-8, Parcel 46
Subarea 7
District 22

A request to remove the reserve status on a lot abutting the northwest margin of Fleetwood Drive, approximately 125 feet northeast of Hillwood Boulevard (.98 acres), classified within the R40 District, requested by T. C. Summers, owner/developer, Turner Engineering Company, Inc., surveyor.

Resolution No. 96-276

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 96S-146U, is granted **APPROVAL.**”

Subdivision No. 96S-185G
Williams Subdivision
Resubdivision of Lots 6, 7 and Part of Lot 5
Map 43-9, Parcels 2, 3, 374 and 375
Subarea 4
District 9

A request to consolidate four parcels into one lot abutting the west margin of Gallatin Pike, Approximately 472 feet north of Williams Avenue (3.4 acres), classified within the CS and CG Districts, requested by Union Planters National Bank, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 96-277

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 96S-185G, is granted **APPROVAL.**”

Request for Bond Extension:

Subdivision No. 95S-125U
Love Built Subdivision
Christ Church, principal

Located abutting the northeast terminus of Andrew Rucker Lane, opposite Thrible Springs Drive.

Resolution No. 96-278

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 95S-125U, Bond No. 95BD-016, Love Built Subdivision, in the amount of \$6,000 until July 15, 1996, as requested."

Request for Bond Replacement and Extension:

Subdivision No. 93S-002G
Birdwell Subdivision, Phase Two
Joel S. Birdwell, principal

Located abutting the north margin of Lowes Lane, approximately 568 feet west of Old Dickerson Pike.

Resolution No. 96-279

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 93S-002G, Bond No. 93BD-037, Birdwell Subdivision, Phase Two, in the amount of \$20,500 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by June 6, 1996, extending the expiration date to December 1, 1997 and execution of the replacement bond. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Request for Bond Release:

Subdivision No. 157-81-U
Opryland Hotel Expansion/McGavock Pike
Opryland U.S.A., Inc., principal

Located abutting the west margin of Briley Parkway, approximately 750 feet south of McGavock Pike.

Resolution No. 96-280

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 157-81-U, Bond No. 93BD-078, Opryland Hotel Expansion/McGavock, in the amount of \$586,000.00, as requested."

Subdivision No. 93S-141U
Adkisson Estates
Billy D. Morton, Jr., principal

Located abutting the east terminus of Adkisson Lane, approximately 490 feet east of Templeton Drive.

Resolution No. 96-281

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 93S-141U, Bond No. 93BD-072, Adkisson Estates, in the amount of \$5,000.00, as requested."

MANDATORY REFERRALS:

Proposal No. 96M-037U
Council Bill No. 096-265

Fiber Optic Telecommunications Franchise
ATS of Tennessee

An ordinance granting a franchise to construct, maintain, and operate a telecommunications system within Metropolitan Nashville and Davidson County.

Resolution No. 96-282

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-037U.

Proposal No. 96M-038U
Chesapeake Drive/Eaglewood Lane Name Change
Map 50-11
Subarea 2
District 4

A mandatory referral from the Department of Public Works proposing to change the name of Chesapeake Drive between Eaglewood Lane and Rainwood Drive to "Eaglewood Lane."

Resolution No. 96-283

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-038U.

Proposal No. 96M-039U
Unnumbered Alley Closure
Map 72-7
Subarea 5
District 8

A mandatory referral from the Department of Public Works proposing to close an unnumbered alley segment approximately 400 feet north of McGavock Pike and 200 feet west of Riverside Drive. **(Easements are to be retained).**

Resolution No. 96-284

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-039U.

Proposal No. 96M-040U
Urban Alley Way Abandonment
Map 116-14
Subarea 7
District 34

A request to abandon the alley adjacent to Metro's Parmer Park off Park Hill Drive in the City of Belle Meade.

Resolution No. 96-285

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-040U.

Proposal No. 96M-041G
Easement Abandonment
Map 52-12, Parcel 92
Subarea 4
District 9

A request to abandon utility easements on a certain lot located on Apache Lane in the Sequoia Valley subdivision.

Resolution No. 96-286

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-041G.

Proposal No. 96M-043U
Belmont University Right-of-Way Encroachments
Maps 104 and 105
Subarea 10
Districts 17 and 18

A mandatory referral from the Department of Public Works proposing the suspension of fiber-optic cables over the rights-of-way of Belmont Circle, Acklen Avenue and 15th Avenue South, requested by Morris C. Early, for Belmont University, adjacent property owner.

Resolution No. 96-287

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-043U.

Proposal No. 96M-045G
Easement Request on Shute Lane
Map 64, Parcel 18
Subarea 14
District 11

A request from the Department of Water and Sewerage Services to acquire an easement on Shute Lane at the intersection of Old Hickory Boulevard.

Resolution No. 96-288

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-045G.

This concluded the items on the consent agenda.

PUBLIC HEARING: MAJOR STREET PLAN AMENDMENT FOR OLD HICKORY BOULEVARD

Mr. Jeff Ricketson stated this public hearing would be to consider adopting an amendment to the Major Street Plan prompted by a request from the Metro Department of Public Works to redesignate Old Hickory Boulevard in Bell's Bend from its current designation as an R4 (four lane rural arterial) to an S4 (four lane scenic arterial). The Commission must consider whether or not to grant this redesignation, and also since

this is a scenic arterial, must designate the kind of cross section which is appropriate and desirable in this area. Mr. Ricketson presented slides and detailed information to the Commission.

Mr. Steve Henry, an area resident, stated residents knew there would be a public hearing but no one in the area was aware it was to be on today's agenda.

Mr. Ricketson stated Councilmember Patton was having a meeting in her district last week to discuss this change.

Mr. Manier moved and Ms. Nielson seconded the motion, which carried unanimously, to close the public hearing and approve the amendment to the Major Street Plan to redesignate Old Hickory Boulevard in Bell's Bend from what is currently designated as an R4 (four lane rural arterial) to an S4 (four lane scenic arterial) along with the accompanying right-of-way requirements.

Resolution No. 96-289

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES an amendment to change the Major Street Plan to redesignate old Hickory Boulevard in Bell's Bend from what is currently designated as an R4 (four lane rural arterial) to an S4 (four lane scenic arterial) along with the accompanying right-of-way requirements.

APPEAL CASES:

Appeal Case No. 96B-052U

Map 105-12, Parcel 12

Subarea 11

District 19

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct a 4,800 square foot office and storage building within the CG District, on property abutting the north margin of Wingrove Street, approximately 180 feet west of Fourth Avenue South (.24 acres), requested by Michael L. Apple, for United Construction Corporation, appellant/owner.

Mr. John Reid stated the applicant had received a variance from the Storm Water Management Appeals Board to permit construction within the floodplain in accordance with the site plan being considered by the Board of Zoning Appeals and the Planning Commission.

In addition to the floodplain variance, Mr. Reid stated the applicant was seeking a variance to reduce the side yard and buffer standards required between the CG district and the adjacent residential zoning district. Mr. Reid stated it appeared that the building was being moved closer to the residential district to lessen the building's encroachment into the floodplain. Mr. Reid suggested that the Commission advise the Board of Zoning Appeals that the floodplain management provisions should not be used as a basis for justifying a variance to this buffer yard, in that other alternatives were available to reduce floodplain encroachment and not require encroachment into the buffer between zones.

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

Resolution No. 96-290

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-052U to the Board of Zoning Appeals:

The site plan complies with the floodplain conditional use criteria. The floodplain approval, however, should not be used as a basis to justify reducing the 30 foot buffer yard requirement to only ten feet.”

Appeal Case No. 96B-060U
Map 61-11, Parcels 128 and 131
Subarea 5
District 8

A request for a conditional use permit under the provisions of Section 17.124.110 (Nursing Homes) as required by Section 17.24.030 to construct three additions totaling 7,631 square feet to an existing nursing home within the R8 and OP Districts, on property abutting the northwest corner of Virginia Avenue and Gallatin Pike (5.84 acres), requested by Bob Kuchta, for Jackson Park Church of Christ, appellant/owner.

Mr. Reid stated this was an application to expand an existing nursing home within the R8 zoning district. Part of the property along Gallatin Pike is zoned OP, but the expansion would be on residential property only. The existing nursing home contains approximately 20,000 square feet. The most significant part of the expansion would occur away from the residential neighborhood. The site plan complies with the conditional use criteria for a community facility and staff feels compatibility has been met.

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

Resolution No. 96-291

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-060U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria. Consolidation of Parcels 127 and 128 would eliminate the need for a variance of a side yard setback.”

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-039G
Council Bill No. 096-286
Map 64, Parcel 18
Subarea 14
District 11

A request to change from R20 District to OP District certain property abutting the south margin of Montchanin Road, the north margin of Shute Lane and the east margin of Old Hickory Boulevard (6.67 acres), requested by Michael Atchley, D.D.S., for ABG Properties, owner.

Ms. Dudley stated the staff was recommending disapproval of this request. She stated that through the Subarea 14 update, this site and the large area surrounding the site has been placed in residential low-medium density policy. One reason for applying this residential policy to this site, although it is at the intersection of a major arterial and a collector street, is that it was considered during the subarea planning study that there were ample opportunities to provide for commercial and non-residential needs in other locations.

Since the plan is calling for residential low-medium density, it would be feasible for this vacant site to develop in much the same way that the Brandywine Subdivision immediately east has developed on large one acre tracts. That could be successful if property designed to orient these lots away from Old Hickory Boulevard. Another development option would be to develop this property at slightly higher densities utilizing the clustering technique.

When the Planning Commission is asked to consider the validity of applying a non-residential zoning district in residential policy areas, the subarea plan and general plan have specific locational criteria the Commission should take into consideration. One of the most critical tests is that the site be located at an intersection of a collector and an arterial, which this site meets.

Another test is the availability of other reasonably close alternative locations. Immediately to the south there is an unbuilt commercial PUD. To the north there is commercial zoning in the city of Lakewood. The subarea committee recommended, and the Commission adopted the residential policy. Staff feels market demands can easily be met elsewhere and this property should be reserved for residential use.

Councilmember Mike Wooden stated the community was strongly in favor of this plan and the subarea plan only needs to be fine tuned. He submitted a petition from adjoining neighbors in favor of the proposal and expressed his concerns regarding property value in the area. This proposal would be low density and residential in appearance.

Chairman Smith asked Councilmember Wooden if he was aware that the change to OP zoning would allow any OP in the area.

Councilmember Wooden stated there was an error made in the request and asked Ms. Dudley to explain the situation.

Ms. Dudley stated staff had prepared an amendment to this proposal which would make the change to OG rather than to OP which would address the concern regarding multi-family.

Dr. Mike Atchley, property owner and resident in the area stated he had promised the neighbors there would be no multi-family homes built or any commercial retail development, and that is why he changed the request to OG from OP.

Ms. Nielson asked if the proposal were changed to OG, what would the staff's recommendation be?

Ms. Dudley stated staff would still recommend disapproval because there are nearby available opportunities to provide offices in this area, development of the property as residential is feasible, and zoning to OP or OG could establish a precedent for similar rezonings near this intersection.

Mr. Harbison asked if the Commission said no to this proposal, could it develop in a very different residential pattern from what the abutting residential is?

Ms. Dudley stated it could but staff felt there were optional development designs that could work on this property that could involve higher densities.

Mr. Browning stated this property would require some type of zone change to do anything different than what is in Brandywine.

Dr. Atchley stated they had held several neighborhood meetings and the residents at Brandywine were in favor of this development.

Mr. Manier stated the zoning pattern is so solidly residential surrounding this property that he is concerned that zoning this property to OG would be spot zoning and would set an example for similar rezonings in this vicinity.

Mr. Bodenhamer stated he also felt the Commission would be setting a precedent because the Subarea 14 Plan was new and that he did not like the camouflage of trying to make it look like residential homes.

Mr. Stephen Smith said that it may be a proper guess that if this kind of support had turned out the subarea plan would have reflected this change.

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

Resolution No. 96-292

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-039G is **APPROVED**:

This property is located at the intersection of two major streets on the fringe of a developed residential neighborhood. Due to the unique locational characteristics of this site, office zoning (OP or OG district) is appropriate at this intersection of Old Hickory Boulevard and Shute Lane, and will not adversely impact the surrounding residential neighborhood."

The motion carried with all voting in favor except Mr. Manier and Mr. Bodenhamer who voted in opposition.

Request for Rehearing:

Zone Change Proposal No. 96Z-017U
Map 81-10, Parcel 258
Subarea 8
District 20

A request to change from R6 District to CS District certain property abutting the south margin of Buchanan Street, approximately 40 feet west of 23rd Avenue North (.56 acres), requested by William Bentley, owner. **(Disapproved 04/04/96).**

Ms. Dudley stated this zone change request was considered and disapproved at the April 4th meeting, and reminded the Commission of the conditions and zoning in the area. The petitioner has requested a rehearing and has offered the Commission a letter explaining the reasons he feels it should be reheard. Staff stated the letter refers to the difficulties of getting adequate financing for business startup unless the real estate is also owned by the business owner. Ms. Dudley stated this reasoning does not have any relevancy to the main planning point that commercial zoning in this area would invade a stable residential area. She further pointed out that there are numerous other locations in the immediate area already zoned commercial which likely could be purchased by the petitioner.

Chairman Smith stated the Commission did not have to have a motion. It takes a motion to rehear the proposal and without a motion the proposal dies.

In that no motion was made, the request for rehearing was denied.

Text Amendment:

Zone Change Proposal No. 96Z-002T
Council Bill No. 096-283

A council bill to amend the text of the Zoning Regulations so as to require landscaping along street frontages for properties in the CSL, CS or CG districts when opposite a district permitting residential uses, instead of only along front property lines. (17.64.180 {A}), sponsored by Councilmember Ron Nollner.

Ms. Dudley stated this text amendment was initiated by the Department of Codes to strengthen a provision that was added to the zoning ordinance in 1991 requiring landscaping along the front property lines of

properties in CS, CSL and CG districts when they area located across the street from any property in residential, office or mixed use zoning. The zoning administrator is advising that the regulation should require landscaping along any street frontage, front, side or rear when across from these zoning districts. This text amendment would make this change, and staff is recommending approval.

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

Resolution No. 96-293

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-002T is **APPROVED**:

This amendment corrects a potential weakness of the zoning code regarding landscaping along the property lines of certain commercial zoning districts when they are across a street from residential, office, or mixed use zoned properties."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Request for Rehearing:

Proposal No. 175-75-G
The Pointe
Map 143-2-A, Parcels 80 and 81
Subarea 6
District 35

A request to revise the approved final site development plan for the Residential Planned Unit Development District abutting the eastern margin of Harpeth Trace Drive, west of State Route 100, to permit a revised drainage plan for the 11 single-family lot development, requested by Dale and Associates, for Perry W. Moskovitz, owner. **(Disapproved 03/07/96).**

Mr. Owens stated on March 7th, there was a situation where two houses had been built that allowed their drainage to flow downhill in violation of strict designed standards that were placed on this PUD years ago because this area had very severe drainage problems. When these lots were created and platted the requirements were very clear that all drainage had to go to the street. The Commission heard that case and denied the request to allow the drainage to continue to flow down the hill.

A letter requesting rehearing came in to the Planning office and does not satisfy the rules and procedures which state that the request for rehearing must provide in writing new information not available to the Commission at the time the previous action was taken. There is no new information offered. Staff received another letter today from the applicant requesting deferral of this matter. Mr. Owens suggested the deferral letter is not proper, the request for rehearing is not in order, and suggested denial of the rehearing. Mr. Owens stated the petitioner had sixty days from the original action to request rehearing. He stated that time period would expire before the next Planning Commission meeting.

Chairman Smith asked if he had been notified.

Mr. Owens stated he had notified the individual three weeks ago that his original request did not satisfy the Commission's requirements and there was no new information provided. He was advised that whatever information staff had in writing the date the rehearing was announced, which was two weeks ago, would be the only information the Commission could consider, and no new information was forthcoming. The applicant has not been notified that his request for deferral today would not be honored because this request just came in at 11:30 today.

Mr. Browning stated the petitioner is suggesting that efforts were underway to install a roof drainage system which would necessitate additional gutters and down spouts. He stated this effort may meet the technical requirements that would no longer require a rehearing. If he is under way with some mitigating measures, certainly rehearing denial would be appropriate at this time.

Mr. Owens stated it sounded like efforts were under way to win the homeowners approval to change the gutter system in order to comply with the requirements. If the Commission would recall one thing that was heard back in March was that this property had already been sold and occupied. This rehearing request is not in order today and staff does not recommend that any deferral of this consideration but recommend denial of the rehearing request.

Chairman Smith stated this did not require any motion for denial.

In that no motion was made to rehear, the request for rehearing was denied.

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 96S-088G (Public Hearing)

W. E. Davenport et ux Subdivision, Lot 1

Map 165, Part of Parcel 73

Subarea 13

District 29

A request to create a lot abutting the east terminus of Chutney Drive, approximately 200 feet east of Peppertree Drive (2.0 acres), classified within the AR2a District, requested by William E. and Patricia E. Davenport, owners/developers, MEC, Inc., surveyor.

Mr. Henry stated the staff is recommending disapproval of this request because it proposes to block a street which has been planned for extension into adjacent vacant properties. Mr. Henry explained that Chutney Drive now deadends into the petitioner's property, but can be extended into and beyond the petitioner's property to allow further subdivision development in the area. However, the petitioner is proposing to extend the street just far enough to gain access for his proposed lot. Further extension of the street would be precluded.

Mr. George Averitt, son-in-law of Mr. William Davenport, stated that Mr. Davenport had offered to deed him and his wife over two acres of this property so they can build a home. A surveyor surveyed the property and submitted it to the planning staff in November and got a verbal approval and there was a stipulation to leave a wide enough area to bring the road through in the future. All this property is owned by the Davenport family and there will be no future growth in the immediate area.

Mr. Joe McConnell, surveyor, stated he had submitted a one lot subdivision to the planning staff and they normally approve those administratively. He told staff the Averitts did not want to build any public roads or extend any public utilities and they wanted to count the fifty feet across the end of the street as road frontage, which has been done before. Mr. McConnell stated that, after review, the staff advised that the plat could not be approved administratively, and further that staff would not recommend that the Planning Commission approve this plan of subdivision.

Chairman Smith stated the Commission delegated that authority to the Executive Director to make one lot decisions. That does not mean he has to make them. In order to get a guarantee you have to have something in writing.

Mr. Harbison stated that when people come to the staff for an informal clearing that is really all they get. It is not a guarantee. The staff does not try to mislead people but that does not mean it is taken out of the Commission's consideration on the merits.

Mr. McConnell stated he agreed with Mr. Harbison and did not mean to mislead the Commission and that he did not disagree with the way it was handled; it was the subdivision regulations he was concerned about because this had been allowed before.

Mr. Manier stated he had been on the Commission for three years and no case like this had been presented before him.

Mr. Harbison asked if the interpretation had changed over the years.

Mr. Browning stated the interpretation had not and as staff had pointed out there had been clarification from the Legal Department and from the Zoning Administrator that they are not recognizing this fifty feet as road frontage. If there is a piece of property already at the end of a stubbed out street, they are not recognizing it as the required frontage to issue a building permit.

Mr. Harbison stated he did not see how the Commission could approve this subdivision.

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

Resolution No. 96-294

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-088G, is **DISAPPROVED** since the proposed lot does not have public street frontage as required by Subdivision Regulation 2-4.2(A), nor does it extend Chutney Drive to the eastern property boundary in accordance with Section 2-6.2.2(D).”

Subdivision No. 96S-127U (Public Hearing)

John Fisher Subdivision
Map 109, Parcel 2
Subarea 14
District 13

A request to subdivide one lot into two lots abutting the west margin of Bell Road, approximately 1,880 feet south of Blackwood Drive (1.94 acres), classified within the R10 District, requested by John C. and Iris A. Fisher, owners/developers, John D. McCormick, surveyor.

Mr. Henry stated this again was a subdivision which normally would be eligible for administrative approval, but during the review it was discovered the lots proposed exceed the maximum lot size, and therefore a variance is required. The zone district is R10 requiring 10,000 square foot lots; these two lots are in excess of thirty thousand square feet. In order to subdivide the property into the two lots as requested, the petitioner would have to submit a future plan of subdivision indicating how the property ultimately could be subdivided into smaller lots.. Staff has determined this property can support approximately six lots. The applicant has requested an indefinite deferral.

No one was present to speak at the public hearing.

Mr. Bodenhamer moved and Mr. Harbison seconded the motion, which carried unanimously, to leave the public hearing open and defer this proposal indefinitely.

Subdivision No. 96S-158G (Public Hearing)

Meadow Woods

Map 164, Parcels 106.1 and 145
Subarea 13
District 29

A request for preliminary approval for 189 lots between Old Hickory Boulevard and Pin Hook Road, approximately 1,875 feet west of Lavergne Couchville Pike (60.53 acres), classified within the RS10 District, requested by Houston Ezell Corporation, owner/developer, IDE Associates, Inc., surveyor.

Mr. Henry stated the subdivision as revised appears in good order and ready for Planning Commission approval, with the exception of one issue dealing with the requirement for a pedestrian pathway between the subdivision and the adjoining Antioch High School site. Mr. Henry advised that the subdivision regulations allow the Commission to require pedestrian easements to public facilities when the Commission deems these pedestrian connections are beneficial. Mr. Henry stated the Commission should decide whether or not to require the connections; the petitioner has expressed an unwillingness to incorporate this feature into his plans.

Mr. Henry stated the subdivision had been redesigned to relocate the intersection of the subdivision's main street with Pin Hook Road. During the redesign the lot count has been reduced to 189. The relocated intersection is in a preferred location with better separation between intersections. Depending upon the Commission's requirements for the pedestrian easement system, the subdivision was ready for Planning Commission consideration.

Mr. Owens read the subdivision regulation regarding the pedestrian easement to clarify the discretion the commission may exercise: "To facilitate pedestrian access from the roads to schools, parks, playgrounds or other nearby facilities, the Planning Commission may require perpetual unobstructed easements or dedications equaling at least ten feet in width parallel to side lot lines."

Mr. Manier stated that from experience these pedestrian facilities can create considerable pedestrian traffic through a subdivision.

Mr. Gary Batson, with IDE Associates, complimented the staff for their help in working through the problems with this site. He pointed out, regarding the pedestrian access, that this was a high school instead of an elementary school.

Ms. Nielson agreed with the developer that if it were an elementary school with a walkway for young children, it would be attractive. Being a high school with a recreational facility behind it, it could be a problem.

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

Resolution No. 96-295

"BE IT RESOLVED by the Metropolitan Planning Commission that the revised (May 1, 1996) PRELIMINARY Plan of Subdivision No. 96S-158G, is granted **APPROVAL for 189 lots.**" The plan as approved did not require inclusion of pedestrian easements between the subdivision and the adjacent high school site.

MANDATORY REFERRALS:

Proposal No. 96M-029U
Council Bill No. 096-255
Closure of Cross Creek Road
Subarea 10
District 25

An ordinance amending the Official Street and Alley Acceptance Map to close a five-foot segment of Cross Creek Road, at its intersection with Valley Brook Road.

Chairman Smith stated Councilmember Kleinfelter was present and had asked for a deferral on this item which was denied at the beginning of the meeting and asked Councilmember Kleinfelter for a presentation on the proposal.

Councilmember Kleinfelter stated he had talked with Don Jones, Council staff, and he suggested a request for denial so this could be re-referred to the Planning Commission. This would allow time for the road closure to be addressed in a larger fashion.

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

Resolution No. 96-296

"BE IT RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES** Proposal No. 96M-029U.

OTHER BUSINESS:

1. Visioning: "Report on the Chamber of Commerce Intercity Visit to Portland, Oregon." (**Deferred from meeting of 04/18/96**).

Mr. Browning presented a slide show describing the regional planning program in effect in the Portland urban area. Of particular interest was the concept of a regional government with authority to develop and enforce region-wide comprehensive plans. He also described the Portland light rail transit system, and illustrated how their transportation system is used to help implement a more intensive urban land use pattern.

2. **Third Quarter FY 96 Work Program/Budget Status Report.**

Mr. Browning stated staff was behind in the mapping program but they were able to get the maps to the tax assessor by the deadline. The problems in meeting mapping deadlines arise from difficulties with hardware and software which are beyond the control of Planning Commission staff. He stated measures are being taken to make up for lost time.

3. **Request to set a public hearing to adopt the Housing Plan for Metropolitan Nashville and Davidson County.**

Mr. Browning stated staff had worked with Mr. Lawson on the Housing Plan and feel it is ready for public hearing and adoption as a part of the functional plans.

Mr. Manier moved and Mr. Harbison seconded the motion, which carried unanimously to set the Housing Plan public hearing for May 30, 1996.

4. Employee Contract: Tanisha Johnson, Planner I (Effective 06/01/96)

Ms. Nielson moved and Mr. Stephen Smith seconded the motion, which carried unanimously, to approve Tanisha Johnson's contract for Planner I, level entry for one year beginning June 1, 1996.

5. Set May 30, 1996 as the meeting for consideration of the level of citizen participation to be used in updating the Subarea 13 Plan.

Mr. Stephen Smith moved and Mr. Harbison seconded the motion, which carried unanimously, to consider the level of citizen participation to be used in updating the Subarea 13 Plan at the May 30, 1996, meeting.

6. Legislative Update.

Mr. Owens stated there had not been a Council meeting since the last Planning Commission meeting but there would be the Council Public Hearing Tuesday, May 7, 1996.

PLATS PROCESSED ADMINISTRATIVELY:

- 134-84-G Devon Close
Plats three final units in a condominium

- 95S-172U J. B. Haynie's Oriental Plan,
Resubdivision of Lot 169 & Part of 170 (1st Revision)
Revises flood plain information on recorded plat

- 96S-084G Stromatt Property
Creates a 2.0 acre lot from a tract remaining over 5.0 acres

- 96S-128U Overton Hills, Block 5 Resubdivision of Lot 18, 19 & 20
Amends the location of the interior line between two platted lots

- 96S-143G Margie Waggoner Property
Creates a 2.0 acre lot from a parcel remaining over 5.0 acres

- 96S-145U Salem Drive Subdivision, Lot 2, Revision
Reconfigures drainage easement within Lot 2

- 96S-164G Robert A. Chamberlain Lot
Creates a 2.0 acre lot from a tract remaining over 5.0 acres

- 96S-165U Harbor Gate, Section 2, Lot 104 (ZLD)
Creates a Zone Lot Division

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 16th day of May, 1996