

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: June 27, 1996
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Philip Bredesen

Others Present:

Executive Office:

Jeff Browning, Executive Director and Secretary
Carolyn Perry, Secretary II
Lester Marcum, Planner II

Current Planning and Design:

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

Advance Planning and Research Division:

Jeff Ricketson, Planning Division Manager
Deborah Fleming, Planner III
Jeff Lawrence, Planner III
Jackie Blue, Planner I
Tanisha Johnson, Planner I
Amy Pierce, Planner I
Scott Medlyn, Para/Technical Trainee

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Robert Eadler, Planner II

Others Present:

Jim Armstrong, Public Works Department
Leslie Shechter, Legal Department
Rick Shepard, Codes Administration
Sonny West, Codes Administration

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to adopt the agenda including Addendum item 96M-070U, Acceptance of Storm Sewer Drainage Easements.

ANNOUNCEMENT OF DEFERRED ITEMS

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

- 182-83-G Breckenridge Apartments, deferred indefinitely by applicant.
- 75-87-P River Glen, Phase 4, Section 2, deferred two weeks by applicant.
- 89P-003G Still Spring Ridge, deferred two weeks by applicant.
- 94P-008U Keystone Farms, deferred two weeks by applicant.
- 96P-002U Magnolia Place, final plat deferred two weeks by applicant.
- 95S-309U Foster Business Park, deferred two weeks by applicant.
- 96S-138G Oakhaven, Phase 1, deferred two weeks by applicant.
- 96S-188U The Lexington, deferred indefinitely by applicant.
- 96S-218U Nashville Arena, Phase 2, deferred two weeks by MDHA.
- 96M-063U Unnamed Street Closure, deferred two weeks by applicant.

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

APPROVAL OF MINUTES

Mr. Browning announced that after review of the tape from the meeting of May 30, 1996, one paragraph on the Long Hunter Chase proposal involving sidewalk installation should be deleted.

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of May 30, 1996 as amended.

RECOGNITION OF COUNCILMEMBERS

Councilmember Regina Patton, Councilmember Saletta Holloway, Councilmember Morris Haddox and Councilmember at Large Leo Waters spoke in favor of Zone Change Proposal No. 96Z-031G, requested by Craig and Scott Dooley. Councilmember Holloway also spoke in favor of Subdivision No. 96S-032U, The Crossings at Hickory Hollow, Section 3.

Councilmember Vic Lineweaver presented a petition to the Commission with a majority of the residents opposing proposal No. 175-75-G. He also stated he had suggestions regarding traffic for proposal 96S-111G, Poplar Creek Estates, Phase 4 and spoke in favor of Subdivision No. 96S-207G, River Plantation, Phase 2D, Section 10.

Councilmember Bruce Stanley stated Text Amendment No. 96Z-003T used bad verbiage, that he would defer this matter at Council if it passed at the Commission level and would like to work with staff to rewrite the amendment. He also spoke in favor of Proposal No. 139-81-U, the Donelson Hospital PUD.

Councilmember Leroy Hollis spoke in favor of Proposal No. 96M-065U, Madeline Drive Closure.

Councilmember at Large George Armistead spoke in favor of Zone Change Proposal No. 96Z-059U on Charlotte Pike.

ADOPTION OF CONSENT AGENDA.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, with Stephen Smith abstaining on 96S-207G, River Plantation, Phase 2D, Section 10, to approve the following items on the consent agenda:

APPEAL CASES:

Appeal Case No. 96B-088G
Map 8, Parcel 61
Subarea 1 (1992)
District 1 (Patton)

A request for a conditional use permit under the provisions of Section 17.124.130 (nonassembly, cultural) as required by Section 17.24.030 to construct a 3,900 square foot non-residence building for Horse Shoe Pitching Museum within the AR2a District on property abutting the east margin of Whites Creek Pike, opposite Baxter Road (6.80 acres), requested by Dr. Jack Freeman, appellant/owner.

Resolution No. 96-393

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-088G to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 96B-097U
Map 134, Parcel 35
Subarea 13 (1991)
District 27 (Sontany)

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 4,200 square foot office and warehouse within the CG District on property abutting the northeast margin of Antioch Pike, approximately 1,700 feet east of Space Park South (.61 acres), requested by Tom Hill, for Tennessee Shotcrete, Inc., appellant/owner.

Resolution No. 96-394

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-097U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 96B-099U
Map 59-14, Parcel 17
Subarea 3 (1992)
District 2 (Black)

A request for a conditional use permit under the provisions of Section 17.124.180 (Floodplain) as required by Section 17.116.030 to construct a 400 square foot addition to the rear of an existing residence within the R10 District, on property abutting the north margin of Mallard Drive, approximately 150 feet west of West Hamilton Road (1.03 acres), requested by Randy H. Williamson, for James A. Hambrick, appellant/owner.

Resolution No. 96-395

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-099U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 96B-100U
Map 59-10, Parcel 8
Subarea 3 (1992)
District 2 (Black)

A request for a conditional use permit under the provisions of Section 17.124.180 (Floodplain) as required by Section 17.116.030 to construct a 504 square foot detached accessory garage within the R10 District, on property abutting the west margin of Buena Vista Pike, approximately 165 feet south of Kings Lane (1 acre), requested by David A. Sutton, for Brian J. Wood, appellant/owner.

Resolution No. 96-396

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-100U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-004G
Council Bill No. 096-366
Map 43-15, Parcels 13 and 14
Subarea 4 (1993)
District 9 (Dillard)

A request to change from OP District to CS District certain property abutting the north margin of Old Hickory Boulevard, opposite Farris Avenue (.72 acres), requested by Robert A. Warner, owner.

Resolution No. 96-397

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-004G is **APPROVED**:

This property falls within ‘Commercial Arterial Existing’ policy. The CS District will implement that policy.”

Zone Change Proposal No. 96Z-055G
Council Bill No. O96-354
Map 53, Parcel 21
Subarea 4 (1993)
District 9 (Dillard)

A request to change from R15 District to RS15 District certain property abutting the east margin of Canton Pass, approximately 360 feet east of Cheyenne Boulevard (95.84 acres), requested by Councilmember James Dillard, for Alvin R. Hawkins, owner.

Resolution No. 96-398

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-055G is **APPROVED**:

This property falls within ‘residential low medium’ policy (permitting up to 4 dwelling units per acre), which the RS15 district will implement.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 98-73-G
Hickory Hills Commercial
Map 40, Parcel 36
Subarea 2 (1995)
District 10 (Garrett)

A request to revise a portion of the Commercial (General) Planned Unit Development District abutting the north margin of Old Hickory Boulevard, west of Hickory Hills Boulevard (16.5 acres) (zoned OP), to permit the development of a 142,000 square foot motel/restaurant/gas station and mini-warehouse facility, requested by Barge, Waggoner, Sumner and Cannon, for Hickory Hills, LTD, owners.

Resolution No. 96-399

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. is given **CONDITIONAL APPROVAL OF REVISED PRELIMINARY PLAN**. The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The owner committed to off site traffic signal and roadway widening improvements with the 1989 approval of this development. Concurrent with the next final phase of the development, a subsequent study shall be provided to address when the installation of traffic signals are warranted at the intersection of Old Hickory Boulevard and Hickory Hills Drive and Old Hickory Boulevard and the I-24 westbound exit ramp. Until warrants are reached for all required off-site improvements, each phase of development for any portion of the PUD encompassed by the 1989 Traffic Impact Study shall contribute to funding those

improvements on a pro-rata basis. The traffic signal and road widening improvements shall be installed when vehicular volume counts demonstrate that improvements are warranted.

3. With this revision to the preliminary plan the developer accepts the responsibility for improvements to Westcap Road to a Commercial Local Street Standard along the frontage of this PUD. The Developer agrees to improve Westcap Road to that standard with the development of any phase fronting on Westcap Road subsequent to the self-service storage facility shown on this plan. The self-service storage facility is intended to be the first phase of development fronting Westcap Road and may be constructed without the improvement of that street.”

Proposal No. 155-74-G
Larchwood PUD
Map 97-13, Part of Parcel 34
Subarea 14 (1996)
District 14 (Stanley)

A request to revise a portion of the approved preliminary site development plan of the Commercial (General) Planned Unit Development District located between Percy Priest Drive and Blackwood Drive, 200 feet west of Stewarts Ferry Pike (1.74 acres), to replace a 21,000 square foot office use with a 3,600 square foot restaurant and a 9,850 square foot retail use, requested by Ragan-Smith and Associates, for Nashville Land Fund, LTD., owners. **(Also requesting final plat approval).**

Resolution No. 96-400

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 155-74-G is given **CONDITIONAL APPROVAL FOR REVISION TO PRELIMINARY, AND FINAL PLAT APPROVAL.** The following condition applies:

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

Proposal No. 161-75-U
Hillside Plaza (Bonitron, Inc.)
Map 118-3, Parcel 31
Subarea 11 (1993)
District 16 (Graves)

A request to revise the approved final site development plan for a phase of the Commercial (General) Planned Unit Development District abutting the south margin of Fairground Court, 700 feet from Rosedale (2.0 acres), to permit the addition of a 4,320 square foot addition to an existing building, requested by Dale and Associates, for Keith Benson, owner.

Resolution No. 96-401

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 161-75-U is given **CONDITIONAL FINAL APPROVAL.** The following condition applies:

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

Proposal No. 46-83-U
Metropolitan Airport Center
Map 108, Part of Parcels 24 and 37
Subarea 14 (1996)

District 14 (Stanley)

A request for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the south margin of Elm Hill Pike, east of Airport Center Drive, to permit infrastructure improvements (extension of Royal Parkway), requested by Waste Water Engineers, for Metropolitan Airport Center, owners.

Resolution No. 96-402

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 46-83-U is given **CONDITIONAL FINAL APPROVAL**. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
2. Recording of a plat which creates the right-of-way along with the posting of bonds which may be required for construction of the proposed public improvements.”

Proposal No. 310-84-G
BellSouth Mobility, Inc.
Map 40, Part of Parcel 30
Subarea 3 (1992)
District 1 (Patton)

A request to revise the approved final site development plan of the Commercial (General) Planned Unit Development District (6.08 acres), abutting the north margin of Old Hickory Boulevard, approximately 205 feet west of I-24, to permit the development of a 70-foot high cellular tower, requested by BellSouth Mobility, Inc., owner.

Resolution No. 96-403

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 310-84-G is given **CONDITIONAL APPROVAL OF REVISION TO FINAL**. The following condition applies:

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

Proposal No. 39-85-P
Buckhead Place Apartments
Map 143, Parcel 6
Subarea 6 (1990)
District 23 (Crafton)

A request to revise the approved preliminary site development plan and for final approval for the Residential Planned Unit Development District abutting the northwest margin of the Memphis-Bristol Highway (zoned R15), approximately 1,015 feet southwest of Brook Terrace (21.27 acres), to permit the development of a 102-unit apartment complex, requested by Wamble and Associates, for Buckhead Place, L.L.C., owner.

Resolution No. 96-404

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 39-85-P is given **CONDITIONAL APPROVAL TO REVISE THE PRELIMINARY PLAN, AND CONDITIONAL FINAL PUD APPROVAL**. The following conditions apply:

1. Receipt of written approval of the preliminary plan and final plan from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Receipt of written approval of the preliminary plan and final plan from the Harpeth Valley Utility District.
3. Receipt of written approval of the preliminary plan and final plan from the State of Tennessee Traffic Engineers for all access ramps and off-site road improvements involving Highway 70-S.
4. Recording of a final plat as well as the posting of bonds as may be required for any necessary public improvements prior to the issuance of any building permits.”

Proposal No. 47-86-P
 Nashville Center North
 (formerly Briley Parkway Business Center)
 Map 50, Parcel 8 and Part of Parcel 21
 Subarea 2 (1995)
 District 3 (Nollner)

A request to revise a portion of the approved preliminary site development plan for the Industrial Planned Unit Development District (57.348 acres) abutting the north and south margins of Brick Church Lane, to permit the development of a 649,000 square foot office/warehouse facility, requested by Chris Magill Architects, for N. W. I. Warehouse Group.

Resolution No. 96-405

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 47-86-P is given **CONDITIONAL PRELIMINARY APPROVAL**. The following conditions apply:

1. Receipt of written approval of preliminary plan from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Briley Park Boulevard South will remain a Private R.O.W.”

Proposal No. 90-86-P
 Cheswicke PUD (Percy Priest Woods)
 Map 108, Parcels 206 and 234
 Subarea 14 (1996)
 District 13 (French)

A request for final approval for a phase of the Residential Planned Unit Development District (zoned R10) abutting the southern terminus of Woodmaker Court and Woodcraft Drive (10.04 acres), to permit the development of 31 single- family lots, requested by Warren Engineering, Inc., for Will V. Braswell and Robert H. Braswell, owners. **(Also requesting final plat approval).**

Resolution No. 96-406

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 90-86-P is given **CONDITIONAL FINAL PUD APPROVAL; FINAL PLAT APPROVAL SUBJECT TO POSTING A BOND IN THE AMOUNT OF \$233,000.00**. 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 upon the posting of a bond in the amount of \$233,000.00 for all road improvements as required by the Metropolitan Department of Public Works and all Water and Sewer Line extensions as required by the Metropolitan Department of Water Services.”

Proposal No. 95P-004G

Alan Estates
Map 75, Parcels 48 and 49
Map 75-14, Parcels 76 and 77
Map 75-15, Parcels 1 and 2
Subarea 14 (1996)
District 12 (Ponder)

A request for final approval for the Residential Planned Unit Development District abutting the south margin of Tyler Drive between Eva Drive and Andrew Jackson Parkway (5.56 acres), classified R10, to permit the development of a 45-unit residential complex, including 28 townhouses, a 12-unit apartment complex, four duplex units and one single-family lot, requested by Barge, Waggoner, Sumner and Cannon, Inc., for A. H. Johnson Company, L.L.C., owner.

Resolution No. 96-407

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-004G is given **CONDITIONAL FINAL APPROVAL**. The following conditions apply:

1. Receipt of written approval of the final plan from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Receipt of written approval of the final plan from the Cumberland Utility District.
3. Recording of a final plat as well as the posting of bonds as may be required for any necessary public improvements prior to the issuance of any building permits.
4. Abandonment of the sewer easement prior to issuance of building permits for any buildings which may overlay the easement.”

Proposal No. 95P-032G

Chesney Glen
Map 87, Parcel 10
Subarea 14 (1996)
District 12 (Ponder)

A request to revise the approved preliminary site development plan and for final approval for the Residential Planned Unit Development District abutting the south margin of Old Lebanon Dirt Road, approximately 1,400 feet west of North New Hope Road (38.33 acres), classified R15, to permit the development of a 148 lot single-family development, requested by Anderson-Delk and Associates, Inc., for Phillips Builders, Inc., owner.

Resolution No. 96-408

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-032G is given **CONDITIONAL APPROVAL OF REVISION TO PRELIMINARY AND FINAL**. 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 Metropolitan Planning Commission of revised plans which provide for adjustment to the turn lanes, the shoulders and drainage plans at the entrance to the Chesney Glen development, as agreed upon by the Department of Public Works and Anderson, Delk and Associates, at a June 25, 1996 meeting.
3. The recording of a boundary plat.
4. The recording of a final subdivision plat upon the posting of a bond for all road improvements as required by the Metropolitan Department of Public Works, for all sewer line extension as required by the Metropolitan Department of Water Services and all water line extensions as required by the Cumberland Utility District.
5. Designation on the final plat of lots 43, 44, 45, 46, 47, 51, 52, 56, 57, 58, 69 and 70 as critical lots.”

Proposal No. 96P-002U
 Magnolia Place
 Map 160, Parcel 17
 Subarea 12 (1991)
 District 32 (Jenkins)

A request for final approval for the Residential Planned Unit Development District abutting the east margin of Franklin Pike Circle, approximately 370 feet south of Hill Road (10.45 acres), classified R40, to permit the development of a 20 lot single-family development, requested by Bledsoe Engineering, for Advantage Builders, Inc., owner. **(Also requesting final plat approval).**

Resolution No. 96-409

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-002U is given **CONDITIONAL FINAL PUD APPROVAL; FINAL PLAT DEFERRED FOR TWO WEEKS AT THE REQUEST OF THE APPLICANT.** 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 upon the posting of a bond for all road and off site drainage improvements as required by the Metropolitan Department of Public Works and all Water and Sewer Line extensions as required by the Metropolitan Department of Water Services.
3. Changing the name of the development, to a name not previously used, prior to the recording of a final subdivision plat.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 96S-099U
 Marchetti Company Property
 Map 102-14, Parcel 113
 Subarea 7 (1994)
 District 23 (Crafton)

A request to create nine lots abutting the north margin of Belton Drive, between Davidson Road and Alfred Drive (3.7 acres), classified within the R15 District, requested by the Marchetti Company, owner/developer, Dale and Associates, Inc., surveyor. **(Deferred from meeting of 05/30/96).**

Resolution No. 96-410

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-099U, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of \$20,000.00 for sewer extension.”

Subdivision No. 96S-111G
Poplar Creek Estates, Phase 4
Map 155, Part of Parcel 203
Subarea 6 (1990)
District 35 (Lineweaver)

A request to create 30 lots abutting the northwest terminus of Autumnwood Drive, approximately 600 feet west of Collinswood Drive (11.91 acres), classified within the RS30 Residential Planned Unit Development District, requested by Poplar Creek Development Company, owner/developer, Joseph G. Petrosky Associates, Inc., surveyor. **(Deferred indefinitely from meeting of 04/04/96 and deferred from meeting of 05/30/96).**

Resolution No. 96-411

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-111G, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of \$259,000.00.”

Subdivision No. 96S-199U
J. M., T. J. and G. W. Harding Addition,
Resubdivision of Lots 315-318 and a closed alley
Map 81-10, Parcels 291 and 368
Subarea 8 (1994)
District 20 (Haddox)

A request to subdivide four lots and a closed alley into two lots abutting the southwest corner of Buchanan Street and 22nd Avenue North (.95 acres), classified within the R6 and CS Districts, requested by Carl Bean, Jr. and Macedonian Missionary Baptist Church, trustee, owners/developers, John Kohl and Company, surveyor.

Resolution No. 96-412

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-199U, is granted **APPROVAL.**”

Proposal No. 96S-202U
Colewood Acres, Addition to Revision
Map 162-7, Parcels 120 and 121
Subarea 12 (1991)
District 30 (Hollis)

A request to reconfigure two lots abutting the southeast corner of McLendon Drive and Emely Court (.47 acres), classified within the R10 District, requested by Mrs. Ray Grass, owner/developer, MEC, Inc., surveyor.

Resolution No. 96-413

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-202U, is granted **APPROVAL.**”

Subdivision No. 96S-206U

Weakley and Dobbs Subdivision of Lot 17 Brooklyn Plan,
Resubdivision of Lots 31, 32 and 33
Map 71-14, Parcels 3, 4 and 5
Subarea 3 (1992)
District 2 (Black)

A request to adjust lot lines for three lots abutting the northeast margin of Fern Avenue, approximately 186 feet northwest of Katie Street (.58 acres), classified within the R6 District, requested by Melvin Weber Enterprises, Inc., owner/developer, L. Steven Bridges, Jr., surveyor.

Resolution No. 96-414

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-206U, is granted **APPROVAL.**”

Subdivision No. 96S-207G

River Plantation, Phase 2D, Section 10
(Phase Boundary Plat)
Map 142, Part of Parcel 124
Subarea 6 (1990)
District 35 (Lineweaver)

A request to create a phase located 240 feet west of Sawyer Brown Road and approximately 915 feet south of General George Patton Road (2.67 acres), classified within the R15 Residential Planned Unit Development District, requested by Haury and Smith Contractors, Inc., owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 96-415

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-207G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$18,000.00 for utility construction.**”

Subdivision No. 96S-211G

Brandywine Pointe, Phase 3, Section 1
Resubdivision of Lots 221, 222 and 223
Map 64-3-B, Parcels 34, 35 and 36
Subarea 14 (1996)
District 11 (Wooden)

A request to subdivide three lots into two lots abutting the southeast corner of Brandywine Pointe Boulevard and Williams Way (1.31 acres), classified within the R20 Residential Planned Unit Development District, requested by Brandywine Pointe Partners, L.P. et al, owners/developers, Gresham, Smith and Partners, surveyor.

Resolution No. 96-416

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-211G, is granted **APPROVAL.**”

Subdivision No. 96S-220G
(Proposal No. 88P-067G)
Brandywine Pointe, Phase 10, Section 3
Map 64, Part of Parcel 8
Subarea 14 (1996)
District 11 (Wooden)

A request to create 18 lots abutting both margins of Rachel Way, approximately 90 feet northeast of Dunedin Cove (7.69 acres), classified within the R20 Residential Planned Unit Development District, requested by Brandywine Pointe Partners, L.P., owner/developer, Gresham, Smith and Partners, surveyor.

Resolution No. 96-417

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-220G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$114,000.00 and pre-recording Phase 10, Section One.**”

Request for Bond Extension:

Subdivision No. 90S-035G
Winston Estates, Section Two
Winston Walker, principal

Located abutting both sides of Winston Drive, approximately 180 feet southwest of Stevens Lane.

Resolution No. 96-418

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 90S-035G, Bond No. 90BD-028, Winston Estates, Section Two, in the amount of \$5,200.00 until June 1, 1997, as requested."

Subdivision No. 31-86-P
Whitworth, Phase Three, Section One
Lake Whitworth, L.L.C., principal

Located abutting the northwest corner of Woodlawn Drive and Compton Road.

Resolution No. 96-419

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 31-86-P, Bond No. 94BD-093, Whitworth, Phase Three, Section One, in the amount of \$83,950.00 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **July 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. 41-85-P
Cedar Crest, Phase Two

Joe Gower, principal

Located abutting the south terminus of Cedar Crest Drive, approximately 140 feet south of Williams Court.

Resolution No. 96-420

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 41-85-P, Bond No. 95BD-042, Cedar Crest, Phase Two, in the amount of \$145,000.00 until August 1, 1996, as requested."

Subdivision No. 312-84-G

Poplar Creek Estates, Phase Three-B

Poplar Creek Development Corporation, principal

Located abutting the northwest terminus of Forest Oaks Drive, approximately 110 feet northwest of Forest Oaks Court North.

Resolution No. 96-421

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 312-84-G, Bond No. 94BD-048, Poplar Creek Estates, Phase Three-B, in the amount of \$117,500.00 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **July 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. 46-79-U

Metro Airport Center, Section Five, Phase One

Elm Hill Properties, L.L.C., principal

Located abutting the east margin of Elm Hill Pike and Royal Parkway.

Resolution No. 96-422

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 46-79-U, Bond No. 95BD-095, Metro Airport Center, Section Five, Phase One, in the amount of \$10,000.00 until September 15, 1996, as requested, said approval being contingent upon posting an amended letter of credit by **July 22, 1996** and extending the expiration date to March 15, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 98-73-G

Hickory Hills, Section Seven

Hickory Hills, Ltd., principal

Located abutting the northwest quadrant of Old Hickory Boulevard and Hickory Hills Boulevard.

Resolution No. 96-423

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 98-73-G, Bond No. 95BD-060, Hickory Hills, Section Seven, in the amount of \$35,000.00 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **July 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. 5-73-G
Music Valley PUD
William E. Oakes, principal

Located abutting the west margin of Music Valley Drive, approximately 312 feet west of Music Valley Drive.

Resolution No. 96-424

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 5-73-G, Bond No. 95BD-110, Music Valley PUD, in the amount of \$9,000.00 until September 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit from American Home Assurance Company by **July 22, 1996** and extending the expiration date to March 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 103-79-G
Riverfront Shopping Center, Section Two, Lot Three
Riverfront Development Ltd. Partnership, principal

Located abutting the southwest margin of Robinson Road, opposite Martingdale Drive.

Resolution No. 96-425

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 103-79-G, Bond No. 94BD-062, Riverfront Shopping Center, Section Two, Lot Three, in the amount of \$5,000.00 until September 1, 1996, as requested."

Subdivision No. 101-82-G
Bell Forge Village, Section Five
Phillips Builders, Inc., principal

Located abutting both sides of Bell Forge Parkway, approximately 550 feet north of Mt. View Road.

Resolution No. 96-426

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 101-82-G, Bond No. 102-82-G, Bell Forge Village, Section Five, in the amount of \$17,000.00 until October 1, 1996, as requested."

Subdivision No. 74-87-P
The Peninsula, Phase One
Jerry Butler Construction, Inc., principal

Located abutting the south margin of John Hager Road, approximately 1,310 feet southwest of New Hope Road.

Resolution No. 96-427

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 74-87-P, Bond No. 94BD-072, The Peninsula, Phase One, in the amount of \$270,500.00 until June 1, 1997, as requested subject to submittal of an amendment to the present Letter of Credit by **July 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. 93S-084G
Bridle Path, Section Two
David B. Taylor, principal

Located abutting both margins of Palomino Place, approximately 240 feet east of Granny Wright Lane.

Resolution No. 96-428

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 93S-084G, Bond No. 93BD-018, Bridle Path, Section Two, in the amount of \$12,500.00 until June 1, 1997, as requested."

Subdivision No. 94P-004U
Mt. View Apartments
DMC Builders, Inc., principal

Located abutting the north margin of Mt. View Road, east and west of Baby Ruth Lane.

Resolution No. 96-429

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 94P-004U, Bond No. 95BD-082, Mt. View Apartments, in the amount of \$202,000.00 until June 1, 1997, as requested subject to submittal of an amendment to the present Letter of Credit from the Continental Casualty Company by **July 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. 95S-268U
Forrest Park
Forrest Park Partners, principal

Located abutting the east margin of Bowling Avenue, between Woodlawn Drive and Forrest Park Avenue.

Resolution No. 96-430

"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-268U, Bond No. 95BD-097, Forest Park, in the amount of \$10,000.00 until October 1, 1996, as requested subject to submittal of an amendment to the present Letter of Credit by **July 22, 1996** and extending the expiration date to April 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Request for Bond Release:

Subdivision No. 141-79-G
Plantation Walk, Section Two
Phillips Builders, Inc., principal

Located abutting both margins of Meadowgreen Drive, approximately 87 feet southeast of Sweetwater Circle.

Resolution No. 96-431

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 141-79-G, Bond No. 94BD-089, Plantation Walk, Section Two, in the amount of \$5,000.00, as requested."

Subdivision No. 141-79-G
Plantation Walk, Section One
Phillips Builders, Inc., principal

Located abutting the east margin of Shute Lane, approximately 928 feet north of Lebanon Pike.

Resolution No. 96-432

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 141-79-G, Bond No. 93BD-081, Plantation Walk, Section One, in the amount of \$20,000.00, as requested."

Subdivision No. 86P-100U
Brentwood Glen
Mrs. A. T. Simpson, principal

Located abutting the west margin of Edmonson Pike, approximately 1,800 feet south of and opposite Huntington Parkway.

Resolution No. 96-433

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 86P-100U, Bond No. 89BD-001, Brentwood Glen, in the amount of \$12,500.00, as requested."

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

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

Resolution No. 96-434

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 86P-100U, Bond No. 89BD-001, Brentwood Glen, in the amount of \$12,500.00, as requested."

Subdivision No. 89S-178U
Brick Church Business Park, Phase Two
Brick Church Business Park, J.V., principal

Located abutting both margins of Brick Church Park Drive and the south terminus of Aldrich Lane.

Resolution No. 96-435

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 89S-178U, Bond No. 90BD-002, Brick Church Business Park, Phase Two, in the amount of \$61,800.00, as requested."

MANDATORY REFERRALS:

Proposal No. 96M-060G

Poplar Creek Road Easement Abandonment
Map 156-1
Subarea 6 (1990)
District 35 (Lineweaver)

A request to abandon part of the easements retained in the former right-of-way of a segment of Poplar Creek Road which was closed by Ordinance O92-345, requested by James D. Wamble, for Denzel H. Carbine, Jones Company Custom Homes of Tennessee, owner.

Resolution No. 96-436

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-060G.

Proposal No. 96M-061U

Sale of Property on Trinity Lane
Map 71-5, Parcel 31
Subarea 3 (1992)
District 2 (Black)

An ordinance authorizing the sale of property located on the Haynes Middle School grounds for the purpose of widening Trinity Lane.

Resolution No. 96-437

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-061U.

Proposal No. 96M-062G

Tuckahoe Drive Closure
Map 42-14
Subarea 2 (1995)
District 3 (Nollner)

A request to close a 105.2' segment of Tuckahoe Drive immediately west of I-65, requested by Mark A. Johnson, Madison Suburban Utility District. (**Easements are to be retained**).

Resolution No. 96-438

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-062G.

Proposal No. 96M-066G

Buena Vista Pike Bridge Easement Acquisition
Map 49, Part of Parcels 52, 53, 55, 138 and 139
Subarea 3 (1992)
District 1 (Patton)

A council bill authorizing the acquisition of property for easements relative to the replacement of the Buena Vista Pike bridge over Dry Creek.

Resolution No. 96-439

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-066G.

Proposal No. 96M-069U
Council Bill No. O96-320
Lease Agreement Between Metro Government and
the Policeman's Benefit Association
Map 134, Parcel 143
Subarea 13 (1991)
District 27 (Sontany)

An ordinance approving a lease agreement between Metro Government and the Policeman's Benefit Association for the purpose of obtaining a facility to hold its annual haunted house fundraising event.

Resolution No. 96-440

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-069U.

Proposal No. 96M-070U
Ordinance No. O96-339
Acceptance of Storm Sewer Drainage Easements
Map 93-6-1; Parcel 79
Subarea 9
District 19 (Julius Sloss)

A mandatory referral to approve an ordinance accepting easements from McKendree Methodist Church for the purpose of updating and constructing a storm sewer drainage easement.

Resolution No. 96-441

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-070U.

OTHER BUSINESS:

1. Reset Subarea 6 Public Hearing for July 11, 1996.
3. Intern contracts for Scott Medlyn, Kathy Reid and Brian M. Hamilton.
4. Amendment to Fiscal Year 1995-96 Transportation Planning Contract with the Tennessee Department of Transportation.
5. Amendment to consultant contract with Gresham, Smith and Partners for the Regional Incident Management Plan.
6. Amendment to consultant contract with IDE Associates, Inc., for the Southeast Arterial Corridor Study.

This concluded the items on the consent agenda.

PUBLIC HEARING: SUBAREA 3 AMENDMENT.

Mr. Robert Eadler began by stating that the subject of the public hearing was a proposal to amend the land use policy plan for a portion of the area around the interchange of Briley Parkway and S. R. 12 (Ashland City highway). Referring to slides that showed the Land Use Policy Plan map for Subarea 3 and a close-up of the interchange area, Mr. Eadler described the policies currently applied next to the interchange and the surrounding area. Of particular note were the “RMH” (Residential Medium-High Density) in the northwest quadrant, the “CMC” (Commercial Mixed Concentration) in the southeast and southwest quadrants, and the “RM” (Residential Medium Density) in the northeast quadrant. He said that when the Subarea 3 Plan was prepared, it was explained that, due to the proximity of existing industrial policy and the accessibility provided by the interchange, industrial policy was an appropriate option for the interchange area, as well as the policies that were applied. He noted that the RMH, RM, and CMC policies were recommended by the Citizen Advisory Committee because the consensus view then was that opportunities for higher density residential and mixed commercial development were needed in this part of the subarea. He noted that the RMH, RM and CMC policies were also applied in response to concern by residents of the Cato Road and Enchanted Hills neighborhoods about the effects of industrial policy next to those areas.

Mr. Eadler pointed out that the closest opportunities for mixed commercial development away from the interchange were along Clarksville Pike in the Bordeaux area, and that RMH policy was further away, along the West Trinity Lane Corridor east of Bordeaux.

Mr. Eadler showed a slide of topography in the vicinity of the interchange, pointed out the steep terrain to the west of Briley Parkway, and explained the problem of a lack of a particular good natural feature that could serve as a boundary between urban land use policies and nonurban policies on that side of Briley Parkway. He said that this was a problem regardless of the urban policy, and, for that reason, the RMH and CMC policies applied on the west side of Briley Parkway were limited to the areas abutting the highway.

Mr. Eadler showed a slide of existing land use and summarized the activities around the interchange. He noted that most of the land in the immediate vicinity of the interchange was vacant or contained homes on large lots; and that the nearest urban areas were the Cato Road and Enchanted Hills areas to the east of the interchange. He also noted that there is some industrial and institutional development mostly south of the interchange area.

The next slide showed current zoning, which Mr. Eadler said included agricultural to the west and southeast of the interchange; R15 residential to the north; and CH highway commercial, CG commercial general [including warehousing] and IR industrial restrictive south of S.R. 12. He noted that there is CG and IR zoning in some of the area of CMC policy, which does not conform with that policy.

Mr. Eadler showed a slide of vacant parcels zoned IR or CG, and vacant parcels zoned Agricultural or R15. He said that those zoned IR or CG contained about 200 acres, that about 75% of that was subject to flooding, and that some was being filled. He also noted that some industrial had already occurred on filled land also. He said that the parcels zoned Agricultural or R15 contained about 170 acres, but that there was considerably more vacant in those zones further from the interchange.

Mr. Eadler stated that there had been very little development in the areas since 1990 and showed a slide of the few parcels for which some type of permit had been issued. He said most of the development involved new homes in the Cato Road and Enchanted Hills areas.

Mr. Eadler concluded by stating that if the Planning Commission deemed a change in policy to be appropriate, that staff recommended consideration of the following:

- that due to the steep slopes and problem with identifying a good policy boundary, any change on the west side of Briley Parkway should be limited to the current areas of RMH and/or CMC policy;
- that if the RMH policy is changed to IND, the intervening CMC between it and the IND to the south of the railroad should be included; and
- a change from CMC policy to IND policy would be appropriate in the southeast quadrant if the Planning Commission, Council and the community believe it is unlikely that the current CG and IR zoning will be changed to commercial zoning in the foreseeable future.

Following Mr. Eadler’s presentation, Chairman Smith opened the public hearing and asked those who wished to speak to come forward.

Mr. Tom White spoke first. He noted that many of the factors discussed by staff and concerns raised were much the same as what had previously been discussed at the time the zone change proposal to IR in the northwest quadrant had been considered by the Planning Commission. He stated that from the discussion of the IR zoning proposal by proponents, the community, and the Planning Commission the indication was generally in favor of the proposed rezoning, but that the Planning Commission concluded that it could not interpret the Subarea 3 Plan as supporting that zone change. Rather, he said, the Planning Commission decided to consider amending the Subarea 3 Plan, which is the purpose of this public hearing. He noted that there had been a community meeting at which the proposal for industrial uses was supported. He said that the community meeting was held in Scottsboro because there was a conflict with holding it at the new Cumberland Elementary school. Mr. White said that he represented the interests of property owners in the northwest quadrant of the interchange area under consideration, but supported the policy change for the southwest and southeast quadrants also. He asked for the Planning Commission’s support of the change.

Mr. Scott Dooley, one of the owners of the property next to Briley Parkway that was being considered for a change in policy to IND [the property in the northwest quadrant of the interchange proposed for IR zoning that prompted this proposed policy change]. He reiterated the support indicated at the community meeting for his proposed development and said he was not aware of any opposition that may exist to it. He asked for the Planning Commission’s support of the proposed policy change to IND.

Mr. Sylvester Dunkley indicated he was in support of the proposed change in policy.

Mr. Tony Goodpasture stated he lives in the community and had seen the industrial development proposed by Mr. Dooley. He said he believed that it would be a good development and was in support of the change that would allow it.

Mr. Jack Loysco also indicated he was in support of the proposed change in policy.

Mr. Steve Henry who said he lives on Eatons Creek Road, drives through the area in question frequently, and is very familiar with the community. He said his principle concern is the environmentally sensitive area primarily west and north of the interchange, and that he did not want to see any changes in the plan that would negatively affect that area.

Mr. Cornelius Ridley, a school board member, expressed concern about the change because of the possible effects of it on the newly completed Cumberland elementary school in the northeast quadrant of the interchange. He stated that among the reasons the school board chose that location for the new school were because it was in an area of residential character, it was planned for residential development, and the school would be close to the interchange area and near areas planned for higher density residential development. He said the school board relies on the long range plan for the community and is concerned about the plan changing after the school board has made a decision based on that plan.

Mr. Alfred Coleman stated he has been a resident of the area for over 20 years. He stated that the community has been struggling with a negative image for years due to uses such as the Bordeaux dump (now closed), the State prison for women, the “Spencer Youth Center”, and the “insane asylum.” He said

his view was that the community's image would be improved by keeping the current policies and not expanding the industrial policies in the area in question.

Ms. Wilma Springs stated she is a resident of the Enchanted Hills area and that she preferred the present policies. She said based on those policies, she could expect residential development and new neighbors in the community, whereas, with industrial policy, she would not know what kind of development to expect.

With no further speakers, Mr. Lawson moved and Ms. Nielson seconded the motion to close the public hearing.

Chairman Mr. Smith then asked for comments from the planning commissioners. Mr. Clifton spoke first. He said he was pleased with the extent of discussion surrounding this amendment consideration and that it would serve to strengthen the basis for any changes the Commission decided to adopt. He indicated he was in support of the proposed amendment.

Mr. Bodenhamer indicated that he was concerned about the effects of the policy change on the community. He said that the subarea plans should be followed. He asked that staff describe again the topographic conditions west of Briley Parkway and the problem with establishing an urban/nonurban policy boundary along the S.R. 12 corridor west of Briley Parkway. Mr. Eadler reviewed the topographic conditions and noted that there was not a particular feature that could serve as an effective boundary. He noted that although hilly terrain is a natural feature often used as a policy boundary, there are many hills interspersed with pockets of "developable" land all along S.R. 12 west of Briley Parkway. He said that no particular hills stand out as being better than any others in terms of being a possible policy boundary, which makes them impractical to use as a policy boundary along this highway.

Mr. Lawson noted that he was on the Subarea 3 Plan Citizen Advisory Committee when the plan was prepared and felt that the effects of Briley Parkway were not fully understood when the plan was prepared.

Ms. Nielson said she was also concerned that the potential effects of Briley Parkway [which was not built at the time the plan was prepared] on the interchange area were not well known when the plan was done. She said that now that it is in place, its effects are becoming more evident, and that part of that is the desire for industrial development in the vicinity of this interchange, agreeing with Mr. Lawson's observation.

Mr. Manier stated that one of the factors that should be reflected in the plan is market conditions and that the evidence since the plan was adopted is that there has not been a market for the uses planned, but that there is an emerging market for industrial uses in this area. He indicated he felt the interchange area was appropriate for the policy change.

Mr. Harbison also noted the lack of demand for residential and commercial development around the interchange and that there is a desire for industrial uses, which he supported.

Mr. Steve Smith said he thought industrial policy was appropriate and he supported the proposed amendment.

Ms. Nielson expressed concern about the fact that the Subarea 3 Plan policies were a factor considered by the school board in its decision to relocate Cumberland School near the Briley Parkway interchange. She asked to see again the location of the school in relation to the proposed policy change and asked how many students would go there. Mr. Eadler again pointed out the location of the school. He said he did not know for sure but believed that new elementary schools were being designed for a capacity of 400-600 students. Mr. Ridley rose and indicated that about 650 students would be attending grades k-4 at this facility. He also said that if the courts allowed it, Wade elementary could possibly be closed and its students attend this new facility. In response to a question from Chairman Smith, Mr. Ridley indicated that students at this facility follow a track to Whites Creek High School.

Mr. Clifton said that he felt comfortable with the policy change and was not concerned about this change being a threat to the current urban/nonurban policy boundary on the west side of Briley Parkway. Mr. Manier noted that the steep topography itself is a limiting factor that would make development costs too prohibitive in the areas of steep topography. Chairman Smith asked if there was any further discussion on the motion and asked if they were ready to vote. Mr. Eadler asked for clarification about the area to which the motion was intended to apply. Mr. Clifton indicated that it included the northwest, southwest, and southeast quadrants of the interchange.

Mr. Clifton moved and Mr. Lawson seconded the motion, which carried, with Mr. Bodenhamer in opposition and Chairman Smith abstaining, to approve the following resolution:

Resolution No. 96-442

“WHEREAS, the Metropolitan Planning Commission adopted the *Subarea 3 Plan* on August 27, 1992; and WHEREAS a proposal to change the policies in that plan pertaining to the area surrounding the interchange of Briley Parkway and State Route 12 (Ashland City Highway) was considered, including a public hearing on June 27, 1996; and WHEREAS, based on the findings and testimony presented, a change in the land use policies is appropriate;

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Planning Commission hereby **AMENDS** “Map 3-1 Land Use Policy Plan” in the *Subarea 3 Plan* as follows: by changing the RMH (Residential Medium-High Density) policy applied to the northwest quadrant of the Briley Parkway/S.R. 12 interchange area and the CMC (Commercial Mixed Concentration) policy applied to the southwest and southeast quadrants of that interchange area to IND (Industrial and Distributive) policy.

ZONE CHANGE PROPOSALS:

Text Amendment No. 96Z-003T
Council Bill No. 096-293

A council bill to amend the text of the Zoning Regulations by providing new spacing requirements for family/group day care homes (17.124.180), sponsored by Councilmember James Stanley. Staff recommends disapproval. The language of the council bill is flawed. Even if the bill were revised to accomplish the desired objectives, staff believes the Zoning Code currently provides adequate opportunities for family/group day care homes while providing sufficient standards to protect surrounding property owners.

The intent of this amendment and that the intent of this text amendment is to relax the spacing standards for family/group day care homes locating within residential areas by allowing three facilities per block rather than two. However, in its current form, the language of this bill does not accomplish the desired intent. The language of the bill as currently written would actually be more restrictive in some cases than the current code allows.

These facilities allow a maximum of 12 individuals, in need of adult supervision, to be cared for on a less than twenty-four hour basis out of a residence. Currently, the zoning code allows a maximum of two of these facilities per block, one on each side of the street of any given block. The intent of the text amendment would increase the maximum to three per block, two on one side of the street, and one on the other. The main issue is whether there is an essential public need to increase the opportunities for these facilities within residential areas. The zoning code will currently allow any residence to care for up to four individuals by right with no minimum spacing requirements imposed. The Department of Codes Administration has informed staff that between thirty and fifty applications for family/group day care homes, up to twelve individuals, are processed each year. Most of these applications meet the conditions of approval prior to the public hearing before the BZA, and therefore are approved. Codes Administration estimates that less than five percent of the applicants who come into their office and seek to apply for a

conditional use permit for a family/group day care home are informed that they do not meet the criteria in the zoning code. Therefore, staff believes that the zoning code currently provides adequate opportunities for family/group care homes while providing sufficient standards to protect surrounding property owners.

The Commission and Council deliberated extensively in 1993 concerning providing adequate opportunities for these types of facilities while protecting surrounding properties. It was recognized that these types of facilities were important to provide convenient and affordable day care proximate to residential neighborhoods. Research seems to indicate that these types of day care facilities do not adversely impact residential neighborhoods and can provide public benefits to communities if sited and designed appropriately.

In the 1993 update of day care standards, Council determined that family/group day care homes were appropriate within residential neighborhoods as long as certain conditions were met, primarily that there be a maximum of one day care home on any block face, same side of the street. One of the purposes of the 1993 bill was to increase standards in residential districts to protect adjacent residential properties.

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

Resolution No. 96-443

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-003T is **DISAPPROVED:**

The intent of this text amendment is to increase the opportunities for family/group day care homes within residential districts. One of the purposes of the 1993 council bill which adopted the current standards was to provide adequate opportunities for these types of facilities while protecting surrounding properties. The zoning code currently accomplishes this purpose. Further, the manner in which this bill is constructed would have the effect of decreasing opportunities for these uses in residential districts, which is not the sponsor's intent."

Text Amendment No. 96Z-004T
Council Bill No. O96-350

A council bill to amend the text of the Zoning Regulations as it pertains to minimum lot frontages by repealing subsection (B) in its entirety (17.132.090), sponsored by Councilmember James Dillard.

This text amendment removes a section from the zoning regulations regarding street frontages and similar matters. These provisions were added to the zoning regulations in 1986 to correct such problems as the creation of flag shaped lots with very narrow frontages. In 1991, the new subdivision regulations were adopted which incorporate these same provisions. One problem with having the same provisions in both the zoning regulations and the subdivision regulations is that applicants seeking a variance to any of these requirements must first seek a zoning variance from the Board of Zoning Appeals, and then seek a subdivision variance from the Planning Commission. There have been cases in which the BZA has granted the variance and the Planning Commission has not. An important effect of this text amendment is to remove a layer of unnecessary bureaucracy and staff recommends approval.

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

Resolution No. 96-444

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-004T is **APPROVED:**

This text amendment removes a section from the zoning regulations regarding street frontages and similar matters. The Subdivision Regulations incorporate these same provisions, which is a more appropriate document to contain regulations regarding the creation of parcels.”

Text Amendment No. 96Z-005T
Council Bill No. O96-373

A council bill to amend the text of the Zoning Regulations by allowing increased floor area ratios for places of worship (17.28.050 and 17.124.400), sponsored by Councilmember Horace Johns.

This text amendment would allow places of worship in the R8 district to seek a conditional use permit allowing an increase in floor area ratio of .50 to 1, the current regulations limit the FAR to .38 as a matter of right.

In 1988, the Council adopted a text amendment that allows all places of worship in the R10 through the AR2a districts to apply for a conditional use permit allowing an increase in floor area of .38 to 1. Applicable conditions concern compatibility with the surrounding area, access to a street on the major street plan, and a requirement that the lot contain twice as much land area as required by the zoning district.

Staff believes this proposed amendment is reasonable. The next intense zoning district (R6) permits an FAR of .60 as a matter of right, and staff believes that the progression of intensity this bill proposes is logical, .38 to .50 to .60, and staff recommends approval.

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

Resolution No. 96-445

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

This text amendment would allow places of worship in the R8 District to seek a conditional use permit allowing an increase in floor area ratio to .50 (the current regulations limit the FAR to .38 as a matter of right). The next intense zoning district (R6) permits an FAR of .60 as a matter of right. This progression of intensity from .38 to .50 to .60 is logical.”

Text Amendment No. 96Z-006T
Council Bill No. O96-374

A council bill to amend the text of the Zoning Regulations by allowing the Board of Zoning Appeals to grant variances for family/group day care homes sited on small lots when circumstances warrant (17.124.080), sponsored by Councilmember Mike Wooden.

Staff recommends disapproval. This text amendment would allow undersized lots to apply for a conditional use permit for family/group day care homes. These day care homes are permitted within residential neighborhoods, and therefore the conditional use criteria are designed to help these homes blend compatibly. One measure the current regulations take to insure compatibility is the requirement that the lot contain the minimum lot area required by the zoning district (for instance, the R8 district requires 8,000 square feet in lot area).

The current regulations offer reasonable use of undersized lots by allowing them to construct a single-family home, but not a duplex or other community facilities. This text amendment would grant extraordinary privilege for only one particular use, which is inequitable. Staff believes the minimum lot size requirement should be retained to insure that these “invited guests” do not become obnoxious intruders.

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

Resolution No. 96-446

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

This text amendment would allow undersized lots to apply for a conditional use permit for family/group day care homes. The current regulations offer reasonable use of undersized lots by allowing them to construct a single family home, but not a duplex or other community facilities. This text amendment would grant extraordinary privilege for only one particular use, which is inequitable."

Zone Change Proposal No. 96Z-031G
Council Bill No. O96-370
Map 69, Parcel 1
Subarea 3 (1992)
District 1 (Patton)

A request to change from R15 District to IR District certain property abutting the northwest corner of Ashland City Highway and the Briley Parkway right-of-way (15.16 acres), requested by Craig and Scott Dooley, for Marshall Ney Cheatham, Jr., owner. **(Deferred from meetings of 04/18/96, 05/16/96 and 05/30/96).**

With the preceding amendment to the Subarea 3 Plan, Mr. Lawson moved and Mr. Manier seconded the motion, which carried, with Mr. Bodenhamer in opposition and Chairman Gilbert Smith abstaining, to approve the following resolution:

Resolution No. 96-447

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-031G is **APPROVED**:

The Planning Commission amended the Subarea 3 Plan and designated three of the four quadrants at the Briley Parkway/Ashland City Highway interchange within industrial policy. This property now falls within industrial policy, which the IR district will implement."

Zone Change Proposal No. 96Z-056U
Council Bill No. O96-364
Map 96-9, Parcels 49, 52 and 52.1
Subarea 14 (1996)
District 15 (Dale)

A request to change from R10 District to OP District certain property approximately 150 feet south of Lorna Drive, 475 feet north of Emery Drive, 300 feet east of Seneca Drive and 200 feet west of Donelson Pike (2.58 acres), requested by Herman F. Odum, owner with Paul Odum and Robert A Maas. This area is within "commercial mixed concentration" policy in the newly updated Subarea 14 plan. The requested OP district will implement this policy.

Staff recommends disapproval. These parcels do not have access to a public street. There is a private access road running along the northern boundary of these parcels. In order for these properties to actually be issued a use and occupancy permit for office uses, they will have to be combined with the residential parcel to the east fronting on Donelson Pike, which must also be rezoned to commercial. The zoning regulations do not permit commercial properties to be accessed via residentially zoned parcels. So, while the rezoning request is in accordance with the recommendations of the subarea plan, actual development cannot occur until these access problems are remedied.

Staff would therefore recommend that rezoning not occur until a more reasonable zoning pattern is proposed.

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

Resolution No. 96-448

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-056U is **DISAPPROVED**:

This area is within ‘commercial mixed concentration’ policy in the newly updated Subarea 14 Plan. The requested OP district will implement this policy. However, these parcels do not have direct frontage on a public street. The zoning regulations do not permit commercial properties to be accessed via residentially zoned parcels. Rezoning should not occur until a more reasonable zoning pattern is proposed.”

Zone Change Proposal No. 96Z-057U
Council Bill No. O96-369
Map 61, Parcel 72
Subarea 5 (1994)
District 4 (Majors)

A request to change from CS District to R10 District certain property abutting the south margin of Hart Lane, 0 feet west of Ellington Parkway (19.04 acres), requested by Metropolitan Planning Commission staff, for Metro Government School (Jere Baxter School), owner

Proposal No. 181-83-U (Public Hearing)
Council Bill No. O96-336
Summer Place
Map 61, Parcel 72
Subarea 5 (1994)
District 4 (Majors)

A request to cancel the existing undeveloped Residential Planned Unit Development District located at the south margin of Hart Lane, 0 feet west of Ellington Parkway (zoned CS), to build a new public school (Jere Baxter Middle School), requested by Metropolitan Public Schools, owners.

Staff recommends approval. This property is currently zoned CS with a Commercial PUD Overlay district. This property falls within residential “low medium” density policy (permitting up to 4 dwelling units per acre). The cancellation of PUD Proposal No. 181-83-U and the rezoning to R10 will implement this residential policy. The Board of Education intends to build a school on this site.

Staff recommends approval of this PUD cancellation and the associated zone change request. The Board of Education has requested cancellation of this unbuilt residential PUD, which was approved for 420 multifamily units in 1983, as the property is to be the site of the relocated Jere Baxter Middle School. The staff of the Board of Education will request that the Board set aside sufficient area in the southwestern

corner of the site to allow the eventual construction of a full cul-de-sac turnaround at the end of Oakwood Drive.

No one spoke for or against the change, and Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 96-449

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-057U is **APPROVED**:

This property is currently zoned CS with a Residential PUD Overlay District. This property falls within residential 'low medium' density policy (permitting up to 4 dwelling units per acre). The cancellation of this PUD and the rezoning to R10 will implement this residential policy."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 181-83-U is given **APPROVAL FOR CANCELLATION**. The following condition applies:

Approval of dedication of necessary right of way for the extension of Oakwood Drive by the Metropolitan Nashville School Board in accordance with the plan developed by the staff of the Planning Commission and Metropolitan Department of Public Works."

Zone Change Proposal No. 96Z-058U
Map 85, Part of Parcel 37
Subarea 14 (1996)
District 14 (Stanley)

A request to change from MO District to OP District certain property abutting the east margin of Lebanon Pike, approximately 295 feet south of Jackson Downs Boulevard (17.5 acres), requested by Thomas F. Ramsey, for HCA Health Services of Tennessee, Inc., owner

Proposal No. 139-81-U (Public Hearing)
Donelson Hospital PUD
Map 85, Part of Parcel 37
Subarea 14 (1996)
District 14 (Stanley)

A request to cancel the Commercial (General) Planned Unit Development District, abutting the east margin of Lebanon Pike, approximately 295 feet south of Jackson Downs Boulevard (23.16 acres), requested by Thomas F. Ramsey, for HCA Health Services of Tennessee, Inc., owner

This proposal accompanies a request to cancel the commercial PUD on the Old Donelson Hospital. The Subarea 14 Plan places this area in "commercial mixed concentration" policy to which the proposed OP district conforms. Staff recommends approval.

Mr. Tom Ramsey spoke in favor of this proposal.

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

Resolution No. 96-450

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-058U is **APPROVED**:

The Subarea 14 Plan places this area in ‘commercial mixed concentration’ policy to which the proposed OP district conforms.

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 139-81-U is given **APPROVAL FOR CANCELLATION.**”

Zone Change Proposal No. 96Z-059U
Council Bill No. 096-363
Map 102-8, Parcel 31
Subarea 7 (1994)
District 22 (Holt)

A request to change from R40 District to CS District certain property abutting the south margin of Charlotte Pike, approximately 153 feet east of Hillwood Boulevard (.48 acres), requested by Farzin Ferdowsi, for James O. Dotson, owner.

Staff recommends disapproval. This site is at the boundary of “retail concentration community” and “residential conservation” policy in the Subarea 7 plan. It is the objective of both policy classifications to provide for adequate commercial opportunities to meet the shopping needs of a large community, while protecting and preserving the surrounding residential neighborhoods.

Staff believes that the commercial zoning is rightly confined to either side of Hillwood Boulevard on the south side of Charlotte Pike, and should not be expanded to the west or east. To do so would pose a threat to the long term stability of similarly situated residential properties in this area. Furthermore, in the event of market demand for additional commercial services in this area, there are ample opportunities in areas nearby that are already zoned commercial.

Ms. Sarah Jane Boyd spoke in opposition to this proposal.

Mr. Farzin Ferdowsi spoke in favor of this proposal.

Mr. Manier moved and Mr. Lawson seconded the motion, which carried, with Mr. Stephen Smith and Councilmember Clifton in opposition and with Mr. Harbison abstaining, to approve the following resolution:

Resolution No. 96-451

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-059U is **DISAPPROVED:**

This property is at the boundary of ‘retail concentration community’ and ‘residential conservation’ policy in the Subarea 7 Plan. The objective of both these classifications is to meet the shopping needs of a large community while protecting and preserving the surrounding residential neighborhood. Commercial zoning should not be expanded to the west or the east because the integrity of the residential neighborhood would be compromised.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 175-75-G
Harpeth Trace Estates, Phase VI
Map 143, Parcel 42
Subarea 6 (1990)

District 35 (Lineweaver)

A request to revise the approved preliminary site development plan of the Residential Planned Unit Development District abutting the northwest margin of Harpeth Trace Drive (1.07 acres), to permit the development of one single-family lot, requested by Dale and Associates, for Eric Ericson, owner. **(Deferred from meetings of 05/16/96 and 05/30/96).**

The applicant has asked to take one large single family lot in this largely developed Residential PUD and divide it into two lots. The plan has now received approval for the necessary sewer capacity from the Department of Water Services. The drainage plan has been modified to show a detention structure on site, and is now acceptable to Public Works.

Although the applicant has met with the homeowners association to explain the change and to gain support for creation of the new lot, the association has voted against adding an additional lot to this development and has asked to address the Commission to express their position.

Mr. Kevin Estes, representing Dale and Associates, spoke in favor of the proposal.

Mr. Charles Trost, representing the Harpeth Trace Homeowners Association spoke in opposition of the proposal.

Mr. Bernard Weinstein, a partial owner of the PUD, expressed his concerns regarding an additional lot in the PUD effecting the amount of lots available in his portion of the PUD.

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

Resolution No. 96-452

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 175-75-G is given **DISAPPROVAL:**

The Commission determined the proposed lot was inappropriately shaped and did not allow a suitably shaped and sloped building envelope.”

Proposal No. 95P-036G
Santa Rosa Apartments
Map 75, Parcel 44
Subarea 14 (1996)
District 12 (Ponder)

A request for preliminary approval for a Residential Planned Unit Development District abutting the west margin of Andrew Jackson Parkway, approximately 900 feet south of Highland View Drive, classified R10 and OP, to permit the development of 144 apartments and two single-family lots, requested by Bernard L. Weinstein, for Santa Rosa Development Company, owner. **(Deferred indefinitely from meeting of 04/04/96).**

Staff recommends approval. This is a revised proposal from that deferred at the Commission meeting of April 4, 1996, when the applicant proposed a development of 199 units on 20.685 acres. At that time, staff recommended that the proposed gross density of 9.62 dwellings per acre was too high.

The applicant has now returned with a plan for 142 apartment units and 2 single family lots on the same site, which yields a density of 6.96 dwellings per acre. Staff recommends that this density is appropriate given the similar density of the Rachel’s Square development just to the southeast across Andrew Jackson Parkway.

Mr. Doug McCormick asked the Commission for approval of continued use in the PUD for Dr. Cloyd's dental office or as use as a day care facility or for a deferral.

Mr. Harbison moved and Ms. Jernigan seconded the motion, which carried unanimously, to defer this matter indefinitely.

Proposal No. 95P-031G

Wexford Downs
Map 172, Parcel 74
Subarea 12 (1991)
District 31 (Alexander)

A request for final approval for the Residential Planned Unit Development District (zoned R20) abutting the north margin of Holt Road, 0 feet east of Edmonson Pike (60.67 acres), to permit the development of 153 single-family lots, requested by Anderson-Delk and Associates, for Meadow-Phillips, owners.

Staff recommends approval with a variance to the Subdivision Regulations for the slope of one section of street. The plan proposes a 13.5% grade on one minor local cul-de-sac. The Subdivision Regulations require a grade of 12% or less on minor local streets. The applicant has submitted plans demonstrating the grading/disturbance that would be required by meeting the standards of the Subdivision Regulations. Public Works and staff recommend a variance to the Subdivision Regulations to allow the 13.5% grade for the street, as the proposal will result in less site disturbance than would occur if the normal 12% maximum gradient is required.

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

Resolution No. 96-453

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-031G is given **CONDITIONAL FINAL APPROVAL WITH A VARIANCE TO THE SUBDIVISION REGULATIONS FOR GRADES ON ONE STREET**. The following conditions apply:

1. Receipt of written approval of final plan from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. A variance has been grafted to the Subdivision Regulations to allow a 13.5% grade on Braebury Circle, a minor local cul-de-sac, north of Wexford Downs Lane.
3. Reservation of right-of-way to 84 feet along Edmonson Pike frontage for a four lane urban arterial.
4. Recording of a final plat as well as the posting of bonds as may be required for any necessary public improvements prior to the issuance of any building permits.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 95S-256G (Public Hearing)

Jacob's Valley
Map 20, Parcel 4
Subarea 1 (1992)
District 1 (Patton)

A request for preliminary approval for 33 lots abutting the south margin of Old Clarksville Pike, approximately 2,387 feet west of Clarksville Pike (100.0 acres), classified within the AR2a District, requested by Pyron and Smith, owner/developer, MEC, Inc., surveyor.

This preliminary is for the creation of 33 lots on Old Clarksville Highway near Cheatham County. The Subarea 1 Plan classified this area in 'interim non-urban' land use policy, meaning the area is not expected to urbanize within the 20-year horizon. Much of this 100-acre property is encumbered by slopes of 20%+ and the Subarea Plan classified this area as 'natural conservation' to preserve the environmental conditions that exist. The property is zoned AR2a which serves to implement the goals of the subarea land use policies. Though two lots exceed the maximum lot size provision, the "terrain is otherwise unsuitable for development." Further, the subarea plan encourages large lots.

Five feet will be dedicated for future right-of-way along Old Clarksville Highway. Seventeen lots are designated 'critical' for purposes of final foundation and driveway grading analysis. An aquatic resource alteration permit (ARAP) will be required by the State. The Metro Health Dept. has reviewed the preliminary septic field layout. The Dept. of Public Works recommends approval.

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

Resolution No. 96-454

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 95S-256G, is granted **CONDITIONAL APPROVAL subject to 1) mountable or standard curb and gutter street design specifications, 2) final approval from Metro Health Department., and 3) State of Tennessee approval of aquatic resource alteration permit.”**

Commissioner Stephen Smith left at this point in the agenda, at 3:45 p.m.

Subdivision No. 96S-205G (Public Hearing)
Goodman Subdivision
Map 9, Parcel 12
Subarea 1 (1992)
District 1 (Patton)

A request to subdivide a parcel into three lots abutting the south margin of Jackman Road, approximately 410 feet northwest of Greenbrier Road (5.8 acres), classified within the AR2a District, requested by Herschel and Margaret P. Goodman, owners/developers, Frank V. Neeley, surveyor. **(Also requesting final plat approval).**

Staff recommends approval of the preliminary and final plat.

Because of steep topography, two of the three lots are designated 'critical.' Two of the three lots contain residences; therefore, only one new building site is being created (lot #3). Lot #1 contains a residence and was granted a lot area variance of 10% from the Metro Board of Zoning Appeals allowing a 1.8 acre lot in a district which requires 2 acres minimum (AR2a district). The effect of this variance provides enough land area to create a third lot at the minimum 2 acre size. The Metro Health Dept. has approved the private septic fields.

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

Resolution No. 96-455

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY and FINAL Plan of Subdivision No. 96S-205G, is granted **APPROVAL.**”

Subdivision No. 96S-217G (Public Hearing)

Saddleback Farms
Map 16, Parcels 88, 181 and 289
Subarea 2 (1995)
District 10 (Garrett)

A request for preliminary approval for 18 lots abutting the southeast margin of Union Hill Road, approximately 3,330 feet southwest of Greer Road (231.76 acres), classified within the AR2a District, requested by Saddleback Properties, Inc., owner/developer, Walter Davidson and Associates, surveyor.

Staff recommends conditional approval of the preliminary plat: prior to Final Plat approval the applicant shall obtain final Health Dept. approval of the private septic field systems.

Two 50 foot wide private streets are proposed to serve no more than 10 lots each. The Dept. of Public Works approved the street cross-sections for these two private streets in 1989 and 1990, including a street length for Saddleback Drive of approximately 4,000 feet. The developer proceeded with street grading, application of gravel surface and installation of water lines. Accordingly, staff believes the street design is grandfathered and may proceed without adherence to the 1992 street design specifications adopted in the Subdivision Regulations.

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

Resolution No. 96-456

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-217G, is granted **CONDITIONAL APPROVAL subject to the following conditions:**

Prior to Final Plat approval the applicant shall obtain final Health Department approval of the private septic field systems.”

Final Plats:

Subdivision No. 96S-032U

The Crossings at Hickory Hollow, Section 3
Map 174, Part of Parcels 26 and 169
Subarea 13 (1991)
District 29 (Saletta Holloway)

A request to create two lots from portions of two parcels abutting the northwest corner of Crossings Boulevard and Old Franklin Road (18.45 acres), classified within the R10 and RM8 Commercial Planned Unit Development District, requested by Hickory Downs Development, Inc., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Staff recommends approval of this plat which creates two new lots and adjusts the boundary of two large tracts, resulting in new property boundaries for four total lots.

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

Resolution No. 96-457

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-032U, is granted **APPROVAL.**”

Proposal No. 96S-176U
Forest Acres, Section 2A
Map 172, Parcel 77
Map 172-7, Parcel 4
Subarea 12 (1991)
District 31 (Alexander)

A request to reconfigure two parcels abutting the southwest margin of Kinhawk Drive, approximately 1,546 feet northwest of Kinhawk Court (5.67 acres), classified within the R15 District, requested by James R. Mosely and Robert Mayberry, owners/developers, Walter Davidson and Associates, surveyor.

This proposed plat is to subdivide two properties into three building sites on steep topography at the terminus of Kinhawk Drive in south Nashville. The applicant requests a variance from the maximum lot size provision due to “terrain otherwise unsuitable for development.” The maximum lot size permitted in the R-15 district is 45,000 square feet. Two of the three lots proposed exceed this standard. Due to the steep slopes of these lots, staff recommends approval of this variance. On two previous occasions the Commission has determined that the compatibility provisions should not apply to this residential area given the wide diversity of existing lot sizes.

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

Resolution No. 96-458

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-176U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$20,000.00.**”

Request for Bond Extension:

Subdivision No. 307-84-U
Jackson Downs, Section One
RCM Interests, principal

Located abutting the southeast terminus of Jackson Downs Boulevard, approximately 950 feet southeast of Lebanon Pike.

The developer is requesting an extension of this bond in the amount of \$10,300 to 10/01/96 so that he can coordinate the final pavement of Jackson Downs Boulevard with the final pavement of Rivers Edge Drive. Rivers Edge Drive services four lots, three of which are built. Buildout is 75%.

A Target Store and commercial center will require the construction of Jackson Downs Boulevard from Rivers Edge Drive to Lebanon Road. The developer wishes to accomplish all road construction at one time.

Staff recommends that no further extension be granted and that collection of the security be authorized if all work is not complete by October 1, 1996. The Letter of Credit will remain valid during this period of time.

Mr. Bob Matthews was present to ask the Commission for an extension of this bond.

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

Resolution No. 96-459

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 307-84-U, Bond No. 84BD-006, Jackson Downs, Section One, in the amount of \$10,300.00 until December 1, 1996, as requested subject to submittal of an amendment to the present Letter of Credit by **July 22, 1996** and extending the expiration date to March 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 102-86-P

Riverside, Section One

Rochford Realty and Construction Company Inc., principal

Located abutting the southwest corner of Old Harding Pike and Morton Mill Road.

Mr. Lawson moved and Mr. Harbison seconded the motion, which carried unanimously, to defer this matter for two weeks.

Subdivision No. 102-86-P

Riverside, Phase Two

Rochford Realty and Construction Company, principal

Located abutting both margins of Glenridge Drive, approximately 145 feet south of Northridge Drive.

Mr. Lawson moved and Mr. Harbison seconded the motion, which carried unanimously, to defer this matter for two weeks.

Subdivision No. 7-87-P

Haywood Oaks

Duke Construction Management, Inc., principal

Located at the south terminus of Linbar Drive.

Mr. Lawson moved and Mr. Harbison seconded the motion, which carried unanimously, to defer this matter for two weeks.

Subdivision No. 84-87-P

Crossings at Hickory Hollow, Section One,

Resubdivision of Lot One

Hickory Hollow Associates, principal

Located abutting the south margin of Mt. View Parkway, between Hickory Hollow Parkway and Crossings Boulevard.

Mr. Lawson moved and Mr. Harbison seconded the motion, which carried unanimously, to defer this matter for two weeks.

MANDATORY REFERRALS:

Proposal No. 96M-065U
Madeline Drive Closure
Map 148-13
Subarea 12 (1991)
District 30 (Hollis)

A request to close Madeline Drive, north of Melpar Drive, requested by Sarah V. Bridges, for adjacent property owners. **(Easements are to be retained).**

This mandatory (96M-065U) is a request to close a stub portion of Madeline Drive in the Southeast portion of the County. This unbuilt street is located in an general area bounded on the west by Nolensville Pike, on the north by Haywood Lane, on the south by Tusculum Drive and on the east by I-24. The Madeline drive stub was previously approved as part of an existing single-family residential subdivision (Locustwood). The property to the north of Locustwood is expected to develop as single-family residential in the future, hence two stubs were provided to afford direct access from existing development to Haywood Lane. Further, since Madeline Drive connects with Tusculum Drive to the south, extending Madeline Drive to Haywood Lane would provide an excellent north-south collector street for the area. While staff is sympathetic to some of the maintenance concerns expressed by nearby residents, we recommend that the Planning Commission disapprove this request to close Madeline Drive.

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

Resolution No. 96-460

"BE IT RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES** Proposal No. 96M-065U.

The Commission determined that as the properties to the north redevelop as residential subdivisions, access to and from this existing residential area may be desirable from the stand point of general traffic circulation and reduced response times for emergency vehicles."

OTHER BUSINESS:

2. Report on subdivision bonding procedures.

This matter was deferred until the July 11, 1996, meeting.

7. Legislative update.

This matter was deferred until the July 11, 1996, meeting.

PUBLIC HEARING (4:00 P.M.): NEW ZONING CODE:

Mr. Ed Owens provided a brief overview of the zoning code update process and highlighted some of the more notable goals and objectives of the proposed zoning code. Chairman Smith then opened the public hearing . Sixteen individuals addressed the Planning Commission.

Councilmember Charles French spoke in support of suggestions offered by members of the Board of Zoning Appeals. Mr. Clay Petrey indicated that variance standards contained in the draft differed from those found in the Tennessee Code Annotated, and encouraged use of the State provisions. In addition, Mr. Petrey asked that the new Code continue to give the Board of Zoning Appeals authority to grant floor area ratio variances and to apply conditions to approvals of variances and Special Exception uses, and that the residency requirements for board members be changed. Mr. Bob Oglesby represented the architectural community and asked for additional time to review the document. Mr. John Stern, representing the Nashville Neighborhood Alliance, asked that ten weeks be made available for public review of the document; encouraged that the new code make processes more open to the community; suggested more specificity to the Landscaping Buffer table; additional overlay districts to protect and stabilize neighborhoods; and better descriptive labeling of the AG district in light of allowable land uses.

Mr. Pat Emery spoke for the Chamber of Commerce, asking for a two meeting extension to allow additional review and reconsideration of downtown parking, Home Occupation, PUD sunset and those provisions affecting colleges and universities within residential areas. Mr. Frank Parrish asked that opaque screening fences be of a permanent or manufactured character. Mr. Karl Schoenenberger asked for application of a mixed-use zoning classification for his Meridian Street property. Ms. Berdelle Campbell of the Germantown area requested additional time for review, expressed satisfaction with the MUL standards of the current code, but indicated that the new code proposes land uses that would be incompatible with the Germantown area. Mr. Preston Quirk, speaking for the Hillsboro/West End Neighborhood Association, cited concern over the poor care of university owned rental property, the number of unrelated adults allowed to occupy a residence; the reduction in minimum required lot size and side yards for the R8 district; the lack of adequate standards for collection centers; the need for definitions of fraternities and sororities; and strengthening of the tree preservation provisions.

Mr. Phillip Ellenburg spoke for Lipscomb University, expressing philosophical support for the draft but requesting either that colleges and universities be classified as Special Exception uses or that the new Institutional district be applied to areas of anticipated college expansion. Mr. Mark Meyers of Trevecca Nazarene University stated that application of the new Institutional zoning district would de-value properties owned by the university, and asked for exemption. Mr. Morris Early of Belmont University requested that the current Conditional Use process be retained for colleges and universities, and expressed concerns that use of the Institutional district would create inequities.

Councilmember Eileen Beehan expressed a desire to have the equivalent of an I-440 Impact Overlay to guide redevelopment east of the Cumberland River. Mr. Steve Henry of the Joelton area emphasized the need to protect residential areas and expressed concern that the new Code might legitimize an existing sawmill activity in his area. Ms. Janice Johnson spoke to the Adult Entertainment provisions, noting that proposed definitions may have the effect of increasing opportunities, and directed the Commission's attention to a model zoning ordinance that has been upheld by the courts. Mr. Arnold Vonhagen, of Metro schools, expressed concern about the costs associated with adhering to the proposed buffering standards for school facilities.

Following the last speaker, Commissioner Jernigan suggested that the public hearing remain open to the second meeting in September. Councilmember Clifton noted that the Council would begin deliberations on the new school desegregation plan after the first of the year, with Councilmember French commenting that the Council could evaluate the new code starting in the late fall. Chairman Smith then suggested that the public review period remain open until the July 25 meeting of the Commission, whereupon the public hearing will resume.

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:30 p.m.

Chairman

Secretary

Minute approval:
This 11th day of July, 1996