

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: July 25, 1996
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Philip Bredesen
William Manier
Stephen Smith

Others Present:

Executive Office:

Jeff Browning, Executive Director and Secretary
Lester Marcum, Planner II
Carolyn Perry, Secretary 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
Doug Delaney, Planner I
Charles Hiehle, Planning Technician II

Advance Planning and Research Division:

Jeff Ricketson, Planning Division Manager
Deborah Fleming, Planner III
Cynthia Lehmbeck, Planner III

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Gary Dixner, Planner III

Also Present:

Sonny West, Codes Administration
Jim Armstrong, Public Works

ADOPTION OF AGENDA

Ms. Dudley announced Proposal No. 96M-094U should be added as an addendum and should read Map 104-11, Part of Parcel 413, Map 104-12, Parcel 357 and Part of Parcel 356. Proposal No. 24-85-P should read Map 149, Part of Parcel 189 and Map 149-12, Part of Parcels 3 and 4. Subdivision No. 96S-265G, The Northgate Business Park, had been withdrawn.

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to adopt the agenda with these additions and changes.

ANNOUNCEMENT OF DEFERRED ITEMS

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

96Z-070U	Deferred by request until 09/05/96.
75-87-P	Deferred by request.
89P-003G	Deferred indefinitely by request.
94P-008U	Deferred indefinitely by request.
96P-003G	Deferred final plat.
96P-014G	Deferred by request.
96S-222U	Deferred indefinitely by request.
96S-223U	Deferred by request.
96S-249G	Deferred by request.

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

APPROVAL OF MINUTES

Mr. Lawson moved and Ms. Jernigan seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of July 11, 1996.

RECOGNITION OF COUNCILMEMBERS

Councilmember Eric Crafton and Councilmember Phil Ponder were present but reserved their comments until staff presentations were made.

Councilmember Stewart Clifton arrived at this point in the agenda at 1:10 p.m.

ADOPTION OF CONSENT AGENDA

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

APPEAL CASES:

Appeal Case No. 96B-114G
Map 108-12, Parcel 67
Subarea 14 (1996)
District 13 (French)

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 2,902 square foot duplex within the R10 District, on property abutting the east margin of Timber Valley Drive, approximately 200 feet south of Lakeford Drive (.26 acres), requested by Robin York, for Eugene P. Davis, appellant/owner. (Deferred from meeting of 07/11/96).

Resolution No. 96-500

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-114G to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 96B-115G
Map 108-12, Parcel 66
Subarea 14 (1996)
District 13 (French)

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 2,902 square foot duplex within the R10 District, on property abutting the east margin of Timber Valley Drive, approximately 110 feet south of Lakeford Drive (.23 acres), requested by Robin York, for Eugene P. Davis, appellant/owner. (Deferred from meeting of 07/11/96).

Resolution No. 96-501

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-115G to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 96B-123U
Map 59-10, Parcel 106
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 432 square foot detached garage within the R10 District, on property abutting the south margin of Kings Lane, approximately 125 feet west of Buena Vista (.28 acres), requested by Emily Vernell Smith, appellant/owner.

Resolution No. 96-502

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-123U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 96B-124U
Map 60-7, Parcel 12

Subarea 5 (1994)
District 4 (Majors)

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 576 square foot garage within the RS10 District, on property abutting the west margin of Hillhurst Drive, approximately 250 feet north of Lyndale Drive (.64 acres), requested by Jennifer Wilson, for Grady Odom, appellant/owner.

Resolution No. 96-503

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-124U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 96B-131G
Map 156, Parcel 14.8
Subarea 6 (1990)
District 35 (Lineweaver)

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 3,087 square foot single-family residence within the R40 District, on property abutting the northwest margin of Highway 100, approximately 50 feet west of Trace Creek Drive (3.68 acres), requested by Gary Hargis, Jr., for Carrie Bayuzick Hargis, appellant/ owner.

Resolution No. 96-504

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-131G to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 96B-134G
Map 64, Parcel 32
Subarea 14 (1996)
District 11 (Wooden)

A request for a conditional use permit under the provisions of Section 17.124.190 (Intermediate Impact) as required by Section 17.24.030 to construct a 1,352 square foot mausoleum as an accessory to an existing cemetery within the R10 District, on property abutting the east margin of Shute Lane and the west margin of Andrew Jackson Parkway (41.87 acres), requested by Paul Walls, for National Heritage of Tennessee, Inc., appellant/owner.

Resolution No. 96-505

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-134G to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-063U
Map 163, Parcel 122

Subarea 13 (1991)
District 28 (Hall)

A request to change from AR2a District to R8 District certain property abutting the southeast margin of Bell Road, 450 feet northeast of Bell Forge Lane (101.45 acres), requested by Robert T. Cochran, III, for R. T. Cochran, Jr. and William S. Cochran, co-trustees. (See PUD Proposal No. 96P-012U, page 10. (Deferred from meeting of 07/11/96).

Resolution No. 96-506

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-063U is **APPROVED**:

The Subarea 13 Plan applies office policy along the Bell Road frontage of this property, with both residential medium density (4 to 9 dwelling units per acre) and medium high density (9 to 20 dwelling units per acre) policy on the remainder. When used in conjunction with a residential PUD, the proposed R8 district can implement these land use policies."

Zone Change Proposal No. 96Z-065U
Map 91-14, Parcel 86
Subarea 7 (1994)
District 22 (Holt)

A request to change from R8 District to CS District certain property abutting the south margin of O'Brien Avenue, approximately 580 feet west of Midland Avenue (.43 acres), requested by Dick Cole, trustee, for potential buyer, Mary Maxine Page, owner.

Resolution No. 96-507

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-065U is **APPROVED**:

This site is designated with 'commercial mixed concentration' policy on the Subarea 7 Plan, which the CS district will implement."

Zone Change Proposal No. 96Z-067G
Map 97, Parcel 139
Subarea 14 (1996)
District 12 (Ponder)

A request to change from AR2a District to RM8 District certain property abutting the northeast corner of Bell Road and Dodson Chapel Road (19.1 acres), requested by Jeff Smith, for Cook Inlet Region, Inc., owner.

Resolution No. 96-508

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-067G is **APPROVED**:

This parcel is within an area that is highly accessible and is near major employment concentrations, shopping, and recreational uses around Percy Priest Lake. The Subarea 14 Plan applies residential 'medium-high' density policy to this area to provide more opportunities for people to live, work and recreate in proximate locations. The RM8 district will implement this goal."

Zone Change Proposal No. 96Z-069G

Map 40, Parcel 126
Subarea 3 (1992)
District 1 (Patton)

A request to change from AR2a District to RS15 District certain property abutting the west margin of Whites Creek Pike, approximately 2,650 feet north of Old Hickory Boulevard (3.14 acres), requested by William Thompson, optionee, Karen Youra-Iam and Wrell Iam, owners.

Resolution No. 96-509

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-069G is **APPROVED with advisement to the Metropolitan Council:**

This parcel is in Subarea 3 and is designated with ‘natural conservation’ policy adjacent to an area designated with ‘residential low-medium’ policy. ‘Natural conservation’ policy recognizes that more urban types of development are appropriate on properties that have good access and are situated on relatively flat land, which is true of this site.

The Commission wishes to advise council that while the RS15 district does implement policy, it introduces yet another zoning district into an area that contains R40, RS10 and AR2a zoning. From the standpoint of creating a reasonable zoning pattern, the RS10 district is preferred in this location.”

Zone Change Proposal No. 96Z-072U
Map 102, Parcel 79
Subarea 6 (1990)
District 23 (Crafton)

A request to change from OP District to CS District certain property abutting the north margin of Charlotte Pike, approximately 150 feet east of Davidson Street (.95 acres), requested by William W. Gregory, for James W. McClendon, owner.

Resolution No. 96-510

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-072U is **APPROVED:**

This property is within ‘commercial mixed concentration’ policy in the 1990 Subarea 6 Plan, and recommended to remain in this policy classification in the updated plan currently under consideration. The requested CS district will implement this policy classification.”

Zone Change Proposal No. 96Z-073U
Map 91-5, Parcels 134 and 216
Subarea 7 (1994)
District 22 (Holt)

A request to change from R8 District to R6 District certain property abutting the north margin of Robertson Avenue and the east margin of Nashua Lane (2.73 acres), requested by Joe Arnold and Dana Battaglia, for Clorine Hayes Mitchell and B. B. Doubleday, Jr., owners.

Resolution No. 96-511

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-073U is **APPROVED:**

This site is within ‘residential medium’ density policy in the Subarea 7 Plan. The R6 district permits densities within this policy range and will provide an incentive for residential reinvestment, which is badly needed in this area. Development of a 6,000 square foot lot residential subdivision will be compatible in this area.”

Zone Change Proposal No. 96Z-075U
Map 60-6, Part of Parcel 4
Subarea 2 (1995)
District 2 (Black)

A request to change from R8 District to CS District certain property abutting the northeast margin of I-24, approximately 480 feet southeast of Brick Church Pike (approximately nine acres), requested by Ernie Lehning, for 225 Brick Church Venture, owner.

Resolution No. 96-512

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-075U is **APPROVED**:

This proposal is within ‘commercial mixed concentration’ policy adjacent to ‘residential medium high’ density policy. The requested CS district will implement this policy classification.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 157-81-U
Opryland (TNN Master Plan)
Map 73, Parcel 32
Subarea 14 (1996)
District 15 (Dale)

A request to amend the approved preliminary site development plan for the Commercial (General) Planned Unit Development District abutting the southeast quadrant of Briley Parkway and McGavock Pike (171.77 acres), to permit the addition of a 160,000 square foot business/light storage facility and scene shop, requested by Gresham, Smith and Partners, for Gaylord Entertainment, owners.

Resolution No. 96-513

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 157-81-U is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE**:

Note: on the agenda of 7-25-96, the proposal number was incorrectly captioned as 151-81-U; henceforth the PUD shall be captioned as 157-81-U. 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. Compliance with all State of Tennessee and Federal requirements which regulate the mitigation and construction in a wetlands area.
3. Improvements to Riverview Drive to a commercial minor local as required by the Metropolitan Department of Public Works with any final approval request.”

Proposal No. 157-81-U
Opryland (TNN, Phase 1)

Map 73, Part of Parcel 32
Subarea 14 (1996)
District 15 (Dale)

A request to revise the approved preliminary site development plan and for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the south margin of McGavock Pike, west of Briley Parkway (5.5 acres), to permit the addition of a 15,000 square foot scene shop, requested by Gresham, Smith and Partners, for Gaylord Entertainment.

Resolution No. 96-514

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 157-81-U is given **CONDITIONAL APPROVAL OF REVISION TO THE FINAL.**

Note: on the agenda of 7-25-96, the proposal number was incorrectly captioned as 151-81-U; henceforth the PUD shall be captioned as 157-81-U.

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 southern 180 feet of Riverview Drive shall be abandoned prior to issuance of a final Use and Occupancy permit for the Scene Shop”

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

A request for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the north margin of Westcap Road, 0 feet west of Hickory Hills Boulevard (2.54 acres) (zoned OP), to permit the development of a 28,860 square foot self-service storage facility, requested by Barge, Waggoner, Sumner and Cannon, for Hickory Hills, LTD., owners. (Also requesting final plat approval). (Deferred from meeting of 07/11/96).

Resolution No. 96-515

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98-73-G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE, FINAL PLAT APPROVAL SUBJECT TO POSTING A BOND IN THE AMOUNT OF \$152,350.00.** 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 subdivision plat upon the posting of a bond in the amount of \$107,350 for water and sewer line extensions as required by the Metropolitan Water Services Department and \$45,000.00 for road improvements to Westcap Road as required by the Metropolitan Department of Public Works.
3. A contribution of \$6,800 for the pro-rata share of all costs associated with the design and installation of a traffic signal at Hickory Hills Drive and Old Hickory Boulevard.”

Proposal No. 61-77-G
W. C. Gifford Lands

Map 22, Part of Parcel of 30
Subarea 1 (1992)
District 1 (Patton)

A request for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the southeast quadrant of the intersection of I-24 and Whites Creek Pike (1.32 acres), to permit the development of a 16,800 square foot, three building, self-service storage facility, requested by Harry Martin, for William C. Gifford, owner.

Resolution No. 96-516

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 61-77-G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE**. 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. Approval by the Metropolitan Department of Public Works of a constructed drainage system prior to the issuing of a building permit for this phase.”

Proposal No. 96P-003G
Summit Run (Phase I)
Map 86, Parcel 39 and Part of Parcel 40
Subarea 14 (1996)
District 12 (Ponder)

A request for final approval for a phase of the Residential Planned Unit Development District, abutting the north margin of Old Lebanon Dirt Road and the southeast margin of Chandler Road (4.02 acres), classified R15, to permit the development of 19 single-family lots, requested by Summit Run L.L.C., for Marguerite Wright Smith, owner. (Also requesting final plat approval).

Resolution No. 96-517

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-003G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE; FINAL PLAT DEFERRED FOR TWO WEEKS AS REQUESTED BY THE PETITIONER**. 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. Submittal of a revised grading plan acceptable to the Stormwater Management section of the Department of Public Works.
3. Receipt of written confirmation of approval from the Cumberland Utility District, prior to the issuance of any building permits.
4. Compliance with the comments of the Fire Marshal, in the memorandum dated July 24, 1996.
5. 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:

Final Plats:

Subdivision No. 95S-309U
Foster Business Park
Map 106-5, Parcels 95-97, 112, 114 and 124
Map 106-6, Parcels 37 and 38
Subarea 11 (1993)
District 16 (Graves)

A request to consolidate eight lots into three lots and construct a cul-de-sac abutting the south terminus of Cleveland Avenue between Polk Avenue and Foster Avenue (5.97 acres), classified within the CG District, requested by Foster Business Park and William A. Sneed, owners/developer, Cherry Land Surveying, surveyor. (Deferred from meetings of 06/27/96 and 07/11/96).

Resolution No. 96-518

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 95S-309U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$28,800.00.”**

Subdivision No. 96S-118G
Bridle Path, Section 5
Map 124, Part of Parcel 3
Subarea 13 (1991)
District 12 (Ponder)

A request to create ten lots located between Thoroughbred Drive and Palomino Court (28.77 acres), classified within the R15 District, requested by David Taylor, owner/developer, Joseph E. Ahler, surveyor. (Deferred from meeting of 07/11/96).

Resolution No. 96-519

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 96S-118G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$92,000.00.”**

Subdivision No. 96S-138G
Oakhaven, Phase 1
Map 114, Part of Parcels 223, 224, 316 and 317
Subarea 6 (1990)
District 23 (Crafton)

A request to create five lots abutting west margin of Sawyer Brown Road, approximately 1,710 feet south of Old Charlotte Pike (1.92 acres), classified within the R15 District, requested by Eric and Wayne Crafton, owners/developers, Walker Engineering, surveyor. (Deferred from meetings of 06/27/96 and 07/11/96).

Resolution No. 96-520

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 96S-138G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$156,000.00.”**

Subdivision No. 96S-262G
Woodland Forest, Section 2

Map 114, Part of Parcel 277
Subarea 6 (1990)
District 23 (Crafton)

A request to create 14 lots abutting both margins of Woodland Way, approximately 150 feet southwest of Deer Pointe (4.94 acres), classified within the R15 Residential Planned Unit Development District, requested by Eagle Crest General Partnership, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 96-521

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 96S-262G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$225,000.00.”**

Subdivision No. 96S-267G
Alan Estates (PUD Boundary and Subdivision Plat)
Map 75, Parcels 48 and 49
Map 75-15, Parcels 76 and 77
Map 75-15, Parcels 1 and 2
Subarea 14 (1996)
District 12 (Ponder)

A request to consolidate six parcels into two lots and defines a PUD boundary abutting the south margin of Tyler Lane between Eva Drive and Andrew Jackson Parkway (5.56 acres), classified within the R10 Residential Planned Unit Development District, requested by A. H. Johnson Company, L.P., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 96-522

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 96S-267G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$8,100.00.”**

Request for Bond Extension:

Subdivision No. 18-84-U
Village of Cherry Glen, Phase One
Cherry Glen Partners, L.P., principal

Located abutting the south margin of Seven Hills Boulevard and the south terminus of Cumberland Place.

Resolution No. 96-523

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 18-84-U, Bond No. 95BD-088, Village of Cherry Glen, Phase One, in the amount of \$207,050.00 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **August 28, 1996** and extending the expiration date to December 7, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.”**

Subdivision No. 88S-206G

Peebles Subdivision
Katherine K. Peebles, principal

Located abutting the north side of Poplar Creek Road, approximately 421 feet east of Rolling River Parkway.

Resolution No. 96-524

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 88S-206G, Bond No. 88BD-014, Peebles Subdivision, in the amount of \$8,000 until August 15, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **August 28, 1996** and extending the expiration date to February 15, 1998. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 95S-066U
Overton Park, Section Two
M. Al Haddad, principal

Located abutting the south margin of Hogan Road opposite Stillwood Drive.

Resolution No. 96-525

"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-066U, Bond No. 95BD-021, Overton Park, Section Two, in the amount of \$2,500 until June 1, 1997, as requested."

MANDATORY REFERRALS:

Proposal No. 96M-074G
Acquisition of Property on Old Hickory Boulevard
in Bells Bend
Map 67, Parcels 122, 89, 76, 94, 116, 123, 88, 87, 86, 75,
97, 128, 95, 85 and 83
Map 67, Parcels 110, 74, 127, 107, 109, 106, 108, 104,
113, 82.1, 105, 84 and 58
Map 78, Parcels 17, 57, 32, 17.1, 33, 100, 4, 18, 101, 10, 2
and 109
Subarea 3 (1992)
District 1 (Patton)

An ordinance authorizing the acquisition of property on Old Hickory Boulevard for the purpose of widening the road from Ashland City Highway to the Solid Waste "Permit by Rule" Facility in Bells Bend.

Resolution No. 96-526

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-074G.

Proposal No. 96M-078U

Alley 565 Closure
Map 81
Subarea 9 (1991)
District 20 (Haddox)

A proposal to close Alley No. 565 between Jefferson Street and Alley No. 562, requested by Raleigh Baker, Raleigh Baker Associates, Inc., adjacent property owner. (Easements are to be abandoned).

Resolution No. 96-527

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-078U.

Proposal No. 96M-080U
Granting of a Permanent Easement to BellSouth
Map 146-12, Parcel 151
Subarea 12 (1991)
District 32 (Jenkins)

A request to grant a permanent easement to BellSouth located on the north side of Hogan Road east of Trousdale Drive on the grounds of Crieve Hall School for the purpose of constructing a remote terminal cabinet.

Resolution No. 96-528

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-080U.

Proposal No. 96M-081U
Merry Oaks Drive Closure
Map 95-11
Subarea 14 (1996)
District 15 (Dale)

A council bill proposing the closure of Merry Oaks Drive abutting the west margin of McGavock Pike, approximately 400 feet north of Elm Hill Pike. (Easements are to be retained).

Resolution No. 96-529

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-081U.

Proposal No. 96M-094U
Park Property Acquisition
Map 104-12, Parcel 357 and Part of Parcel 356
Subarea 10 (1994)
District 18 (Clifton)

A request to acquire approximately 1.6 acres of land for park and open space abutting the west boundary of 21st avenue, South, and the north boundary of Bernard Avenue, Requested by the Department of Parks and Recreation.

Resolution No. 96-530

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-094U.

This action by the Metropolitan Planning Commission is favorable recommendation on both the purchase of property in this area for park purposes and the appropriation of funds for the acquisition."

PUBLIC HEARING ON THE HOUSING FUNCTIONAL PLAN. (Deferred from meeting of 05/30/96).

Ms. Deborah Fleming outlined the steps that the staff took since the May 30, 1996 public hearing on the proposed Housing Plan. She indicated that copies of the draft Plan were mailed to approximately 40 agencies and individuals involved in housing, along with an invitation to attend the July 11, 1996 meeting of the Low Income Housing Forum. At the meeting, the overall comments on the Housing Plan were positive. Participants noted that housing needs were identified in the Plan which are not always apparent, such as the need for larger rental units for families, assistance with down payment and closing costs for first time home buyers, and coordination of economic development goals and housing.

Ms. Fleming noted that there were five major areas of concern: the relationship of the Housing Plan to other planning documents, housing accessibility for the disabled, preserving existing neighborhoods by providing support services, coordinating housing location with transit service, and increased use of manufactured housing. With the exception of housing accessibility, these topics were already mentioned in the Housing Plan.

Based on the review by members of the Low Income Housing Forum, the staff recommended that the introduction of the Housing Plan be re-written, and that language be added to the Executive Summary and the chapters on Nashville's Housing Market and Strategies for Meeting Nashville's Housing Needs. Ms. Fleming referred the Commission to the staff memo on the Housing Plan which shows exactly what wording is to be added to the text of the document.

Mr. Kent Dickerson, with The Center for Independent Living, stated he worked with people with disabilities, trying to help them find housing. He expressed his concerns regarding public housing and the shortage of clean and safe housing for people with disabilities and low income.

Mr. Ken McKnight, a social director with the Council of Community Services and representing the Nashville Housing Fund, stated this was one of the better plans he had reviewed and asked the Commission to consider public transportation when siting housing. He also expressed concerns for more accessible housing for disabled citizens.

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

Mr. Lawson stated staff had done an excellent job gathering information and incorporating it into the plan. He suggested that in the future affordable housing overlays could be considered as this plan is sharpened in the months and years to come. He stated there were still tax issues and zoning concerns to be considered.

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

Resolution No. 96-531

BE IT RESOLVED by the Metropolitan Planning Commission that it hereby adopts a plan entitled "Housing Plan" as a part of the General Plan. It is one of a series of functional plans that outline strategies for achieving the broad goals in the General Plan. It will serve as a guide for making advisory decisions that affect housing in the county and for the development of other planning documents.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-060G

Map 102, Parcel 8
Subarea 6 (1990)
District 23 (Crafton)

A request to change from R2a District to CG District certain property abutting the north margin of River Road, approximately 1,600 feet west of Charlotte Pike (1.1 acres), requested by Stuart Fisher, for Robert E. Perkins, owner. (Deferred from meeting of 07/11/96).

Ms. Dudley stated this was a request deferred at the last meeting due to the deliberation of the Subarea 6 Plan. Staff suggested this item be moved to the end of the agenda until a land use policy has been determined.

Zone Change Proposal No. 96Z-066U

Map 93-13, Parcel 389
Subarea 10 (1994)
District 19 (Sloss)

A request to change from R6 District to OP District certain property abutting the north margin of South Street, approximately 200 feet east of Music Square East (.25 acres), requested by C. Peter Leggett, owner.

Ms. Dudley stated this property was within a residential community which had been placed in residential medium density policy while office concentration is applied nearby on Sixteenth Avenue. Staff feel this zoning and policy boundary have been well maintained over the years. This proposal was before the Commission in 1993 for OP, and at that time disapproval was recommended as contrary to the General Plan. The Subarea 10 Plan maintains residential policy in this area and staff recommends disapproval.

Mr. Ronnie Miller, chairman of the Organized Neighbors of Edgehill Housing Committee, stated on Tuesday, July 23rd, the Committee met and opposed this zone change. It is the Committee's belief that it encroaches on the residential zoning of South Street and that it would be contrary to the Subarea 10 Plan. This would also be spot zoning which is a violation of basic planning policy. The neighbors would like to see the boundaries observed and not disturbed. He also announced he was accompanied by the homeowner in opposition to this proposal, who lives adjacent to the subject property.

Councilmember Clifton stated the need in the Music Row area for some expansion, particularly for small businesses is very clear. The southern part of this area, across from Belmont College, is still residential in zoning but Council is looking at a change in that land use with some protective overlay so there could be some way to expand small scale business in the area. If there are any changes made, the entire area should be changed instead of one parcel at a time.

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

Resolution No. 96-532

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-066U is **DISAPPROVED** as contrary to the General Plan:

The Subarea 10 Plan places this parcel in ‘residential medium’ density policy. ‘Office concentration’ policy is confined to the property west of the alley, along 16th Avenue North. This policy and zoning separation have been well sustained in the past and should be maintained. The subarea plan continues to advocate that the policy and zoning boundary line not be disturbed.”

Zone Change Proposal No. 96Z-074G

Map 52-6, Parcel 112

Subarea 4 (1993)

District 8 (Hart)

A request to apply the Bed and Breakfast Overlay District to property zoned R20 within an Historical Preservation Overlay District, abutting the south margin of Neelys Bend Road, approximately 260 feet east of Howse Avenue (1.95 acres), requested by James E. Smith, owner.

Ms. Dudley stated this house now has Historic Preservation Landmark Overlay Zoning, which is a special overlay the Historical Commission can recommend be applied to structures that have historic significance and are worthy of preservation. It is different from some of the other historic areas because this Historic Preservation Landmark District can be applied to a single structure. One of the requirements of applying for a Bed and Breakfast Overlay is that it be within some kind of historic zoning district, that it be eligible to be in one, or that it be eligible for the National Register for Historic Houses. This house does qualify under these guidelines. Staff is also recommending approval.

Mr. Lawson asked if this house itself was on the Historical Register?

Ms. Dudley stated it was.

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

Resolution No. 96-533

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-074G is **APPROVED**:

This proposal seeks to apply the ‘Bed and Breakfast Overlay’ district to an historic house in the Neeley’s Bend area. The historic significance of the structure is now recognized with the designation of an “Historic Preservation Landmark Overlay” district. If approved by council, this new overlay district will allow the applicant to seek conditional use approval from the Board of Zoning Appeals to operate up to a 3 bedroom bed and breakfast home.”

Mr. Browning announced to the Commission that item 96Z-070U on page 5 of the agenda was deferred by request.

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 101-66-G

Cone Oil Market (Chaffin’s Barn PUD)

Map 155, Part of Parcel 108

Subarea 6 (1990)

District 35 (Lineweaver)

A request to revise the approved preliminary site development plan and for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the west margin of State Highway 100 (Old Harding Pike), approximately 400 feet south of Collins Road, classified AR2a, to permit the addition of a 1,680 square foot convenience market facility, requested by Wamble and Associates, for Cone Oil Company, owners. (Also requesting final plat approval). (Deferred from meeting of 07/11/96).

Mr. Martin stated the staff was recommending approval of this request as a PUD amendment requiring council action. He stated the proposal would add a convenience market and gasoline sales facility to the existing PUD. Staff has advised this is not a policy issue. Staff also advised there were technical issues which have been resolved. The applicant has revised the plan to show a single entrance and he has revised his application to amend his plat request because he has purchased another piece of property and that larger piece of property now added to the plat clears up any problems with substandard frontage.

That only leaves the issue of whether this should be considered an amendment or a revision. The applicant has asked for a revision; however staff advised this PUD is approved for 10,000 square feet for the Barn Dinner Theater. That was on the plan of record when the current ordinance came into effect in 1974, and that is the benchmark staff has used ever since for determining the size of this development. Several weeks ago 700 square feet were added to the rear of the Barn for a wardrobe facility for the theater. The square footage now stands a 10,700 square feet. Under terms of the ordinance the PUD can be enlarged only ten percent over the original square footage, or 1000 square feet. With the recent 700 square foot addition, only 300 additional square feet may be added within the PUD without an amendment; the applicant is asking for 1,680 square feet.

Chairman Smith asked what was the technical difference between the 10% as staff sees it and as the owner sees it?

Mr. Martin stated there are number of items in the file including an approval that dates back about six years for a flea market and fruit sales facility. There is a matter of a storage building on the rear of the property that was never legally permitted and there is no evidence when this occurred. It is a very confusing issue. However, when Comzo came into effect in 1974 there was a 10,000 square foot approval and that is what staff feels should be used as the benchmark.

Mr. Browning clarified the ordinance was clear that when a 10% overage is considered, that is based upon a preliminary plan that has been approved by Council. Staff knows the farmers market, whatever square footage it had in it, was not approved by Council, so that is not an amount of footage that can be added to the original 10,000. The only thing that was ever approved by Council was the original 10,000 square foot Barn Theater. The 10% overage is going to be 10% of 10,000 square feet which is 1,000 square feet. Whenever the wardrobe facility was approved, that was seven hundred so there is another 300 that can be used without an amendment.

Councilmember Vic Lineweaver asked the Commission to accept the proposal as a revision and stated he was in favor of the proposal since all of the criteria has been met and the Chamber of Commerce has also approved this proposal.

Mr. Tom White, representing Cone Oil, urged the Commission also to accept the proposal as a revision. The history is that in 1977 this property was divided into the two tracts and since that time, with the approval of the Commission, there was a flea market and another operation on tract two that consisted of 6,000 to 8,000 square feet.

Chairman Smith asked what was the difference between getting approval today as a revision or going forward through the Council as an amendment?

Mr. White stated the difference was the contract between the parties and the contract has already been extended through another week.

Councilmember Clifton asked if there had been any expressed opposition regarding this proposal.

Mr. Martin stated staff had not received any expression of opposition.

Mr. Browning stated Council had passed two specific ordinances regarding PUDs. One limited driveways to streets approved by council for access, and the other placed a specific amount a PUD could be enlarged above the square footage approved by council.

Councilmember Clifton moved and Ms. Jernigan seconded the motion, which failed, to approve the proposal as a revision, with Councilmember Clifton, Mr. Bodenhamer and Ms. Jernigan in favor and with Mr. Harbison, Ms. Nielson, Mr. Lawson and Chairman Smith in opposition.

Mr. Lawson stated he was very concerned about stepping outside the boundaries and approving this proposal as a revision.

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

Resolution No. 96-534

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 101-66-G is given **APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE; FINAL PUD AND PLAT DEFERRED INDEFINITELY BY APPLICANT.**

Mr. Martin stated that since this proposal had been approved as an amendment it would be appropriate to disapprove the final plat approval.

Mr. White stated his client would prefer deferral on the final plat approval.

Chairman Smith announced the final plat approval would be deferred.

Proposal No. 24-85-P (Public Hearing)

Forest View North
Map 149, Part of Parcel 189 and
Map 149-12, Part of Parcels 3 and 4
Subarea 13 (1991)
District 29 (Holloway)

A request to amend the approved preliminary plan of the Residential Planned Unit Development District abutting the northwest margin of Forest View Drive, south of Anderson Road (35.56 acres), classified R10, to cancel part of parcels 3 and 4, and to introduce new vehicular access to Anderson Road, so as to permit the development of 335 residential units, requested by Lose and Associates, Inc., for J. E. Cain, III, Linda Jefferson and Herbert Wade, owners.

Mr. Martin stated the staff was recommending approval of this proposal as an amendment, since a point of access to Anderson Road is being proposed. Mr. Martin stated the PUD had never had access to Anderson Road; the new access would require council concurrence. Mr. Martin further stated that some land was being eliminated from the PUD which necessitated the public hearing.

No one was present to speak at the public hearing.

Mr. Bodenhamer expressed his concerns regarding safety because of the traffic on Anderson Road.

Mr. Martin stated there would be a traffic study done and that the developers were present at the meeting and are aware of the concerns.

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

Resolution No. 96-535

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 24-85-P is given **CONDITIONAL APPROVAL AS AN AMENDMENT TO THE APPROVED PLAN REQUIRING COUNCIL CONCURRENCE.** The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of Public Works.
2. A Traffic Impact Study shall be required prior to or concurrent with submittal of any phase of the final site development plans, in conformance with the original PUD approval.
3. Sidewalks shall be required with the final site plan submittal.”

Proposal No. 88P-065U (Public Hearing)

Cumberland Plaza
Map 93-6-1, Parcels 99 and 113-118
Subarea 9 (1991)
District 19 (Sloss)

A request to cancel the approved Commercial (General) Planned Unit Development District on the southeast corner of the intersection of Church Street and Fourth Avenue North, classified CC and CF (1.1 acres), requested by Everton- Oglesby-Askew, Architects, for Coastal Development of Tennessee, L.L.C., owner.

Mr. Martin stated staff was recommending approval of the cancellation of this PUD. It is applied to the old J C Bradford Building at the corner of 4th Avenue and Church Street, as well as some adjacent properties. He stated the PUD was put in place in 1988 for the construction of a major office facility. The land owner now wishes to renovate the existing building for a hotel. Mr. Martin stated this use of the property could occur within the CC base zoning, and does not require the PUD overlay.

No one was present to speak at the public hearing.

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

Resolution No. 96-536

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-065U is given **APPROVAL FOR CANCELLATION REQUIRING COUNCIL CONCURRENCE.**

Proposal No. 94P-012U

Fairfield Communities
Map 62, Parcels 37 and 142

Subarea 14 (1996)
District 15 (Dale)

A request to revise the approved preliminary plan for a Commercial (General Planned Unit Development District abutting the northeast corner of McGavock Pike and Pennington Bend Road (24.45 acres), classified AR2a, to permit the development of 600 time share residential units, requested by Littlejohn Engineering Associates, Inc., for Fairfield Communities, Inc., and Jim B. and Dorothy P. Smith, owners.

Mr. Martin announced he had met during this meeting, with Councilmember Dale, and the applicant has asked for a two week deferral so interested parties could meet to discuss the issues.

The Commission agreed to defer this matter for two weeks.

Proposal No. 96P-012U
The Cochran Property
Map 163, Parcel 122
Subarea 13 (1991)
District 28 (Hall)

A request to grant preliminary approval for Residential and Commercial Planned Unit Development Districts abutting the southeast margin of Bell Road, 450 feet northeast of Bell Forge Lane (101.45 acres), classified AR2a and proposed for R8, to permit the development of a 1,272 unit residential complex and a 100,000 square foot office building, requested by Barge, Waggoner, Sumner and Cannon, for Robert T. Cochran, owner. (See Zone Change Proposal No. 96Z-063U, page 4). (Deferred from meeting of 07/11/96).

Mr. Martin stated this item was on the consent agenda but someone from the audience had asked for the presentation to be made. This proposal is for two PUDs. A commercial PUD on 3.6 acres which would be a 100,000 square foot office facility. The remainder of the property would be a 1,272 unit apartment complex. The application proposes to build a public road with a rotary traffic circle providing access to three major phases. The application also includes a comprehensive traffic study and proposes numerous traffic improvements which have been reviewed by the Metro Traffic Engineer, and staff recommends approval.

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

Resolution No. 96-537

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-012U is given CONDITIONAL PRELIMINARY APPROVAL. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of Public Works.
2. Compliance with the recommendations of the revised Traffic Impact Study dated July, 1996, plus the following:
 - a. Provision of a preliminary design plan for review and approval by the staff of Public Works and the Metropolitan Planning Commission for the Collector Street proposed from Baby Ruth Lane to Zelida Drive, prior to the submittal of any final plans. This plan shall be in sufficient detail for evaluation of proposed grades and the acquisition of necessary properties for rights-of-way.

- b. Simultaneously with application for final approval for the portion of the property identified as Phases 2 or 3 on the Phasing Plan of July 22, 1996, the applicant shall provide construction plans for the entire length of the approved design plan as discussed in paragraph 2A above. It shall be the responsibility of the applicant to construct that stretch of Collector Street, from the end of the currently improved Baby Ruth Lane to the northern boundary of the PUD, simultaneously with the construction of either Phase 2 or 3, whichever comes first.
 - c. The applicant shall construct a 100' extension to the eastbound left turn lane at the intersection of Mt. View Road and Baby Ruth Lane concurrent with the construction of either Phase 2 or 3, whichever comes first.
 - d. The applicant shall provide detailed designs for the boulevard roadway and rotary off Bell Road, including landscaping and other design features, to allow for detailed review by Public Works, at the time of submittal of the property identified as Phase 1 on the Phasing Plan of July 22, 1996. All approved landscaping and other design features shall be maintained by the applicant under the terms of a maintenance agreement, which shall be negotiated between the applicant and Public Works as a part of the final approval of that phase.
3. By this phased approval, the applicant commits to enter into an agreement to secure the pro-rata costs associated with the phased traffic improvements identified in the Traffic Impact Study dated July 1996 and the phasing plan dated July 22, 1996, and as further required in the preceding paragraph. Cost estimates of the traffic improvements shall be based upon recent bids for similar installations. Prior to the recording of a plat creating the building site or the issuance of any permits for any phase, the applicant and the Metropolitan Government shall enter into the resulting agreement and the applicant shall secure the pro-rata share of the first approved phase.”

Proposal No. 96P-013G

Pine Forest
Map 128, Parcel 11
Subarea 6 (1990)
District 23 (Crafton)

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the northwest margin of George E. Horn Drive, 400 feet east of Dunaway Drive (166.76 acres), zoned R40, to permit the development of 112 single-family lots, requested by Barge, Waggoner, Sumner and Cannon, for Lovell and Malone, Inc., owners. (Deferred from meeting of 07/11/96).

Mr. Martin stated the applicant proposed to extend a public road back into the back of the property and provide one acre lots with a large amount of open space which would create a density of approximately one dwelling unit per five acres. The concern remains with the front part of the property because of the residential low-density policy in the area. This is one of three subdivisions that lies between the property and U. S. 70 South. It is an area of R40 base zoning and it is a policy that is intended to reduce the conflicts between new development and existing development. The applicant's proposal is to provide a more generous frontage and side yards to the subdivision, with lots as large as 34,000 to 38,000 square feet; However, within the subdivision there are some lots that are as small as 10,000 square feet. Staff feels, because of the RL policy, there should be a much better degree of compatibility with Dunaway Woods and the other surrounding subdivisions, so therefore, staff recommends disapproval.

Mr. Bill Lockwood, with Barge, Waggoner, Sumner and Cannon, stated that in an overall PUD in the subarea plan, it requires a PUD be submitted and the plan also says to cluster the development in the better land and protect the steeper slopes for open space. The PUD is now at .6 units per acre overall which is under what the policy allows and asked the Commission for approval.

Mr. Charles L. Adams, a resident of Dunaway Drive, stated his back property line backed up to the proposed subdivision and he had been living there since 1979. He expressed his concerns regarding trash dumping, dilapidated buildings and target shooting on the property, and said he was in favor of the project.

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

Resolution No. 96-538

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-013G is given **APPROVAL**.

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 96S-255U (Public Hearing)
Gunter Subdivision
Map 135, Parcel 198
Subarea 13 (1991)
District 27 (Sontany)

A request for preliminary approval for five lots abutting the northeast corner of Smith Springs Road and Ned Shelton Road (3.78 acres), classified within the R10 District, requested by Ann and Ray Gunter, owners/developers, Daniels and Associates, Inc., surveyor.

Mr. Henry stated the plan of subdivision leaves one lot in excess of the maximum lot size permitted in this zone district. It also has lots fronting on and deriving access off of Smith Springs Road. Smith Springs Road is an arterial street and the subdivision regulations encourage driveways not to be directly accessible from arterial streets. Staff is recommending disapproval because of those conditions. Mr. Henry stated the developer is asking for a deferral until August 8, 1996, to present a plan of subdivision which will correct the problems.

There was no one present to speak at the public hearing.

Mr. Lawson moved and Mr. Harbison seconded the motion, which carried unanimously, to leave the public hearing open and defer this proposal until August 8, 1996.

Subdivision No. 96S-252G (Public Hearing)
Jimmy W. Hayes Property
Map 4, Parcels 63 and 118
Subarea 1 (1992)
District 1 (Patton)

A request to subdivide two lots into three lots abutting the west margin of Whites Creek Pike, opposite Sycamore Creek Road (8.04 acres), classified within the AR2a District, requested by Jimmy W. and Annie B. Hayes, owners/developers, Cole Land Surveying, surveyor. (Also requesting final plat approval).

Mr. Henry stated there was an existing house on one of the lots and they are creating two other lots. They will be serviced by septic tanks which the Health Department has approved and staff is recommending approval.

There was no one present to speak at the public hearing.

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

Resolution No. 96-539

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY and FINAL Plans of Subdivision No. 96S-252G, are granted **APPROVAL.**”

Subdivision No. 96S-256U (Public Hearing)
Robert H. DeMoss Subdivision, Resubdivision of Lot 5
Map 145, Parcel 54
Subarea 10 (1994)
District 33 (Turner)

A request to subdivide one lot into two lots abutting the east margin of Granny White Pike, approximately 415 feet north of Camelot Road (2.33 acres), classified within the R40 District, requested by Ennis G. and Mary Dale Warf, owners/developers, Ragan-Smith Partners, Inc., surveyor. (Also requesting final plat approval).

Mr. Henry stated the staff was recommending disapproval of this request to subdivide the property by creating a flag shaped lot. Since this lot is less than two acres it must comply with the width to depth ratio described in the zoning code. Mr. Henry pointed out that the proposed subdivision would create a lot that would be fifty feet wide and five hundred feet deep which would exceed the 4 to 1 depth ratio.

Mr. Roger Fuqua, with Regan Smith Partners, Inc., stated the owner bought this tract to build his daughter a home on the back of the property and a home for himself in the future. He stated this lot should be considered 200' X 200' with a 50' access. He said this subdivision would not be setting a precedent because there are flag shaped lots all along Granny White Pike and asked for the Commission's approval.

Mr. Philip Bennett, owner of the lot next to the proposed subdivision, stated he was opposed to the subdivision and was afraid it would set a precedent in the neighborhood.

Mr. Dennis Warf, owner of the lot, stated he intended to replace the existing house and clean up the lot and did not understand why anyone would have any complaints about his improving the piece of land with two nice houses on it.

Mr. Harbison stated he felt the Commission did not have any choice because there was no proven hardship to grant a variance for this flag shaped lot.

Mr. Roger Fuqua stated this type of subdivision had happened all up and down Granny White Pike and that his client was not asking for something that had not already been done.

Councilmember Clifton pointed out that the Commission was required to find specific reasons to grant a variance, and no evidence had been presented to justify a variance to the subdivision regulations.

Ms. Neilson moved and Ms. Jernigan seconded the motion, which carried unanimously, to close the public hearing.

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

Resolution No. 96-540

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY and FINAL Plans of Subdivision No. 96S-256U, are **DISAPPROVED since the lot pattern does not comply with the maximum width-to-depth rule (Subdivision Regulations 2-4.2E).”**

Subdivision No. 96S-258G (Public Hearing)

Willow Crest Court and Tinnin Road
(Right-of-Way Dedication)
Map 7, Part of Parcel 89 and Parcel 90
Subarea 2 (1995)
District 10 (Garrett)

A request to dedicate right-of-way to construct a bridge to connect Willow Crest Court in Sumner County with Tinnin Road in Davidson County to provide access for lots located in Sumner County, requested by Harold M. Spears, trustee and the City of Millersville. (Also requesting final plat approval).

Mr. Henry stated the staff was recommending disapproval of this subdivision. He informed the Commission that all of the proposed lots are within Sumner County, and therefore within the jurisdiction of another planning commission. However, the subdivision is proposed to extend its outlet street into Davidson County, and connect into Tinnin Road. Staff has concerns that Tinnin Road is incapable of carrying heavy volumes of traffic which may be generated by a large subdivision. In conversations with the developer’s engineer, they have indicated the subdivision may have as many as 240 lots. Davidson County’s subdivision regulations require a traffic study for any subdivisions with 100 or more lots. Thus far, the developer has provided no traffic study which could help to determine the traffic impacts this subdivision could have on streets within Davidson County.

No one was present to speak at the public hearing.

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

Resolution No. 96-541

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY and FINAL Plans of Subdivision No. 96S-258G, connecting Willow Crest Court in Sumner County with Tinnin Road in Davidson County to provide access for lots located in Sumner County, requested by Harold M. Spears, and the City of Millersville, are **DISAPPROVED since the applicant has failed to submit a comprehensive subdivision plan for the 240 lots proposed in Sumner County and has not demonstrated that the traffic expected to utilize the proposed bridge connection into Davidson County will not have an adverse impact on the existing condition of Tinnin Road.”**

Final Plats:

Subdivision No. 96S-187U

Enchanted Hills, Phase 2, Section 5
Map 58, Part of Parcel 73
Subarea 3 (1992)
District 1 (Patton)

A request to create 19 lots abutting the north terminus of Enchanted Circle, approximately 367 feet north of Golden Hill Drive (8.02 acres), classified within the R15 District, requested by Lila Spence, owner, Jime Patterson, developer, L. Steven Bridges, Jr., surveyor. (Deferred indefinitely from meeting of 05/30/96).

Mr. Henry stated drainage issues were the main concern in this subdivision and Public Works has given preliminary approval for the lots but has not issued a grading permit. Staff has recommended approval and there are bonds covering water, sewer, roads and drainage.

Mr. Bodehamer stated he had received several calls from residents in the area expressing concerns regarding the drainage. He asked for Public Works to update the Commission on the issue.

Mr. Jim Armstrong, with Public Works, stated this plan had been approved in 1988. When it was recently resubmitted, it did not meet new subdivision requirements. It was updated with new curbing and gutter and other drainage improvements. The plan has been modified, but existing problems may be aggravated by drainage.

Mr. Bodenhamer stated he would like to defer this matter until Public Works could get the drainage problems corrected.

Mr. Browning stated this was on the consent agenda to begin with and asked Mr. Armstrong if staff had misinterpreted Public Works comments?

Mr. Armstrong stated he did not feel planning staff had misinterpreted Public Works approval. It was approved because the plan had been updated to meet the technical requirements of the subdivision regulations, even though some drainage problems downstream may persist.

Mr. Browning asked Mr. Armstrong if he was telling the Commission there were still some unanswered questions on some elements this plan may impact?

Mr. Armstrong stated this development, as proposed, would impact the area but did not know what grounds Public Works would have for improvements because they were dealing with past approvals.

Mr. Clifton moved and Mr. Harbison seconded the motion to defer this matter for two weeks. The motion carried with all voting in favor except Mr. Lawson who abstained.

Mr. John Wright, project director for the subdivision, stated this had been approved in 1988, and he understood from staff there were some problems with drainage and would address those problems. This item has been deferred and that they have funds appropriated and would like to begin work as soon as possible.

Chairman Smith stated he understood and the comments made were not directed towards the developer or the planning staff but Public Works needed to review the matter further.

Mr. Wright stated this would be tying his hands for another two weeks and asked for permission to start grading.

Chairman Smith said that if he started grading, he would be doing it at his own risk because Public Works would have to issue the grading permit.

Mr. Lawson left at this point in the agenda.

Request for Bond Extension:

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

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

Mr. Henry stated this was a residential PUD development. The developer has very little left to do under the performance agreement to complete his obligation of the bond and has asked for a one month extension. Staff recommends against the extension and asked for permission to proceed with collection if the work is not complete by September 15, 1996. Mr. Henry stated the applicant has not objected to this procedure.

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

Resolution No. 96-542

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for an extension of the performance bond for Subdivision No. 93P-016G, Bond No. 94BD-059, Traceside, Section One, in the amount of \$200,000.00 and authorizes collection of the security if all work is not done by **September 15, 1996.**”

MANDATORY REFERRALS:

Proposal No. 96M-063U
Unnamed Street Closure
Map 51-10
Subarea 4 (1993)
District 3 (Nollner)

A proposal to close an unnamed street south of Lewis Street between Briarville Road and Worth Street, requested by Councilmember Ron Nollner, for adjacent property owners. (Easements are to be retained). (Deferred from meetings of 06/27/96 and 07/11/96).

Ms. Dudley informed the Commission that staff was recommending disapproval of this request to abandon this public right-of-way. She recounted the history of this road dedication. When a residential PUD on the east side of Briarville Road was approved, it was recognized then that a better street intersection with Briarville road was needed to accommodate the increased population of this area as new dwelling units were built. She pointed out that Briarville Road is the extension of Ellington Parkway. It was important to move this intersecting side street as far to the north as possible to separate the intersection from the fast moving traffic coming off of Ellington Parkway onto Briarville Road. However, a hill to the north on Briarville Road, and the poor sight distance which that hill produced, limited how far north the intersecting street could be connected to Briarville Road. The preferred location was the current location. Later in 1988, the large tract of land west of Briarville Road was approved with a commercial PUD. Its main access to Briarville Road also was planned for this specific location. For these reasons, staff stated the closure of this street would remove a planned intersection, and would jeopardize the safety of motorists in this area if a less desirable intersection location were accepted.

Councilmember Nollner stated he was making this request at the insistence of eight adjoining property owners to the unnamed street. He said the main concern was safety and perhaps some streets could be relocated to make a safe intersection and asked for approval.

Mr. Harbison moved and Ms. Nielson seconded the motion to approve the following resolution:

Resolution No. 96-543

"BE IT RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES** Proposal No. 96M-063U.

All voted in favor of the resolution except for Councilmember Clifton who abstained.

OTHER BUSINESS:

1. Subarea 6 Plan Consideration.

Councilmember Eric Crafton asked for a two week deferral on the portion of the plan for the industrial zoning discussed at the intersection of Charlotte Pike and River Road. He also stated he was in favor of the plan and in favor of protecting the steep slopes in the southwest quadrant.

On July 11, 1996 the Planning Commission held a public hearing for adoption of the Subarea 6 Plan Update. After hearing comments from the public, the commission closed the public hearing but deferred action on the plan pending further information from staff on 12 items. Staff summarized these items and made the following recommendations:

1) APARTMENTS ALONG THE 70S CORRIDOR EAST OF OLD HICKORY BOULEVARD:

Staff Recommendation: Retain plan policies as presented, i.e. provide for limited multi-family and townhouse development along the 70S corridor east of Old Hickory Boulevard. Staff advised the Commission that many in the community were opposed to additional apartment development and that apartments constituted a significant share of residential units in the subarea. Moreover, additional units have been approved through zoning actions that predate the original subarea plan. This issue was thoroughly discussed at the community meetings. Although Bellevue residents are clearly concerned about the number of apartments going up, they understand that affordable housing must be accommodated and that it is reasonable for the plan to support higher density housing along this particular corridor where it is in keeping with established character of development.

2) INDUSTRIAL POLICY ON THE NORTH SIDE OF RIVER ROAD WEST OF CHARLOTTE PIKE:

Staff Recommendation: Change the policy to NC (Natural Conservation). Eliminate all IND policy on the draft map. Shift the NC policy line to include historic lands, the quarry, electric transmission line easement, areas within 12% slope, and the Cumberland River/Davidson Creek floodplain. Expand CMC policy to include contiguous land that meets the location criteria. Staff advised the Commission that the original policy recommendation did not adequately take into account the physical constraints of the site.

3) REQUEST FOR RM POLICY SURROUNDING COMMERCIAL POLICY IN THE SOUTHEAST QUADRANT OF OLD HICKORY BOULEVARD AND I/40:

Staff Recommendation: Retain NC policy. Staff advised the commission that, although the area meets certain locational criteria for higher density housing, environmental characteristics of the site are not conducive to intense development. Upon further discussion, the commission asked staff to advise them on the possibility of applying policies similar to 70S corridor (item1) at the next meeting.

4) UPDATE RECOMMENDATIONS IN THE SUBAREA PLAN IN ACCORDANCE WITH NEW LIBRARY PLAN:

Staff Recommendation: Include implications of a new countywide library plan under consideration with an explanation that it is not officially adopted as of this date.

5) POLICIES AT THE TERMINUS OF NATCHEZ TRACE PARKWAY:

Staff Recommendation: Retain NC (Natural Conservation) and RLM (Residential Low Medium, 2 to 4 Dwelling Units Per Acre) as shown on the draft land use policy plan. Staff advised that the issue of

commercialization was discussed during several community meetings. Public consensus in opposition to further commercialization was clearly established during the community meetings.

6) MCCRORY LANE IMPROVEMENTS:

Staff Recommendation: Retain S2 (two-lane scenic arterial) designation over most of the road, and S4 (four-lane scenic arterial) designation over the part within Biltmore near I-40 as shown on the draft plan. Staff advised the commission that this recommendation is consistent with the *Major Street Plan*. Widening McCrory Lane entirely to four lanes would be costly and cause severe environmental problems due to the terrain. Natchez Trace Parkway signage will encourage use of McCrory Lane only for those who wish to travel I-40 west.

7) SIDEWALKS AND BIKE LANES ALONG HIGHWAY 70S:

Staff Recommendation: Extend sidewalks and bicycle lanes along 70S from West End (Outside Subarea 6) to I-40 (Bellevue Center Mall).

8) POLICIES FOR DEVELOPMENT OF THE HIGHWAY 70S CORRIDOR: This question was combined with item number 1.

9) UNMAPPED COMMERCIAL POLICIES:

Staff Recommendation: The draft plan recognizes unmapped policies in the General Plan *Land Use Policy Application* principles. Staff advised the commission that policies to the contrary would have to be modified in that document.

10) PARK ACQUISITION ALONG THE HARPETH RIVER:

Staff Recommendation: The draft plan recommends a joint venture with the state for establishment of a Metro park on 100 acres of state-owned land west of McCrory Lane.

11) LARGE TREE CONSERVATION:

Staff Recommendation: The tree ordinance permits tree removal as long as the trees are replaced in accordance with guidelines. Staff advised the commission that the person who brought this matter up during the public hearing apparently felt that the ordinance as written does not discourage removal of significant trees, because it permits their replacement with less valuable ones. This issue would have to be considered on a county-wide basis.

12) FLOODPLAIN PRESERVATION AND STORMWATER CONCERNS:

Staff Recommendation: The *Parks, Recreation, and Open Space Plan* suggests identification and preservation of natural site systems (overland flow characteristics). While there are no rules requiring floodplain preservation, it and natural systems preservation could be incorporated in Metro's stormwater management ordinance if policies are adopted to accomplish this goal. This is beyond the scope of the subarea plan and is a matter for consideration by the Public Works Department.

Item 1) Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously, to adopt the staff recommendation.

Item 2) Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously, to defer this item for two weeks.

Item 3) Mr. Harbison moved and Mr. Bodenhamer seconded the motion, which carried unanimously to adopt the staff recommendation and provide flexibility text pertaining to individual situations.

Item 4) Mr. Harbison moved and Ms. Jernigan seconded the motion, which carried unanimously to adopt the staff recommendation to incorporate the language recognizing the library expansion plan.

Mr. George McCabe refreshed the Commission's memory on his proposal for a motel at the terminus of the Natchez Trace Parkway

Mr. Harbison stated he felt this community did not want to see commercial expansion in that area but on the other hand if something came before the Commission that was good for the Natchez Trace people and was low impact and would not set a precedent it would be different and the idea should not be foreclosed. Perhaps there should be some text added for future decisions because it would be premature to act on any decision at this time.

Councilmember Clifton stated there was merit in Mr. Harbison's statement and that he felt maybe it could be considered as a plan amendment at the proper time.

Item 5) Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously to defer the land use policy change at the terminus of the Natchez Trace and the Loveless Restaurant location to allow staff time to prepare text stating their may be a changes in the land use at the proper time.

Item 6) Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously, to approve staff recommendation.

Item 7(Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously, to approve staff recommendation.

Item 8) Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously, to adopt the staff recommendation.

Chairman Smith stated Item 9 is a nondiscussion item since it is a general plan issue. Item 10 is an explanation, Item 11 is a general situation and Item 12 is also a situation.

Chairman Smith stated the plan should be approved in its entirety with the exception of Items 2 and 5.

Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the Subarea 6 Plan in its entirety with the exception of Item 2 and Item 5.

Chairman Smith stated item 96Z-060G, which had been moved to the end of the agenda with two requests to speak by Mr. Fisher or Mr. Wallace, which were not present at this time, would be considered at the August 8, 1996, meeting because of the deferral of the land use decision in the subarea plan.

2. Report on subdivision bonding procedures. (Deferred from meetings of 06/27/96 and 07/11/96).

This item was deferred for two weeks, until the August 8, 1996, meeting.

3. Report from Department of Law on ex parte contact. (Deferred from meeting of 07/11/96).

This item was deferred for two weeks, until the August 8, 1996, meeting.

4. Legislative Update.

Ms. Dudley provided an update on the current legislative status of items previously considered by the Commission.

PLATS PROCESSED ADMINISTRATIVELY.

96S-078G River Plantation, Phase 2C, Section 10
Revised an incorrect reference to property map number

96S-277U Cockrill Bend Industrial Complex, Section 9
Plat a deeded parcel

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

Mr. Pat Emery stated there were two key items the Chamber was concerned about. One is the Planning Commission's reapproval of PUDs, shopping centers and multi-family districts and the other is the downtown parking. Both matters were covered in the letter to each Commissioner.

Ms. Ann Toplovitch, Secretary for the Nashville Neighborhood Alliance and a board member for the Hillsboro/West End Neighborhood Association, stated each Commissioner had received a letter with the Nashville Neighborhood Alliance's comments.

Ms. Christine Kreyling, stated she was only present as a journalist, and stated the Nashville Urban Design Forum was basically a group of design professionals as well as interested citizens who have met and are focusing within the inner loop and would need at least a month to review this information.

Mr. Walter Kiskadden, representing the AIA, stated he had not been able to review the document and asked for a postponement for thirty days.

Chairman Smith asked Ms. Kreyling and Mr. Kiskadden if there was any need to hold the public hearing open and if they could make their comments in writing to the Commission.

Ms. Kreyling and Mr. Kiskadden, stated there was no need to hold the public hearing open and they would make their comments in writing.

Mr. Sonny West, Zoning Administrator, stated the Commission had a copy of the letter from Codes Administration and there was only one comment in it submitted for the record.

Mr. Larry McWhirter stated dealing with impervious surface ratios, flood plain regulations and sensitive environmental areas was a tremendous step forward. He expressed concerns regarding some of the terminology of the document, neighborhood zoning, availability of sewers, street setbacks, dumpsters in residential areas, helistop locations, the tree ordinance and the fact that churches would become nonconforming in many residential zoning districts.

Ms. Tonya Jones, representing the Home Builders Association of Middle Tennessee, asked for an extension of time for their review and asked the Commission to review and combine the definitions because there was a lot of overlap and inconsistencies. She expressed her concerns regarding hillside development, re-evaluation by the Planning Commission of PUDs and the final approval by the Planning Commission for PUDs, shopping center districts, mixed use districts and all of the multi-family districts. She asked the Commission to allow her association two months to study the ordinance.

Mr. Bill Dorris, representing the Mobile Homeowners Association, stated his group would like to submit to the Commission in writing some of the things they felt were wrong and asked for one month to review the ordinance.

Dr. Chris Katanzero, from Tennessee State University, expressed his concerns regarding landscaping and removal of trees and replacement with small trees.

Mr. Steve Henry, President of the Marrowbone Preservation Society and member of the Neighborhood Alliance, stated his group would like to reinforce all they had read in the ordinance and complimented the Commission and staff on their work.

By consensus of the Commission the public hearing was closed.

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:40 p.m.

Chairman

Secretary

Minute approval:
This 22nd day of August, 1996