

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: August 8, 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
William Manier
Ann Nielson
Stephen Smith

Absent:

Mayor Philip Bredesen

Others Present:

Executive Office:

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

Current Planning and Design:

Edward Owens, Planning Division Manager
Mitzi Dudley, Planner III
Shawn Henry, Planner III
John Reid, Planner II
Doug Delaney, Planner I
Charles Hiehle, Planning Technician II
Nancy Phillips, Planning Technician II

Advance Planning and Research Division:

Jeff Ricketson, Planning Division Manager
Cynthia Lehmbeck, Planner III
Jackie Blue, Planner I

Also Present:

Leslie Shechter, Legal Department
Jim Armstrong, Public Works
Mark Macey, Public Works

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced item IV, Approval of July 25, 1996 Minutes, should be deleted from the minutes and deferred to the August 22, 1996 meeting and also Proposal 96P-015G should read - Part of Parcel 52.1.

Mr. Lawson moved and Ms. Jernigan seconded the motion, which unanimously passed, to adopt the agenda with the changes listed above.

ANNOUNCEMENT OF DEFERRED ITEMS

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

- 96Z-077G Deferred two weeks, by applicant.
- 96P-007G Final Plat deferred two weeks, by applicant.
- 94S-399G Deferred two weeks, by applicant.
- 96S-224G Deferred two weeks, by applicant.
- 96S-276G Deferred two weeks, by applicant.

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

RECOGNITION OF COUNCILMEMBERS

Councilmembers Bruce Stanley and Lawrence Hart were present but indicated they wished to be recognized when their matters came up on the agenda. Councilmember Roy Dale expressed his approval of 94P-012U, Fairfield Communities.

ADOPTION OF CONSENT AGENDA

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which carried unanimously, with the removal of Appeal Case 96AB-141U and Planned Unit Development 96P-007G, The Fountains at Banbury, Section One, to approve the following items on the consent agenda:

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

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-076U
Map 69, Parcel 72
Subarea 3 (1992)
District 1 (Patton)

A request to change from AR2a District to CG District certain property abutting the east margin of Stewarts Lane, approximately 3,650 feet south of Ashland City Highway (10 acres), requested by Gerald C. Wigger, for Charles R. Pardue, owner.

Resolution No. 96-544

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-076U is **APPROVED**:

This property falls within industrial policy in the Subarea 3 Plan. The CG will implement that policy. This site will have access to Briley Parkway via Stewarts Lane and County Hospital Road to the south."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

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

A request for final approval for a phase of the Industrial Planned Unit Development District abutting the north and south margins of Brick Church Lane, east of Interstate 24 (18.27 acres), classified R10, to permit the development of a 197,511 square foot warehouse/office facility, requested by R. Chris Magill Architects, for N.W.I. Warehouse Group.

Resolution No. 96-545

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 47-86-P is given **CONDITIONAL FINAL APPROVAL FOR A PHASE**. 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. Receipt of written confirmation of approval from the Fire Inspector's Office.
3. That temporary detention for the 2 - 10 year storms which may be placed within the 100 year floodplain be added on the remainder of the undeveloped PUD (north of Brick Church Lane).
4. Recording of a final plat as well as the posting of any bonds as may be required for any necessary public improvements prior to the issuance of any building permits."

Proposal No. 75-87-P
River Glen, Phase 4, Section 2
Map 52, Part of Parcel 2
Subarea 14 (1996)
District 15 (Dale)

A request for final approval for a phase of the Residential Planned Unit Development (zoned R15) abutting the northern terminus of Benay Road (8.47 acres), to permit the development of a 40-unit residential complex, requested by Barge, Waggoner, Sumner and Cannon, for Julius Doochin, owner. (Deferred from meetings of 06/27/96, 07/11/96 and 07/25/96).

Resolution No. 96-546

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 75-87-P is given **CONDITIONAL APPROVAL**. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
2. Receipt of a revised drainage plan acceptable to the Stormwater Management section of the Department of Public Works.
3. Recording of a final plat as well as the posting of any bonds as may be required for any necessary public improvements prior to the issuance of any building permits.”

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. (Deferred from meeting of 07/25/96).

Resolution No. 96-547

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-012U is given **CONDITIONAL APPROVAL FOR REVISION TO PRELIMINARY**. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of Public Works.
2. Continued adherence to the conditions of approval of the preliminary PUD, including the amendments to the Council Bill which enacted the PUD.”

Proposal No. 95P-015G
New Hope Point
Map 98, Part of Parcel 52.1
Subarea 14 (1996)
District 12 (Ponder)

A request to amend the approved preliminary site development plan of the Residential Planned Unit Development District abutting the west margin of New Hope Road, approximately 1,440 feet south of John Hager Road (31.5 acres), classified R15, to permit the addition of three single-family lots to the approved 99 single-family lot development, requested by MEC, Inc., for Robert E. Earheart, owner.

Resolution No. 96-548

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-015G is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE:** 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.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 96S-136U
Columbia Centennial Medical Center Campus
Map 92-11, Parcels 125 and 390
Map 92-15, Parcels 202 and 203
Subarea 10 (1994)
District 21 (McCallister)

A request to consolidate five lots into one lot abutting the north margin of Patterson Avenue, between 23rd Avenue North and 25th Avenue North (21.06 acres), classified within the MRO District, requested by HCA Health Services of Tennessee, owner/developer, CESP, Inc., surveyor.

Resolution No. 96-549

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-136U, is granted **APPROVAL.**”

Subdivision No. 96S-223U
Love Built Subdivision, Resubdivision of Lot 1
Map 161, Parcel 271 and Part of Parcel 6
Subarea 12 (1991)
District 32 (Jenkins)

A request to subdivide two parcels into three lots abutting the northeast terminus of Andrew Rucker Lane, opposite Thrible Springs Drive (1.63 acres), classified within the R10 District, requested by Christ Church, owner/developer, Walker Engineering, surveyor. (Deferred from meeting of 07/25/96).

Resolution No. 96-550

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-223U, is granted **APPROVAL.**”

Subdivision No. 96S-227G
Buckhead Place (PUD Boundary Plat)
Map 143, Parcel 6

Subarea 6 (1990)
District 23 (Crafton)

A request to subdivide one lot abutting the northwest margin of Memphis-Bristol Highway, approximately 1,015 feet southwest of Brook Terrace (21.27 acres), classified within the R15 Residential Planned Unit Development District, requested by Buckhead Place, LLC, owner/developer, Wamble and Associates, surveyor.

Resolution No. 96-551

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-227G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$10,000.00.”**

Subdivision No. 96S-249G
Meadow Woods, Phase 1
Map 164, Parcels 106.1 and 145
Subarea 13 (1991)
District 29 (Holloway)

A request to create 61 lots located between Old Hickory Boulevard and Pin Hook Road, approximately 1,875 feet west of LaVergne Couchville Pike (19.51 acres), classified within the RS10 District, requested by Houston Ezell Corporation, owner/developer, IDE Associates, Inc., surveyor. (Deferred from meetings of 07/11/96 and 07/25/96).

Resolution No. 96-552

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-249G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$1,060,750.00.”**

Request for Bond Extension:

Subdivision No. 79-87-P
Calumet, Phase Four
James T. McLean, principal

Located abutting the southwest margin of Calumet Drive, both margins of Shoemaker Court.

Resolution No. 96-553

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 79-87-P, Bond No. 95BD-077, Calumet, Phase Four, in the amount of \$67,850 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **September 9, 1996** and extending the expiration date to December 8, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.”**

Request for Bond Release:

Subdivision No. 154-73-G
Camden Woods, Phase Three-B
Phillips Builders, Inc., principal

Located abutting the south margin of Strombury Drive and the west margin of Tulip Grove Road.

Resolution No. 96-554

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 154-73-G, Bond No. 93BD-084, Camden Woods, Phase Three-B, in the amount of \$5,000, as requested."

Subdivision No. 312-84-G
Poplar Creek Estates, Phase Three-A
Poplar Creek Development Company, principal

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

Resolution No. 96-555

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 312-84-G, Bond No. 93BD-089, Poplar Creek Estates, Phase Three-A, in the amount of \$35,000, as requested."

Subdivision No. 79-87-P
Calumet, Phase Three
James T. McLean, principal

Located abutting the northeast terminus of Calumet Drive, approximately 1,160 feet northeast of Hamilton Church Road.

Resolution No. 96-556

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 79-87-P, Bond No. 94BD-014, Calumet, Phase Three, in the amount of \$14,000, as requested."

Subdivision No. 84-87-P
Crossings at Hickory Hollow, Phase One,
Resubdivision of Lot Three
Hickory Hollow Associates, principal

Located abutting the west margin of Crossings Boulevard, between Mt. View Parkway and Crossing Place.

Resolution No. 96-557

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 84-87-P, Bond No. 93BD-068, Crossings at Hickory Hollow, Phase One, Resub. of Lot 3, in the amount of \$11,900, as requested."

Subdivision No. 88P-046G
Poplar Ridge, Section One
Sunflower Properties, principal

Located abutting the west terminus of Coley Davis Road, approximately 50 feet south of I-40 West.

Resolution No. 96-558

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 88P-046G, Bond No. 89BD-026, Poplar Ridge, Section One, in the amount of \$20,000, as requested."

Subdivision No. 88P-067G
Brandywine Pointe, Phase Six, Section One
Brandywine Pointe Partners, principal

Located abutting the southeast corner of Shute Circle and Brandywine Pointe Boulevard.

Resolution No. 96-559

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 88P-067G, Bond No. 94BD-026, Brandywine Pointe, Phase Six, Section One, in the amount of \$13,000, as requested."

Subdivision No. 88P-067G
Brandywine Pointe, Phase Six, Section Two
Brandywine Pointe Partners, principal

Located abutting both margins of Safety Harbor Court, approximately 135 feet northeast of Brandywine Pointe Boulevard.

Resolution No. 96-560

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 88P-067G, Bond No. 94BD-077, Brandywine Pointe, Phase Six, Section Two, in the amount of \$5,000, as requested."

Subdivision No. 88P-067G
Brandywine Pointe, Phase Seven, Section Two
Brandywine Pointe Partners, principal

Located abutting both margins of Safety Harbor Cove, approximately 135 feet northeast of Brandywine Pointe Boulevard.

Resolution No. 96-561

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 88P-067G, Bond No. 94BD-078, Brandywine Pointe, Phase Seven, Section Two, in the amount of \$8,550, as requested."

Subdivision No. 88P-067G
Brandywine Pointe, Phase Twelve, Section One
Brandywine Pointe Partners, principal

Located abutting the north margin of Shute Lane, approximately 210 feet east of Brandywine Pointe Boulevard.

Resolution No. 96-562

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 88P-067G, Bond No. 94BD-079, Brandywine Pointe, Phase Twelve, Section One, in the amount of \$13,000, as requested."

Subdivision No. 88S-102U
Haywood Oaks
Duke Construction Management, principal

Located abutting the south terminus of Linbar Drive.

Resolution No. 96-563

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 88S-102U, Bond No. 89BD-006, Haywood Oaks, in the amount of \$15,000, as requested."

MANDATORY REFERRALS:

Proposal No. 96M-051U
11th Avenue North Closure
Map 92-4
Subarea 8 (1995)
District 20 (Haddox)

A proposal to close 11th Avenue North between Harrison Street and Clinton Street, requested by L. P. Brittain for Alley-Cassety Coal Company, adjacent property owners. (Easements are to be retained).

Resolution No. 96-564

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-051U.

Proposal No. 96M-083G
Council Bill No. O96-394
Conveyance of Land from Columbia/HCA
to Metropolitan Government
Map 86, Parcel 147
Subarea 14 (1996)
District 20 (Haddox)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept the conveyance of a tract of land consisting of approximately 25.37 acres from Columbia/HCA Corporation.

Resolution No. 96-565

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-083G.

Proposal No. 96M-084U
Acquisition of Easements on West Trinity Lane
Maps 71-1, 71-5 and 71-6

Subarea 3 (1992)
District 2 (Black)

A proposal to acquire easements on the north side of West Trinity Lane from Whites Creek Pike to Brick Church Pike for the purpose of constructing water mains and sewer lines. (Project Nos. 95-WL-134 and 95-SG-114).

Resolution No. 96-566

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-084U.

Proposal No. 96M-086G

Acquisition of Easements to Construct the
Holt Creek Trunk Line

Map 172, Parcels 94, 161 and 189

Map 180, Parcels 117, 13, 21, 22, 23, 15, 19, 16, 18, 25, 29, 27, 30,
33, 43, 36, 63, 43, 69, 62, 97, 45, 14, 113, 101, 124, 110, 94, 93, 92
91, 90, 125, 59, 57, 56, 55, 53, 54, 52, 50, 51, 58, 49, 48, 47, 46, 3,
32, 2, 106, 35 and 89

Map 181, Parcels 113, 91, 94 and 95

Subarea 12 (1991)

District 31 (Alexander)

A mandatory referral submitted by the Department of Water Services for the purpose of acquiring easements to construct the Holt Creek Trunk Sewer Line. (Project Nos. 87-SG-100A, B, C, D, E).

Resolution No. 96-567

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-086G.

This concluded the items on the consent agenda.

APPEAL CASES:

Appeal Case No. 96B-141U

Map 85-11, Parcel 62

Subarea 14 (1996)

District 14 (Stanley)

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 1,200 square foot detached accessory garage within the RS10 District, on property abutting the south margin of Belding Drive, approximately 300 feet west of Jenry Drive (1.04 acres), requested by Clay McDonald, appellant/owner.

Mr. Reid presented the staff recommendation to approve the request. He stated the Department of Public Works had approved the site plan for compliance with the storm water management ordinance.

Chairman Smith pointed out to the Commission that its role was to ensure that all application procedures had been followed, and to advise the Board of Zoning Appeals of any comprehensive planning issues related to this request. He pointed out this matter would be decided at the Board of Zoning Appeals following a public hearing.

Councilmember Bruce Stanley expressed concern about the size of the garage. He stated the current property owner has several automobiles stored at this residence. He suggested there is concern within the neighborhood about the need for such a large garage for residential purposes, and further expressed the concern that the property owner could attempt to commence a commercial body works business at this location.

Staff pointed out that operation of a business, including an auto-related one, would be a violation of the zoning ordinance.

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

Resolution No. 96-568

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-141U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-059U
Council Bill No. O96-363
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 acre), requested by Farzin Ferdowsi, for James O. Dotson, owner.

Mr. Reid reminded the Commission it had disapproved this request at its June 27, 1996 meeting. He stated the Council had referred the matter to the Commission for reexamination. Mr. Reid stated the reasons for disapproval were the potential adverse impact of commercial zoning at this location on surrounding residential properties, and the lack of need for additional commercial property, since considerable commercially zoned, vacant property exists in the immediate area.

Mr. Reid stated the Commission had received three requests to speak against this request, and had received a petition with approximately 150 signatures expressing opposition to the rezoning.

Ms. Sara Jean Boyd was recognized. She expressed opposition, and cited the subarea 7 plan which recommended only office zoning districts for this property, and not the CS zoning requested. She pointed out there is already heavy traffic on Charlotte Pike, and this business would only add to the traffic. She further stated this rezoning would begin the process of eroding the residential presence along Charlotte Pike in this area, which currently is very stable. She asked the Commission to declare the rezoning contrary to the General Plan.

Mr. W.O. Hall was recognized. He expressed opposition because of the heavy traffic on Charlotte Pike, and the fear this business would only add to that heavy volume. He pointed out there are apartments under construction in the area, and those will also add to the traffic volume. He stated the neighborhood has remained nice, and he and other neighbors opposed allowing commercial businesses to come in and devalue the neighborhood.

Ms. Horace Nethery was recognized and voiced her opposition to the rezoning.

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

The motion carried with all voting in favor except Mr. Harbison who abstained.

Resolution No. 96-569

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

The Planning Commission disapproved this request at the June 27th. meeting. It was determined that this rezoning would previously impact the stability of the residential neighborhood and that there were ample opportunities within the commercially zoned areas across Charlotte Pike. No new information was submitted to warrant a change of the previous Commission recommendation."

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 meetings of 07/11/96 and 07/25/96).

Mr. Reid introduced this rezoning. Chairman Smith pointed out this rezoning would depend upon the policy adopted within the Subarea 6 plan, which was later on the agenda. He suggested that the Commission defer action on this matter until after the Subarea 6 plan was acted upon.

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 40-71-G

Hobbs Heights
Map 107, Parcels 76 and 77
Subarea 13 (1991)
District 13 (French)

A request to amend the approved preliminary site development plan for a Commercial (General) Planned Unit Development District abutting the southwest corner of Briley Parkway and Interstate 40 (12.2 acres), classified R10, to permit the addition of 4.61 acres and the development of a 100,800 square foot, 180-unit, seven story motel, requested by Dale and Associates, for John Hobbs and Louis McRedmond, owners.

Mr. Owens presented the staff recommendation to disapprove this request, because of lack of information on the effect the addition of another hotel would have on traffic in this congested location. He pointed out there are already two hotels in this area using a private drive to Briley Parkway. The application proposes adding a third hotel.

Mr. Owens stated the traffic engineer also recommended disapproval because no traffic study was provided which would indicate how the additional traffic could be accommodated at the intersection of the private drive and Briley Parkway. Mr. Owens recommended disapproval until an acceptable traffic study is submitted, reviewed and approved.

Mr. Bodenhamer emphasized the heavy traffic volumes in this area and the difficulty of exiting this driveway to head north to I-40.

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

Resolution No. 96-570

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 40-71-G is given **DISAPPROVAL**:

This disapproval is due to the lack of a traffic impact study acceptable to the Metro Traffic Engineer.”

Commissioner Stephen Smith arrived at 1:30 p.m., at this point in the agenda.

Proposal No. 95P-037G

Hampton Hall, Phase 1

Map 98, Parcels 18, 131 and 116

Subarea 14 (1996)

District 12 (Ponder)

A request for final approval for a phase of the Residential Planned Unit Development District abutting the east margin of New Hope Road, opposite Port Jamaica Drive (25.10 acres), classified RS15, to permit the development of 74 single-family lots, requested by Anderson-Delk and Associates, Inc., for Phillips Builders, Inc., owner.

Mr. Delaney presented the staff recommendation to approve the development with a variance to one cul-de-sac length. He reminded the Commission the development was confronted with drainage problems; those have been worked out. He stated the cul-de-sac is 810 feet long, exceeding the permitted length by 60 feet. However, Mr. Delaney stated that steep topography dictated the road pattern in this area, and justified the additional length on this dead end street.

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

Resolution No. 96-571

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-037G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE WITH A VARIANCE TO THE SUBDIVISION REGULATIONS FOR AN APPROXIMATELY 810 FOOT CUL-DE-SAC**. 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. Filing of a plat of subdivision which combines the five parcels into a single entity.
3. Recording of a Boundary Plat prior to any final plat approval.
4. Recording of a final plat as well as the posting of any bonds as may be required for any necessary public improvements prior to the issuance of any building permits.”

Proposal No. 96P-007G

The Fountains at Banbury, Section One

(Formerly Elysian Springs)

Map 172, Parcel 16
Subarea 12 (1991)
District 32 (Jenkins)

A request for final approval for a phase of the Residential Planned Unit Development District abutting the west margin of Edmondson Pike, opposite Mt. Pisgah Road (17.35 acres), classified R40, to permit the development of 31 single-family lots, requested by Gresham, Smith and Partners, for The Jones Company, owner.

Mr. Owens stated this application is a combination of a final PUD approval and a final subdivision approval. He stated staff was recommending approval, and reminded the Commission this matter was initially on the consent agenda, but was removed from the consent agenda at the request of a member of the audience.

Mr. Owens stated the final PUD plan accomplished a street connection to Edmondson Pike, which is a desirable feature of this PUD. The final PUD plan would grant approval of 32 lots.

Mr. Brent Campbell requested to be recognized by the Commission. He stated he was the owner of adjacent property and had concern that the drainage detention system proposed in this development will retard the flow of water to a lake on his property to the north.

Mr. Jim Armstrong of Public Works and members of the planning staff pointed out it is highly unusual to hear complaints about withholding too much water in a detention configuration.

Staff stated that it was appropriate to have clarity regarding the drainage system before granting final PUD approval.

Mr. Armstrong stated Public Works had asked for additional information on the lake to be created within the development under consideration. He stated they had not addressed the effects of detention on Mr. Campbell's lake downstream. He also stated Metro had not addressed the issue of water rights raised by Mr. Campbell.

Ms. Jernigan moved, and Ms. Nielson seconded the motion, which passed unanimously, to defer action on this request to allow Public Works to evaluate the effects of the detention system on the downstream lake and to investigate the laws regarding water rights.

Proposal No. 96P-014G
Tru-Long Acres
Map 150, Parcel 144
Subarea 13 (1991)
District 29 (Holloway)

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the southeast margin of Mt. View Road, opposite Belle Oaks Drive (6.64 acres), classified R15, to permit the development of 27 single-family lots, requested by Dale and Associates, for Allen Turbo, owner.(Deferred from meeting of 07/25/96).

Mr. Owens presented the staff recommendation to approve the development with a variance to the intersection alignment requirements of the subdivision regulations. Mr. Owens explained that a cemetery on the property precludes locating the street entrance to this subdivision in exact alignment with Belle Oaks Drive. Mr. Owens further stated that the width of the property does not permit moving the proposed street the required 300 feet away from Belle Oaks Drive in either direction. In evaluating the subdivision, the developer has worked with engineering staff to locate the proposed street in a manner to eliminate

interlocking left turn lanes. Mr. Owens stated the subdivision would not be stubbed into adjacent properties in order to limit the number of lots served by this substandard situation.

Mr. Troy Heath, vice-president of the Alliance for American Indian Rights, asked if the cemetery was one of native American Indians. Staff stated it did not know.

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

Resolution No. 96-572

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-014G is given **CONDITIONAL PRELIMINARY APPROVAL WITH A VARIANCE TO THE SUBDIVISION REGULATIONS REGARDING STREET OFFSET**. The following condition applies:

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

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 twelve 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. (Deferred from meeting of 07/25/96).

Mr. Henry presented the staff recommendation to approve the subdivision with a variance to the subdivision regulation for required distance between street intersections. Mr. Henry reminded the Commission it had recently disapproved a different lot pattern for this same property. He stated the current design creates a lot pattern that is consistent with the zoning of the area. He stated the traffic engineers had expressed a preference for the new street to intersect Ned Shelton Road, rather than Smith Springs Road. However, designing the subdivision with access to Ned Shelton Road established a much less desirable lot pattern. Mr. Henry stated the proposed street would be closer to an existing intersection with Smith Springs Road than the subdivision regulations permit. However, he stated the other street is a very minor one that may be closed in the near future.

No one was present to speak on this matter during the public hearing.

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

Resolution No. 96-573

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-255U is granted **CONDITIONAL APPROVAL with a variance to minimum**

intersection separation distance (Subdivision Regulations 2-6.2.1.H(2) subject to a revised sewer capacity study for the seven additional lots.”

Subdivision No. 96S-264U (Public Hearing)

H. G. Hill, Resubdivision of Lots 172-175, 178 and 179
Map 72-3, Parcels 97, 101, 102 and 121-127
Subarea 5 (1994)
District 8 (Hart)

A request to reconfigure five lots abutting the east margin of Gallatin Pike, between Howard Street and McChestney Avenue (3.32 acres), classified within the R8 and CS Districts, requested by H. G. Hill Realty Company, owner/developer, Crawford Land Surveyors, surveyors. (Also requesting final plat approval).

Mr. Henry presented the staff recommendation to approve the proposed subdivision. He reminded the Commission that part of this property was rezoned to CS recently. Following that rezoning, some of the lots remaining within the residential zone had become oddly shaped or nonconforming in their dimensions. He stated this replatting process would correct those deficiencies. Mr. Henry recommended approval of both the preliminary and final plats, subject to posting a \$3,500 bond to ensure removal of one structure no longer conforming to required setbacks.

Mr. Dan Barge, engineer for the petitioner, was present to speak in favor of the request. He stated the subdivision reconsolidated several parcel remnants into usable lots.

Councilman Hart voiced his support for the request.

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

Resolution No. 96-574

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY and FINAL Plan of Subdivision No. 96S-264U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$3,500.00.”**

Subdivision No. 96S-270G (Public Hearing)

Cedar Bluff, Phase 2A
Map 34, Part of Parcel 49
Subarea 4 (1993)
District 3 (Nollner)

A request to create nine lots abutting the east terminus of Apple Valley Road, approximately 325 feet south of Monticello Avenue (2.8 acres), classified within the R10 District, requested by J. S. Earhart Plumbing Company, Inc., owner/developer, Daniels and Associates, Inc., surveyor. (Also requesting final plat approval).

Mr. Henry presented the staff recommendation to approve both the preliminary and final plats of the development as proposed. He stated the roads are nearly complete; however, a \$16,000 bond should be retained to ensure completion of the streets and sewers.

Mr. Larry Powell stated he would be the home builder for this subdivision. He requested the Commission’s approval.

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

Resolution No. 96-575

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY and FINAL Plan of Subdivision No. 96S-270G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$16,000.00.”**

Subdivision No. 96S-273U (Public Hearing)
Stokes Tract, Resubdivision of Lots 8, 9 and a Park
Map 117-2, Parcels 141-143
Subarea 10 (1994)
District 25 (Kleinfelter)

A request to reconfigure three lots abutting the east margin of Wortham Avenue between Springdale Avenue and Oxford Road (1.88 acres), classified within the R10 District, requested by Scott C. and Carrie M. Chambers, owners/developers, H. and H. Land Surveying, Inc., surveyors. (Also requesting final plat approval).

Mr. Henry presented the staff recommendation to approve the preliminary and final plat of this subdivision. He stated the property originally was platted into three lots; however, one lot had access to only an alley. Recently the alley was closed by council. The land owner is now reconfiguring the lots so that all will have street frontage. Staff indicated some question was raised about each lot having an acceptable building envelope. Mr. Henry stated it has been determined that each lot can be built upon.

No one was present to speak on this matter.

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

Resolution No. 96-576

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY and FINAL Plan of Subdivision No. 96S-273U, is granted **APPROVAL.”**

Subdivision No. 96S-278U (Public Hearing)
Riverwood Plantation, Phase 1
Map 73-5, Parcel 140 and Part of Parcel 149
Subarea 5 (1994)
District 8 (Hart)

A request for preliminary approval for 32 lots abutting the southwest corner of Demarius Drive and Riverwood Circle (12.0 acres), classified within the R10 District, requested by Riverwood Plantation Development Company, Inc., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Henry stated the staff finds the application to be incomplete and recommended that the petition be disapproved. Mr. Henry reminded the Commission this property recently was proposed for development under a residential planned unit development. That proposal was defeated in Council.

The petitioner was now presenting a portion of the property for development under the subdivision regulations. In reviewing the plan, staff determined the subdivider should show the plan of subdivision for the entire property, and should indicate how the proposed street network would interconnect with the surrounding, existing street network.

Mr. Henry stated the applicant had brought a new plan to this meeting which is intended to correct some of the deficiencies. However, Mr. Henry stated the staff had not had the opportunity to review the plan and to recommend it to the Commission.

Mr. Bill Lockwood, engineer for the petitioner, was present to speak for the request. He stated the petitioner has not intended to develop the entire parcel into a subdivision. The petitioner intends to subdivide only that portion now being proposed for subdivision, and intends to maintain the remainder of the parcel in one large tract.

Mr. Henry concurred that the subdivision regulations did not require the land owner to subdivide the entire parcel; however, he stated the regulations do empower the Commission to guarantee that a reasonable street pattern can be achieved.

Mr. Browning pointed out that this property is surrounded by a very stable and long-developed subdivision. Staff found it to be especially important that this infill subdivision indicate how it would interrelate with the surrounding subdivision.

Mr. Joe Lackey, attorney for the petitioner, stated the remainder of the property may or may not develop. He suggested any pattern of subdivision for that parcel was meaningless. He acknowledged the Commission could defer for two weeks; however, he expressed the opinion that the Commission could not compel the subdividing of the entire property. He concurred with a deferral to consider a possible subdivision pattern for the entire property.

Councilmember Hart expressed concern that the developer was proposing development over only a portion of the property. He stated the riding academy is no longer there. The land is vacant, grown up and in an abandoned state. He expressed apprehension that the owner intended to keep part of the property vacant.

Ms. Carolyn Breda was present to speak in opposition to the proposal. She recounted the recent history when this property was proposed for a PUD with a large number of units clustered on very small lots. She stated the developer had threatened to develop this subdivision with all duplexes. She stated the proposal does not show what precautions are proposed to deal with safety issues related to the quarry on this property. Ms. Breda asked the Commission to ensure that all rules and regulations be complied with.

Ms. Penny Bolen was present to express concern on behalf of the neighborhood association about this development. She expressed concern about the steep slopes associated with the rock quarry. She asked the Commission to defeat the subdivision.

Mr. Mark Spalding, with Barge, Waggoner, Sumner and Cannon, was present to address the intent of the developer in dealing with the rock quarry. He indicated some grading would be done to remove the sheer drop, and possibly fences or walls would be required.

Mr. Manier asked for clarification if the subdivision regulations required conformance with comparability standards in this subdivision. Staff stated the comparability requirements do not apply in this subdivision, in that new streets are being constructed. However, staff pointed out it is important to ensure the insertion of a new subdivision within a developed environment will be compatible with its surroundings.

Ms. Betty Love was present to speak in opposition to the request. She expressed concern with maintaining the quality of the neighborhood.

Mr. Clifton asked if requiring a more comprehensive plan of development is appropriate in these infill kinds of developments. Mr. Owens stated these infill kinds of subdivisions are rare; however, it is consistent to require a more complete plan.

Ms. Jernigan moved and Mr. Lawson seconded the motion, which passed unanimously, to defer this matter for two weeks and to leave open the public hearing.

Resolution No. 96-577

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Subdivision No. 96S-278U, is **DEFERRED pending submittal of an overall preliminary plan of subdivision for the entire tract.**”

Subdivision No. 96S-269U (Public Hearing)

M. S. Pilkinton Lot
Map 70-4, Parcel 85
Subarea 3 (1992)
District 2 (Black)

A request to subdivide one lot into two lots abutting the southwest corner of West Nocturne Drive and Whites Creek Pike (.98 acre), classified within the R20 District, requested by M. C. Pilkinton, owner/developer, Tommy E. Walker, surveyor.

Mr. Henry presented the staff recommendation to disapprove this proposal. He stated the property is part of a subdivision with very large lots. Dividing this property into two lots would make the new lot have less street frontage than is required by the subdivision regulations. It was also pointed out that dividing the lot would create two lots which would be much smaller than the other lots within the subdivision. Mr. Henry stated the lots across Whites Creek Pike are much smaller. However, they also lie within a different area of land use policy.

Councilmember Vic Varallo was present to speak on behalf of the petitioner. He stated he would suggest deferral of this matter so that he and the petitioner could have further conversation with the Planning staff.

Mr. Lawson moved and Ms. Nielson seconded the motion, which passed unanimously, to close the public hearing and to defer the matter for two weeks.

Resolution No. 96-578

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-269U, is **DEFERRED by request of the applicant to the meeting of August 22, 1996. Public Hearing is closed.**”

Final Plats:

Subdivision No. 95S-247U

Meadow Valley Estates (Re-record)
Map 60-16, Parcels 321-331
Subarea 5 (1994)
District 4 (Majors)

A request designating two of eleven lots for duplex structures abutting the southeast corner of Bullock Avenue and Jones Avenue (3.78 acres), classified within the R10 District, requested by Linder, Sevens, Bodor and Martin, owner/developer, Caldwell Engineering and Surveying, surveyor.

Mr. Henry presented the staff recommendation to approve the petition. He stated the effect of the request was to designate two lots for duplex construction. He stated this met the subdivision requirements.

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

Resolution No. 96-579

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 95S-247U, is granted **APPROVAL**.”

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 and deferred from meeting of 07/25/96).

Mr. Henry advised the Commission it had essentially three options with this subdivision. Since the issue is with the adequacy of the downstream drainage channels accepting water from this addition, the Commission could: (1) permit the developer to effect downstream improvements in the drainage system to enable it to accept the additional water; (2) allow the developer to develop a detention system within his addition to hold runoff to its current level; (3) disapprove the subdivision due to an inadequate drainage system.

Mr. Henry stated the staff was recommending alternative number 2. He stated that repair of downstream drainage problems is not scheduled by Metro government, and it would be difficult for the developer to perform all of the improvements required. While the second alternative is manageable from a cost standpoint, the developer has expressed concern that the detention system would be required for an extended period of time, which would mean he would have one fewer lot to sell for an extended period of time.

Mr. Jim Armstrong, of Public Works, was present to suggest the detention system would be the most appropriate method of controlling drainage on a temporary basis.

Mr. Steve Smith suggested the staff's recommendation for the temporary detention system was the most appropriate way to proceed.

Mr. Bodenhamer voiced concern that the solution should not be too localized but should protect people who are potentially affected downstream with flooding conditions. He suggested the more long term solutions should be addressed within the capital budget.

Mr. Mark Macey of Public Works was present to address the Commission. He pointed out that the drainage problem is caused by alterations to the downstream drainage system where other property owners have filled in drainage ditches or have put in undersized drainage pipes. He stated the long term solution is either to have the developer correct these downstream problems, or to wait for Metro to correct these problems through a future capital effort.

Chairman Smith stated the temporary detention system would require the developer to give up, at least temporarily, one of his developable lots. He asked if Public Works could also estimate the cost to the developer of making corrections to the downstream system which would permit total development of his subdivision.

Mr. Manier stated the criteria for evaluating the drainage systems have inherent weaknesses. He stated the review process should be reevaluated soon to determine what changes in drainage review should be made to prevent these kinds of problems from reoccurring.

Councilmember Clifton concurred by saying councilmembers receive more complaints about drainage than probably any other single issue. He further stated, however, that Metro has failed to dedicate a revenue source for drainage improvements.

Mr. Macey raised the question of whether or not the Planning Commission was setting a precedent by approving this subdivision with a detention system which may prove to be inadequate in the long run. Mr. Owens stated it is common practice to use such detentions systems as a means of controlling water runoff. Therefore, this recommendation is typical of past Metro practices and is not setting any kind of precedent. The Planning Commission relies on Public Works' expertise to determine if the proposed system is adequate.

Mr. Jim Patterson, the developer, was present to speak. He stated he had a letter from Mr. Mark Macey indicating his subdivision meets the stormwater management requirements of Metro. Mr. Patterson stated the storm drainage problems in the area are due to unauthorized alteration of the downstream drainage system by property owners who have filled the ditches or have installed undersized pipes.

Mr. Patterson indicated he had agreed to the local detention system on one of his lots. However, he asked that the Commission indicate during what period of time Metro would correct the drainage problems downstream to enable him to use the last lot in a timely manner. The Commission indicated it could not provide a time frame in which longer term solutions would be implemented.

Mr. Steve Smith moved, and Mr. Harbison seconded the motion, to approve the following resolution:

Upon voting all voted in favor of the motion except for Mr. Lawson who abstained.

Resolution No. 96-580

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-187U, is granted **CONDITIONAL APPROVAL subject to the addition of a note on the plat which reads: Lot #22 is reserved as a temporary stormwater detention basin until redesignated as a buildable lot by the Metropolitan Planning Commission after downstream drainage facilities are improved.”**

Subdivision No. 96S-254U
Bransford Realty Company Subdivision,
Resubdivision of Lots 1 and 2
Map 72-10, Parcels 17 and 353
Subarea 5 (1994)
District 7 (Campbell)

A request to reconfigure two lots abutting the northeast corner of Litton Avenue and Gallatin Pike (.52 acre), classified within the CS District, requested by James L. Warren et al, owners/developers, Land Surveying, Inc., surveyor.

Mr. Henry presented the staff recommendation to disapprove this request. He stated the petitioner was asking to subdivide one lot into two lots in order to place the two businesses on this property on their own separate lots. Mr. Henry stated the two businesses have been in existence for a number of years. However, they now wish to sell one of the businesses to a different owner, which is necessitating placing each on its own lot.

Mr. Henry stated this would create a separate commercial lot with frontage on the side street only, Litton Avenue, and not on the main arterial, Gallatin Road. He pointed out that this action would be in contradiction to the Commission's usual practice of insisting through platting procedures that all commercial properties be oriented to the major arterial.

Mr. Glenn Swift, agent for the owners, was present to speak for the request. He stated the two businesses have operated as separate businesses since 1958. He stated that each business wishes to buy only its portion of the lot.

Mr. Harbison pointed out the staff originally recommended approval. Mr. Henry stated that other issues were taken into consideration later in the review cycle.

Mr. Manier stated this appeared to be similar to a nonconforming use. Staff responded that was true. As such, it would be appropriate to allow the two businesses to continue operating as they do today - on the same property. However, it would be inconsistent with the practice of nonconforming uses to allow the subdivision of this property in a manner inconsistent with the Commission's common practice.

Mr. Harbison stated the solution seems very reasonable. However, Ms. Nielson pointed out that the subdivision may allow future uses to expand and intensify in a manner which would be inconsistent with the Commission's typical practices. Further, staff pointed out that maintaining the property in one lot allows greater potential for redevelopment of the Gallatin Road frontage.

Mr. Manier moved and Mr. Clifton seconded the motion to approve the following resolution:

The motion failed with Steve Smith, Manier, Jernigan and Clifton voting in favor; Lawson, Gilbert Smith, Nielson and Bodenhamer voting against; and Mr. Harbison abstaining. The petition to subdivide therefore was not approved.

Resolution No. 96-581

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-254U, is **DISAPPROVED** since a lot with sole access and orientation to Litton Avenue would be inconsistent with the General Plan policy of orienting commercial activities toward major streets.”

Subdivision No. 96S-271A
Riverside, Phase 2, Lot 85
Map 142-13-A, Parcel 85
Subarea 6 (1990)
District 35 (Lineweaver)

A request to amend the setback line on a lot abutting the southwest corner of Eades Court and Glenridge Drive (.23 acre), classified within the RS30 Residential Planned Unit Development District, requested by Anna L. Letcher, owner/developer, Walter Davidson and Associates, surveyor.

Mr. Henry informed the Commission that this subdivision request is to correct an encroachment into a required setback. He stated that during the sitting of the house on the lot, one corner projected one foot into the required 20 foot front setback. Mr. Henry stated the Department of Codes found the house to be in compliance with the setbacks when foundation inspections were made.

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

Resolution No. 96-582

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-271A, is granted **APPROVAL**.”

Request for Bond Extension:

Subdivision No. 93S-334U

Churchill Subdivision
Churchill Development Corporation, principal

Located abutting the east margin of Brook Hollow, approximately 458 feet south of Jocelyn Hollow Road.

Mr. Henry presented the staff recommendation to approve a revision to final subdivision approval and to adjust the bond amount to permit elimination of sidewalks within this subdivision. Mr. Henry explained that the four lots within the subdivision are all greater than one-half acre in area. Lots of this size are not required by the subdivision regulations to have sidewalks. When the construction plans were submitted, the developer included sidewalks, and the bond to ensure construction of improvements was established accordingly. Mr. Henry stated the developer is now asking that sidewalks be eliminated as a feature on his construction plans. It was pointed out that this subdivision is an infill development, and there are no sidewalks in the surrounding area. Mr. Henry stated the reduced bond should be extended to September 1, 1996.

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

Mr. Lawson left the meeting at this point in the agenda.

Resolution No. 96-583

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 93S-334U, Bond No. 94BD-018, Churchill Subdivision, in the amount of \$25,000 until September 1, 1996, as requested, subject to Public Works approval of revised street construction plans by **September 1, 1996.**"

Commissioner Lawson left at 4:30 p.m., at this point in the agenda.

OTHER BUSINESS:

1. Subarea 6 Plan consideration.

Mr. Browning presented the staff report on the two areas where policy had not been established within the Subarea 6 Plan: the area along River Road northwest of Charlotte Pike; and the area surrounding the terminus of the Natchez Trace Parkway.

Mr. Browning stated the staff was recommending that commercial mixed concentration (CMC) policy should be the predominant policy along Charlotte Pike in this area. However, staff was not recommending extending this commercial policy into the narrow valleys of the rough topography to the northwest, including along River Road. Mr. Browning stated Natural Conservation policy should be applied over the steeper sloped areas and their intervening narrow valleys, because slopes of 12 percent and greater predominate and preclude beneficial use for extensive commercial development.

Mr. Browning pointed out that the narrow valley along River Road was the area still open to question, because there was a rezoning request for CG zoning which would need a heavy commercial policy to support the CG zoning. Mr. Browning reminded the Commission that it had raised the question of the viability of supporting heavy scale commercial development along River Road. The staff's review has shown this portion of subarea 6 has not been one of the more rapidly growing areas, and has not been an area where commercial opportunity has been in short supply. Much of the area has steep slopes, and the general plan encourages protection of these areas from expansive commercial development which would require extensive grading. Finally staff has concluded that most of the development in this area is residential. Given the slow absorption of commercial space in this vicinity, the transition from residential to commercial use would be a slow process, and would create potentially incompatible land uses for extended periods of time.

For these reasons, the staff recommended drawing the commercial mixed concentration (CMC) policy nearer to Charlotte Pike, and not extending beyond the TVA power line to the northwest.

Councilmember Crafton stated he had a community meeting to determine if some arrangement could be worked out to support the requested CG rezoning in the area without opening the general area to heavy commercial development. He stated the residents believe that eventually small businesses will begin occurring in this area. He suggested these businesses could be handled through PUD zoning.

Mr. Browning stated that it is more consistent in policy application to draw Natural Conservation boundaries more generally to include not only the steep slopes but also the intervening valleys. The Natural Conservation policy allows greater intensity of use of the flatter valley areas for residential use.

Mr. Manier stated the opinion that the commercial policy should remain on Charlotte Pike, and pointed out that commercial development along this corridor had been slow over the last several years.

Mr. Bodenhamer moved and Ms. Nielson seconded the motion, which carried, to accept the staff recommendation, with Commissioners Steve Smith, Bodenhamer, Nielson, Manier and Chairman Gilbert Smith voting in favor, and Commissioners Jernigan and Harbison voting no.

Mr. Browning stated the final area still to be considered within Subarea 6 is the area surrounding the terminus of the Natchez Trace Parkway. Mr. Browning stated the area currently is predominantly residentially developed or is vacant. However, there is commercial (CS) zoning in the vicinity, and there is interest in expanding the commercial zoning onto other properties.

Mr. Browning stated the clear preference expressed during the subarea process, and the recommendation sent to the Planning Commission, was to maintain residential policy for this area. However, it was understood throughout the process that those properties currently zoned CS would maintain their right to develop under that zoning so long as the CS zoning remained. The intent was to minimize the amount of commercialization that would occur at this location, at least to relegate commercial development to the areas already zoned CS.

During the subarea planning process, a proposal was made to include the McCabe property in the CS zoning district, which would “square off” the commercially zoned area. The Commission requested the staff to investigate if the opening of the Trace, and the additional traffic it might bring, would warrant additional commercial zoning, and perhaps the need for designating some commercial policy in this area. The second thing the Commission asked to be investigated was whether or not some kind of protective overlay zone would be appropriate, either on the existing commercial zoning or on an expanded commercial area, to protect the historic integrity of the Natchez Trace terminus.

Mr. Browning stated the staff was not recommending imposing commercial policy on this area. Staff’s investigation does not indicate that the potential for commercial growth is great enough to justify the imposition of commercial policy in this area. However, Mr. Browning stated the Commission had at least three alternatives for its consideration:

1. Impose residential policy on the entire area, but recognize the commercial potential on those properties already zoned CS.
2. Impose residential policy on the entire area, but recognize the commercial potential on those properties already zoned CS, as well as an additional parcel (owned by the McCabes) which would “square off” the area zoned for commercial development.
3. Determine that the potential for commercial development is greater and would justify the imposition of commercial policy in some measure at the Trace terminus.

Mr. Browning then advised that under any of the three scenarios, the Commission should decide if commercial development should be subject to design and intensity guidelines which could be imposed by a design, historic or conservation overlay district. If the Commission determined that such an overlay district would be beneficial, Mr. Browning advised that the Commission should include such a statement within the Subarea 6 Plan.

Mr. Harbison stated that any proposal for additional commercial development in this area could be considered as a policy amendment.

Chairman Smith suggested that the Commission consider a statement within the subarea plan which would allow some expansion of commercial opportunity if it were low impact, with intensity and design guidelines attached to ensure size and quality of development. Mr. Harbison concurred with this position.

Mr. Manier cautioned that the land assembly that would be required to accomplish a comprehensive development of all of the commercial property in this area, and would attach the scale and design controls being discussed, would be a difficult assembly. He suggested that any policy statement in the subarea plan should not assume this kind of assemblage and comprehensive development would be accomplished with ease.

Mr. Harbison suggested that the Commission apply residential policy in the area. This policy would allow commercial development of the area currently zoned CS. He further suggested that additional language could be put in the plan which stated the Commission would entertain additional commercial development potential through a plan amendment.

Mr. Clifton suggested that as the Commission is open to additional, low impact commercial uses, which could expand the amount of CS zoning in this area through the amendment process, it would be helpful to have a statement in the plan which would encourage a kind of accompanying design overlay.

Mr. Harbison moved, and Mr. Manier seconded the motion, which passed unanimously, that the existing residential policy remain, with a text statement in the Subarea 6 Plan that the Commission would consider as a plan amendment, possibly including design guidelines, additional commercial opportunity unique to the Natchez Trace Parkway terminus.

**METROPOLITAN PLANNING COMMISSION
OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE**

Resolution No. 96-584

“WHEREAS, the Metropolitan Planning Commission directed staff to conduct open workshop style meetings to provide the community the opportunity to work with the Commission’s staff on the review and updating of the *Subarea 6 Plan* that was adopted on August 16, 1990; and,

WHEREAS, five meetings were held between February 12, 1996 and April 25, 1996 at which community members working in conjunction with the staff of the Metropolitan Planning Commission, did in accordance with county-wide General Plan guidelines, review and update the *Subarea 6 Plan*; and,

WHEREAS, additional efforts were made to obtain public input into the development of this updated plan, including a public hearing before the Metropolitan Planning Commission on July 11, 1996; and,

WHEREAS, the Metropolitan Planning Commission is empowered under state statute and the charter of the Metropolitan Government of Nashville and Davidson County to adopt master or general plans for smaller areas of the county;

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** the *Subarea 6 Plan: 1996 Update* (Subarea Plan) in accordance with sections 11.504 (e), (j), and 18.02 of the charter of the Metropolitan Planning Commission of Nashville and Davidson County as the basis for the Commission's development decisions in that area of the county. The *Subarea 6 Plan: 1996 Update* is also adopted as part of the General Plan.

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 meetings of 07/11/96 and 07/25/96).

Mr. Reid stated that, based upon adoption of Natural Conservation policy for this area, this rezoning is contrary to the Subarea Plan, and should be disapproved by the Commission.

Ms. Nielson, sitting in for Chairman Smith, asked for a motion.

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

Resolution No. 96-585

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-060G is **DISAPPROVED as contrary to the General Plan:**

The Commission recently adopted the update of the Subarea 6 Plan. This property falls within Natural Conservation policy. The CG district will not implement that policy."

2. Report on subdivision bonding procedures. (Deferred from meetings of 06/27/96, 07/11/96 and 07/25/96).

Ms. Nancy Phillips presented a report on the current status of subdivision bonds, indicating what kinds of bonds or other sureties are accepted by the Commission and the status of these.

3. Report from Department of Law on ex parte contact. (Deferred from meetings of 07/11/96 and 07/25/96).

Due to the late hour the Commission deferred action on this matter by consensus.

4. Nations-Urbandale Neighborhood Plan presentation.

Due to the late hour the Commission deferred action on this matter by consensus.

5. Legislative Update.

Ms. Dudley presented a report on actions of the Council at its meeting on August 6, 1996.

PLATS PROCESSED ADMINISTRATIVELY

July 24 through August 7, 1996

95S-329G Alice Tucker Estates
Divides one parcel into tow lots (non-building sites until final PUD plans are approved).

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:15 p.m.

Chairman

Secretary

Minute approval:
This 22nd day of August, 1996