

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: November 14, 1996
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Philip Bredesen
Stephen Smith
Councilmember Stewart Clifton

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

Advance Planning and Research Division:

Cynthia Lehmbeck, Planner III

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Others Present:

Jim Armstrong, Public Works
Leslie Schechter, Legal Department
Sonny West, Codes Administration

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced stated there were two addendum items, 96S-312G and 96S-376G. These are two phases of a PUD called New Hope Point. In addition to adding those two items, caption 96B-214U should be corrected to Council District 25.

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

96B-173U	Indefinite deferral, Requested by Codes Department.
96Z-112U	Two week deferral, Requested by applicant.
312-84-G	Plat deferral, Requested by applicant.
90P-013U	Two week deferral, Requested by applicant.
96P-022U	Deferred until 12/12/96, Requested by applicant.
96S-394G	Two week deferral, Requested by applicant.
96S-396G	Deferred until 12/12/96, Requested by applicant.
96M-124U	Two week deferral, Requested by applicant.

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

APPROVAL OF MINUTES

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which unanimously passed to approve the minutes of the regular meeting of October 31, 1996.

RECOGNITION OF COUNCILMEMBERS

Councilmember Lineweaver stated he would hold his comments until they came up in order in the agenda.

ADOPTION OF CONSENT AGENDA

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

APPEAL CASES:

Appeal Case No. 96B-214U
Map 104-13, Parcel 105
Subarea 10 (1994)

District 18 (Clifton)

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 detached garage within the R8 District on property abutting the west margin of Bowling Avenue (.19 acre), requested by Bernard Landau, appellant/owner.

Resolution No. 96-869

“BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-214U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria.”

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-113G

Map 165, Parcel 34
Subarea 13 (1991)
District 29 (Holloway)

A request to change from AR2a District to R10 District certain property abutting the south margin of Pin Hook Road, approximately 600 feet west of Lavergne-Couchville Pike (2.15 acres), requested by Michael Brinkley, appellant/owner.

Resolution No. 96-870

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-113G is **APPROVED as amended application to R10:**

This property falls within residential “low-medium” density policy (permitting up to 4 dwelling units per acre) in the Subarea 13 Plan. R10 will implement this policy, and will be consistent with surrounding R10 zoning in this general area.”

Zone Change Proposal No. 96Z-115G

Map 86, Parcel 173
Subarea 14 (1996)
District 12 (Ponder)

A request to change from CH District to CS District certain property abutting the southwest quadrant of Old Lebanon Dirt Road and Andrew Jackson Parkway (1 acre), requested by Florent Pilote, appellant/owner.

Resolution No. 96-871

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-115G is **APPROVED:**

This property is currently zoned CH, and is surrounded on all sides by streets. There is a Commercial PUD behind this property which includes an existing auto repair shop, lounge, and art frame shop. This property is also at the intersection of two major streets, Old Lebanon Dirt Road and Andrew Jackson Parkway.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 191-69-G
Priest Lake Center
Map 97, Part of Parcel 112
Subarea 14 (1996)
District 12 (Ponder)

A request to revise the final site development plan of the Commercial (General) Planned Unit Development District (4.51 acres), abutting the southwest quadrant of Old Hickory Boulevard and Mill Road, to permit the development of a 190 foot cellular tower, requested by Sprint Spectrum L.P., Bimol Patel, owner.

Resolution No. 96-872

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 191-69-G is given **CONDITIONAL FINAL APPROVAL**. The following condition applies:

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

Proposal No. 210-73-G
Deloitte and Touche
Map 97, Part of Parcel 120
Subarea 14 (1996)
District 12 (Ponder)

A request to revise the final site development plan for the Commercial (General) Planned Unit Development District, abutting the south margin of Interstate 40, approximately 600 feet east of Old Hickory Boulevard (19 acres), to permit an additional 53 parking spaces and a 25' by 75' modular office trailer for a maximum period of two years, requested by Barge, Waggoner, Sumner and Cannon, for Deloitte and Touche, owner.

Resolution No. 96-873

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 210-73-G is given **CONDITIONAL APPROVAL OF A REVISION TO FINAL**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The temporary approval for the Office Trailer is for a maximum period of two years.”

Proposal No. 28-81-G
Intown Suites at Hickory Hills Village Park
Map 142, Part of Parcel 243
Subarea 6 (1996)
District 23 (Crafton)

A request for final approval for a portion of the Commercial (General) Planned Unit Development District, abutting the west margin of Old Hickory Boulevard, 430 feet north of Belle Forest Circle, to permit the development of a 123 room, three-story hotel, requested by Barge, Waggoner, Sumner and Cannon, for Construction and Development, owner. (Also requesting final plat approval).

Resolution No. 96-874

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-81-G is given **CONDITIONAL FINAL PUD APPROVAL FOR A PHASE, FINAL PLAT APPROVAL SUBJECT TO THE POSTING OF A BOND IN THE AMOUNT OF \$33,000.00.** The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final plat upon the posting of a bond for water and sewer line extensions as required by the Harpeth Valley Utility District.”

Proposal No. 46-83-U
Metropolitan Airport Center
Map 108, Part of Parcel 24
Subarea 14 (1996)
District 14 (Stanley)

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 (5.2 acres), abutting the east margin of Donelson Pike and the south margin of Elm Hill Pike, to permit the final development of a 52,756 square foot office building on Lot 8, requested by Waste Water Engineers, Inc., for Metropolitan Airport Center LTD., owners. (Also requesting final plat approval).

Resolution No. 96-875

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 46-83-U is given **CONDITIONAL APPROVAL TO REVISE THE PRELIMINARY PLAN; CONDITIONAL FINAL APPROVAL FOR LOT 8; CONDITIONAL GRADING APPROVAL FOR LOT 9; FINAL PLAT APPROVAL SUBJECT TO A BOND IN THE AMOUNT OF \$115,500.00.** The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
2. Recording of the final plat and the posting of bonds required for any necessary public improvements prior to the issuance of any building permits.”

Proposal No. 310-84-G
Sprint Spectrum/Bell South Mobility
Map 40, Parcel 30
Subarea 3 (1992)
District 1 (Patton)

A request to revise the final site development plan for the Commercial (General) Planned Unit Development District abutting the north margin of Old Hickory Boulevard and the southwest margin of Interstate 24 (.144 acres), to permit the development of a 185 foot cellular monopole, requested by Bell South Mobility, Inc., applicant/tenant.

Resolution No. 96-876

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

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

Proposal No. 9-87-P
River Plantation, Section XI
Map 142, Part of Parcel 124
Subarea 6 (1996)
District 35 (Lineweaver)

A request for final approval for a phase of the Residential Planned Unit Development District, abutting the south margin of Sawyer Brown Road, approximately 150 feet west of Old Harding Pike (25.48 acres), classified R15, to permit the development of 134 condominium units, requested by Ragan-Smith Associates, Inc., for Haury and Smith Contractors, owner.

Resolution No. 96-877

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 9-87-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. Recording of a final plat as well as the posting of bonds as may be required for any necessary public improvements prior to the issuance of any building permits.”

Proposal No. 64-87-P
Covington Place
Map 52-1, Parcels 309, 310, 327, 328 and 329
Map 52-5, Parcel 182
Subarea 4 (1993)
District 8 (Hart)

A request for final approval for the Residential Planned Unit Development District, classified R10, abutting the east margin of Idlewild and both sides of Rothwood Avenue (3.41 acres), to permit the development of 23 single-family lots, requested by Dale and Associates, for Melvin and Jeff George, owners.

Resolution No. 96-878

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 64-87-P is given **CONDITIONAL FINAL APPROVAL**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a boundary plat.
3. The recording of a final subdivision plat upon the posting of a bond for all road improvements as required by the Metropolitan Department of Public Works, all sewer line extensions as required by the Metropolitan Department of Water Services and all water line extensions as required by the Madison Utility District.”

Proposal No. 93P-010G
Sugar Valley (formerly Carter Valley)
Map 181, Parcel 20 and Part of Parcels 11, 12, 16 and 17
Subarea 12 (1991)
District 31 (Alexander)

A request to revise the approved preliminary master plan for the Residential Planned Unit Development District, approximately 425 feet east of Nolensville Pike and approximately 80 feet north of Culbertson Road (87.6 acres), classified R20, to remove a previously approved right-of-way no longer necessary, requested by Anderson-Delk and Associates, Inc., for Paul E. Johnson, owner.

Resolution No. 96-879

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93P-010G is given **APPROVAL**.

Proposal No. 94P-015G

Waffle House (formerly Arby’s Restaurant)
Map 160, Parcel 56.2
Subarea 12 (1991)
District 32 (Jenkins)

A request to revise the final site development plan for the Commercial (General) Planned Unit Development District, abutting the southwest corner of Franklin Pike Circle and Old Hickory Boulevard (.97 acres), to permit the development of a 1,764 square foot restaurant, requested by Barge, Waggoner, Sumner and Cannon, for Arby's, Inc., owner. (Also requesting final plat approval).

Resolution No. 96-880

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-015G is given **CONDITIONAL FINAL PUD APPROVAL, AND FINAL PLAT APPROVAL SUBJECT TO POSTING A BOND IN THE AMOUNT OF \$23,000.00**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat upon the posting of a bond in the amount of \$23,000.00 for the extension of a water and sewer line as required by the Metropolitan Department of Water Services.”

Proposal No. 95P-030G

Brookside Woods, Phase II (formerly Chase Oaks)
Map 75, Parcels 64 and 65
Subarea 14 (1996)
District 12 (Ponder)

A request for final approval for a phase of the Residential Planned Unit Development District, abutting the northwest corner of Chandler Road and Tulip Grove Road (34.65 acres), classified R15, to permit the development of 93 single-family lots, requested by MEC, Inc., for Larry Powell, owner.

Resolution No. 96-881

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-030G is given **CONDITIONAL FINAL APPROVAL FOR PHASE 2**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat for Phase 2 upon the posting of a bond for all road improvements as required by the Metropolitan Department of Public Works, all sewer line extensions as required by the Metropolitan Department of Water Services and all water line extensions as required by the Cumberland Utility District.”

Proposal No. 96P-007G

The Fountains at Banbury
Map 172, Parcels 16, 99, 106, 107, 108, 110 and Part of
Parcels 109 and 111
Subarea 12 (1991)
District 32 (Jenkins)

A request to amend the approved preliminary master plan for the Residential Planned Unit Development District abutting the north margin of Old Smyrna Road and the west margin of Edmondson Pike (111.78 acres), classified R40, to permit the development of 223 single-family lots, requested by Gresham, Smith and Partners, for The Jones Company, owner.

Resolution No. 96-882

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-007G is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE**. The following condition applies:

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

Proposal No. 96P-018G

Newport
Map 98, Parcels 51.04 and 52
Subarea 14 (1996)
District 12 (Ponder)

A request for preliminary approval for a Residential Planned Unit Development District abutting the west margin of South New Hope Road and the south margin of John Hager Road, classified R15 (9.4 acres), to permit the development of 29 single-family lots, requested by Joe McConnell, owner.

Resolution No. 96-883

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-018G is given **CONDITIONAL PRELIMINARY APPROVAL**. 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. With any request for final approval the recording of a final subdivision plat upon the bonding of all road improvements as required by the Metropolitan Department of Public Works, all sewer line extensions as required by the Metropolitan Department of Water Services and all water line extensions as required by the Cumberland Utility District.
3. The recording of a boundary plat.”

Proposal No. 96P-019U

The Century
Map 107, Parcel 8
Subarea 14 (1996)
District 15 (Dale)

A request to grant preliminary approval for a Commercial (General) Planned Unit Development District, abutting the west margin of McGavock Pike, approximately 40 feet north of Marriott Drive (1.245 acres),

classified R8, to permit the development of a 5-story, 109-unit hotel (54,243 square feet), requested by Heibert and Associates, for Ray Dayal, owner.

Resolution No. 96-884

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-019U is given **CONDITIONAL PRELIMINARY APPROVAL**. The following condition applies:

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

SUBDIVISIONS:

Final Plats:

Subdivision No. 96S-390U
Billy W. Vaughan et al Property
Map 134, Parcel 34
Subarea 13 (1991)
District 27 (Sontany)

A request to subdivide one parcel into three lots abutting the northeast margin of Antioch Pike, approximately 1,135 feet southeast of Space Park South Drive (1.16 acres), classified within the CG District, requested by B. T. Vaughan, owner/developer, Thornton and Associates, surveyor.

Resolution No. 96-885

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-390U, is granted **APPROVAL**.”

Subdivision No. 96S-399U
Cockrill Bend Circle (Right-of-Way
Dedication Extension)
Map 79, Part of Parcel 83
Subarea 7 (1994)
District 22 (Holt)

A request to dedicate right-of-way for the extension of Cockrill Bend Circle located at the north terminus of Cockrill Bend Road, approximately 1,541 feet northwest of Cockrill Bend Boulevard (2.26 acres), classified within the IR District, requested by Metropolitan Port Authority, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 96-886

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-399U, is granted **APPROVAL**.”

Request for Bond Extension:

Subdivision No. 89S-187U

Perimeter Place, Section Six
Larry M. Vaden, principal

Located abutting the north side of Royal Parkway, opposite Perimeter Place Drive.

Resolution No. 96-887

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby grants CONDITIONAL APPROVAL the request for an extension of a performance bond for Subdivision No. 89S-187U, Bond No. 89BD-012, Perimeter Place, Section Six, in the amount of \$7,800.00 covering sewer facilities until 10/1/97, as requested, said approval being contingent upon submittal of a letter by **12/14/96** from National Grange Mutual Insurance Company agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification."**

Request for Bond Release:

Subdivision No. 94P-011U
Brenton Park
Danco Development, Inc., principal

Located abutting the east margin of Cloverland Drive, approximately 315 feet south of Old Hickory Boulevard.

Resolution No. 96-888

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 94P-011U, Bond No. 94BD-090, Brenton Park, in the amount of \$29,000.00, as requested."

Subdivision No. 95S-268U
Forrest Park
Forrest Park Partners, principal

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

Resolution No. 96-889

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 95S-268U, Bond No. 95BD-097, Forrest Park, in the amount of \$19,000.00, as requested."

Subdivision No. 95S-287U
Glendale Park Subdivision, Resubdivision of Lot 2
Brent Sellers Builders, Inc., principal

Located abutting the south margin of Glendale Lane and the northeast margin of Milesdale Drive.

Resolution No. 96-890

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 95S-287U, Bond No. 95BD-102, Glendale Park Subdivision, Resubdivision of Lot 2, in the amount of \$10,000.00, as requested."

MANDATORY REFERRALS:

Proposal No. 96M-127U
Ordinance No. 096-515
Browning Building (MTMHI Campus) Lease
Map 120, Parcel 85
Subarea 13 (1991)
District 27 (Sontany)

An ordinance approving a lease agreement by and between Metro Government, acting by and through the Davidson County Sheriff's Office and the Davidson County Community Corrections, as tenant, and the State of Tennessee, for the lease of premises known as the Browning Building located on the old Middle Tennessee Mental Health Institute Campus.

Resolution No. 96-891

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-127U.

Proposal No. 96M-128G
Ordinance No. 096-516
Lease for Tower Space on Cane Ridge Road
Map 174, Parcel 92
Subarea 12 (1991)
District 31 (Alexander)

An ordinance approving a lease agreement between Metro Government and the United States of America for tower space for a moving target simulator on Cane Ridge Road.

Resolution No. 96-892

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-128G.

Proposal No. 96M-129G
Ordinance No. 096-518
Acceptance of Property from Devon Hills Partners, L.P.
Map 142, Parcel 289
Subarea 6 (1996)
District 35 (Lineweaver)

An ordinance authorizing the acceptance of the donation of certain property to Metro Government for the benefit of the Board of Parks and Recreation.

Resolution No. 96-893

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-129G.

Proposal No. 96M-130U
Sign at 166 Second Avenue North
Map 93-6-2, Parcel 67
Subarea 9 (1991)
District 19 (Sloss)

A mandatory referral from the Department of Public Works proposing the installation of a 3.5' by 14' sign over the public right-of-way in front of 166 Second Avenue North, requested by Scot Miller, Joslin Sign Company, for Laser Quest, Inc., proprietor.

Resolution No. 96-894

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-130U.

Proposal No. 96M-131U
Closure of Alleys 897 and 930
Map 92-11
Subarea 8 (1995)
District 21 (McCallister)

A proposal to close Alley No. 897 from 24th Avenue North to Alley No. 930, and to close Alley No. 930 from Clifton Avenue to Felicia Street, requested by J. K. Lemley for Ashland Oil, Inc., and Nashville Electric Service, adjacent property owners.

Resolution No. 96-895

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-131U.

Proposal No. 96M-132U
Jere Baxter School Sewer Line
Map 61-13, Parcel 72
Map 60-12, Parcel 141
Map 60-16, Parcel 145
Subarea 5 (1994)
District 4 (Majors)

A request by the Department of Water and Sewerage Services for acquisition of land, or an easement thereof, to construct a sewer line for Jere Baxter School. (Project No. 96-SL-100).

Resolution No. 96-896

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-132U.

OTHER BUSINESS:

4. Consideration of an amendment to the capital improvements budget involving several water and sewer projects.
5. Consideration of an amendment to the capital improvements budget for project 96PR501, Greenways - Construct.
7. Consideration of amendments to the capital improvements budget for projects pertaining to the Nashville Thermal Transfer plant.

ADDENDUM:

Subdivision Nos. 96S-312G and 96S-376G

New Hope Point, Phase 1, Sections 1 and 2

Map 98, Part of Parcel 52.1

Subarea 14 (1996)

District 12 (Ponder)

A request to create 26 lots (five lots in Section 1 and 21 lots in Section 2) abutting the southwest corner of Cape Hope Pass and New Hope Road (9.58 acres), classified within the R15 Residential Planned Unit Development District, requested by Regional Developers, LLC, owner/developer, MEC, Inc., surveyor.

Resolution No. 96-897

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-312G and 96S-376G, a request to create 26 lots (five lots in Section 1 and 21 lots in Section 2), located abutting the southwest corner of Cape Hope Pass and New Hope Road (9.58 acres), requested by Regional Developers, LLC, owner/developer, and MEC, Inc., surveyor, is granted **CONDITIONAL APPROVAL subject to posting performance bonds as follows:**

96S-312G (Phase 1, Section 1) - \$189,500.00

96S-376G (Phase 1, Section 2) - \$120,000.00 and the recording of Section 1.”

This concluded the items on the consent agenda.

**PUBLIC HEARING: MAJOR STREET PLAN AMENDMENT FOR JEFFERSON STREET.
(DEFERRED FROM MEETING OF 10/31/96).**

Public Hearing to Amend the Major Street Plan to Change the Designation of Jefferson Street, between Eighth and Twenty-eighth Avenues North, from “U4” to “U2”, deferred from the meeting of 10/31/96.

At its meeting on October 31, the Commission asked the staff to prepare a summary of the “pros and cons” of improving Jefferson Street as a three-lane Urban Arterial, as recommended in the *Jefferson Street Corridor Study*, or as a five-lane facility, as it is currently designated in the *Major Street Plan*. The staff memo on the “pros and cons” was sent to the commissioners last week. Mr. Bill Lewis highlighted the investigation of that question.

- Economic growth is taken into account:

The future traffic volumes produced by the Planning Commission’s MINUTP transportation planning package were chosen by the study team as the most accurate prediction of future traffic conditions. The MINUTP program develops traffic volumes as a function of household population, households, labor force, vehicles and employment. In the Jefferson Street area, it is forecast growth in jobs in the area (employment) that is driving the increase in traffic. A relatively modest amount of growth in population, households, labor force and vehicles is forecast for this developed area.

Growth rates of up to twenty-five percent were used in forecasting the future level of economic activity (as measured by employment) in the Jefferson Street corridor. The staff believes that this forecast of growth is large enough to include reasonable expectations of growth in the area’s existing major employment centers – primarily Fisk University, Tennessee State University and Meharry Medical College with Hubbard/General Hospital – as well as the growth of existing businesses and the arrival of new businesses along Jefferson. However, staff would point out that the three-lane cross-section, with improvements, is shown to be adequate even for this level of growth.

- A wider road is not needed to handle the forecast volumes of traffic:

For this study, existing conditions, historic trends and future conditions were analyzed. The future traffic volumes produced by the MINUTP transportation planning package range from 9,558 vehicles per day in the middle portion of the corridor to 13, 529 vehicles per day in the section just west of Eighth Avenue North. The total increase over the twenty year planning period ranges from just less than 50% to nearly 100%, depending on the segment. A “No Build” analysis of the corridor showed that each of the three study segments would serve traffic at level of service “D” (LOS D) in 2015 if no improvements were made. LOS D is the minimum acceptable level of service in the Nashville area.

In a signalized urban corridor, the more important consideration is the capacity of the signalized intersections. If two roads of equal capacity meet, and no movement of one is allowed unless the other is stopped, then the capacity of the intersection is equal to the capacity of only one of the roads. The effective capacity of each of the roads, if they are carrying roughly equal volumes, is only half as much as it would be with no intersection. In the Jefferson Street Corridor, the level of service at three of the four signalized intersections is predicted to be LOS D or worse in 2015 if no improvements are made. **With the recommended improvements, only one intersection -- at Eighth Avenue North -- is predicted to function at LOS D, and its function is, in fact, significantly improved.** The intersection at Twenty-first Avenue North is predicted to improve to LOS B.

- The impact of the widening on the properties along Jefferson:

The minimum right-of-way for a five lane Urban Arterial roadway is eighty-four feet. The existing right-of-way on Jefferson Street west of Eighth Avenue North varies, generally, from forty-five feet to sixty-eight feet. The two significant exceptions are a seventy-five foot section which includes the plaza-like sidewalk along the north edge of the Fisk campus, and the area which was improved to accommodate the Interstate 40 ramps.

Many of the properties on the north side of Jefferson Street are very shallow for any land use, and particularly so for most commercial uses. Those properties between Dr. D. B. Todd Jr. Boulevard and Seventeenth Avenue North, for example, range in depth from one hundred twenty-five feet down to seventy-two feet. Improving Jefferson Street as a three lane roadway and allowing the construction of structures at the edge of the right-of-way increases the usefulness of these properties. Widening Jefferson Street to the minimum five-lane arterial standard, would impact almost all of the adjoining property. The attached drawing shows the result of such a widening if the new roadway were centered on the existing centerline of Jefferson Street.

In addition, there are historic structures along this portion of Jefferson Street, including several churches. While it is certainly possible to acquire right-of-way from such properties when there is a clear public need, it can be difficult even in those cases. It can be more difficult when the need is less clear.

- Federal regulations

Federal regulations are requiring that major investments to expand streets and highways first show that alternative approaches to accommodating the movement of people and goods have been investigated. Staff believes Jefferson street is a good example of an urban setting where alternative modes are not only feasible but preferable as well.

- Roadway capacity

A five-lane Urban Arterial roadway can carry a significant amount of traffic. On Gallatin Pike through the Madison area, for example, the *Gallatin Pike / Two Mile Parkway / Myatt Drive Corridor Study* shows a projected traffic volume of 35,200 vehicles per day, within an acceptable level of service.

A three-lane Urban Arterial roadway can also carry a significant amount of traffic. Woodmont Boulevard, which is a two-lane roadway with some intersection improvements, has carried more than 16,000 cars per day in several locations in the last few years, and counts in excess of 13,000 cars per day are relatively common on Woodmont.

In favor of the five lane cross-section:

- A wider road is needed to support economic development:

Against the five lane cross-section:

If the Planning Commission votes to amend the *Major Street Plan* to change the designation of Jefferson Street between Eighth Avenue North and Twenty-eighth Avenue North from “U4” to “U2,” it will be acting in concert with other agencies of the Metropolitan Government, including Public Works, MDHA and MTA, as well as with the conclusions of the study team and its Citizens Advisory Committee. New public and private investment in the area, including the half-million dollar (approximately) pedestrian-level lighting now being installed under a contract from MDHA, will have a plan certain to work with, and investment decisions can be made more confidently.

Chairman Smith stated he felt the comparison to Woodmont Boulevard did not match with Jefferson Street. Woodmont Boulevard is a residential road with no businesses.

Mr. Lewis stated he used this comparison because Woodmont is a two lane road and when people want to make a left turn on to a property, it stops the flow in most locations.

Chairman Smith stated Mr. Lewis’ report was well written but if he were going to TSU from 8th Avenue at Metro Center he would go by the way of the interstate and not through Jefferson Street and the area hoping to attract business. It appears you are trying to encourage traffic to get on the interstate and bypass the commercial area. In the next few years, if you want to develop some commercial area there, it will have to be done on the south side of the road with enough depth to allow the cars.

Mr. Lewis stated this is a campus/university area and there is a great deal of pedestrian movement today similar to Vanderbilt and Hillsboro Village. The study shows the traffic will flow through this area very well if the suggested improvements are made, which is consistent with the findings by MTA, Public Works and MDHA.

Mr. Bodenhamer stated he had visited the area and felt the hardship would be to business owners on the south side and that he felt it should be a four lane arterial.

Mr. Kenneth Chrisman, president of Jefferson Street United Merchants Partnership, stated he understood there are a lot of predictions that go into how traffic patterns will develop in the next few years and what the experts anticipate will take place, but it is not fair to the individuals that have weathered the storm of the sidewalk improvement program, the widening of the Jefferson Street Bridge and now the Jefferson Street Corridor Study. For the merchants in the area to basically give away their ability to do commerce by the year 2015 in order to have to reap the benefits that this study is saying will take place. It may be a situation where the Commission is saying traffic is going to be encouraged to go around Jefferson Street. Traffic is already going around Jefferson Street. The people that come on Jefferson Street now come there because they intend to come there. He stated his family business has been on that street since 1949 and are not doing the most business in Nashville but are not in a situation where they are not doing business. It is not justifiable to upgrade Jefferson Street to a five lane arterial because of the amount of economic damage that will take place. It is a situation, as stated earlier by Commissioner Bodenhamer, about the devastation that has taken place because of I-40. Two wrongs cannot make a right, it does not make economic sense. The study says the folks are going to come in to the Meharry-General area, but given the decrease in traffic that will be coming from the closure of Tennessee State via Centennial Boulevard, they are going to be encouraged to come through to Tennessee State via Metro Center Boulevard by virtue of that alone. There

is a great deal of traffic that has been decreased going from west to east Nashville by the closure created by the connecting road going onto Ed Temple Boulevard, so Jefferson Street will be bypassed by that anyway. That was probably taken into account but upgrading Jefferson Street to a five lane arterial will not be a win-win situation. This situation we are looking at, with what is recommended, is the win-win situation for the merchants and probably for the businesses as well, and as a member of JUMP there is no alternative but to actually request the Commission to go with the plan as presented. That is the only way there will be any sustained economic viability, continuous business retention as it stands now. Everyone that is in business on Jefferson Street now that is not setback at least 30 feet or more will be out of business. The businesses that are set back 30 feet now will be devastated by a five lane road because it will take what parking area there is. Business retention is the key. The displacement of the people, as stated by Mr. Lewis earlier, is one of the key criteria as far as implementing these improvements. It would be expedient for the Commission to adopt the plan as presented today.

Mr. Harbison agreed with Mr. Chrisman and stated it was a well balanced approach and could be good for the area.

Mr. Harbison moved and Mr. Bodenhamer seconded the motion, which carried, with Mr. Lawson in opposition, to close the public hearing and approved the following resolution:

Resolution No. 96-898

“BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES an amendment to change the Major Street Plan to change the designation Jefferson Street between Eighth Avenue North and Twenty-eighth Avenue North from a U4 (four lane urban arterial) to a U2 (two lane urban arterial), along with the accompanying right-of-way requirements.”

APPEAL CASES:

Appeal Case No. 96B-213U

Map 104-12, Parcels 286, 287, 306-310, 312, 312.1, 313.1,
313.2, 313.3, 321-336, 352 and 353

Map 104-16, Parcels 311-322, 320.1, 323-328 and 331-341

Map 105-9, Parcels 100, 101 and 443

Subarea 10 (1994)

District 18 (Clifton)

District 17 (Douglas)

A request for a conditional use permit under the provisions of Section 17.124.190 (Intermediate Impact) as required by Section 17.124.030 to reestablish a campus master plan within the RM8 District, on property abutting the south margin of Wedgewood Avenue, the north margin of Ashewood Avenue, the east margin of Belmont Boulevard, and the west margin of 15th Avenue (77 acres), as requested by RM Plan Group, for Belmont University, owner.

Mr. Reid stated the applicant is expanding the master plan approved in 1989 and reconfiguring buildings and parking lots and adding twenty acres of new land between 15th and 12th Avenue South. On part of this new land there are the existing apartments, Colonial Village, which will be converted into student housing, and a vacant piece of property which will be converted into a baseball field, soccer field and tennis courts. Staff feels a portion of the campus plan satisfied the conditional use criteria but the issue remains regarding the proposed recreation fields. The applicant’s conceptual grading plan shows the ball fields approximately thirty feet above 12th Avenue South and the lighting plan does not show the direction of the glare. Staff does not feel they have enough information on the lighting plan to make a judgment on the impact it will have on the surrounding homes. Staff suggests the Commission recommend to the Board of Zoning Appeals that this portion of the site plan be looked at closer at the public hearing. Councilmember

Douglas has also expressed his concerns regarding the impact on the adjacent residential properties. The subarea plan in this general area seeks to conserve the residential properties surrounding the university.

Mr. Al Raby, representing Belmont University, stated the Colonial Village Apartments have already been purchased and upgraded. This direction is the only way for the campus to expand and Councilmember Clifton has been working with the university to internalize parking and look to the exterior of the campus for recreational purposes.

Mr. Jim Douglas, the landscape architect, stated the proposed recreation facilities would include six tennis courts and a soccer field that would be overlaid with a women's softball complex. In the university's planning efforts it has made every attempt to try to fit this project in as carefully as possible to the surrounding neighborhood. They are prepared to place an evergreen buffer, with a six to eight foot height, on the north and south sides of the property. There will be no vehicular access from 12th Avenue. There will be a twenty to thirty percent grade from the sidewalk on 12th Avenue up to the fence for the ball field. All the fields will be lighted with lights that have a shut off aspect on the back side to limit the amount of foot candles that would be cast behind the light. The poles on the two fields would be approximately sixty feet tall to cast the light down onto the field. The tennis court light poles would be approximately thirty feet tall but would not shine into the adjacent neighborhood.

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

Resolution No. 96-899

“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 Commission has determined that the proposed Campus Master Plan is consistent with the adopted Subarea 10 Plan. The Board of Zoning Appeals is advised to evaluate the design of the athletic fields proposed along the west margin of 12th. Avenue South in its review of the master plan. Given the steep topography of this site and its proximity to residential homes, careful attention should be focused on the effect of the proposed grading of the property and lighting of the athletic facilities on the adjacent residential area.”

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-109U
Map 168, Part of Parcel 70
Subarea 6 (1996)
District 35 (Lineweaver)

A request to apply the Bed and Breakfast Overlay District to property abutting the south margin of State Route 100, approximately 400 feet east of and opposite South Harpeth Road (5.01 acres), requested by Donald B. Van Ryen, owner. (Deferred from meeting of 10/31/96).

Mr. Reid stated staff was recommending disapproval because of a procedural issue. The zoning code requires, that before a Bed and Breakfast Overlay District can be applied to a property, that the Historical Commission determine whether the structure on the property is historically significant and the Historical Commission has not made the determination at this point.

Councilmember Vic Lineweaver stated all the neighbors were in favor of this change except for one, but he lived eight to nine miles away. On the historical level, the only reason it is being turned down is because someone, before the Van Ryens, bricked the house. The historical value of the house itself is intact and the barn is also intact. They are just asking for an overlay district to run a three room Bed and Breakfast.

Mr. Harbison asked if the applicant had applied to the Historic Commission for their ruling.

Councilmember Lineweaver stated he had applied and had been before the Commission.

Mr. Donald Van Ryen stated when he and his wife bought this house two years ago they were under the impression it was old enough for a Bed and Breakfast, gave a brief history of the property, and stated they also kept horses for people.

Mr. Harbison stated his question was regarding the Historic Commission ruling.

Mr. Van Ryen stated he had and they were against it because of the brick and that he had a letter to the fact the Historic Commission does not have any objection to this becoming a Bed and Breakfast. This particular law, for Davidson County, was written approximately fifteen years ago for a house in Bellevue and since that time everyone has had to live under this regulation.

Mr. Harbison stated this was a call for the Historic Commission as to whether Mr. Van Ryen would meet the requirements for the historic overlay.

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

Resolution No. 96-900

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-109U is **DISAPPROVED:**

The Zoning Regulations require that application of the Bed and Breakfast overlay district be limited to property which contains a historically significant structure. It has been determined that the house on this property is not a historically significant structure."

Councilmember Lineweaver asked if the Historic Commission's ruling was the only thing this decision was based on.

Mr. Harbison stated yes, based on the fact the Historic Commission had turned the proposal down, that is the reason for the motion for disapproval.

Zone Change Proposal No. 96Z-114U
Map 60-8, Parcels 26 and 27
Subarea 5 (1994)
District 4 (Majors)

A request to change from R10 District to CS District certain property abutting the north margin of Ben Allen Road, approximately 200 feet east of Dickerson Pike (1.06 acres), requested by Yvonne Collier, appellant/owner.

Mr. Reid stated staff was recommending disapproval of this request because it would adversely impact the residential neighborhood. The Commission disapproved this in 1988 for the same reason. The tree row is a good zoning line, and it separates this property from the commercial along Dickerson Pike.

Mr. Bodenhamer asked if this property was commercial at one time.

Mr. Reid stated it was commercial approximately four years ago, but when it went out of business and stayed out of business for over two years it lost its nonconforming status.

Mr. Jerry Collier stated he and his wife had purchased this property in order to relocate their business.

Ms. Yvonne Collier said this property was bought at auction and was advertised as commercial potential. The previous owner, at the auction, said he had operated a mobile home repair business there for thirty years. Commercial price was paid for this property, and it is not an ideal residential location. Most of the surrounding property is rental property and there would be very little traffic caused by the business.

Mr. Collier stated they would not visually change the effect of the property because there is already an existing commercial building and the house would be used as an office.

Chairman Smith explained that the Commission might not be against what they are trying to do, but once the status on the property has been changed, it is changed forever.

Ms. Collier stated that if for some reason she and her husband had to sell this property, the only people that would be interested in it would be someone with a very similar type business.

Mr. Lawson expressed his concern regarding the fact the property had been a commercial operation for a number of years and because of the structures that appear to be on that property, if commercial activity is not allowed to take place, is it developable as residential?

Mr. Owens stated this particular piece of property had a residential on the ground and the metal building is in the far rear corner of the lot. This is not a major commercial structure.

Mr. Lawson asked if there were any other choices available for these individuals to accomplish their business plan without a zone change?

Mr. Owens stated there are none because this is a residential piece of property and has been for years, but Mr. West had just informed him that the property owners have not talked Codes officials regarding the nonconforming protection of this property and suggests a two week deferral to allow time for discussion of options.

Mr. Collier stated he would like a deferral.

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

Zone Change Proposal No. 96Z-116U

Map 171, Parcels 94, 120, 121 and 139

Subarea 12 (1991)

District 32 (Jenkins)

A request to change from R40 District to R20 District certain property abutting the north margin of Cloverland Drive, opposite Cottonport Drive (48.35 acres), requested by Anderson-Delk and Associates, for Radnor Development Corporation, owner.

Proposal No. 96P-021U

Brownstone

Map 171, Parcels 94, 120, 121 and 139

Subarea 12 (1991)

District 32 (Jenkins)

A request to grant preliminary approval for a Residential Planned Unit Development District, abutting the north margin of Cloverland Drive, approximately 1,050 feet west of Edmondson Pike (48.35 acres), classified R40 and proposed for R20, to permit the development of 116 single-family lots, requested by Anderson-Delk and Associates, Inc., for Radnor Development Corporation, owner.

Mr. Reid stated staff recommended approval of the base zone change and the PUD. The R20 base zone implements the residential low medium policy and also fits in with the emerging development pattern in the area of two dwellings per acre. The PUD is for 116 single family lots and is being presented because the applicant is requesting a variance on the cul-de-sac length. It is over the 750 feet maximum and staff is recommending approval of this variance because of the steep topography. It is on a ridge line and there is no other place for this street to go. It cannot connect into any of the surrounding property. There was a traffic study done in conjunction with this PUD and one of the conditions of the study was that a left turn lane be provided on Cloverland drive with 100 feet of storage, which is on the site plan.

Mr. Mike McFadden stated that he understood from Councilmember Jenkins that another traffic study was requested because the study currently used was back in the summertime before school was in session and there is a school on that road. Cloverland Drive is already terribly crowded and difficult to access in the morning and during rush hour.

Mr. Reid stated staff did not have any information regarding a new traffic study being required.

Mr. Owens stated the report staff received from the traffic engineer stated they had accepted the traffic study that was submitted.

Mr. Mike Anderson said there had been a traffic study done less than six weeks ago and submitted along with the plan. Mr. McFadden may be confused about which project is being discussed.

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

Resolution No. 96-901

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-116U is **APPROVED:**

This property is within residential "low-medium" density policy in the Subarea 12 Plan which the R20 District will implement."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-021U is given **CONDITIONAL PRELIMINARY APPROVAL WITH A VARIANCE TO THE SUBDIVISION REGULATIONS FOR THE LENGTH OF A CUL-DE-SAC.** 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. With any request for final approval the recording of a final subdivision plat upon the bonding of all road improvements as required by the Metropolitan Department of Public Works and of all water and sewer line extensions as required by the Metropolitan Department of Water Services.
3. The recording of a boundary plat."

Zone Change Proposal No. 96Z-117U
Map 43-14, Parcels 125, 126 and 127
Subarea 4 (1993)
District 9 (Dillard)

A request to change from OP District to CS District certain property abutting the south margin of Old Hickory Boulevard, approximately 100 feet east of Lanier Drive (.88 acres), requested by ALD Contract Services, appellant/owner.

Mr. Reid stated the applicant owned the property and the property on the corner of Lanier Drive and Old Hickory Boulevard. The subarea plan placed this stretch of property in commercial arterial existing policy. The objective of the subarea plan in this area is to keep retail CS type activity between the two major highways and at major intersections. The existing OP zoning would better accomplish the purpose of serving as a transition to the residential to the south and also allow for office and multifamily development. Therefore, staff is recommending disapproval of this zone change.

Mr. Tony Dunn, applicant/owner, stated he owned both pieces of property and the one on the corner is already CS and the whole line down to Hillcrest is all commercial property. He said his business was commercial and he would never build multifamily units on the property.

Mr. Reid stated all the area to the north is CS zoning and there is a lot of under used CS zoning in the area and staff feels no more should be added.

Chairman Smith asked how the property to the right was zoned?

Mr. Reid stated the entire strip on that side of the road was OP.

Mr. Owens reminded the Commission they had been very consistent over the past years in carrying through with the zoning approach along this corridor.

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

Resolution No. 96-902

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-117U is **DISAPPROVED:**

This property is located within commercial arterial existing policy (which supports retail at major intersections and multi-family and office uses in between major intersections) along Old Hickory Boulevard. This type of commercial policy supports expansion of CS zoning only at major intersections. This property is not at a major intersection. Much of the existing CS zoning to the west is underutilized."

Zone Change Proposal No. 96Z-118U
Map 52-5, Parcels 265-269
Subarea 4 (1993)
District 8 (Hart)

A request to change from R10 District to R6 District certain property abutting the northeast terminus of K. C. Court, approximately 500 feet north of Palestine Avenue (1.35 acres), requested by Lose and Associates, for Knights of Columbus, owner.

Mr. Reid stated this was a residential low density neighborhood to the south. This case falls at the boundary between residential medium high and low policy. There is currently a good zoning line on K. C. Court that separates the high density from the low density residential. There is no R6 zoning in the area and this neighborhood has established lot sizes of 10,000 square feet or greater. Therefore staff is recommending disapproval.

Chairman Smith asked why the separation line was at the front level as opposed to the back of the property.

Mr. Reid stated that when the subarea plan was applied it recognized these existing apartments were already here and placed the high density policy over what was already there.

Chairman Smith stated that on the property across the street from the subject property there is a higher density residential so it has laid undeveloped for several years because it is undesirable for single family but it could be desirable for multifamily, which is across the street.

Mr. David Coode stated the property is currently owned by the Knights of Columbus Mental Retardation Foundation. They have been developing duplex units in this area for individuals who do not need to live in an institution but can live alone with some assistance. The person he is representing would like to develop single family housing and combine five lots and resubdivide the lots into eight single family lots with a minimum of a fifty foot frontage.

Mr. Owens reminded the Commission there was no substitute for having clean definable zoning boundaries such as the one that exists in this area. This is a request for a zone change of R6 which does not exist anywhere in this area and it also pushes beyond the policy envelope.

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

Resolution No. 96-903

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-118U is **DISAPPROVED**:

This property falls along the boundary of residential "low-medium" density policy (permitting up to 4 dwelling units per acre) and residential "medium high" policy in the Subarea 4 Plan. The R6 District will allow slightly over 7 dwelling units per acre, and will not implement residential "low-medium" policy. There is no R6 zoning in this general area. It is important to maintain clear zoning boundaries, which the current boundary accomplishes."

Zone Change Proposal No. 96Z-119U

Map 151, Parcel 16

Subarea 13 (1991)

District 29 (Holloway)

A request to change from AR2a District to R15 District certain property abutting the southeast margin of Hobson Pike, approximately 5,085 feet northeast of Hamilton Church Road (87.82 acres), requested by B & W Development, for Poon Moon Chang, owner.

Mr. Reid stated staff was recommending disapproval of this request, however, the applicant has amended the application to R15 which would implement the residential low-medium policy in this area and would also fit in with the surrounding R15 zoning pattern and now staff is recommending approval.

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

Resolution No. 96-904

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-119U is **APPROVED as an amended application to R15**:

This property falls within residential "low-medium" density policy (permitting up to 4 dwelling units per acre), which the R15 District will implement. The R15 District is consistent with the surrounding zoning pattern in the general area."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 312-84-G
Poplar Creek Estates, Phase V
Map 155, Part of Parcel 203
Subarea 6 (1996)
District 35 (Lineweaver)

A request for final approval for a phase of the Residential Planned Unit Development District, abutting the south margin of Poplar Creek Road, approximately 4,300 feet west of Old Harding Pike (29.87 acres), classified R30, to permit the development of 72 single-family lots, requested by Joseph G. Petrosky Associates, Inc., for Poplar Creek Development Company, owner.

Mr. Delaney stated this proposal would modify the phasing plan of the existing Poplar Creek PUD to permit 72 single-family lots. The preliminary plan proposed to have access through the Allen’s Green PUD with two cul-de-sacs off of that road. One proposed cul-de-sac is approximately 1,000 feet in length, which is in excess of the 750 foot maximum allowed in the subdivision regulations. Due to the topography in the area and to the inability of this ever connecting through, staff is recommending this variance is justified. The proposal is to take a portion of the approved Phase 5 to develop with the request. The topography in the area is such that sewer extension for this portion that is being requested will have to extend from the Allen’s Green Development and the remaining portion of this Phase 5 will have to be serviced by sewer from an adjacent property. Staff is recommending approval of this proposal with a variance to the subdivision regulations in regard to the cul-de-sac length. One of the conditions of approval to this phase will be a \$647.00 per acre contribution to the Poplar Creek Road Improvement Fund.

Councilmember Vic Lineweaver stated he was under the impression the construction traffic would come off of Poplar Creek Road and not through the Allen’s Green.

Mr. Joe Petrosky, owner, stated that was true, the construction traffic would use Poplar Creek Road.

Councilmember Lineweaver asked to add the stipulation the traffic would not come through Poplar Creek Trace and Allen’s Green.

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

Resolution No. 96-905

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 312-84-G is given **CONDITIONAL FINAL PUD APPROVAL FOR PHASE 5A WITH A VARIANCE TO THE SUBDIVISION REGULATIONS FOR THE LENGTH OF A CUL-DE-SAC; FINAL PLAT DEFERRED.** The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat upon the posting of a bond for all road improvements as required by the Metropolitan Department of Public Works, all water and sewer line extensions as required by the Harpeth Valley Utility District.
3. A contribution of \$19,325.89 to the Poplar Creek Road improvement fund, based on 29.87 acres in this application times \$647.00 per acre.
4. All construction traffic for this phase will be required to come directly off Poplar Creek Road, at a location approved by the Metropolitan Traffic Engineer, and not through the Allen’s Green development.”

Proposal No. 93-86-P
The Meadows
Map 141, Parcel 14
Subarea 6 (1996)
District 35 (Lineweaver)

A request to revise the final approved plan of the Residential Planned Unit Development District, abutting the southeast quadrant of Coley Davis Road and Donna McPherson Drive (6.17 acres), classified R10, to permit a 2,682 square foot addition to the existing congregate care facility and to revise an access drive, requested by Ragan-Smith Associates, for The Meadows, owner.

Mr. Delaney stated this proposal is to add a 2,600 square foot addition to the existing nursing home facility. The remaining technical issue is in regard to the removal of the interior access drive. On the plan the existing facility has one entrance to the parking area. There is also a secondary access off of the main drive that runs along the edge of the property and connects to a cul-de-sac street that provides access for ambulances as a drop off and pickup point. The applicant has proposed to close the existing secondary road and add an additional access onto Coley Davis Road to provide access for ambulances only to the back part of the building. The traffic engineer has no issue with the additional access onto Coley Davis Road but would prefer this internal connection be maintained. However, the applicant states the reason they want to get rid of this interior access is because during certain functions the parking lot becomes full and people proceed to park along the cul-de-sac which makes it difficult for ambulances trying to enter or exit.

Chairman Smith asked staff how they felt about the second entrance as opposed to the continuation?

Mr. Delaney stated that neither staff nor the traffic engineer had any issue with the additional entrance onto Coley Davis Road.

Mr. Randy Caldwell stated that with the proper signage it would work and the people who live here are accustomed to where the entrance is.

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

Resolution No. 96-906

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93-86-P is given **APPROVAL**.

Proposal No. 96P-020U
Graylynn
Map 95, Parcel 227
Subarea 14 (1996)
District 15 (Dale)

A request to grant preliminary approval for a Reduced Site Size Residential Planned Unit Development District, abutting the southeast margin of Graylynn Drive, approximately 500 feet north of McGavock Pike (3.86 acres), classified RS10, to permit the development of 14 single-family lots, requested by Heibert and Associates, for Dennis Osborne, owner.

Mr. Delaney stated staff could determine no public benefit as a result of the property being developed as a Planned Unit Development. The applicant has submitted plans detailing 14 lots clustered around a cul-de-sac leaving open space on the edge of the development. The average side of the proposed lots are 7,200 square feet with a minimum lot size of 4,200 square feet. The lots as proposed are being clustered on the steepest part of the site leaving some of the most level area in the open space. Staff has recommended to

the applicant the potential of the property's being developed under the current zoning RS10 as a 10 to 11 lot subdivision. The larger lots would better facilitate and be more flexible in locating the houses due to the steep topography, therefore, staff is recommending disapproval.

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

Resolution No. 96-907

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-020U is given **DISAPPROVAL:**

The Commission determined that the small cluster-lots proposed by the PUD were not appropriate on this steeply sloping property.”

Proposal No. 96P-023G
Mansker Meadows
Map 26-16, Parcel 1
Subarea 4 (1993)
District 10 (Garrett)

A request for preliminary approval for a Residential Planned Unit Development District abutting the western terminus of Mansker Drive, 600 feet south of Gallatin Pike, classified R20, to permit a 257 single-family lot development (87 acres), requested by Littlejohn Engineering Associates, for Davest Associates L.P., owners.

Mr. Delaney stated the plan as proposed has only one access point off of Gallatin Pike and does not take advantage of any of the five existing stubbed out streets into the property. The applicant has stated that due to neighborhood opposition to through traffic they would like to gain all access off of Gallatin Pike. Both Planning staff and the Traffic Engineer recommend that some connection to the five streets which stub into this property be connected. As currently designed, this is one large dead-end cul-de-sac street system, a violation of the Subdivision Regulations.

The Traffic Impact Study submitted by the applicant, based on one point of access off of Gallatin Pike, states the need for a traffic signal at this new intersection.

Staff and Traffic and Parking feel that only one access to this development is a circulation problem and could pose a safety concern if this entrance were blocked. Also, if additional connections are made the traffic signal at the new entrance on Gallatin Pike would no longer be warranted. There are a number of traffic signals proposed or located along Gallatin Pike in this area and staff and Traffic and Parking do not recommend an additional traffic signal at this proposed location.

The applicant cites neighborhood opposition to cut-through traffic that would occur as a result of road connections through this development. Staff feels that additional connections could be provided in a manner which would be indirect in nature and would not foster cut-through traffic. Due to the ingress and egress plans and the long dead-end cul-de-sac street in violation of the Subdivision Regulations staff recommends disapproval.

Councilmember Tim Garrett and Mr. John Sturdivant spoke in favor of the proposal and explained the opposition from the surrounding neighborhood due to cut through traffic.

Chairman Smith asked, for better circulation and safety, if this subdivision could be combined with the subdivision to the north?

Mr. Sturdivant stated that would create traffic jams and cause cut-through traffic for the adjoining subdivision.

Chairman Smith stated he was trying to find some grounds to tie into the adjoining subdivision and not to deviate from what has been done all over the city because everyone wants their own little cul-de-sac.

Councilmember Garrett stated this one area was different because of the county line on one side, the Cumberland River is on one side and Manskers Creek is on the other side.

Mr. Tom White, representing the applicant, also spoke in favor of the proposal.

Mr. Bodenhamer stated he keeps hearing more and more people coming in with these type plans where they are trying to direct the flow of traffic in their community. That is not fair to the tax payers because everyone cuts through someone's neighborhood at some point in time for some reason. This proposal would be bottling the property owners with only one way in and one way out.

Mr. Lawson stated he felt this proposal was poor planning because there needs to be more than one entrance and one exit.

Mr. Manier said he understood the concern about Two Mile Pike cutting through, but that he agreed with Chairman Smith's suggestion to connect with the adjacent subdivision.

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

Resolution No. 96-908

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-023G is given **DISAPPROVAL:**

The Commission recommended disapproval based on the lack of interconnection of this development with any of the five streets which stub out into this property. Both the Commission and the Traffic Engineer have determined that the general welfare of the future inhabitants of this residential development would not be served by limiting access to a single point along Gallatin Pike. At a minimum, street connections should be made with the existing residential development to the north.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 96S-368U

Patricia Heights, Resubdivision of Lot 18, Section 1
Map 107-13, Parcel 5
Subarea 13 (1991)
District 13 (French)

A request to subdivide one lot into two lots abutting the northeast corner of Harold Drive and Patricia Drive (.97 acres), classified within the R10 District, requested by Charlotte Lambert, owner/developer, Daniels and Associates, Inc., surveyor. (Deferred from meeting of 10/31/96).

Mr. Henry stated staff was recommending disapproval of the subdivision because the lot being created does not meet the comparability test in the Subdivision Regulations. The proposal is for the front portion of the property to be subdivided along the driveway and a new house built. The houses on this street area setback from Patricia Drive and the minimum setback for this structure would be 40 feet and would sit in front of

other homes which exist on Patricia Drive. The lot being requested is only .40 acres. The average lot size in this area is .73 acres. In order to be comparable, the lots have to be at least .55 acres which is the 75%. There is only one lot in the area that is .42 acres in size.

Mr. Greg Daniels, representing the owner, stated the lot does meet the comparability test. There are two lots in this original subdivision that have been subdivided, lot number 7 and lot number 17. Lot number 17 is the corner lot across the street and it is the .42 lot. The precedent has been set concerning the subdivision of the larger tracts. The large lots were originally created because there was no sewer availability. Ms. Lambert has obtained 32 signatures on a petition from the neighbors stating they have no problems with the subdivision. Councilmember French also said he had no problem with the subdivision.

Ms. Sandra Baxter, daughter of the applicant, stated her mother would be willing to put in deed restrictions that say it must be a single family dwelling and that she was getting older and could not keep up the large lot.

Mr. Harbison stated he understood why the applicant wanted to subdivide this property but if it does not meet the Subdivision Regulations there is no choice but to disapprove.

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

Resolution No. 96-909

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-368U, is **DISAPPROVED since the proposed lot area does not satisfy the lot resubdivision comparability test by comparing the average lot size for previously subdivided and developed properties surrounding this site (Subdivision Regulation 2-4.7).”**

Subdivision No. 96S-391A

Woodland Forest, Lot 8
Map 114-14-A, Parcel 8
Subarea 6 (1996)
District 23 (Crafton)

A request to amend the rear setback line from 20 feet to 14 feet on a lot abutting the west margin of Woodland Way, approximately 515 feet north of Dogwood Trail (.21 acres), classified within the R15 Residential Planned Unit Development District, requested by Linda Pharis, owner/developer.

Mr. Henry stated this subdivision property was an empty lot and is larger than any other lots along the street. The proposal is to reduce the rear set back so a deeper house can be built. The lot is just under 10,000 square feet. Staff recommends disapproval based on the fact that when the subdivision was approved there was a well established setback for the entire subdivision and that is why granting a variance in this case is not justified.

Ms. Linda Pharis stated that when she drew her house plans she did not take into consideration at the time the setback of the houses on each side, but that she could build the house she wanted to by pulling the house forward on the lot.

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

Resolution No. 96-910

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-391A, **DISAPPROVED since Lot 8 is 130’ deep and has a building envelope depth of 90 feet. The**

Commission could find no extraordinary hardship or practical difficulty in placing a residence on this lot as recorded.”

Subdivision No. 96S-404G

Fox Hollow Farms, Lots 1, 3, 6, 10-12, 21 and 24

Map 177, Parcels 10, 11, 13, 21, 22 and 29

Map 178, Parcels 72 and 73

Subarea 6 (1996)

District 35 (Lineweaver)

A request to record eight parcels as eight lots and the private street easement abutting the west margin of State Route 96, opposite Old Harding Pike (46.23 acres), classified within the AR2a District, requested by Highway 96 Partners, Ltd. et al, owners/developers, Crawford Land Surveyors, surveyor.

Mr. Henry stated the Commission may recall this subdivision coming before them in November 1995, where 24 lots were approved on preliminary. This plan is back on final for 8 of those lots and six of the 8 have houses existing on them. This also involves the recording of the private easement and staff recommends approval.

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

Resolution No. 96-911

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-404G, is granted **APPROVAL.**”

OTHER BUSINESS:

1. A request by Councilmember Vic Lineweaver to reconsider the requirement of sidewalks in the East Colonies at Riverbend Subdivision.

Chairman Smith stated to Councilmember Vic Lineweaver that at the last meeting he was told subdivision regulations were a Councilmanic matter which was an error and they are the final authority of the Planning Commission. At that time you asked if you could come and represent the sidewalk issue.

Councilmember Lineweaver stated in the subject area the streets are 33 feet wide and the homeowners were informed that since these larger roads were being built that the sidewalks would not be built. He asked the Commission for a rehearing because the size of the roads are larger than normal and the neighbors do not want the sidewalks.

Chairman Smith stated in order for this to be reheard the Commission would have to agree to rehear in two weeks. Chairman Smith asked Mr. Henry to recap the standard practice for this type of problem.

Mr. Henry stated that to date the Commission has not waived the requirements for sidewalks in any subdivision since the Subdivision Regulations requiring sidewalks were adopted in 1991. This particular subdivision, East Colonies at Riverbend, was approved on June 6, 1991, with the expressed requirements on the PUD condition letter that public sidewalks as referenced on the final site development plans be constructed for Willow Oak Drive, East Colony Drive and West Colony Drive. Sidewalk construction has been a part of the construction plans for this subdivision since 1991 and is covered by the performance bond.

Chairman Smith asked if the sidewalks were physically located in the right-of-way?

Mr. Henry stated they were in the right-of-way.

Ms. Nielson asked Mr. Henry if the 33 foot curb to curb roadway was on the original PUD plan?

Mr. Henry showed a construction detail with a 50 foot right-of-way and a 33 foot wide curb to curb street. That is the old standard which this Commission allowed this particular developer to build in 1993. There was never a waiver granted for sidewalk installation. The plans show sidewalk installation on both sides of the streets.

Councilmember Lineweaver asked what the normal size of subdivision streets?

Mr. Henry stated they had a fifty foot right-of-way.

Councilmember Lineweaver said to forget the right-of-way. It should be 27 feet of pavement.

Ms. Nielson stated that was now, but 33 feet were approved on the plan.

Councilmember Lineweaver stated that this is why he mentioned this because the residents were told that because the street was so wide there would be no sidewalks.

Chairman Smith asked if any of this subdivision predated the sidewalk recommendation requirements.

Mr. Henry stated that was correct.

Mr. Harbison mentioned the Council had created a new task force on traffic and pedestrian safety and there are lots of places in town that would like to retrofit sidewalks into their neighborhood and that he could not imagine backtracking from that.

Mr. Vince Troyer and Ms. Libby Dalton, residents of the East Colonies Subdivision, spoke in opposition to the sidewalks.

Chairman Smith asked if there was a motion to rehear?

No one made a motion.

Mr. Bodenhamer stated this was the second time the had heard about these sidewalks and questioned whether not the developers were using this as a marketing plan or what the problem could be.

Mr. Lawson stated it could be developers not wanting to put in sidewalks and using the residents to try and persuade the Commission not to enforce the sidewalks.

Chairman Smith stated hearing no motion to rehear the Commission would move on to the next matter.

2. First Quarter FY 1997 Work Program/Budget Status Report.

Mr. Browning stated all of the Work Program items are on schedule with the exception of the GIS/LIS development which is slightly behind schedule as is explained in the memorandum. In spite of the short supply of staff in several areas, we have been able to maintain the Work Program other than in that area.

Chairman Smith asked Mr. Browning how he was managing the Advance Planning Section?

Mr. Browning stated that in terms of organization and structure, without a division manager, he was working more directly with the two section heads. There is a shortage of staff particularly in the transportation area, so it is pushing all staff to get the work done but the job has been advertised.

3. Decide the level of citizen participation to be used in updating the Subarea 9 Plan.

Subarea 9- Level of Citizen Participation

Mr. Chris Hall gave a brief presentation summarizing the reasons for staff's recommendation for the use of level three citizen participation in the Subarea 9/Center City update. He noted that various private groups and public agencies have produced planning and development initiatives that reflect a growing community interest in the future of downtown Nashville and that new initiatives are expected as an outcome of this update. The planning process will need to "tie these different efforts together." He also added that the Planning Commission has received a letter from MDHA stating their support for level three. Furthermore, the land use policy element of the original Subarea 9/Center City plan was prepared differently from other subarea plans. In the update, the land use policy plan needs to be restructured with language and guidelines for application that are consistent with the other subarea plans. This effort will be a large undertaking that affects the whole subarea. Staff concludes that the need to "tie these various planning efforts together" and to restructure the land use policy element of the original plan represent major changes which need to be addressed with level three rather than level two citizen participation.

Chairman Smith asked Mr. Hall if the Downtown Partnership was from the Chamber of Commerce?

Mr. Hall stated they were a part of the Chamber of Commerce, and there are various subcommittees within the Downtown Partnership that are working on different issues downtown such as traffic, physical improvements and urban design issues.

Chairman Smith stated since they had a committee--the Chamber itself has a committee that has followed what the Commission has done so carefully--would it not be smart to specify some come from the Chamber and some come from the Downtown Partnership?

Ms. Judy Steel, with MDHA, stated the Partnership had its beginning under the Chamber and the Partnership is made up primarily of Chamber members but their emphasis is on downtown as opposed to the whole region.

Chairman Smith stated Pat Emery's group gave the Commission a lot of input particularly on downtown, FARs, and plaza bonuses and would hate to sidestep that group.

Ms. Steel stated she could add them as another category but that she believed Pat Emery is a member of the Partnership.

Chairman Smith stated his point was the Chamber itself was not listed on the CAC committee list and would like to have them added along with the American Institute for Architects.

Mr. Harbison stated that if he remembered correctly, in other subareas, the Commission had not so much pitched the level of review based on interest from various groups as they had on change from the original subarea plan.

Mr. Jerry Fawcett stated the peculiar thing about this subarea is that there are two plans. There is a plan for the Center City Update, which is more of an implementation and detail, and there is a need to have more of a committee like structure than in other subareas.

Mr. Harbison stated that keyed off the fact that the Commission is projecting there may be enough differences from what was done originally.

Mr. Fawcett stated yes and that was due to the fact that in the implementation part of this there will be a new set of initiatives that all have to work together, and they will be spread out over a lot of this subarea.

Mr. Harbison moved and Ms. Jernigan seconded the motion, which carried unanimously, to approve the citizen participation of level 3 because of major changes in the subarea and the inclusion of the Center City Plan Update.

6. Legislative Update.

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

PLATS PROCESSED ADMINISTRATIVELY:

- 95S-353G Anna Rebecca Estates, Second Revision
Revision to approved septic tank area

- 96S-241G New Hope Point
PUD Boundary Plat

- 96S-389U Bell Crest, Section 2, Resubdivision of Lots 16 and 17
Minor shift of interior line between two platted lots

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:30 p.m.

Chairman

Secretary

Minute approval:
This 27th day of November, 1996