

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: January 9, 1997
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

Also Present:

Executive Office:

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

Current Planning and Design:

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

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Chris Hall, Planner I
Jennifer Uken, Planner I

Advance Planning and Research Division:

Maxie Starks, Planning Technician II

Others Present:

Jim Armstrong, Public Works

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced Subdivision No. 97S-014U had been withdrawn, Appeal Case No. 96B-246U should also reference part of parcel 334, Proposal No. 74-79-G should read as a square footage of 66,200 and 95P-013G should be 95P-31G.

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

Mr. Lawson stated that during the Christmas Holidays his father had passed away and thanked the planning staff and fellow Commissioners for their expressions of sympathy to him and his family.

ANNOUNCEMENT OF DEFERRED ITEMS

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

- 107-81-G Two week deferral, requested by applicant.
- 97P-002G Indefinite deferral, requested by applicant.
- 97S-008A Two week deferral, requested by applicant.

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

APPROVAL OF MINUTES

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of December 12, 1996.

RECOGNITION OF COUNCILMEMBERS

Councilmember Melvin Black spoke in favor of proposal No. 97Z-006U and 97M-009U. Since American Roofing owns the property extending from Lane Drive, he asked the Commission to consider approval. Only a small portion of the requested zone change property will be used for additional building. Ninety percent of the area will be used for employee parking only. As for the closure of Rowan Drive, he stated it would be a preferred intersection with Whites Creek Pike if Knight Road were built to intersect Whites Creek Pike at the same location. However, that is not the case. Therefore, Mr. Black stated his support for the street closure as well.

Councilmember Eileen Beehan spoke in favor of mandatory referral No. 97M-010U.

Councilmember Bruce Stanley urged the Commission to look closely at the land fill Appeal Case No. 96B0244U because it is located in a flood plain and along Stones River there are 1,100 acres of undeveloped agricultural property.

ADOPTION OF CONSENT AGENDA

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

APPEAL CASES:

Appeal Case No. 96B-242U
Map 125, Parcel 6
Subarea 6 (1996)
District 23 (Crafton)

A request for a conditional use permit under the provisions of Section 17.124.190 (Extensive Impact) as required by 17.124.010 to use the existing buildings and construct a 144 square foot shed for a camp/retreat facility in the AR2a District, on property abutting the south margin of the L & N Railroad, abutting the west margin of the Harpeth River (40.91 acres), requested by Harmony Landing, appellant/owner.

Resolution No. 97-1

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-242U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 97Z-012U
Map 161-12, Parcel 3
Subarea 12 (1991)
District 31 (Alexander)

A request to change from R10 District to CS District certain property abutting the south margin of Ash Grove Drive and the east margin of Nolensville Pike (.61 acres), requested by Jesse Bolden, appellant/owner.

Resolution No. 97-2

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-012U is **APPROVED**:

This property falls within Retail Concentration Community policy along this stretch of Nolensville Pike in the proposed update of the Subarea 12 Plan. The CS District will implement this commercial policy, and will line up with the CS boundary across Ash Grove Lane to fill out the commercial zoning pattern in this area."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 95P-004G
Alan Estates
Map 75, Parcels 48 and 49
Map 75-14, Parcels 76 and 77
Map 75-15, Parcels 1 and 2
Subarea 14 (1996)
District 12 (Ponder)

A request to revise a portion of the final plan for the Residential Planned Unit Development District abutting the south margin of Tyler Drive between Eva Drive and Andrew Jackson Parkway (3.54 acres), classified R10, to permit the development of a 43-unit complex, including eight townhomes, 32 apartment

units and three duplex units, requested by Barge, Waggoner, Sumner and Cannon, Inc., for A. H. Johnson Company, L.P., owner.

Resolution No. 97-3

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

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
2. Abandonment of the sewer easement prior to issuance of building permits for any buildings which may overlay the easement.”

Proposal No. 97P-003U

Cloverland Ridge
Map 172, Parcel 3
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 900 feet west of Edmondson Pike (28 acres), classified R40 and proposed for R20, to permit the development of 75 single-family lots, requested by Bledsoe Engineering Company, for Advantage Builders, owner.

Resolution No. 97-4

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-003U 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. Approval of this Planned Unit Development is contingent upon the approval by the Metropolitan Council of Bill Number 096-488, a change in zoning from R40 to RS20 for this property.
3. Upon the recording of a final subdivision plat the bonding of all road improvement as required by the Metropolitan Department of Public Works, including a turn lane in Cloverland Drive, and all water and sewer line extensions as required by the Metropolitan Department of Water Services.
4. The recording of a boundary plat prior to the first phase of development.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 96S-217G

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

A request to create 18 lots abutting the southeast margin of Union Hill Road, approximately 3,330 feet southwest of Greer Road (82.92 acres), classified within the AR2a District, requested by Saddleback Properties, Inc., owner/developer, Walter Davidson and Associates, surveyor. (Deferred indefinitely from meeting of 08/22/96).

Resolution No. 97-5

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 96S-217G, is granted **APPROVAL.**”

Subdivision No. 96S-323U
Kenmore Place, Resubdivision of Lots 64-66
Map 72-7, Parcels 142-144
Subarea 5 (1994)
District 8 (Hart)

A request to subdivide three lots into four lots abutting the south margin of Kenmore Place, approximately 300 feet west of Oxford Street (1.77 acres), classified within the R8 District, requested by Clarence J. and Sara F. McKenney, owners/developers, Marty Cantrell, surveyor.

Resolution No. 97-6

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 96S-323U, is granted **APPROVAL.**”

Subdivision No. 96S-346U
Hobbs Heights, Second Revision
(PUD Boundary and Subdivision Plat)
Map 107, Parcels 76 and 77
Subarea 13 (1991)
District 13 (French)

A request to subdivide two lots into four lots abutting the northeast margin of Dabbs Avenue, opposite Dabbs Court (12.03 acres), classified within the R10 Commercial Planned Unit Development District, requested by Inns of Nashville, Inc., and Rodgers Properties, Inc., owners/developers, Dale and Associates, surveyor.

Resolution No. 97-7

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 96S-346U is granted **APPROVAL.**”

Subdivision No. 96S-400U
Post Hillsboro Village
Map 104-11, Parcel 356
Map 104-12, Parcel 73
Subarea 10 (1994)
District 18 (Clifton)

A request to combine three lots into one lot and establish a Residential Planned Unit Development boundary line abutting the south margin of Portland Avenue, between 21st Avenue South and Calhoun Avenue (5.47 acres), classified within the OP and RM6 Residential Planned Unit Development District, requested by Post Apartment Homes, L.P., owner/developer, Littlejohn Engineering Associates, Inc., surveyor. (Deferred from meeting of 12/12/96).

Resolution No. 97-8

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 96S-400U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$125,000.00.”**

Subdivision No. 96S-401G
Poplar Creek Estates, Phase 5, Section A
Map 155, Part of Parcel 203
Subarea 6 (1996)
District 35 (Lineweaver)

A request to create 32 lots abutting the south margin of Poplar Creek Road and both margins of Cold Stream Place (16.52 acres), classified within the RS30 Residential Planned Unit Development District, requested by Poplar Creek Development Company, optionee/developer, Joseph G. Petrosky Associates, Inc., surveyor. (Deferred from meetings of 11/14/96, 11/27/96 and 12/12/96).

Resolution No. 97-9

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 96S-401G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$370,000.00.”**

Subdivision No. 97S-005U
Brookewood, Phase 1
Map 91-5, Parcels 216 and 134
Subarea 7 (1994)
District 22 (Holt)

A request to create four lots abutting the east margin of Nashua Lane, approximately 118 feet south of Nashua Avenue (.75 acres), classified within the R6 District, requested by Rehab-It, LLC, owner/developer, C. Michael Moran, surveyor.

Resolution No. 97-10

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-005U, is granted **APPROVAL.”**

Subdivision No. 97S-012G
Stone Creek Park, Section 1A
Map 180, Parcels 39, 101 and Part of Parcel 5
Subarea 12 (1991)
District 31 (Alexander)

A request to create eight lots abutting the west margin of Redmond Lane, opposite Redmond Court (2.83 acres), classified within the R20 Residential Planned Unit Development District, requested by Gillespie Land Development, LLC, owner/developer, Anderson-Delk and Associates, surveyor.

Resolution No. 97-11

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-012G, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of **\$172,250.00.”**

Subdivision No. 97S-016U
Century City West, Resubdivision
Map 95, Parcels 30 and 31
Map 95-15, Parcels 24, 25 and 27-33
Map 107-3, Parcels 11 and 12
Subarea 14 (1996)
District 15 (Dale)

A request to consolidate 11 lots into two lots abutting the southwest corner of Old Elm Pike and McGavock Pike (37.66 acres), classified within the OP and R8 Commercial Planned Unit Development Districts, requested by Shorestein Realty Investors Two, L.P., owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 97-12

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-016U, is granted **APPROVAL.**”

Subdivision No. 97S-017U
Shields Subdivision of Boyd Cockrill Spring Tract,
Resubdivision of Lots 4-6, 10-13, Part of 7-9 and 52
Map 104-3, Parcel 66
Subarea 10 (1994)
District 18 (Clifton)

A request to consolidate eleven lots into two lots abutting the southeast margin of West End Avenue and the northwest margin of Natchez Trace (2.77 acres), classified within the CS District, requested by Edwin B. Raskin, trustee, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 97-13

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-017U, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of **\$10,500.00.”**

Subdivision No. 97S-018G
Dunaway Woods, Section 1, Resubdivision of Lots 6 and 7
Map 128-9, Parcels 68 and 69
Map 128, Part of Parcel 11
Subarea 6 (1990)
District 23 (Crafton)

A request to subdivide three lots into two lots abutting the southeast corner of Indian Springs Drive and Dunaway Drive (2.09 acres), classified within the R40 District, requested by Larry D. and Jo Ann Jones, and Charles L. and Nancy D. Adams, owners/developers, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 97-14

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-018G, is granted **CONDITIONAL APPROVAL subject to removing an existing accessory structure (which would violate a minimum setback) or the posting of a performance bond in the amount of \$5,000.00 for its demolition.**”

Subdivision No. 97S-020U

Pritchett Land at Providence, Resubdivision of Lots 30-32
Map 147-7, Parcels 196-198
Subarea 12 (1991)
District 26 (Arriola)

A request to consolidate three lots into two lots abutting the south margin of Alice Avenue, approximately 663 feet east of Nolensville Pike (.29 acres), classified within the R6 District, requested by Lake Providence Missionary Baptist Church, owner/developer, Dale and Associates, Inc., surveyor.

Resolution No. 97-15

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-020U is granted **APPROVAL.**”

Request for Bond Extension:

Subdivision No. 95S-247U

Meadow Valley Estates
Wayne Stevens, principal

Located abutting the southeast corner of Bullock Avenue and Jones Avenue.

Resolution No. 97-16

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 95S-247U, Bond No. 95BD-086, Meadow Valley Estates, in the amount of \$5,000 until April 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **January 15, 1997** and extending the expiration date to October 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Request for Bond Release:

Subdivision No. 151-82-G

Somerset Farms, Section Three
Somerset Farms, Joint Venture, principal

Located abutting the east terminus of Somerset Farms Circle, approximately 77 feet east of Somerset Farms Road.

Resolution No. 97-17

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 151-82-G, Bond No. 94BD-010, Somerset Farm, Section Three in the amount of \$50,000, as requested."

Subdivision No. 85-735-U
Metro Airport Center, Section Four, Phase Four
Metropolitan Airport Center, Ltd., principal

Located abutting the southwest side of Elm Hill Pike, east of Donelson Pike.

Resolution No. 97-18

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 85-735-U, Bond No. 86BD-001, Metro Airport Center, Section Four, Phase Four, in the amount of \$5,000, as requested."

Subdivision No. 78-87-P
Fredericksburg, Section Four
Radnor Homes, Inc., principal

Located abutting the south margin of Fredericksburg Way and both margins of Potomac Lane.

Resolution No. 97-19

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 78-87-P, Bond No. 94BD-042, Fredericksburg, Section Four, in the amount of \$15,000, as requested."

Subdivision No. 89-87-P
Chateau Valley, Phase One
Chateau Associates, Ltd., principal

Located abutting the east terminus of Stokers Lane.

Resolution No. 97-20

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 89-87-P, Bond No. 89BD-002, Chateau Valley, Phase One, in the amount of \$30,000, as requested."

Subdivision No. 88S-028G
Creek Trail
Dr. Khushru H. Frenchman, principal

Located abutting the west side of Brick Church Pike, approximately 441 feet south of Old Hickory Boulevard.

Resolution No. 97-21

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 88S-028G, Bond No. 88BD-005, Creek Trail, in the amount of \$54,825, as requested."

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

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

Resolution No. 97-22

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 93P-016G, Bond No. 94BD-059, Traceside, Section One, in the amount of \$200,000, as requested."

Subdivision No. 93S-305G
Andrew Jackson Business Park, Phase One
B. B. Doubleday, Jr., principal

Located abutting the west margin of Andrew Jackson Parkway, approximately 740 feet north of Lebanon Pike.

Resolution No. 97-23

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 93S-305G, Bond No. 95BD-029, Andrew Jackson Business Park, Phase One, in the amount of \$24,000, as requested."

MANDATORY REFERRALS:

Proposal No. 96M-143G
Old Harding Pike/Reasonover View Road
Name Change
Map 169
Subarea 6 (1996)
District 35 (Lineweaver)

A mandatory referral from the Department of Public Works proposing to change the name of Old Harding Pike between Lewis Road and State Route 100 to "Reasonover View Road."

Resolution No. 97-24

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-143G.

Proposal No. 96M-144G
Old Harding Pike/Kinnie Drive Name Change
Map 168
Subarea 6 (1996)
District 35 (Lineweaver)

A mandatory referral from the Department of Public Works proposing to change the name of a segment of Old Harding Pike north of State Route 100, approximately 300 feet east of Old Harding Lane to "Kinnie Drive."

Resolution No. 97-25

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-144G.

Proposal No. 97M-002U

I-65 and Harding Place Sewer Line Relocation
Map 132-11, Parcels 82, 83 and 84
Map 146-4, Parcels 11 and 38
Subarea 11 (1993) and Subarea 12 (1991)
District 33 (Turner)

A mandatory referral from the Department of Water and Sewerage Services requesting approval for easement acquisitions regarding sewer line relocation at both I-65 and Harding Place. (Project No. 96-SG-74).

Resolution No. 97-26

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-002U.

Proposal No. 97M-003G

Shute Lane, Hopewell, Berryville Trunk
and Lateral Sewer Easements
Map 63, Various Parcels
Map 64, Various Parcels
Map 74, Various Parcels
Subarea 14 (1996)
District 11 (Wooden)

A mandatory referral submitted by the Department of Water and Sewerage Services for the purpose of acquiring easements to construct the Shute Lane, Hopewell, Berryville Trunk and Lateral Sewers. (Project No. 94-SG-65).

Resolution No. 97-27

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-003G.

Proposal No. 97M-005U

Sign at 416 Broadway
Map 96-3-3
Subarea 9 (1991)
District 19 (Sloss)

A mandatory referral from the Department of Public Works proposing the installation of a 12' by 8' sign for Jack's Bar-B-Que, requested by Jack Cawthon, proprietor.

Resolution No. 97-28

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-005U.

Proposal No. 97M-006U
Sign at 1705 21st Avenue South
Map 104-8, Parcel 101
Subarea 8 (1995)
District 18 (Clifton)

A mandatory referral from the Department of Public Works proposing the installation of a 48" by 28" sign over the sidewalk in front of 1705 21st Avenue South for Provence Bread & Café, requested by D. Brent Polk, for Renaissance Food Group, proprietor.

Resolution No. 97-29

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-006U.

Proposal No. 97M-007U
Bell Road Sewer and Water Line Relocation
Map 149, Various Parcels
Map 163, Various Parcels
Subarea 13 (1991)
District 28 (Hall)

A mandatory referral from the Department of Water and Sewerage Services requesting approval for easement acquisitions for the purpose of relocating sewer and water lines on Bell Road. (Project Nos. 95-SG-118 and 95-WG-102).

Resolution No. 97-30

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-007U.

Proposal No. 97M-008U
Sale of Property Located at 11 Main Street
Map 82-14, Parcel 62
Subarea 5 (1994)
District 5 (Harrison)

A mandatory referral submitted by the Director of Public Property Administration requesting authorization to sell certain property located at 11 Main Street to an adjacent property owner. No. 97Z-006U, page 3).

Resolution No. 97-31

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-008U.

Proposal No. 97M-010U
Alley No. 732 Closure

Map 83-9
Subarea 5 (1994)
District 6 (Beehan)

A proposal to close Alley No. 732 between South 16th Street and its western terminus, requested by Councilmember Eileen Beehan. (Easements are to be retained).

Resolution No. 97-32

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-010U.

Proposal No. 97M-011U
Alley 582 Closure
Map 92-3
Subarea 8 (1995)
District 19 (Sloss)

A proposal to close Alley No. 582 between Albion Street and Alley No. 590, requested by John W. Massey, for Meharry Medical College, adjacent property owner. (Easements are to be abandoned).

Resolution No. 97-33

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-011U.

Proposal No. 97M-012G
Old Harding Pike/Sally Morton Circle Name Change
Map 168
Subarea 6 (1996)
District 35 (Lineweaver)

A mandatory referral from the Department of Public Works to change the name of a segment of Old Harding Pike abutting the south margin of State Route 100, opposite South Harpeth Road to "Sally Morton Circle."

Resolution No. 97-34

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-012G.

Proposal No. 97M-013G
Old Harding Pike/Fred King Road Name Change
Maps 168 and 178
Subarea 6 (1996)
District 35 (Lineweaver)

A mandatory referral from the Department of Public Works proposing to change the name of a segment of Old Harding Pike between State Route 100 and State Route 96 to "Fred King Road."

Resolution No. 97-35

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-013G.

Proposal No. 97M-014U
Council Bill No. 096-611
Metro Codes and MDHA Lease Agreement
Map 105-1, Parcel 316
Subarea 10 (1994)
District 19 (Sloss)

A council bill approving a lease agreement between Metropolitan Department of Codes Administration and MDHA for office space located at 1121 12th Avenue South.

Resolution No. 97-36

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-014U.

OTHER BUSINESS:

3. Consideration of an amendment to the 1996-97 to 2001-2002 Capital Improvements Budget and Program for project 92FB002, Tenn. State Fair Offices Elevator - Construct.

Resolution No. 97-37

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** an amendment to the 1996-97 to 2001-2002 Capital Improvements Budget and Program for project 92FB002, Tennessee State Fair Offices elevator construction as follows:

I.D. No. 92FB002
Elevator to meet Americans with Disabilities Guidelines;
Design, Construct, and Install Elevator for the Tennessee State Fairground's Office.

From: \$110,000 Fair Board Reserve Fund FY 1997-98

To: \$150,000 Fair Board Reserve Fund FY 1996-97

This concluded the items on the consent agenda.

PUBLIC HEARING: CONTINUATION OF A PORTION OF SUBAREA 13. (DEFERRED FROM MEETINGS OF 10/31/96 AND 11/27/96).

Before beginning her presentation, Ms. Uken stated that the public hearing was open only for the Rice Road area.

Ms. Uken began by presenting a summary of the public hearing from the November 27, 1996 Planning Commission meeting, in which staff requested that the Commission defer making a decision on the appropriate land use policy for the area bounded by Bell Road, Rice Road, Rural Hill Road, and the backside of commercial development along Murfreesboro Pike. She stated that staff requested the deferral because they needed more time to meet with the concerned landowners to review staff's findings on recent sales of properties along the Bell Road corridor and the commercial areas of Murfreesboro Pike.

Ms. Uken confirmed that staff have since met with several of the landowners and Councilman Hall to discuss staff's conclusions, and how staff's recommendation concerning the appropriate land use policy for this area has not changed. Ms. Uken stated staff still conclude that Medium-High density residential policy is the most appropriate land use policy for this area. She then discussed how staff's recommendation of

Medium-High density residential policy is based upon existing established apartment development, market support for continued apartment development, site suitability, and good access to larger scale commercial services along Murfreesboro Pike and at the Hickory Hollow Regional Activity Center. Ms. Uken established that by looking at all of the available information concerning the Bell Road corridor, staff are able to see a clear picture of what the appropriate land use policy should be for the Rice Road area. She stated it is apparent that a multi-family residential pattern is developing along Bell Road between Hickory Hollow and Murfreesboro Pike. She also said that staff's research on the recent sales of properties along Bell Road, and the commercial areas of Murfreesboro Pike and Hickory Hollow further supports a Medium-High density residential policy in the Rice Road area.

Ms. Uken stated that staff agree that a commercial policy at the intersection of Bell Road and Murfreesboro Pike is appropriate, but do not agree with some of the property owners that a commercial policy should be extended down to the Bell Road and Rice Road intersection, and back to Rural Hill Road. She explained how extending the commercial policy to the scope that some of the landowners are requesting would contradict the commercial node concept that the general plan encourages, and would also invite the strip commercial development that the general plan so strongly discourages. She also noted that the Planning Commission has, in the past, resisted commercial expansion purely on the basis of an arterial location. More specifically, she explained, the Commission has resisted commercial expansion along Bell Road in the vicinity of Blue Hole Road and also east of Benzing Road.

Ms. Uken said that the intersection of Bell Road and Murfreesboro Pike is not experiencing the type of growth that would warrant its expansion. In fact, there is a substantial amount of underutilized commercially zoned land at that intersection, and also along Murfreesboro Pike. She explained that with the regional activity center of Hickory Hollow and the growing commercial centers along Murfreesboro Pike in such close proximity, staff cannot find a good planning basis for expanding a commercial policy along Bell Road. Ms. Uken pointed out that the areas along Murfreesboro Pike that are currently zoned for commercial uses already more than generously provide for future commercial growth. She also noted that, if Kroger were to move to a different location, there will be even more land available for commercial uses at this intersection, in addition to what is already there.

Ms. Uken stated it is important to sustain the existing commercial centers and make them work, not to take away from their viability by adding to the supply of commercially zoned land beyond reasonable market demand. She discussed how applying a Residential Medium-High density policy to the Rice Road area would be providing the residential opportunities that are consistent with existing development in the area, as well as providing the population that will help to strengthen the existing commercial markets of the area. She said that while staff understand that some of the landowners would prefer to have more flexibility in the development of their property, they could not recommend that a commercial policy be applied to the Rice Road area. Ms. Uken stated that as a result of staff's research, they had concluded that a Medium-High density residential policy for this area would allow for the landowners to receive a fair return on their land. She noted that with staff's recommendation of Medium-High density residential policy, some commercial rezonings may be warranted in order to create logical zoning boundaries and a more suitable buffer situation between the existing residential and commercial uses on the north side of Bell Road.

To conclude her presentation, Ms. Uken stressed that the application of land use policies should follow the established guidelines for application, be consistent with the goals of the general plan, and should also be based upon need, and what the reasonable expectations of the land uses are in the future.

Councilmember Durward Hall stated the topography in this area is not nearly as steep as some parts of town that have commercial zoning and buildings. These residents are bound on one side by the Priest Lake Shopping Center and commercial, institutional, OG and OP zoning beyond Rice Road. Along Bell Road is CG zoning and over 2,500 apartments either constructed or under construction. He asked the Commission to consider a land use policy along Bell Road which would allow CS zoning, and a policy along Rice Road and Rural Hill Road which would allow OP zoning. He pointed out that Bell Road currently is being widened to five lanes.

Mr. George Gentry and Ms. Marlene Ferrell stated there was already so much commercial in the area that the Bell Road/Rice Road area should also be commercial and asked that Councilmember Hall's request be considered.

No one else requested to speak.

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

Chairman Smith stated that the staff did not want to make Bell Road commercial from Murfreesboro Road to Hickory Hollow, the Commission liked the nodal effect, and asked how a logical transition could occur from commercial at the Murfreesboro intersection to multi-family residential along Bell Road.

Mr. Lawson stated he had taken into consideration what the widening of Bell Road would do and that he would not imagine any kind of positive impact that residential medium or high density would have on Bell Road other than an adversarial impact. That is far more of a disadvantage than small commercial service type facilities that support the neighborhood concept. There are a lot of apartments going in that area and that has forced a lot of infrastructure changes and that he could not support that area staying residential medium or high density.

Mr. Harbison stated he was interested in why the Commission was thinking about this as an all or nothing thing for this particular configuration of property. It is clearly at a borderline transition area and we do not know whether or not over the next five year period it will stay or need to stay residential or whether it might end up being a transition. There may need to be some possible changes along the border of the commercial node that exists now or at least that could happen over the five year cycle. As the Commission does this subarea planning we are not making a zoning decision at the same time. We are simply saying what might be appropriate to happen over the life cycle of this plan.

Mr. Browning stated that in recognizing there is CS zoning on the east side of Bell Road, staff told the residents that were gathered at a meeting that the Commission should exercise some interpretive power that would bring a commercial policy opposite the CS that already exists across Bell Road. There are about four pieces of property that potentially could be zoned commercial under an interpretive process. However, staff could not under any circumstances recommend a commercial policy that went as far west as the triangular area at Rice Road, and particularly when it would introduce a commercial policy potential zoning on Rice Road which is clearly residential.

Mr. Manier stated that one thing everyone had overlooked is the level of anticipated or actual values of the already existing commercial property. The policy should be driven by the need and not by subjective desires. He said staff's statement is fairly correct, that there is still some underutilized and undeveloped land. A more moderate approach to designating commercial policy would have the effect of providing commercial opportunity more in line with demand, and will help to preserve property values.

Ms. Jernigan stated that so much of this seems to depend on how the entire Bell Road intersection will flow once the road is widened. It seems that OP zoning on the back side of that property next to the residential would not be good planning.

Ms. Nielson stated that even though the Commission has stuck to the plan and tried to continue good planning, this area has been revisited several time and the attitudes have changed and it has worked. Our planning needs to stay in place and revisited, but the Commission needs some flexibility.

Mr. Stephen Smith stated there needs to be some type of compromise to clean up the boundary lines that are obviously messed up; the Commission needs to be able to make judgments for changes if they are appropriate.

Mr. Bodenhamer stated he felt the policy needed to be changed. He stated he supported Councilmember Hall's recommendation because there needs to be some logic and fairness involved.

Chairman Smith stated the two ideas presented were to either bring commercial along Bell Road and put some OP behind it and the other would be to leave the entire area multi-family except for cleaning up some CS opposite the CS on the south side.

Mr. Lawson suggested the Commission should go back and reword the subarea plan so that it would provide better definition for the land use intent for that area and to also straighten up the boundaries and at the same time present a description of land that could include the transition to more commercial should market forces point in that direction.

Chairman Smith stated Mr. Manier's approach historically has been not to be too progressive in that area but to be willing to revisit the subarea plan. That is a good approach and the Commission has used that type verbiage before in working in subareas. The Commission needs to give some direction to the staff now to come up with something to complete the subarea plan.

Mr. Manier moved and Mr. Stephen Smith seconded the motion that the staff be instructed to prepare appropriate language in the plan to allow for extension of commercial policy in a logical way to meet the commercial on the east side of Bell Road, and to establish the basis for extension of commercial policy to Rice Road in a logical way. In the write up of the area it should be stated the staff and Commission recognize the possibility, as market demands arise, for further extension of a commercial intensive usage to the Rice Road interchange.

Chairman Smith asked that if that motion would leave the property in the current residential form.

Mr. Manier stated it would leave the property in the current residential high medium density form.

Councilmember Clifton stated he understood the public hearing had been closed and may be out of order, but the Councilmember may or may not prevail on what he wants, but that he would like to hear from Councilmember Hall what this would do to what the interested parties want.

Chairman Smith stated the Commission would have to declare the public hearing re-opened.

Councilmember Clifton moved and Mr. Stephen Smith seconded the motion to re-open the public hearing. The motion was approved unanimously.

Councilmember Hall stated the east side of Bell Road was zoned commercial in its entirety throughout every residential piece of property. It is not a matter of going down half way to justify that from the opposite side because it will be abutting residential property with commercial property. That is one of the problems the people have out there now. The Kroger center was built abutting residential property. There is a total of eight units in there and what he understood of the motion was to take four of those properties to balance out the one side to the opposite side of the street and abut residential with commercial and leave four units in the residential mode.

Councilmember Clifton asked what was on the other side of the street from those that would remain residential.

Councilmember Hall stated it was commercial which was Ezell-Harding, a church and a day care center.

Chairman Smith stated to Councilmember Hall that he had interpreted what the Commission had asked staff to come back with correctly,

Ms. Nielson stated there would also be some verbiage in there that interpretations could be made for that remaining area.

Mr. Harbison stated by saying this area is a transition area, it would not be contrary to the General Plan.

Mr. Stephen Smith moved and Mr. Bodenhamer seconded the motion to re-close the public hearing. The motion carried unanimously.

Chairman Smith stated a motion had been made and seconded for staff to come back in two weeks with new verbiage and new boundaries. Upon voting, the motion was unanimously approved.

APPEAL CASES:

Appeal Case No. 96B-244U

Map 85, Parcel 41

Subarea 14 (1996)

District 12 (Ponder)

A request for a conditional use permit under the provisions of Section 17.124.190 (Intermediate Impact) as required by Section 117.124.010 to use property as a class 4 construction and demolition landfill in the CG District, for property abutting the south margin of Central Pike and the east margin of Stones River (39.5 acres), requested by Dale and Associates, for MS-Cot, owner.

Mr. Reid stated this operation would be compatible with the surrounding area. The traffic engineer had approved the circulation plan and the Department of public Works has approved the conceptual grading plan. The land fill will be used for inert materials such as construction materials, concrete and asphalt. Staff feels all the conditional use criteria have been satisfied and recommends the site plan complies with the conditional use criteria. There is opposition from the Donelson Chamber of Commerce.

Chairman Smith asked where the 1,100 acres were that Councilmember Stanley referred to.

Mr. Browning pointed out the acreage and stated this was an area where there had been a recently proposed subdivision.

Mr. Manier asked if there was any rule or regulation that would tend to protect the banks of the river or require this field to be a certain distance from the water way. If there is no such regulation, and if the Commission should approve this, it seems there should be a recommendation to protect the area.

Mr. Reid stated that in terms of the conditional use criteria there is not but the applicant is proposing, on the site plan, to put a greenway along the Stones River and he is balancing the cut and fill for the area that is close to the river to account for the drainage from the landfill. The actual landfill is in the back part of the site and he is using the part near the river to deal with the drainage issues.

Mr. Owens stated that because this dealt with a flood plain, grading must be approved by Public Works through the Storm Water Management ordinance and that Public Works and the Board of Zoning Appeals would oversee the work.

Mr. Bodenhamer asked if this land fill was similar to the one on Smith Springs Road.

Mr. Owens stated it was.

Councilmember Phil Ponder stated there was a need for this in this part of the county and safeguards would be in place to make sure there would be no toxic materials that would eventually work their way into the river and that there would also be State supervision over the landfill. He read a letter from the Donelson Chamber of Commerce expressing their opposition to the landfill.

Councilmember at Large Leo Waters stated he was comfortable with the plan and spoke in favor of the landfill.

Councilmember Clifton asked if this proposal would implement the state requirement that at least 25 percent of the waste would be recycled.

Mr. Kevin Estes, representing the owner, stated wood could go into the land fill and it would count toward reducing the 25% as stated in the Solid Waste Plan that the Council did approve in 1993.

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

Resolution No. 97-38

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-244U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 96B-246U
Map 104-7, Part of Parcel 540
Map 104-7, Parcels 37, 533, 535 and 536,
and Part of Parcel 334
Subarea 10 (1994)
District 18 (Clifton)

A request for a conditional use permit under the provisions of Section 17.124.190 (Intermediate Impact) as required by Section 17.124.010, to update the Vanderbilt University Master Plan to construct two intramural playfields in the RM6 District, for property located at the northeast margin of Blakemore Avenue, the south margin of Dudley Avenue, the north margin of Capers Avenue, and the northwest corner of Blakemore Avenue and 25th Avenue South (13.3 acres), requested by Jane Cleveland, for Vanderbilt University, owner.

Mr. Reid stated one of the playfields would involve the closure of a road which the Traffic Engineer and staff has no problem with because the road does not serve anything at the present time. The other playfield would be located next to an existing intramural field at the corner of Blakemore and 25th. The main issue in terms of the conditional use criteria is compatibility with the residential area. These fields will be lighted by light poles that are seventy feet tall. The applicant is providing eight foot evergreen trees between the field and Blakemore Avenue and also the lighting will be directional lighting that shines down on the field. Staff feels that with this type of lighting and screening will be compatible with the residential across the street.

Mr. Stephen Smith moved and Mr. Bodenhamer seconded the motion, which carried, with Councilmember Clifton abstaining, to approve the following resolution:

Resolution No. 97-39

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-246U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria. The proposed activity requires public street abandonments by the Metropolitan Council. The Board is encouraged to monitor pending legislation relating to those street closures (Council Bill No. 097-626)."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 97Z-002U

Map 105-4, Parcel 9

Subarea 11 (1993)

District 19 (Sloss)

A request to change from R6 District to CS District certain property abutting the northwest corner of Lincoln Street and Perkins Street (.26 acres), requested by Carl Hunter, for Bruce Carlock, owner.

Mr. Reid stated the owner of this property also owns the record distribution company across the street. This property is at the boundary between commercial and residential policy. It is also within an enterprise zone which was established by MDHA. Both MDHA and the subarea plan support revitalization of this residential area as well as redevelopment of the commercial along Lafayette. Staff feels this request will use up more residential land and put pressure on the residential land that exists today along both sides of Perkins Street to the west and discourage it more from developing; staff is recommending disapproval.

Mr. Bruce Carlock, owner, stated currently a ten unit apartment complex exists on this property and his intention was to use it for storage for his business. The only alternative to that would be to tear the building down because it has been used for primarily illegal activities over the years.

Mr. Bodenhamer asked if there were some concessions made on whatever action the Commission took on the recording business property at the time because it was going into the enterprise zone.

Mr. Owens stated Mr. Carlock had an application in to expand the CG district at the rear of his building which was a tough zoning case and that he did not remember whether the Commission approved it or not; however, Council did adopt that bill, but he said he did not remember any special concessions at the time.

Mr. Lawson stated there was a considerable amount of effort put out by the city and a lot of input from various segments of the city in designing the enterprise zone, and that the Commission should give it an opportunity to mature. None of the changes proposed for that area as part of the enterprise zone are going to happen overnight and if changes are made it may kill the possibilities that are out there.

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

Resolution No. 97-40

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-002U is **DISAPPROVED**:

This property falls at the boundary of residential and commercial policy in the Subarea 11 Plan, and is within an Enterprise Zone established by MDHA. While there are no land use plans associated with this Enterprise Zone, the objective is to preserve the residential area south of Lafayette Street while encouraging viable commercial redevelopment along Lafayette Street. The Subarea 11 Plan also discourages encroachment of nonresidential uses into the residential area south of Lafayette Street, and envisions new residential development on vacant properties and revitalization of the entire residential area. Allowing commercial zoning to expand to this parcel will consume more area suitable for residential development, and will invite more commercial rezonings to encroach on the remaining residential and between Perkins Street and Lafayette Street. This runs counter to the residential revitalization goals of the Subarea 11 Plan."

Zone Change Proposal No. 97Z-004U

Map 96-13, Parcel 153
Subarea 14 (1996)
District 14 (Stanley)

A request to change from OP District to CS District certain property abutting the northwest corner of Elm Hill Pike and Patriot Way (1.5 acres), requested by Bill Darsinos, for Evangelos Darsinos, owner.

Mr. Reid stated the policy around this intersection is for commercial mixed concentration which calls for a mixture of office, retail and multi-family. This retail zoning is appropriate at this location since it is oriented to Elm Hill Pike, which is a major road, and is across the street from another retail use. Staff recommends approval.

Mr. Owens stated Councilmember Stanley had to leave but had an opportunity to speak with the applicant since the meeting began and indicated he no longer had any concerns with this case.

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

Resolution No. 97-41

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-004U is **APPROVED**:

This property falls within “commercial mixed concentration” policy (which calls for an appropriate mixture of retail, office, and multifamily uses) around the intersection of Donelson Pike and Elm Hill Pike. CS zoning is appropriate on this particular site since it is oriented towards Elm Hill Pike and is across the street from another retail use (84 Lumber).”

Zone Change Proposal No. 97Z-005U
Map 43-11, Parcels 142, 143 and 144
Subarea 4 (1993)
District 9 (Dillard)

A request to change from Commercial Planned Unit Development District to CS District certain property abutting the northwest corner of State Route 45 and Myatt Drive (.56 acres), requested by Ken Johnson, appellant/owner.

Proposal No. 57-78-G (Public Hearing)
John Davis Development
Map 43-11, Parcels 142-144
Subarea 4 (1993)
District 9 (Dillard)

A request to cancel the Commercial (General) Planned Unit Development District, abutting the northwest quadrant of State Route 45 (Old Hickory Boulevard) and Myatt Drive (.56 acres), classified R8 and proposed for CS, requested by Ken and Nadine Johnson, appellants/owners

Mr. Reid stated this request involved canceling the commercial PUD and changing the base zone from R8 to CS. The subarea plan clearly establishes that the area north of State Route 45 is in residential policy. Commercial is encouraged between State Route 45 and Old Hickory Boulevard but is not encouraged on the north side of this limited access highway. The Commission has disapproved requests to amend this commercial PUD to allow for more commercial uses many times in the past because of its impact on this residential area. Staff is recommending approval of the cancellation of the PUD since the base zone right now is residential but recommending disapproval of the rezone to CS because it would put commercial zoning into the residential area.

No one was present to speak at the public hearing.

Mr. Stephen Smith asked if the applicant would have asked to have this PUD canceled if the rezone were not going to be approved.

Chairman Smith stated the applicant was not present to indicate otherwise.

Mr. Owens stated the applicant understood both recommendations and have indicated regardless of the rezone they would like to cancel the PUD.

Councilmember Clifton stated he felt this was not good zoning and supported disapproval but this was at the corner of a couple of fairly major streets and that he understood the Commission did not want to cross over State Route 45. He asked what makes this contrary to the General Plan and are there any circumstances that would not lead to a deterioration of that residential zone.

Chairman Smith stated the General Plan showed that entire area as residential area and across the street has some OP.

Councilmember Clifton stated it was a little unusual that the current zoning would have allowed commercial use.

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

Resolution No. 97-42

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 57-78-G is given **APPROVAL FOR CANCELLATION**. The following condition applies:

Approval by the Metropolitan Council.”

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried with Councilmember Clifton in opposition, to approve the following resolution:

Resolution No. 97-43

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-005U is **DISAPPROVED as contrary to the General Plan**:

This property is within residential policy in the Subarea 4 Plan. The Subarea Plan stipulates that commercial uses are appropriate between State Route 45 and Old Hickory Boulevard to the south (which are oriented to Old Hickory Boulevard), but not along the north margin of State Route 45.”

Zone Change Proposal No. 97Z-006U

Map 59-11, Parcel 258

Subarea 3 (1992)

District 2 (Black)

A request to change from R10 District to CG District certain property abutting the northwest corner of Whites Creek Pike and Lane Drive (1.12 acres), requested by Kenneth Morgan, appellant/owner

Proposal No. 97M-009U

Rowan Drive Closure

Map 59
Subarea 3 (1992)
District 2 (Black)

A proposal to close Rowan Drive between Whites Creek Pike and the southern property line of Parcel 193 on Map 59, requested by Kenneth Morgan, for adjacent property owners.

Mr. Reid stated staff was recommending disapproval on both of these items. The subarea plan indicates the entire area on the west margin of Whites Creek Pike is in residential policy. There is existing CG zoning on two parcels on the west side of Whites Creek Pike including the roofing business owned by the petitioner. The petitioner is wishing to expand the roofing business, which is why the additional CG zoning is being requested. The existing zoning is contrary to the subarea plan, and expansion of the CG district would increase the inconsistency with land use policy.

Mr. Reid stated the ideal redesigned intersection would be to relocate Knight Drive across from Rowan Street. This planned intersection might be appropriate for an unmapped commercial policy such as local convenience commercial, but the expansion of industrial zoning is inappropriate. The Commission should evaluate whether or not this expansion of industrial zoning will so undermine the residential area as to justify invoking the General Plan.

Staff is also recommending disapproval of closing the unbuilt portion of Rowan Drive. The traffic engineer has pointed out the existing intersection at Lane Drive and Whites Creek Pike has poor sight distance looking southward.

Mr. Kenneth Morgan, applicant/owner, stated this lot was a dump site that he had cleaned up and that he would be using this area for parking and for some expansion to his existing building. Across the street is a rock quarry and a machine moving business.

Councilmember Clifton asked if the addition could be built without closing the road.

Mr. Reid stated it would be possible.

Mr. Stephen Smith stated he agreed with Mr. Morgan that it would not be feasible for a residential home to be built in that location.

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

Resolution No. 97-44

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-006U is **APPROVED**.

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

Resolution No. 97-45

"BE IT RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES** Proposal No. 97M-009U.

Although this segment of Rowan Drive is not yet built, the land is dedicated to Metro which has the option to improve it when necessary. The Department of Public Works believes that the intersection

of Knight Drive and Whites Creek Pike should be realigned directly opposite Rowan Drive and has indicated that relinquishing the right of way in this area would be premature. There is also an existing sight distance problem to the south at the Lane Drive/Whites Creek Pike intersection. The Traffic Engineer believes that better sight distance would be achieved at the Rowan Drive/Whites Creek Pike intersection.”

Zone Change Proposal No. 97Z-007U
Map 119-10, Parcel 103 and Part of Parcel 102
Subarea 11 (1993)
District 16 (Graves)

A request to change from R10 District to RM8 District certain property abutting the east margin of St. Edwards Drive, approximately 200 feet north of Thompson Lane (1.00 acres), requested by Farsheed Ferdosi, appellant/owner.

Mr. Reid stated staff was recommending disapproval of this zone change. The area in question is located adjacent to higher density residential policy. However, the property is located on a street which is predominantly single family and lower in density. The subarea plan contemplated protecting this street from the higher density development nearby. Staff believes that expanding this type of RM8 zoning would put apartment traffic on this local road and could adversely impact the rest of the subdivision. There are two letters in opposition from neighbors in the subdivision.

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

Resolution No. 97-46

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-007U is **DISAPPROVED**.

This property falls at the boundary between residential low-medium policy (permitting up to 4 dwelling units per acre) and residential medium policy (permitting up to 9 dwelling units per acre). The RM8 zoning at this location would allow up to 21 dwelling units per acre, which exceeds that allowed by RM policy.

The RM policy on the east side of this property was placed there in recognition of the existing apartments in the RM8 zoning and a Residential PUD to the north. These apartments have access to major roads. This proposed rezoning would introduce apartment traffic on to a local residential road (St. Edwards Drive), and could adversely impact the residential homes along St. Edward’s Drive.”

Zone Change Proposal No. 97Z-008U
Map 95, Parcel 4
Subarea 14 (1996)
District 15 (Dale)

A request to change from RM8 District to CS District certain property abutting the south margin of Lebanon Pike, approximately 1,100 feet west of Gayland Court (.34 acres), requested by Jeff Smith, appellant, for Mr. and Mrs. Rigoberto Rivera, owners.

Zone Change Proposal No. 97Z-009U
Map 95, Parcel 6
Subarea 14 (1996)
District 15 (Dale)

A request to change from RM8 District to CS District certain property abutting the south margin of Lebanon Pike, approximately 1,100 feet west of Gayland Court (4.88 acres), requested by William Donoho, Jr., appellant, for William and Mildred Donoho, owners.

Zone Change Proposal No. 97Z-010U

Map 95, Parcel 7
Subarea 14 (1996)
District 15 (Dale)

A request to change from RM8 and R10 Districts to CS District certain property abutting the south margin of Lebanon Pike, approximately 150 feet west of Gayland Court (23.24 acres), requested by Jeffrey Smith, appellant, for the VFW Post 1291, owner.

Zone Change Proposal No. 97Z-011U

Map 95, Parcels 3 and 5
Subarea 14 (1996)
District 15 (Dale)

A request to change from RM8 District to CS District certain property abutting the south margin of Lebanon Pike, approximately 1,100 feet west of Gayland Court (4.91 acres), requested by Jane Parkerson Caplenor, appellant, for Nona Marie Parkerson and Jane Parkerson Caplenor, owners.

Mr. Reid stated these four zone changes are adjacent properties on the south margin of Lebanon Pike. The requests are to change the properties from RM8 to CS. Staff is recommending disapproval as contrary to the General Plan. The subarea plan clearly established that all commercial activity should be focused around the Spence Lane/Lebanon Pike intersection and along Lebanon Pike Circle. The subarea plan also mentions the area east of this should remain in residential policy. Extending CS zoning this far east over this much land would undermine the character of this entire residential area.

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

Resolution No. 97-47

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-008U is **DISAPPROVED** as contrary to the General Plan:

This property is clearly within an area policed for residential land uses by the Subarea 14 Plan. Extending CS zoning this far eastward would violate the integrity of this residential area. The Subarea Plan establishes that commercial activities be focused at the Lebanon Pike/Spence Lane intersection to the west and around Lebanon Pike Circle; the area east of Lebanon Pike Circle should remain residential."

Resolution No. 97-48

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-009U is **DISAPPROVED** as contrary to the General Plan:

This property is clearly within an area policed for residential land uses by the Subarea 14 Plan. Extending CS zoning this far eastward would violate the integrity of this residential area. The Subarea Plan establishes that commercial activities be focused at the Lebanon Pike/Spence Lane intersection to the west and around Lebanon Pike Circle; the area east of Lebanon Pike Circle should remain residential."

Resolution No. 97-49

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-010U is **DISAPPROVED** as contrary to the General Plan:

This property is clearly within an area policed for residential land uses by the Subarea 14 Plan. Extending CS zoning this far eastward would violate the integrity of this residential area. The Subarea Plan establishes that commercial activities be focused at the Lebanon Pike/Spence Lane intersection to the west and around Lebanon Pike Circle; the area east of Lebanon Pike Circle should remain residential."

Resolution No. 97-50

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-011U is **DISAPPROVED** as contrary to the General Plan:

This property is clearly within an area policed for residential land uses by the Subarea Plan 14. Extending CS zoning this far eastward would violate the integrity of this residential area. The Subarea Plan establishes that commercial activities be focused at the Lebanon Pike/Spence Lane intersection to the west and around Lebanon Pike Circle; the area east of Lebanon Pike Circle should remain residential."

Mr. Stephen Smith left at 4:00 p.m., at this point in the agenda.

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 74-79-G (Public Hearing)

Proposal No. 97P-004G
Kroger Retail Center
Map 135, Parcel 249
Subarea 13 (1991)
District 27 (Sontany)

A request to cancel a portion of the existing Residential Planned Unit Development District (74-79-G) and to grant preliminary approval for a new Commercial (General) Planned Unit Development District (97P-004G) located at the north quadrant of Murfreesboro Pike and Nashboro Boulevard (13.22 acres), classified R10, to permit the development of a 61,224 square foot grocery store and 63,600 square feet of general retail, restaurant and bank facility, requested by Littlejohn Engineering Associates, Inc., for Midland Acquisitions, Inc., owners.

Mr. Delaney stated there were two items to consider with this proposal. First, there is a request to cancel a portion of the Nashboro Village Residential Planned Unit Development. Second, there is a request for a new Commercial General Planned Unit Development permitting a 61,000 square foot Kroger grocery store and approximately 66,000 square feet of associated general retail, a restaurant and bank facility. On the current preliminary plan for the Nashboro Village PUD the subject area is identified only as future development. There is no specific site plan for that site. In the Subarea 13 Plan, this property falls within the retail concentration community policy along Murfreesboro Pike, which would permit the type of development that is being proposed. There will be an entrance opposite Ransom Place as well as an entrance at Nashboro Boulevard. There are no remaining technical issues with this proposal.

The only remaining issue is with the mansion on the site. According to the staff of the Historic Commission, this structure is eligible for listing on the National Register and is deemed worthy of conservation in the appendix of the Subarea 13 Plan. The applicant has been working with the Historic Commission and neighborhood groups to find a use for or perhaps to relocate this structure from this

property. Staff is recommending approval of both the cancellation of a portion of the existing residential PUD as well of approval of the new commercial general PUD. However, staff recommends the Commission advise the developer that efforts should be made, in cooperation with the Metropolitan Historic Commission to relocate the existing structure from the site.

The PUD cancellation is set for public hearing and in addition to the people present to speak there is a letter from a property owner, Mr. Glen Wolf, who lives out of state and could not be present at this meeting. The letter stated he is in opposition of this proposal because of depreciation of home and property values, deterioration of beauty of Nashboro Village, loss of recreation grounds, loss of storage area, increase of traffic and potential higher Village maintenance fees.

Councilmember Sontany spoke in favor of this proposal and stated she would like to see the property remain the way it is now, but that the developer had done everything necessary for the development. She also expressed her concerns regarding traffic and about the historic home on the property.

Mr. Bodenhamer and Mr. Manier stated they were also concerned about the traffic because it was already bad in the area.

Mr. Jeff Heinze, representing the developer, and Mr. Bob Murphy, traffic engineer, explained the development plans, removal of the historic structure and addressed traffic concerns.

Councilmember Stewart Clifton left at this point in the agenda, at 4:15.

Ms. Debby Dale Mason stated the existing mansion was built by her grandparents and gave the Commission some history on the mansion and surrounding property.

Ms. Shelby Fowler spoke in favor of the project stating she owned adjacent property and if this proposal was approved it would improve her property value.

Ms. Nancy Jane Baker, Vice-Chair of Historic Nashville, and Ms. Vickie Truitt , president of the Nashboro Village Homeowners Association, spoke in opposition to the proposal expressing concerns regarding the Historic home, traffic, safety and property investments. Ms. Truitt also asked for a deferral until modifications could be discussed with the current Nashboro Village residents.

Mr. Harbison stated everyone that spoke had very legitimate points but most of the issues brought up are not within the Commission's province to call. They are matters for the hearing at the Council. The record is before the Commission that says this proposal does meet the criteria for carrying out the General Plan.

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

Resolution 97-51

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal Nos. 74-79-G and 97P-004G is given **APPROVAL OF THE CANCELLATION PORTION OF A RESIDENTIAL PUD AND PRELIMINARY APPROVAL OF THE COMMERCIAL (GENERAL) PUD, BOTH REQUIRING COUNCIL CONCURRENCE.** 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 and approval of revised plans detailing the following changes:
 - a. Provide a 175 foot taper for the right-turn lane on Murfreesboro Pike at Nashboro Boulevard.

- b. Removal of the detention area and retaining wall (nearest the proposed Kroger) from the Nashboro Boulevard right-of-way.
 - c. Provide an adequate amount of right-of-way along Murfreesboro Pike, from the proposed edge of pavement for a 5 foot sidewalk.
 - d. The maximum width of the entrance onto Murfreesboro Pike, opposite Ransom Place, shall be 35 feet and shall have 20 foot radii.
3. Approval by the Metropolitan Council of the cancellation of the portion of the Residential PUD as well as approval of the new Commercial (General) PUD.

“The Planning Commission advises the developer that efforts should be made in cooperation with the Metropolitan Historic Commission to relocate the existing structure from the site.”

Proposal No. 128-82-U
 Crossland #163
 Map 120-1, Parcel 154
 Subarea 13 (1991)
 District 13 (French)

A request for final approval for the Commercial (General) Planned Unit Development District abutting the northeast margin of Murfreesboro Pike, opposite Glengarry Drive (2.89 acres), classified R10 and CH, to permit the development of a 37,905 square foot, 120 unit hotel, requested by CEI Engineering Associates, for ESA Management, Inc., owner.

Mr. Delaney stated the only remaining technical issue is that the traffic engineer has stated a left hand turn lane on Murfreesboro into the development is desirable and should be a requirement of this development. This left turn lane was not previously shown on the preliminary plan and the applicant contends this development does not warrant a left hand turn lane. Staff does not feel this turn lane on Murfreesboro Pike is warranted or realistic at this time and is recommending approval of this proposal without this improvement.

Mr. Bernie Auld, representing the developer, stated there are numerous reasons they felt this left turn lane was not necessary. Operations will generate less traffic than the facility that was previously there; the motel now proposed is for 120 units, 30 units fewer than the development which is currently approved.

Mr. Bob Murphy, traffic engineer, stated he had looked at the traffic generation and had compared it to what a restaurant would generate and also at the hotel previously approved for this site.

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

Resolution No. 96-52

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 128-82-U is given **CONDITIONAL 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. Submittal to the staff of the Metropolitan Planning Commission revised plans which correct elevations on the grading plan.”

Proposal No. 78-87-P
 Fredericksburg, Section 7
 Map 171, Part of Parcel 89

Subarea 12 (1991)
District 32 (Jenkins)

A request to revise the approved preliminary site development plan and for final approval for a section of the Residential Planned Unit Development District abutting the south margin of Old Hickory Boulevard and the east margin of Cloverland Drive (10.51 acres), classified R20, to permit the development of 32 single-family lots, requested by Anderson-Delk and Associates, Inc., for Radnor Development Corporation, owner.

Mr. Delaney stated there were no technical issues with this proposal and normally would have been approved on the consent agenda. However, through no fault of the applicant, Metro Water Services has not completed their sewer capacity study at this time. Staff is recommending approval with the condition of completion of the sewer capacity study.

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

Resolution No. 97-53

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 78-87-P is given **CONDITIONAL 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 final subdivision plat for Section 7, upon the posting of a bond for all road improvements as required by the Metropolitan Department of Public Works and all water and sewer line extensions as required by the Metropolitan Department of Water Services.
3. This approval is contingent upon the applicant attaining a letter of availability from the Metropolitan Department of Water Services.”

Proposal No. 95P-031G

Wexford Downs
Map 172-14-A, Part of Parcel 74
Subarea 12 (1991)
District 31 (Alexander)

A request to revise a portion of the final plan of the Residential Planned Unit Development District abutting the east margin of Edmondson Pike, between Mt. Pisgah Road and Holt Road (approximately five acres), classified R20, to permit the development of a pool within the open space, requested by Anderson-Delk and Associates, Inc., for Wexford Downs, L.L.C., owner.

Mr. Delaney stated there were not technical issues with this proposal. Water Services, through no fault of the applicant, has not completed their sewer capacity study at this time. The applicant is proposing to locate a pool within the approved open space of this PUD. Staff is recommending approval at this time with the condition that water and sewer complete their capacity study.

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

Resolution No. 97-54

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-031G 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. This approval is contingent upon the applicant attaining a letter of availability from the Metropolitan Department of Water Services.”

Proposal No. 96P-015G
Forest Hills
Map 161, Parcel 2
Subarea 12 (1991)
District 32 (Jenkins)

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the south margin of Oakley Drive, opposite West Fork Court (45.17 acres), classified R15, to permit the development of 126 single-family lots, requested by Gresham, Smith and Partners, for Zaring Homes, Inc., owner.

Mr. Delaney reminded the Commission this proposal was disapproved in December 1996, for 142 single family lots due to cul-de-sac links within the development being greater than the 750 foot maximum allowed by the Subdivision Regulations. The development has been deferred in the recent past to reconcile differences about how Oakley Drive should be constructed to connect between Edmondson Pike and Trousdale. Staff has taken the position that Oakley Drive should be constructed as a continuous through street. The neighborhood and Councilmember do not want Oakley Drive constructed as a through street until the entire stretch of street between Edmondson Pike and Trousdale can be upgraded.

The developer is proposing dedication of right-of-way for the entire stretch of Oakley, and contribution of funds in an amount equal to half of the cost of constructing Oakley Drive for 320 feet along his property. This scenario will ensure the right-of-way is available for street extension, and will provide some contribution from the developer toward eventual construction of the street.

The traffic engineer is recommending disapproval of this proposal. The traffic engineer contends that this development should extend Oakley Drive to Edmondson Pike to the east. The applicant has submitted a traffic impact study that has been reviewed and approved by the traffic engineer with all of the access coming from the west and showing that this development will have a negligible impact on the existing transportation network in the area.

Mr. Davis Lambe, regional director for land development with Zaring Homes, stated he had worked with the community and Councilmember in order to gain their support for the development.

Ms. DeAnn McClarin and Mr. Marty McClarin expressed concerns regarding the opening of Oakley Drive, traffic, the type and style of homes being proposed, the size of the lots, construction materials and the number of units.

Mr. Harbison stated the Commission did not have any control over architectural standards.

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

Resolution No. 97-55

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-015G is given **CONDITIONAL PRELIMINARY APPROVAL**. The following conditions apply:

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

2. The developer offers to escrow this development's proportionate share of improvements to Oakley Drive. The proportionate share of these improvements has been determined to be one-half the cost 320 linear feet which borders the proposed development. This contribution shall be made prior to any final plat approval and shall be in lieu of actual road construction.
3. Approval by the Metropolitan Council of this Residential PUD."

Proposal No. 97P-001U
Radnor Homes Office Complex
Map 160, Parcel 82
Subarea 12 (1991)
District 32 (Jenkins)

A request to grant preliminary approval for a Commercial (General) Planned Unit Development District located at the southeast corner of Old Hickory Boulevard and Cloverland Drive (1.14 acres), classified R40, to permit the development of a 5,000 square foot office building and a 2,200 square foot mini-bank, requested by Radnor Development, L.L.C, appellant/owner.

Mr. Delaney stated this property was zoned R40 and located within a large area of residential low-medium policy. In the Subarea 12 Plan commercial development in this area is relegated to the areas west of this development at I-65 and Old Hickory Boulevard and to the east of this proposed development at Edmondson Pike and Old Hickory Boulevard intersection. In addition, there currently exists an abundance of untapped office inventory in the unbuilt phases of the American General PUD to the west of this location. Therefore, staff is recommending disapproval of this proposal as contrary to the General Plan.

Mr. Rick Blackburn and Mr. David McGowan, with Radnor Homes, spoke in favor of the proposal. Mr. McGowan stated he had spoken with the neighborhood associations in this area and they support the proposal. He pointed out the current land use policy is RMH. Radnor Homes is developing a major neighborhood behind this proposed development and would like to build their corporate office there. This would create a transitional use between the neighborhood and Old Hickory Boulevard. This location is not a good place to live because of the high traffic count, and this office building would be small and have a residential style.

Mr. Rick Blackburn stated the location would have limited access and would also have screening and fencing.

Mr. Steve Diggs spoke in opposition to the proposal and stated he lived in one of the homes that Mr. McGowan referred to as an undesirable place to live. He further pointed out that Radnor Homes was currently building new homes as close to Old Hickory Boulevard as the site which they claim is unsuitable for residential use.

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

Resolution No. 97-56

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-001U is given **DISAPPROVAL AS CONTRARY TO THE GENERAL PLAN:**

Basis for Disapproval:

This property is zoned R40 and is located within a large area of Residential, Low-Medium Density (RLM) Policy. Commercial development in this area should be relegated to the areas around the I-65/Old Hickory Boulevard interchange to the west and the Edmondson Pike/Old Hickory

Boulevard intersection east of this development. There currently exists an abundance of untapped office inventory in unbuilt phases of the American General Development located on Old Hickory Boulevard west of this proposal.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 94S-314U (Public Hearing)

Towne View Subdivision

Map 60, Parcel 53

Subarea 5 (1994)

District 4 (Majors)

A request for preliminary approval for 44 lots abutting the south margin of Ben Allen Road, approximately 1,272 feet east of Morningside Drive (12.7 acres), classified within the R10 District, requested by John T. Hill, Ph. D., owner/developer, Rick Fussell, surveyor.

Mr. Henry stated this subdivision was granted approval in 1994, and is requesting reapproval, since no construction has occurred in the intervening two years. He stated the subdivision was approved with two deficiencies, and those two issues must be addressed again. First, the angle of intersection of the street with Ben Allen Road is less than the 75 degrees required by the subdivision regulations. Mr. Henry stated an easement for site distance was required to compensate for this deficiency.

The second issue was a deficient width on the street. Mr. Henry stated the street was proposed for 40 feet of right-of-way, rather than the required 50 feet. Mr. Henry stated that with future extension of the street pattern, a loop arrangement with Ben Allen Road could be accomplished which would provide two points of entry to this subdivision, which would allow the narrower right-of-way to function more satisfactorily.

Mr. Henry advised that if the Commission is inclined to approve this application with the stated variances, staff would suggest not to do so today because the application fee for sewer capacity study has not been paid.

Mr. John Hill, owner, asked the Commission to approve his proposal with the condition of the sewer capacity analysis.

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

Subdivision No. 96S-395G (Public Hearing)

Spencer and Atchley Subdivision

Map 64, Parcel 18

Subarea 14 (1996)

District 11 (Wooden)

A request for preliminary approval for seven lots abutting the northeast corner of Shute Lane and Old Hickory Boulevard (6.65 acres), classified within the OG District, requested by Spencer and Atchley, L.L.I.C., owner/developer, Gresham, Smith and Partners, surveyor.

Mr. Henry stated this property was rezoned in 1996 from residential to OG. The applicant is proposing to extend a new cal-de-sac off of Old Hickory Boulevard for seven lots for office buildings. Both the planning staff and public works staff advise that the proposed cul-de-sac street should not be approved at the proposed location, because of its close proximity to the intersection of Old Hickory Boulevard and Shute Lane. Staff reminded the Commission that the Old Hickory Boulevard/Shute Lane intersection is a heavily

traveled one, and that traffic movements would preclude turns into and out of the proposed cul-de-sac during periods of peak demand.

Staff is recommending disapproval. There has been no application filed for the sewer capacity study.

Mr. Tom Martin stated there was a sewer application fee paid but it had expired. This item was submitted three months ago and had been switched from agenda to agenda while the issues were being resolved. He stated he felt this was a good plan with small traffic volumes and requested a three meeting deferral.

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried unanimously, to leave the public hearing open and defer three meetings.

Subdivision No. 97S-013U (Public Hearing)
Overton Place Subdivision
Map 72-6, Parcel 337
Map 72-7, Parcels 81, 82 and 324
Subarea 5 (1994)
District 8 (Hart)

A request for preliminary approval for six lots abutting the north margin of Kenmore Place, approximately 340 feet east of Kenmore Court (2.77 acres), classified within the R8 District, requested by Sherrie Murphy-Preuss, owner/developer, Charles Moseley, surveyor.

Mr. Henry stated this proposal is to extend a cul-de-sac into the property from Kenmore Place for five new building sites. In the back of the site is the tributary for Cooper Creek and a TVA easement along with the 100 year flood plain. They have supplied minimum finished floor elevations satisfactory to the Department of Public Works and staff is recommending approval.

No one was present to speak at the public hearing.

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

Resolution No. 97-57

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-013U, is granted **CONDITIONAL APPROVAL subject to conveyance of a remnant strip to the abutting property owner prior to final plat application.”**

Final Plats:

Subdivision No. 97S-003A
Redbud, Lot 4
Map 131-1-B, Parcel 124
Subarea 10 (1994)
District 34 (Fentress)

A request to amend the rear set back line from 30 feet to 12 feet on a lot abutting the southeast margin of Redbud Drive, approximately 250 feet southwest of Hobbs Road (.22 acres), classified within the R20 Residential Planned Unit Development District, requested by Edward E. and Ann P. Birthright, owners/developers.

Mr. Henry stated this house was built within the 30 foot setback envelope. The PUD in 1974 established this 30 foot setback and sometime thereafter a carport was added to the structure which encroached to

within 4 feet of the rear property line. Abutting this property is a carport apparently built without permit and which also encroaches into the 30 foot setback. Proposed today is an addition to the house which will come to within 12 feet of the rear property line. Councilmember Fentress has sent a letter of support and Mr. Birthright has the approval of the homeowners association and the neighbors immediately adjacent to their home.

Ms. Nielson moved and Mr. Bodenhamer seconded the motion, which carried, with Mr. Harbison and Chairman Smith in opposition and Ms. Jernigan abstaining, to approve the following resolution:

Resolution No. 97-58

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-003A, is **DISAPPROVED** since there appears no justification to reduce the setback for this one lot.”

Request for Bond Release:

Subdivision No. 89P-022U
Melrose Shopping Center
Land Trust Corporation, principal

Located abutting the west margin of Franklin Pike, between Gale Lane and Kirkwood Avenue.

Mr. Henry stated the applicant had requested release of this bond but just before or during this meeting he requested a deferral. Staff also recommends deferral. They are trying to resolve some landscaping issues on this property. They have not fulfilled their obligations and staff hopes they will get that done before it comes back before the Commission.

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

OTHER BUSINESS:

1. Employee contract for Jeffery Stuncard.
2. Employee contract for Preston Elliott.

Mr. Browning stated Mr. Jeffrey Stuncard’s contract was a promotional contract and that he is on staff now as a civil service employee in a Planning Technician II position and is being promoted to a Planner I

Mr. Preston Elliott will be a new employee, hired as a Planner II to work in the transportation area.

Ms. Nielson moved and Ms. Jernigan seconded the motion, which carried unanimously to approve Mr. Jeffrey Stuncard’s Planner I contract and Mr. Preston Elliott’s Planner II contract.

Resolution No. 97-60

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** employee contracts for Jeffrey Stuncard and Preston Elliott for one year.

4. Consider Nominations for Subarea 9 Citizens Advisory Committee.

Mr. Browning stated Mr. Chris Hall was working on the Subarea 9 Update and was asking for approval of the CAC members for Subarea 9.

Mr. Chris Hall stated he had received 21 out of a possible 25 nominations to date and are still expecting to receive four more nominations from the Nashville Neighborhood Alliance, Mayor's Office, and MDHA. Mr. Hall stated the Planning Commission also has the option of nominating one more person to serve on the CAC.

Chairman Smith stated he did not see anyone on the list that was a property owner south of Broadway.

Mr. Hall stated he had talked with Kim Gerlock, with the Downtown Partnership, to try to identify some type of organization that would represent a property owner south of Broadway but had not found anyone.

The Commission gave Mr. Hall several names to research.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously to approve the names listed below for the CAC Committee for the Subarea 9 Plan update.

David May, Bert Mathews, Ron Gobbell, April Mullins, Ann Deol, Jim Sparks, Cresa Bailey, Melvin L. Gill, Jr., Ann Butterworth, Christine Kreyling, Eleanor Grier, Vicki Saito, Steve Turner, Tony Giarratana, John Fleming, Dan Haskell, Larry Owens, Clay Hickerson, Greg Hayden, Pat Emery, and Michael Emrick.

5. Legislative Update.

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

PLATS PROCESSED ADMINISTRATIVELY:

December 12, 1996 through January 8, 1997

- 96S-296G C T Bellevue Partnership Bellevue Property
Changes title of plat
- 96S-305U George E. & William B. Butler Condominium
Creates two unit condominium
- 96S-321U Clearwater Drive
Right of way dedications
- 96S-366G Northside Festival, Resubdivision of Lot 2
Subdivides one lot into two lots
- 96S-373U Enchanted Hills, Sec. 15
Plats two lots
- 96S-387U Scottish Inns Property
Subdivides one lot into two lots
- 96S-440U First Union Bank
Increases the area of one platted lot with additional land
from a large parcel that remains over 5 acres
- 96S-432U Commodore Products Subdivision
Shifts the interior line between two commercial lots
- 96S-446U Davis Subdivision
Reconfigures two platted lots

97S-011U A. H. & Mary C. Allen Property
Consolidates two parcels into one lot

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 6:05 p.m.

Chairman

Secretary

Minute approval:
This 23rd day of January 1997