

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: January 23, 1997
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith, Chairman
Councilmember Stewart Clifton
William Harbison
Janet Jernigan
William Manier
Ann Nielson
Stephen Smith

Absent:

Mayor Philip Bredesen
Arnett Bodenhamer
James Lawson

Others Present:

Executive Office:

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

Current Planning and Design Division:

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
Bob Eadler, Planner II
Chris Hall, Planner I
Jennifer Uken, Planner I

Advance Planning and Research Division:

Cynthia Lehmbeck, Planner III
Preston Elliott, Planner II

Others Present:

Rachel Allen, Legal Department
Jim Armstrong, Public Works Department

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced item number 89P-022U, Melrose Shopping Center, had been withdrawn. He advised the Commission that an Addendum item, 97S-019U, Holman Property, was prepared for inclusion on the agenda.

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

107-81-G	Deferred two meetings, until 02/20/97, requested by applicant.
96P-022U	Deferred indefinitely, requested by applicant.
97M-015U	Deferred two weeks, requested by Metro Properties Department.

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

APPROVAL OF MINUTES

Ms. Nielson moved and Mr. Manier seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of January 9, 1997.

RECOGNITION OF COUNCILMEMBERS

Councilmember Jerry Graves spoke in favor of the Bhomar PUD on Glenrose Avenue.

Councilmember Vic Lineweaver asked the Commission to defer item 97P-006G because he had not seen the plans. He also asked the Commission to review closely the driveway location of Subdivision No. 94S-257G.

ADOPTION OF CONSENT AGENDA

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

APPEAL CASES:

Appeal Case No. 96B-249U
Map 94-6, Parcel 11
Subarea 11 (1993)
District 15 (Dale)

A request to construct an 80,000 square foot storage tank in the floodplain on property abutting the west margin of Visco Drive and the east margin of the Cumberland River (6.86 acres), requested by Ergon, Inc., appellant/owner.

Resolution No. 97-61

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-249U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 97Z-015U
Map 149, Parcels 141, 142 and 143
Subarea 13 (1991)
District 28 (Hall)

A request to change from AR2a District to R10 District certain property abutting the south margin of Rural Hill Road, approximately 1,100 feet west of Rice Road (5.94 acres), requested by Robert and Judy Martin, Hugh Hicks, appellants/owners.

Resolution No. 97-62

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-015U is **APPROVED:**

This property falls at the boundary between residential medium density policy (calling for densities between 4 and 9 dwelling units per acre) to the north of Rural Hill Road and residential medium high density policy (9 to 20 dwelling units per acre) southward to Bell Road and eastward to Murfreesboro Pike."

Zone Change Proposal No. 97Z-016U
Maps 159 and 170, Parcels 204 and 219
Subarea 10 (1994)
District 33 (Turner)

A request to change from R40 District to OP District certain property abutting the southeast margin of Old Hickory Boulevard and West Park Drive (2.0 acres), requested by Randy Caldwell, appellant, for McCohen Development, Inc., owner.

Resolution No. 97-63

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-016U is **APPROVED:**

This property falls within office concentration policy in the Subarea 10 Plan. The OP District will implement this policy."

Zone Change Proposal No. 97Z-017U
Map 171, Parcels 83 and 158
Subarea 12 (1991)
District 32 (Jenkins)

A request to change from R40 District to R20 District certain property abutting the south margin of Church Street East, approximately 100 feet east of Cloverland Drive (4.25 acres), requested by Mark Marshall, appellant, for Leamon Bratton, owner.

Resolution No. 97-64

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-017U is **APPROVED**:

This property falls within "Residential Low-Medium" density policy (calling for densities of 2 to 4 dwelling units per acre) in the Subarea 12 Plan. The R20 District will implement this policy."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 96P-017G
Indian Creek Estates
Map 181, Parcel 100
Subarea 12 (1991)
District 31 (Alexander)

A referral from Council of a modified plan for the Residential Planned Unit Development District abutting the south margin of Old Hickory Boulevard, approximately 500 feet east of Culbertson Road (71.55 acres), classified AR2a and proposed for R20, to permit the development of 200 single-family lots, requested by Barge, Waggoner, Sumner and Cannon, for Eugene Collins, owner.

Resolution No. 97-65

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96-017G is given **CONDITIONAL APPROVAL**. The following conditions apply:

1. Receipt of written confirmation of approval of the revised plans from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
2. A flood study of Indian Creek shall be conducted prior to any final approval.
3. The applicant shall submit revised plans demonstrating right-of-way widening to 60 feet for left-turn lanes at the intersections of the proposed 50 foot right-of-way road and Old Hickory Boulevard and the proposed 50 foot right-of-way road and the proposed 60 foot right-of-way road.
4. At the time of final approval the developer will attempt to combine driveway ramps and limit access onto the proposed 60 foot right-of-way road."

SUBDIVISIONS:

Final Plats:

Subdivision No. 94S-257G

Woodside (formerly Cumbie Heights)
Map 142, Parcel 89
Subarea 6 (1996)
District 35 (Lineweaver)

A request to create 10 lots abutting the northeast margin of Hicks Road, opposite Patten Lane (5.15 acres), classified within the R15 District, requested by Steve Ayers, owner/developer, Walker Engineering, surveyor.

Resolution No. 97-66

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 94S-257G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$44,000.00.**”

Subdivision No. 97S-006U
Farokh Fani Property
Map 162, Parcel 66
Subarea 12 (1991)
District 31 (Alexander)

A request to record one parcel as one lot abutting the north margin of Bell Road, approximately 3,700 feet southwest of Blue Hole Road (2.87 acres), classified within the AR2a District, requested by Farokh Fani, owner/developer, Dale and Associates, Inc., surveyor.

Resolution No. 97-67

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-006U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$24,000.00.**”

Subdivision No. 97S-026U
C & S Harley Davidson
Map 91-12, Parcels 123, 124 and 134
Subarea 7 (1994)
District 21 (McCallister)

A request to consolidate 10 lots into one lot abutting the west margin of 42nd Avenue North, between Georgia Avenue and Delaware Avenue (.97 acres), classified within the CS District, requested by C & S Properties, L.P., owner/developer, Cherry Land Surveying, Inc., surveyor.

Resolution No. 97-68

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-026U, is granted **APPROVAL.**”

Subdivision No. 97S-029U
Metro Airport Center, Phase 3, Section 5
Map 108, Part of Parcel 24
Subarea 14 (1996)
District 14 (Stanley)

A request to subdivide one parcel into two lots abutting the southeast corner of Royal Parkway and Airport Center Drive (4.28 acres), classified within the R10 Commercial Planned Unit Development District, requested by Henry C. McCall, trustee, owner/developer, Bruce Rainey and Associates, surveyor.

Resolution No. 97-69

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-029U, is granted **APPROVAL.**”

Request for Bond Extension:

Subdivision No. 93S-197G
MeadeVue Subdivision
Buddy Dunn Contractors, principal

Located abutting the southeast margin of Sawyer Brown Road, approximately 100 feet northeast of Hicks Road.

Resolution No. 97-70

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 93S-197G, Bond No. 94BD-056, MeadeVue, in the amount of \$20,000 until April 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by February 1, 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."

Subdivision No. 95S-308U
River Meadows, Section One
Bobby D. Wall Construction Company, co-principal
St. James Baptist Church, co-principal

Located abutting the southeast margin of Hinkle Drive, approximately 120 feet east of Leawood Drive.

Resolution No. 97-71

"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-308U, Bond No. 95BD-092, River Meadows Estates, Section One, in the amount of \$85,700 until October 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by February 23, 1997 and extending the expiration date to April 1, 1998. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 94P-026U
Hill Place
H. G. Hill Realty Company, principal

Located abutting both margins of Post Road, between Davidson Road and Farnsworth Drive.

Resolution No. 97-72

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 94P-026U, Bond No. 95BD-031, Hill Place, in the amount of \$129,000 until October 1, 1997, as requested.

Request for Bond Release:

Subdivision No. 189-73-G

Cherry Creek Apartments

Merry Land and Investment Company, Inc., principal

Located abutting the south margin of Central Pike, approximately 100 feet east of Dodson Chapel Road.

Resolution No. 97-73

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 189-73-G, Bond No. 95BD-036, Cherry Creek Apartments, in the amount of \$75,000, as requested."

Subdivision No. 88P-061U

Harding Mall Village, Section One

Baptist Hospital, Inc., principal

Located abutting the north margin of Harding Place, approximately 450 feet east of Nolensville Pike.

Resolution No. 97-74

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 88P-061U, Bond No. 88BD-025, Harding Mall Village, Section One, in the amount of \$2,000, as requested."

Subdivision No. 89P-017G

Bradford Hills, Section Sixteen

J & Y, L.P., principal

Located abutting both margins of Bradford Hills Place, approximately 120 feet north of Bradford Hills Drive.

Resolution No. 97-75

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 89P-017G, Bond No. 94BD-041, Bradford Hills, Section Sixteen, in the amount of 13,000, as requested."

MANDATORY REFERRALS:

Proposal No. 97M-016U

Acceptance of Property Adjacent to

Tusculum Elementary School

Map 147-16; Parcel 23

Subarea 12 (1991)

District 26 (Arriola)

A mandatory referral from the Public Property Administrator to accept a parcel of property adjacent to Tusculum Elementary School from H. G. Hill Realty Company for the benefit of the Board of Education. (See Subdivision No. 97S-027U).

Resolution No. 97-76

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 97M-016U.

Proposal No. 97M-017U
Lebanon Pike Circle Right-of-Way Closure
Map 94
Subarea 14 (1996)
District 15 (Dale)

A proposal to close a portion of the southern right-of-way of Lebanon Pike Circle abutting the north property line of Parcel 90 on Property Map 94, requested by Darlene Wood, trustee.

Resolution No. 97-77

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 97M-017U.

Proposal No. 97M-018U
Council Bill No. 097-626
Street and Alley Closures - Vanderbilt, between
31st Avenue South and Natchez Trace
Maps 104-6 and 104-7
Subarea 10 (1994)
District 18 (Clifton)

A council bill to amend the official street and alley map by closing Capers Avenue between Natchez Trace and 31st Avenue South; Wellington Avenue between Natchez Trace and 31st Avenue South; Dudley Avenue between Natchez Trace and 31st Avenue South; 30th Avenue South between Vanderbilt Place and Dudley Avenue; Alley No. 646 between Natchez Trace and 31st Avenue South; Alley No. 645 between Natchez Trace and 31st Avenue South; Alley No. 819 and Alley No. 913 between Wellington Avenue and Dudley Avenue; Alley No. 644 between 30th Avenue South and 31st Avenue South. (Easements are to be retained).

Resolution No. 97-78

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 97M-018U.

ADDENDUM:

Subdivision No. 97S-019U
Holman Property Place
Map 162, Parcel 74
Subarea 12 (1991)
District 31 (Alexander)

A request to subdivide one lot into two lots abutting the north margin of Bell Road and the south margin of Benzing Road (5.24 acres), classified within the CS District, requested by Leadon Holman, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 97-79

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-019U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$114,000.00.**”

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 97Z-003U

Map 83-5, Parcel 93
Subarea 5 (1994)
District 5 (Harrison)

A request to change from OP District to CS District certain property abutting the north margin of West Eastland Avenue, approximately 160 feet west of Gallatin Pike (0.48 acres), requested by Joe A. Hicks, appellant/owner.

Proposal No. 97M-004U

Alley 1007 Closure
Map 83-5
Subarea 5 (1994)
District 5 (Harrison)

A request to close Alley No. 1007 between Alley No. 1002 and West Eastland Avenue, requested by William H. Parham, for adjacent property owners.

Mr. Reid stated Zone Change 97M-003U and Mandatory Referral 97M-004U should be considered together. He stated staff is recommending disapproval of the rezoning request because the method of closing the alley has not yet been agreed to. The applicant intends to consolidate these properties and develop a 10,000 square foot drug store. The commercial policy along Gallatin Pike accommodates commercial redevelopment and deepening of retail types of zoning as long as consolidation can take place to give properties orientation to Gallatin Pike. In order to consolidate the property, the alley would need to be closed. Approval of the zone change hinges on approval of closing the alley.

Staff is recommending disapproval of closing this alley because this alley system running parallel to Gallatin Pike is important to maintain because of heavy traffic on Gallatin Road in this immediate area, and because of the need for service driveways for the commercial uses in the area. The applicant proposes maintaining an alternate alley system; however, the exit point from the alley is proposed to be deeper into the residential area where commercial traffic may be detrimental to the residential function.

Because staff is recommending this alley not be closed they are also recommending disapproval of the zone change. The zone change should occur only if consolidation of commercial property can occur, and that is possible only if the alley is closed. Staff pointed out that one property owner has indicated opposition to the alley closing.

Staff reported that Councilmember Harrison called and stated his support for closing the alley and for the zone change.

Chairman Smith asked if Miller Clinic owned the entire piece of property?

Mr. Reid stated no, and pointed out the portion they did own.

Mr. Tom White, representing the applicant, stated the issue really hinges upon the alley closure. Mr. White stated the commercial usage of the alley is not so great that it would disrupt the residential area if the alley were rerouted. He stated that most service occurring in the alley was refuse collection, and these trucks continued into the residential area for refuse collection anyhow.

Mr. Manier stated the notes on this project indicated Public Works opposed the alley closure.

Mr. White stated Public Works said they were in agreement with exactly what the applicant had submitted. Public Works signed off on the configuration that is being shown. The only issue was where the turn around would be for the trucks. They had no problem with the alley closure at this particular place.

Mr. Reid stated that was correct and that Public Works agreed to the conceptual idea of closing the alley and keeping the L-shaped system as long as additional area is provided for service vehicles and garbage trucks to be able to make a turning movement.

Chairman Smith stated it seemed to him this was a part of a revitalization to this area.

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

Resolution No. 97-80

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-003U is **APPROVED with conditions**:

This property falls at the boundary of residential and commercial policy in the Subarea 5 Plan. The commercial policy along Gallatin Pike accommodates deepening of retail (CS) zoning when the property is being redeveloped and consolidated to give the site orientation to a major arterial road, and when the adjacent residential area will not be adversely impacted. In order to consolidate this property, the alley on the east side of this property will have to be closed.

Rezoning of this property to CS is approved conditioned upon concurrent closure of Alley No. 1007, the construction and dedication of an appropriate turning radius for the remaining alley system, and the recording of a property consolidation plat."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that it **APPROVES with conditions** Proposal No. 97M-004U:

Approval of this alley closure is conditioned upon the petitioner's construction and dedication of additional right-of-way to provide a 45-foot turning radius at the intersection of Alleys 1002 and 1007."

Zone Change Proposal No. 97Z-013U
Map 165, Parcels 122, 123, 124 and 125
Subarea 13 (1991)
District 29 (Holloway)

A request to change from AR2a District to an RS10 District on four parcels abutting the north margin of Pin Hook Road, approximately 650 feet west of Lavergne-Couchville Pike (23.3 acres), requested by Mike Anderson, appellant, for Ford/Fischer, optionees.

Proposal No. 97P-008G
Lakewood Village
Map 165, Parcels 122-125
Subarea 13 (1991)
District 29 (Holloway)

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the north margin of Pin Hook Road, 660 feet west of Lavergne-Couchville Road (23.3 acres), classified AR2a and proposed for RS10, to permit the development of 92 single-family lots, requested by Anderson-Delk and Associates for Jim Fischer, owner.

Mr. Delaney stated this property fell within residential low-medium density policy in the Subarea 13 Plan and the proposed RS10 would comply with that policy. Staff therefore was recommending approval of the zone change. The issue is with approval of the PUD and whether or not to require a left turn lane in Pin Hook Road at the entrance to the subdivision. Though the traffic study does not indicate the need for the turn lane, staff reported that Public Works staff was recommending the turn lane. The developer was opposed to installing the turn lane.

Mr. Delaney stated the applicant has now conducted a field survey of the sight distance on Pin Hook and has demonstrated an adequate sight distance, which was one of the major concerns. Metro Traffic and Parking has also conducted a survey and confirmed their findings, so there is no longer a sight distance concern. However, Traffic and Parking is still requesting a left turn lane be provided because the development only has one entrance on Pin Hook.

Staff does not agree with the Metro Traffic Engineer's reasons for the left turn lane. Staff feels that, not only does the traffic this development will generate not justify a left turn lane, but the developer has also provided stub outs to both the east and west property lines which will allow for future interconnection as adjacent properties develop. Therefore, staff is recommending approval of the zone change and the PUD.

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

Resolution No. 97-81

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-013U is **APPROVED**:

This property falls within "Residential low-medium" density policy (calling for densities of 2 to 4 dwelling units per acre) in the Subarea 13 Plan. RS10 will fit in with the predominant emerging zoning pattern in this general area."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-008G 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."

Zone Change Proposal No. 97Z-014U
Map 43-7, Parcel 70
Subarea 4 (1993)
District 9 (Dillard)

A request to change from R8 District to CS District certain property abutting the southeast margin of Myatt Drive and Anderson Lane (0.82 acres), requested by Pedro and Betty Perales, appellants/owners.

Mr. Reid stated staff was recommending disapproval. This general area consists of industrial policy and land uses coming into conflict with residential land uses. Currently Anderson Lane is serving as somewhat of a delicate edge between the two uses. The subarea plan is trying to keep the industrial development from encroaching into the residential area. Currently Anderson Lane serves as a clear zoning boundary between industrial and residential policy. Since it is important to have clear zoning boundaries, staff feels placing commercial zoning across this boundary would be a dangerous breach into the residential area. Staff also feels there is no market basis for this rezoning since there are opportunities in the industrial area to the north.

Staff pointed out that at the last meeting, the Commission recommended disapproval as contrary to the General Plan a proposal to change a nearby parcel to CS based upon the fact it was inappropriate to have commercial zoning at the gateway to the residential area and also because commercial opportunities existed to the south between State Route 45 and Old Hickory Boulevard.

Ms. Glenda Boshin, applicant's business manager, spoke in favor of the zone change because of continuous property destruction by tenants and patrons from the nearby market.

Ms. Jernigan asked if there was any other type of land use that would be in conjunction with the plan that would be more of a transition rather than the commercial.

Mr. Reid stated the policy of this general area was residential low density and one of the subarea plan objectives was to conserve the housing in this area.

Councilmember Clifton stated there seemed to be potential consensus of a lot of the owners in this area that it may be wrong to limit it to residential but in light of the past actions here there is no choice.

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

Resolution No. 97-82

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-014U is **DISAPPROVED** as contrary to the General Plan:

This property falls within residential policy in the Subarea 4 Plan. Anderson Lane currently serves as a zoning boundary between the residential area to the south and the industrial area to the north. The Subarea Plan seeks to conserve the residential area to the south. Allowing commercial zoning to breach this zoning boundary would undermine the integrity of this residential area."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 97P-005U
Bhomar PUD
Map 119-1, Parcels 496 and 42
Subarea 11 (1993)
District 16 (Graves)

A request to grant preliminary approval for a Commercial (General) Planned Unit Development District, abutting the southwest corner of Glenrose Avenue and Hester Avenue, classified OP, R6 and CG, 1.16 acres, to permit the development of a 60 unit motel, requested by Heibert and Associates, for Bhomar LLC, owners.

Mr. Delaney stated this property is located at the boundary of commercial arterial existing policy which is along Nolensville Pike, and residential low-medium policy along Glenrose Avenue. The Commission may

recall the two previous zone changes for this property. Both were request to change this property to commercial use and both were disapproved by the Commission. The basis for the Commission's recommendation of disapproval for the two zone changes was the specific language in the Subarea 11 Plan which identified this area as being part of a stable residential neighborhood, and it also recommended the commercial activities be oriented along Nolensville Pike and not allowed to encroach into this neighborhood. Both these zone changes have been withdrawn or deferred indefinitely by the Council. As Councilmember Graves stated earlier, the neighborhood is more comfortable with and in favor of this PUD proposal. However, staff feels this would introduce a commercial use into this stable residential neighborhood and would jeopardize the future of the properties adjacent to it and across the street from it. For these reasons staff is recommending disapproval.

Ms. Nielson asked if the house at the corner of Hester and Glenrose was currently occupied.

Mr. Kenny Ward, deputy neighborhood watch director for the area, stated the house was not occupied. He spoke in favor of the PUD and said the land for the proposed hotel is currently an eye sore for the area property owners and a gathering place for drug dealers.

Chairman Smith asked why staff would allow the traffic to exit on Hester when there was no real buffer between the commercial and residential.

Mr. Owens stated there was a gate shown on the plan but it was a crash gate and for emergencies only.

Mr. Harbison stated Mr. Ward's testimony made him think there may be something wrong with the language in the General Plan about how stable and good this residential neighborhood is and that this would be encroaching into it and creating a problem. This seems to be a fairly good transition from Nolensville Road and the neighborhood.

Mr. Manier stated this was a problem to him because it was one of those pockets or areas of affordable housing and there is very little affordable housing now in Metropolitan Nashville. A motel may not intrude by itself but may lead to another item beyond it and maybe even another item beyond that over the next few years.

Chairman Smith stated that in general was true but this particular piece of property was, for the most part, currently zoned OP.

Mr. Stephen Smith stated there was a logical argument that unless the Commission allowed something else to go on this property besides what is there that this neighborhood may be degraded even further.

Chairman Smith stated this was a fairly large piece of property and had been there a long time. Though the Commission intends that the area be OP and some kind of buffer between the residential, that does not seem to be working.

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

Resolution No. 97-83

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-005U is given **APPROVAL**.

Proposal No. 97P-006G
Wildflower Place
Map 142, Parcel 87
Subarea 6 (1996)
District 35 (Lineweaver)

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the north margin of Bellevue Road, 950 feet west of Hicks Road (5.71 acres), classified R15, to permit the development of 19 single family lots, requested by Thomas Miller and Partners, for Bill Eason, owner.

Mr. Delaney stated the land use policy for this area is residential low-medium density and this development would conform with that policy. They are proposing a single cul-de-sac with lots on either side. The only remaining technical issue with this is in regard to the proposed entrance. There now exists an entrance for the adjacent residential PUD and the separation between it and the proposed entrance to this development is only 140 feet. The minimum standard is 150 feet, which means a variance would be required if this development is approved.

Staff is recommending this variance to the minimum separation standards to be granted at this preliminary stage. Given the topography along Bellevue Road, sight distance is an issue. It is believed the proposed location, which is too close to the adjacent driveway, is the best location for proper sight distance. A sight distance study is being called for to confirm the best location.

Chairman Smith stated this was the item Councilmember Lineweaver wished to have deferred for one meeting. However, Mr. Smith pointed out to the Commission that a deferral would prevent this matter from making the March public hearing at Council. Mr. Smith pointed out that this detail could be addressed during the month of February if the Commission wished to recommend approval with resolution of this matter as a condition of approval.

Chairman Smith stated Councilmember Lineweaver would have the opportunity to review the details of this PUD as it proceeded through Council.

Mr. Mike Thomas, an area resident, expressed his concerns regarding the size of the proposed homes and traffic problems and asked the Commission to grant Councilmember Lineweaver's deferral request.

Mr. Harbison said he did not feel a deferral at this level would be of any help to the neighbors.

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

Resolution No. 97-84

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-006G is given **CONDITIONAL APPROVAL WITH A VARIANCE TO THE SUBDIVISION REGULATIONS REGARDING MINIMUM STREET SEPARATION**. 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. Prior to any final approval, the applicant shall conduct and submit a site distance survey on Bellevue Road for review by the Metropolitan Traffic Engineer. If this survey confirms that moving the entrance ten feet to the east (to meet the minimum separation requirements) will create an unsafe intersection, then the recommended variance will stand. If moving the entrance does not create a site distance concern, then the entrance shall be relocated.
3. Written confirmation of approval from the Harpeth Valley Utility District.
4. This development shall incorporate the Metro ST-200 curb and gutter section.”

Proposal No. 97P-007G
Nashwood Park Apartments

Map 43-11, Parcel 186
Subarea 4 (1993)
District 9 (Dillard)

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the south margin of North Dupont Avenue, 400 feet west of Rio Vista Drive (9.22 acres), classified R8, to permit the development of a 100 unit apartment complex, requested by Martin Riley Associates-Architects, for Melissa Arlene Conrad Bush, owner.

Mr. Delaney stated the land use policy in this area is residential medium-high density and this development at density of 11 dwelling units per acre would conform with that policy. Staff is recommending disapproval, however, due to a number of technical deficiencies with this proposal, including a lack of a grading plan, the lack of a landscape plan, the lack of necessary professional stamps, and the lack of a traffic impact study. The applicant is aware of all of the technical deficiencies with this proposal and is still requesting Planning Commission consideration at this time.

Mr. Browning stated that to make the March Council Public Hearing they have to have a recommendation by this Commission. Given the deficiencies, all the Commission can do is recommend disapproval, but there will be six weeks to get those items clarified and that has been discussed with the developer.

Mr. Dean Baxter stated he understood the Commission had to disapprove this proposal and thanked the planning staff and Councilmember Dillard for the help they had given with this proposal.

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

Resolution No. 97-85

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-007G is **DISAPPROVED:**

Disapproval is based on the lack of sufficient information to adequately review the plan; no grading plan, landscaping plan or traffic impact study was submitted with this application.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 94S-314U
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. (Deferred from meeting of 01/09/97).

Mr. Henry stated this matter was deferred at the last meeting to allow time for the applicant to file for a sewer capacity study with Water Services. That has been done and Water Services has communicated to planning staff there is capacity in the sewer line to support the development of this property. Staff is

recommending re-approval with a variance to the maximum length of a dead end street and also subject to sight distance easements at Ben Allen Road and designation of critical lots on the final plat application.

No one was present to speak at the public hearing.

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

Resolution No. 97-86

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 94S-314U, is granted **CONDITIONAL RE-APPROVAL for one additional year with a variance to the maximum length of a dead-end street (Subdivision Regulations 2-6.2.2), and subject to sight distance easements at Ben Allen Road and designation of critical lots on the final plat.”**

Final Plats:

Subdivision No. 97S-008A

West Meade Farms, Inc., Section 8, Lot 768
Map 129-1, Parcel 17
Subarea 7 (1994)
District 23 (Crafton)

A request to amend the side setback line from 90 feet to 40 feet on a lot abutting the southwest corner of Jocelyn Hollow Court and Jocelyn Hollow Road (1.3 acres), classified within the RS40 District, requested by Christopher P. and Virginia M. Kelly, owners/developers. (Deferred from meeting of 01/09/97).

Mr. Henry stated this application was deferred at the last meeting because the applicant wanted to acquire petitions of support from surrounding property owners. This house was built in 1959 with an 18 foot encroachment into the 90 foot setback area. The applicant is now requesting to reduce that setback even further, down to 40 feet. Staff believes the 90 foot setback was established in 1957 and was done so to maintain a certain character in this subdivision. Staff feels any further reduction below the 72 foot setback, which would accommodate the encroachment only, would appear to disrupt the character of this established residential neighborhood. Corner lots are particularly critical because of those relationships to other properties. Staff is recommending disapproval.

Ms. Nielson asked if the earlier 18 foot encroachment had been brought before the Commission.

Mr. Henry stated it was not and that staff would recommend the Commission support that 18 foot reduction on this application but no further than that.

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

Resolution No. 97-87

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-008A, is **DISAPPROVED. The Commission approved reducing the setback from 90 feet to 72 feet to accommodate the existing house. Any further reduction in the setback would disrupt the character of this established residential neighborhood.”**

Subdivision No. 97S-021U

Taigan’s Court (Resubdivision of Lots 27 and 28)
Map 70-6, Parcels 74 and 75

Subarea 3 (1992)
District 2 (Black)

A request to reconfigure two lots abutting the south margin of Taigan's Court, approximately 485 feet southwest of Buena Vista Pike (.68 acres), classified within the R10 District, requested by Jack Williams, owner/developer, MEC, Inc., surveyor.

Mr. Henry stated the house to the left of this house has not yet received final inspection. It was built with an encroachment into the side yard setback. The applicant is now asking to shift the property line to accommodate the house. There is a vacant lot next door so there are no issues with existing structures.

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

Resolution no. 97-88

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-021U, is granted **APPROVAL.”**

Subdivision No. 97S-022A
Holt Woods, Section 9, Lot 172
Map 172-15-A, Parcel 145
Subarea 12 (1991)
District 31 (Alexander)

A request to amend the rear setback line from 20 feet to 11.3 feet on a lot abutting the southwest corner of Cobble Street and Bryce Road (.16 acres), classified within the R20 Residential Planned Unit Development District, requested by Thorun T. Olsen, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Mr. Henry stated the structure the Commission is dealing with was added onto the back of the house after the foundation inspection and framing inspections occurred. The deck itself does not violate established setbacks. However, the construction of a roof over the deck creates the setback violation. There is no indication during the framing inspection that this roof extension was to come. This extension of the cover over the wooden deck is in violation of the platted setback and in violation of the construction permitting process, given the timing of that installation.

Mr. Mike Anderson stated that in the past couple of years the builder had built approximately 110 houses in this development and this was the first time he has had a violation of this nature. Everything Mr. Henry said was perfectly accurate and correct. During the framing process of this house, in the very later stages of the framing, the owner asked the builder to add this covered deck which is open on three sides. The builder made the addition but was unaware of any setback problem. The adjoining property owner has no objection and the Holt Woods Homeowners Association has no objection.

Mr. Manier stated this sort of thing just kept happening and he was beginning to wonder if a recorded plat meant anything at all.

Mr. Harbison stated a point of law established by the courts stipulates that relief should be granted where the encroachment is minor.

Ms. Jernigan stated that if someone started to get into a history of situations like this occurring perhaps something should be done.

Mr. Stephen Smith stated that if this builder came back and built another encroachment of a deck with a roof he would vote to ask him to tear it off; however, since it had not happened before it was obviously a mistake.

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

Resolution No. 97-89

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-022A, is granted **APPROVAL.**”

Subdivision No. 97S-024G

Poplar Creek Estates, Phase 2, Lots 230 and 231
Map 155-8-C, Parcels 230 and 231
Subarea 6 (1996)
District 35 (Lineweaver)

A request to reconfigure two lots abutting the west margin of Chessington Drive, approximately 565 feet southeast of Autumnwood Drive (.50 acres), classified within the RS30 Residential Planned Unit Development District, requested by Keith and Sandra L. Merry, owners/developers, H & H Land Surveying, Inc., surveyor.

Mr. Henry stated in this instance one house had been built in violation of the side setback and the foundation had been dug for the adjacent house. This proposal introduces new lot lines to correct the violation.

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

Resolution No. 97-90

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-024G, is granted **APPROVAL.**”

Subdivision No. 97S-027U

McMurray Commercial Area
Map 147-16, Parcels 23 and 24
Subarea 12 (1991)
District 26 (Arriola)

A request to subdivide two parcels into three lots abutting the west margin of Nolensville Pike, opposite Fairlane Drive (7.51 acres), classified within the R10 and CS Districts, requested by H. G. Hill Realty Company, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Henry stated this property contained ball fields and was used by a local Little League club and will be acquired by the School Board as part of the Tusculum Elementary School site. Staff is recommending approval with a variance to the minimum legal street frontage provision. Technically, that lot does not have proper street frontage but staff believes, given the fact that it is being acquired for the school, that variance is proper.

Mr. Manier asked if H. G. Hill Realty Company was donating the land.

Mr. Henry stated it was.

Mr. Manier stated H. G. Hill Realty should be recognized for their generosity and that the Commission should go on record on behalf of the Metropolitan Government expressing appreciation for that gift.

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

Resolution No. 97-91

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-027U, is granted **CONDITIONAL APPROVAL with a variance to the minimum public street frontage requirement (Subdivision Regulations 2-4.2.A) for proposed lot #3 which is being conveyed to the adjacent Tusculum Elementary School.”**

Subdivision No. 97S-030A

Chandler Grove, Lot 18
Map 76-9-A, Parcel 18
Subarea 14 (1996)
District 12 (Ponder)

A request to amend the west setback line from 20 feet to 18 feet on a lot abutting the southeast corner of Compass Point and Chandler Grove Drive (.21 acres), classified within the R15 Residential Planned Unit Development District, requested by Zaring Homes, owner/developer.

Mr. Henry stated this house had been shifted toward the cul-de-sac about nine feet which resulted in an encroachment of a little more than a foot into a public right-of-way.

Mr. Todd Jones, representing Zaring Homes, explained how the encroachment violation occurred.

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

Resolution No. 97-92

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-030A, is granted **APPROVAL.”**

Subdivision No. 97S-031U

Antioch Park, Section 4, Resubdivision
of Lots 120 and 121
Map 162-4, Parcels 21 and 22
Subarea 12 (1991)
District 30 (Hollis)

A request to reconfigure two lots abutting the northeast corner of Tomarand Court and Shihmen Drive (.77 acres), classified within the R10 District, requested by Helmut J. Tillinger et al, owners/developers, Daniels and Associates, surveyor.

Mr. Henry stated there had been confusion for quiet some time regarding the location of property lines and an accessory structure on the back of one of the properties on the lot line. The proposal is to change the lot line with a variance to the radial lot line provision which is a general guideline for creating lot lines. Both property owners have agreed to the change and staff recommends approval with that variance.

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

Resolution No. 97-93

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-031U, is granted **APPROVAL with a variance to the radial lot line provision of the Subdivision Regulations 2-4.2.A.**”

OTHER BUSINESS:

4. Subarea 13 Plan policy language for the Rice Road/Bell Road area.

Ms. Uken stated that at the last meeting the Commission had asked staff to go back and add language to the Subarea 13 Plan which would clean up the zoning boundaries and make the area more flexible in terms of land use and she pointed out and explained, on a zoning map, the changes that had been made.

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

Resolution No. 97-94

“WHEREAS, the Metropolitan Planning Commission directed staff to conduct open workshop style meetings to provide the community the opportunity to work with the Commission’s staff on the review and updating of the *Subarea 13 Plan* that was adopted on February 28, 1991; and,

WHEREAS, four meetings were held between June 20, 1996 and August 15, 1996 at which community members working in conjunction with the staff of the Metropolitan Planning Commission, did in accordance with county-wide General Plan guidelines, review and update the *Subarea 13 Plan*; and,

WHEREAS, additional efforts were made to obtain public input into the development of this updated plan, including a public hearing before the Metropolitan Planning Commission on October 17, 1996; and,

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

WHEREAS, the Metropolitan Planning Commission adopted portions of the updated plan on October 17, 1996 and October 31, 1996 except for one area identified as the Bell Road/Rice Road area which it deferred for further study at the October 31, 1996 and several subsequent Commission meetings until the January 9, 1997 Metropolitan Planning Commission meeting and for which it continued the public hearing; and,

WHEREAS, the Metropolitan Planning Commission at its January 9, 1997 meeting closed the public hearing on the portion of the updated plan identified as Bell Road/Rice Road and deferred it until the January 23, 1997 Metropolitan Planning Commission meeting; and

WHEREAS, the Metropolitan Planning Commission at its January 23, 1997 meeting approved land use policy text for the portion of the updated plan identified as Bell Road/Rice Road;

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** that portion of the *Subarea 13 Plan: 1996 Update* (Subarea Plan), applicable to the previously deferred area identified as the Bell Road/Rice Road area, within the jurisdiction of the Metropolitan Government, in accordance with sections 11.504 (e), (j), and 18.02 of the charter of the Metropolitan Government of

Nashville and Davidson County as the basis for the Commission's development decisions in that area of the county. This portion of the *Subarea 13 Plan: 1996 Update* is also adopted as part of the General Plan.

1. Employee contract for John Reid.

Mr. Browning stated Mr. Reid was a Planner II and this contract would be for one year.

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

Resolution No. 97-95

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves a Planner II position employee contract for John Reid from February 1, 1997 through January 31, 1998.

2. Review and discussion of proposed zoning maps.

Mr. Jerry Fawcett and Mr. Bob Eadler presented and explained to the Commission samples of new zoning maps.

3. Consider nominations for Subarea 9 Citizen Advisory Committee.

Mr. Manier moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the following nominees to complete the Subarea 9 Citizens Advisory Committee:

Max Grant
Frank Freel
Bruce Hammond
Carol Williams

5. Proposed area for a neighborhood plan.

Ms. Nielson moved and Mr. Manier seconded the motion, which carried unanimously, to approve the area between Dickerson Pike, Douglas Avenue, Ellington Parkway and East Trinity Lane for a neighborhood plan.

6. Set March 6, 1997 as the public hearing date for the Subarea 12 Plan: 1996 Update.

Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously, so set March 6, 1997 for the public hearing for the Subarea 12 Plan Update.

Mr. Stephen Smith left at this point in the agenda.

7. Consideration of an amendment to the 1996-97 to 2001-2002 Capital Improvements Budget and Program to add project 96SG0028 Holt Creek Trunk Sewers - Construct.

Mr. Browning stated staff was recommending approval of this amendment because it would extend sewers down to the point where Nolensville Road and Concord Road intersect. This sewer extension, to that point,

will drain Bradford Hills and a lot of the residential area north of there. It has to drain south to head back north. All of this is consistent to the plans and the Commission amended the Subarea 12 Plan to allow the growth to occur in that area. Staff is suggesting to the Commission to advise the Mayor that, while this is going all the way to the Williamson County line, the sewer extension should not proceed further south than this because it would also allow further sewer extensions into parts of Davidson County that the Commission has excluded from urban development during this planning period.

Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously, to amend the 1996-97 to 2001-2002 Capital Improvements Budget and Program as follows:

Resolution No. 97-96

Holt Creek Trunk Sewers

\$1,500,000	Operating Revenues	1996-1997
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8. Legislative update.

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

PLATS PROCESSED ADMINISTRATIVELY:

January 9, 1997 through January 22, 1997

97S-025U **WHITWORTH, Phase 3**, Resubdivision of Lots 6 and 7
Shifts interior line between two platted lots

97S-033U **PARKS AND MYERS LOTS**
Subdivides one lot into two lots

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:35 p.m.

Chairman

Secretary

Minutes approval:
This 6th day of February 1997