

**MINUTES**  
**OF THE**  
**METROPOLITAN PLANNING COMMISSION**

Date: April 3, 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  
Ann Nielson

**Absent:**

Mayor Philip Bredesen  
William Manier  
James Lawson  
Stephen Smith

**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  
Douglas Delaney, Planner I  
Charles Hiehle, Planning Technician II

**Community Plans Division:**

Jerry Fawcett, Planning Division Manager  
Debbie Frank, Planner I

**Advance Planning and Research Division:**

Cynthia Lehmbeck  
Jacqueline Blue  
Maxie Starks

**Others Present:**

Rachel Allen, Legal Department  
Jim Armstrong, Public Works

Chairman Smith Called the Meeting to order.

### **ADOPTION OF AGENDA**

Mr. Owens announced addendum item 97M-045U, a Mandatory Referral from MDHA, should be added to the agenda.

Chairman Smith asked if that item would be on the consent agenda.

Mr. Owens stated it was listed on the consent agenda and that it involved MDHA acquiring properties in order to construct an enterprise center and was listed under Mandatory Referrals as a purchase.

Ms. Nielson moved and Ms. Jernigan seconded the motion, which unanimously passed, to adopt the agenda with the addendum.

### **ANNOUNCEMENT OF DEFERRED ITEMS**

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

291-84-U	Deferred two weeks, by applicant.
96P-009U	Deferred two weeks, by applicant.
94S-399G	Deferred indefinitely, by applicant.
96S-188G	Deferred two weeks, by applicant.
96S-417U	Deferred two weeks, by applicant.
97S-082G	Deferred two weeks, by applicant.
97S-099G	Deferred two weeks, by applicant.

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

### **APPROVAL OF MINUTES**

Chairman Smith announced a change in the minutes to reflect Commissioner Lawson's absence on March 20, 1997.

Councilmember Clifton stated Resolution No. 97-252 should be changed to:

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-022U is given DISAPPROVAL:

The Planning Commission has determined that the approval of this request would constitute an expansion of commercial land uses along White Bridge Road in a manner not consistent with the land use policies of the Subarea 7 Plan.”

Ms. Jernigan moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the meeting of March 20, 1997 with the changes listed above.

## RECOGNITION OF COUNCILMEMBERS

Councilmember Eric Crafton spoke regarding 97Z-032G, 88P-034G and 97P-016G stating he had held a community meeting. The majority of the adjacent property owners and office park occupants were at that point in time against changing the Office PUD. He felt he should have another neighborhood meeting and make sure everyone is there to have their opinion voiced. He suggested the Commission act on this matter today and when it reached the Council level he would defer the bill and take it back to the community and have at least one more meeting.

Mr. Owens announced staff had received a letter from Councilmember Patton stating she was in favor of Zone Change item 97Z-035G, the Bed and Breakfast Overlay Zone Change 97Z-036G and Subdivision 97S-99G. He stated the two zone changes were on the consent agenda and the subdivision had been deferred at the request of the applicant.

## ADOPTION OF CONSENT AGENDA

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

### APPEAL CASES:

#### **Appeal Case No. 97B-044G**

Map 87-9, Parcel 101

Subarea 14 (1996)

District 12 (Ponder)

A request for a conditional use permit under the provisions of Section 17.124.350 (Floodplain) as required by Section 17.124.030 to construct a 2,157 square foot single-family residence within the floodplain, on property abutting the south margin of Seiner Court (.38 acres), requested by Radnor Homes, appellant/owner.

#### **Resolution No. 97-267**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 97B-044G to the Board of Zoning Appeals:

**The site plan complies with the conditional use criteria."**

### ZONE CHANGE PROPOSALS:

#### **Zone Change Proposal No. 97Z-034U**

Map 104-2, Parcels 234, 235 and 236

Subarea 8 (1995)

District 21 (McCallister)

A request to change from RM8 District to OP District certain properties abutting the northwest margin of 29<sup>th</sup> Avenue North and Burch (0.32 acres), requested by Kevin Hale, appellant, for Kevin and LeAnne Hale, Charles Gilbert and Pauline Bader, House Reworks, Inc., owners.

#### **Resolution No. 97-268**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-034U is **APPROVED**:

**The property falls within office concentration policy, which the OP district will implement, and will continue the office zoning pattern along 29<sup>th</sup> Avenue North."**

**Zone Change Proposal No. 97Z-035G**  
Map 30, Parcel 68.01  
Subarea 3 (1992)  
District 1 (Patton)

A request to change from AR2a District to R40 District certain property abutting the west margin of Whites Creek Pike, approximately 1,000 feet north of and opposite Laws Road (1.35 acres), requested by Thelma Gilliam, appellant/owner.

**Resolution No. 97-269**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-035G is **APPROVED**:

**This property falls within Natural Conservation policy in the Subarea 3 Plan, in recognition of the steep slopes in the general area. Within areas of Natural Conservation policy, densities of up to 4 dwelling units per acre are permitted in areas of flat land which have good accessibility and public utilities. This property is in a relatively flat area along Whites Creek Pike, and backs up to a floodplain about 200 feet back. Sewer is available to these properties and water lines exist in Whites Creek Pike."**

**Zone Change Proposal No. 97Z-036G**  
Map 21, Parcel 94  
Subarea 1 (1992)  
District 1 (Patton)

A request to apply the Bed and Breakfast Overlay District on property approximately 420 feet north of Rawlings Road and 2,700 feet south of Clarksville Pike (46.3 acres), requested by Phila Hach, appellant/owner.

**Resolution No. 97-270**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-036G is **APPROVED**:

**The Metropolitan Historical Commission has determined that the barn on this property is a historically contributing structure. Therefore the property qualifies for consideration as a Bed and Breakfast Overlay District. The applicant owns the Commercial PUD property adjacent to this property which abuts Rawlings Road. An existing gravel access road exists adjacent to one of the commercial buildings and will extend northward through the Commercial PUD to serve this property."**

**Zone Change Proposal No. 97Z-037G**  
Map 53, Parcel 19  
Subarea 4 (1993)  
District 9 (Dillard)

A request to change from R15 District to RS15 District certain property abutting the northeast terminus of East Cedar Lane and the northwest terminus of Pawnee Trail (91.22 acres), requested by James Dillard, for R and R Builders, Inc., owner/developer.

**Resolution No. 97-271**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-037G is **APPROVED**:

**This property falls within "Residential Low-Medium" policy, which calls for densities up to 4 dwelling units per acre. The RS15 District will implement this policy."**

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 17-83-U**  
Grand Old Golf  
Map 62, Parcels 101, 151 and 152  
Subarea 14 (1996)  
District 15 (Dale)

A request to revise the preliminary site development plan and for final approval for the Commercial (General) Planned Unit Development District abutting the west margin of Music Valley Drive, approximately 150 feet north of Rudy Circle (1.12 acres), classified R15, to permit the development of a go kart track and a 1,500 square foot covered deck, requested by Grand Old Golf, for Fiddler Inn, Inc., owner.

**Resolution No. 97-272**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 17-83-U is given **CONDITIONAL PRELIMINARY AND CONDITIONAL FINAL APPROVAL**. The following condition applies:

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

**Proposal No. 28-87-P**  
Boone Trace, Section 3 (Boone Farm PUD)  
Map 126, Part of Parcel 65  
Subarea 6 (1996)  
District 23 (Crafton)

A request for final approval for Section Three of the Residential Planned Unit Development District abutting the northwest margin of Newsome Station Road, approximately 2,900 feet east of McCrory Lane (15.90 acres), classified RS30, to permit the development of 44 single-family lots, requested by Barge, Waggoner, Sumner and Cannon, for Fox Ridge Homes, Inc., owner.

**Resolution No. 97-273**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-87-P is given **CONDITIONAL FINAL APPROVAL FOR A SECTION**. The following conditions apply:

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

2. The recording of a final subdivision plat upon the posting of a bond for all road improvements as required by the Metropolitan Department of Public Works and all water and sewer line extensions as required by the Metropolitan Department of Water Services.”

**Proposal No. 79-87-P**  
Calumet, Phase Six  
Map 150, Part of Parcel 102  
Subarea 13 (1997)  
District 29 (Holloway)

A request for final approval for Phase Six of the Residential Planned Unit Development District abutting the northeast margin of Roundwood Forest Drive, opposite Calumet Drive (0.59 acres), classified RS10, to permit the development of three single-family lots, requested by Wamble and Associates, for James T. McLean, Sr., owner. (Also requesting final plat approval).

**Resolution No. 97-274**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 79-87-P is given **CONDITIONAL PUD APPROVAL; FINAL PLAT APPROVAL SUBJECT TO A BOND IN THE AMOUNT OF \$44,500.00.** The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat for Phase Six upon the posting of a bond in the amount of \$44, 500 for all Water and Sewer line extensions as required by the Metropolitan Department of Water Services.
3. The final subdivision plat for Phase Six shall not be recorded until the final plat for Phase Five, with the bonding of improvements to Roundwood Forest Drive, has been recorded.”

**Proposal No. 90P-013U**  
St. Bernard’s, Phase II  
Map 104-11, Part of Parcel 413  
Subarea 10 (1994)  
District 18 (Clifton)

A request for final approval for Phase II of the Commercial (General) Planned Unit Development District abutting the northwest corner of Bernard Avenue and 21st Avenue South (2.55 acres), classified RM6 and OP, to permit the development of a 73 space parking area, requested by MEC, Inc., for American Business Funding, Inc., owner. (Deferred from meeting of 03/20/97).

**Resolution No. 97-275**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 90P-013U is given **CONDITIONAL FINAL APPROVAL FOR A PHASE.** The following condition applies:

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

**SUBDIVISIONS:**

**Final Plats:**

**Subdivision No. 96S-382G**

Chase Creek Subdivision  
Map 156, Parcels 36, 79, 80 and 109  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request for final approval for 43 lots abutting the east margin of Temple Road, approximately 1,000 feet south of State Route 100 (45.1 acres), classified within the RS30 & R40 Districts, requested by Jennifer H. Small, Morris A. Webb and Railroad Services, Inc., owners/developers, E. Roberts Alley and Associates, Inc., surveyor. (Deferred from meeting of 03/20/97).

**Resolution No. 97-276**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 96S-382G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$1,085,000.00 and establishing an escrow fund in the amount of \$332.35 per lot for the improvement of the Highway 100/Temple Road intersection.”**

**Subdivision No. 97S-108G**

Riverfront Shopping Center, Section 4  
Map 53, Part of Parcel 29  
Subarea 14 (1996)  
District 11 (Wooden)

A request to create three lots abutting the south margin of Robinson Road, opposite Martingale Drive (2.77 acres), classified within the CS Commercial Planned Unit Development District, requested by Riverfront Development Limited Partnership, owner/developer, Bruce Rainey and Associates, surveyor.

**Resolution No. 97-277**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-108G, is granted **APPROVAL.”**

**Subdivision No. 97S-109G and 97S-110G**

Brookside Woods, Section 1  
Brookside Woods, Section 2  
Map 75, Parcels 64 and 65  
Subarea 14 (1996)  
District 12 (Ponder)

A request to create 44 lots (29 lots in Section 1 and 15 lots in Section 2) abutting the northwest corner of Nashville and Eastern Railroad Corporation and Tulip Grove Road (17.17 acres), classified within the R15 Residential Planned Unit Development District, requested by Larry Powell Builders, Inc., owner/developer, MEC, Inc., surveyor.

**Resolution No. 97-278**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-109G and 97S-110G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount as follows:**

**97S-109G (Section 1) - \$340,500.00**  
**97S-110G (Section 2) - \$143,500.00.”**

**Subdivision No. 97S-111U**  
Quail Valley, Phase 7, Section 4, Lots 38-40 and 80 (ZLD)  
Map 108-12, Parcels 41-44  
Subarea 14 (1996)  
District 13 (French)

A request to create four zone lot divisions abutting the southwest margin of Quailview Drive, approximately 408 feet southeast of Lakeford Drive (.93 acres), classified within the R10 District, requested by Stephen E. Ray, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

**Resolution No. 97-279**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-111U, is granted **APPROVAL.**”

**Subdivision No. 97S-114U**  
Hunter’s Run, Section 2  
Map 149-10, Part of Parcels 37 and 210  
Subarea 13 (1997)  
District 28 (Hall)

A request to create 15 lots abutting both margins of Brass Oak Trace and Elkhorn Point, approximately 80 feet south of Streamfield Pass (4.27 acres), classified within the RS10 District, requested by Jerry Butler, owner/developer, MEC, Inc., surveyor.

**Resolution No. 97-280**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-114U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$12,000.00.**”

**Subdivision No. 97S-115U**  
Calumet, Phase 5  
Map 150-14-A, Parcel 54  
Map 150-12, Parcel 124  
Subarea 13 (1997)  
District 29 (Holloway)

A request to create nine lots (one from Phase 3 combined with eight in Phase 5), abutting the northeast corner of Calumet Drive and Roundwood Forest Drive (1.95 acres), classified within the RS10 Residential Planned Unit Development District, requested by James T. McLean, Sr., owner/developer, Wamble and Associates, surveyor.

**Resolution No. 97-281**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-115U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$167,500.00.**”

**Request for Bond Release:**



**Subdivision No. 154-73-G**  
Hermitage Creste  
Hermitage Creste Apartments, L.P., principal

Located abutting the east margin of Andrew Jackson Way, approximately 930 feet south of Old Lebanon Dirt Road.

**Resolution No. 97-282**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 154-73-G, Bond No. 94BD-104, Hermitage Creste, in the amount of \$23,600, as requested."

**Subdivision No. 95S-068U**  
Revco Subdivision  
KHK, Inc., principal

Located abutting the northwest corner of Kings Lane and Clarksville Pike.

**Resolution No. 97-283**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 95S-068U, Bond No. 95BD-022, Revco Subdivision, in the amount of \$21,000, as requested."

**MANDATORY REFERRALS:**

**Proposal No. 97M-039U**  
Council Bill No. O97-702  
Ezell Park Property Lease  
Map 134, Parcel 145  
Subarea 13 (1997)  
District 27 (Sontany)

A request from the Metro Board of Parks and Recreation to approve a lease agreement between Metro Government, acting through the Board of Parks and Recreation, and Nashville Metros Soccer Club, for Ezell Park.

**Resolution No. 97-284**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-039U.

**Proposal No. 97M-040U**  
Council Bill No. O97-688  
Airport Parking Expansion  
Map 108, Parcel 10  
Subarea 13 (1997)  
District 13 (French)

A council bill authorizing the acquisition of property by negotiation or condemnation for the expansion of long-term and satellite automobile parking areas at Nashville International Airport, a public project of Metro government, specifically in relation to construction of MNAA Project No. 05-9334.

**Resolution No. 97-285**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-040U.

**Proposal No. 97M-043U**  
Third Avenue North Closure  
Map 81-4  
Subarea 8 (1994)  
District 20 (Haddox)

A mandatory referral from the Department of Public Works proposing the closure of Third Avenue North between Parcels 118 and 197 on Map 81-4. (Easements are to be retained).

**Resolution No. 97-286**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-043U.

**Proposal No. 97M-044U**  
Bell South Easement Acquisition on Kings Lane  
Map 59-9, Parcel 77  
Subarea 3 (1992)  
District 1 (Patton)

A request from the Public Property Administrator to grant a permanent easement to Bell South Telecommunications, Inc., on a portion of property located on the Kings Lane Elementary School grounds for the purpose of constructing and maintaining a remote terminal cabinet.

**Resolution No. 97-287**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-044U.

**ADDENDUM:**

**Proposal No. 97M-045U**  
Council Bill No.087-694  
Berry and Treutlan Streets Property Acquisition  
Map 82-7; Parcels 261,262,263  
Map 82-11; Parcels 49,50,51,52,53,54,55  
Subarea 5  
District 5

A request from the Metropolitan Development and Housing Agency (MDHA) to acquire certain properties located on Berry Street and Treutlan Street for the purpose of establishing a community center in this low income neighborhood.

**Resolution No. 97-288**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-045U.

This concluded the items on the consent agenda.

**ZONE CHANGE PROPOSALS:**

**Zone Change Proposal No. 97Z-032G**

Map 128, Part of Parcel 140

Map 142, Part of Parcel 12

Subarea 6 (1996)

District 23 (Crafton)

A request to change from R15 District to OP District certain property 182 feet east of Sawyer Brown Road, and approximately 230 feet south of Esterbrook Drive (3.167 acres), requested by Roy Dale, appellant, for Jack Sells, owner. (Deferred from meeting of 03/20/97).

**Proposal No. 88P-034G**

Bellevue Professional Park

Map 128, Part of Parcel 140

Map 142, Part of Parcel 12

Subarea 6 (1996)

District 23 (Crafton)

A request to cancel a portion of the Commercial (General) Planned Unit Development District 182 feet east of Sawyer Brown Road, and approximately 230 feet south of Esterbrook Drive, classified R15 and proposed for OP, to permit the development of a multi-family Residential Planned Unit Development (see PUD Proposal No. 97P-016G), requested by Dale and Associates, for Jack Sells, owner. (Deferred from meeting of 03/20/97).

**Proposal No. 97P-016G**

Bellevue Condominiums

Map 128, Part of Parcel 140

Map 142, Part of Parcel 12

Subarea 6 (1996)

District 23 (Crafton)

A request for preliminary approval for a Residential Planned Unit Development District 182 feet east of Sawyer Brown Road, approximately 230 feet south of Esterbrook Drive (3.167 acres), classified R15 Commercial Planned Unit Development and proposed for OP, to permit a 50 unit residential condominium development, requested by Dale and Associates, for Jack Sells, owner. (Deferred from meeting of 03/20/97).

Mr. Delaney stated that two weeks ago the Commission heard public comment on these items, closed the public hearing and deferred this proposal in order for the applicant and the neighborhood to attempt to reach some sort of consensus on the proposed development. At this time, staff has had no indication of any further discussion between those two parties and has not received any revised plans. This proposal involves three separate requests. The first request is to cancel the northern most portion of the Commercial PUD and to adjust the design of the future office building on Sawyer Brown Road. Second is a Zone Change request

to change the existing base zoning from R15 to OP. The third request is to create a new residential planned unit development to permit fifteen multi-family condominium units on the portion of the Commercial PUD that is to be canceled. The applicant is proposing the Residential PUD Overlay even though the proposed OP zoning would permit a multi-family development at the same densities.

The existing Commercial PUD approved for office and bank facilities was placed in this area to provide a logical transition between the Bellevue Mall and the lower density residential single family areas to the east. In the design of this original Commercial PUD, the proposed office buildings maintain a minimum setback of sixty feet, which is required for commercial abutting residential, and there was also a six foot high masonry wall around the perimeter as well as increased landscaping to provide a buffer between the office and residential. The original PUD also identified one story structures and restrictive covenants that were over and above the standard zoning requirements.

The proposed Residential PUD calls for one and two story condominiums located a minimum of thirty-five feet from one boundary and a minimum of twenty feet from another boundary. In lieu of the six foot high masonry wall that was previously required with the Commercial PUD, this development is only providing additional landscaping as a buffer between the multi-family residential and the existing single family residential. Staff feels that the office and/or the proposed multi-family development can provide the needed transition between the Bellevue Mall and the lower density residential. However, staff feels the six foot high masonry wall is an important aspect to provide a buffer between either the commercial or the multi-family residential and the single family. Staff is recommending approval of all three proposals and approval of the Residential PUD Overlay with the condition that the six foot high masonry wall be retained.

Staff received two letters in support of these proposals from neighborhood residents and one letter of opposition from the Bellevue Chamber of Commerce Planning and Zoning Committee.

Ms. Jessica Brown, Mr. George Johnson and Mr. Gaius Hill spoke in favor of the proposals and asked they be considered as separate proposals, and Ms. Paula Underwood Winters spoke in opposition.

Mr. Harbison stated it seemed this proposal is a responsible piece of planning because it brings about a logical land use transition and that he agreed with staff's recommendation.

Ms. Jernigan stated she agreed with Mr. Harbison.

Councilmember Clifton stated he felt he was not sure he could support this proposal if it were at Council level by taking into account planning and public opinion. At Commission level, decisions are made based on planning issues rather than on public opinion. He stated he was fairly well persuaded by the staff analysis. These are similar land uses from a planning perspective only but not in terms of what people might like.

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

**Resolution No. 97-289**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-032G is **APPROVED:**

**This zone change accompanies a Commercial PUD cancellation (88P-034G) and a request for a new Residential PUD (97P-016G). The OP district now being requested is being used to accomplish transitional zoning between more intensive commercial uses and abutting residential areas.**

**This zoning approach to land use transition was used along the south margin of the Memphis Bristol Highway in the approval of office uses just east of Sawyer Brown Road (in the OP Commercial PUD), with multi-family uses immediately to the east of those offices (in the RM8 Residential PUD)."**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-034G is given **APPROVAL REQUIRING COUNCIL CONCURRENCE to cancel a portion of the commercial (office) PUD.**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-016G is given **CONDITIONAL PRELIMINARY APPROVAL to establish a new residential PUD.** 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. Submittal to the staff of the Metropolitan Planning Commission a revised plan which includes a six foot masonry fence with increased landscaping along the east and north perimeters of the proposed residential PUD.
3. A detailed scheme for detention of stormwater shall be provided with the final plan of development, to meet the requirements of the Stormwater Management ordinance. This preliminary approval shall not be construed to approve the drainage shown at anything beyond a conceptual level until feasibility is adequately demonstrated by the applicant.”

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 94-71-G**  
Bellevue Mall (Bruno’s)  
Map 142, Parcel 299  
Subarea 6 (1996)  
District 23 (Crafton)

A request to revise the final site development plan for a portion of the Commercial (General) Planned Unit Development District abutting the west margin of Sawyer Brown Road and the north margin of U. S. Highway 70 South, to reduce the building setback line along Sawyer Brown Road from 35 feet to 33 feet, requested by Barge Waggoner Sumner and Cannon, for Bruno's, Inc., owners.

Mr. Delaney stated the existing 55,000 square foot supermarket was constructed with a building corner over the setback line of 35 feet. It is over approximately 14 inches. Staff feels the minor reduction in the building setback line from 35 feet to 33 feet will not have a negative impact and staff is recommending approval.

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

**Resolution No. 97-290**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94-71-G is given **CONDITIONAL APPROVAL.** The following condition applies:

The revising of the existing subdivision plat or the recording of an instrument to reduce the minimum building setback line along Sawyer Brown Road to 33 feet.”

**SUBDIVISIONS:**

**Preliminary Plats:**

**Subdivision No. 97S-104U**  
Germantown MDHA Parcel 293  
Map 82-9, Parcel 293  
Subarea 8 (1995)  
District 20 (Haddox)

A request to subdivide six lots into 16 lots for single-family residential development, abutting the east margin of Fifth Avenue North, between Monroe Street and Madison Street (2.29 acres), classified within the MUL District, requested by Germantown LLC, MDHA, owner.

Mr. Henry stated the Commission was being asked to grant a variance in the minimum width for these proposed lots. The Subdivision Regulations adopted a minimum width of all lots throughout the county of 50 feet. Staff supports residential development of this property but in order to approve this preliminary plan of subdivision, it would require a variance and justification for that variance. He stated the staff was recommending approval because narrower lot widths in this inner city location would be more consistent with other lots already created in the area, and would accommodate housing styles more in character with this historic part of the city. The staff of the Historical Commission has provided a letter of support for this subdivision.

There are surrounding lots that are 50 feet wide and some less than 50 feet wide. The proposal is to have lots that range in width from 32 to 36 feet. The applicant has provided a schematic showing how the structures will sit on these lots and an architectural rendering of what those structures will look like. Several of them are attached single family dwellings and there are four detached single family dwellings. The lots on each end will have frontages on 5<sup>th</sup> of 37 feet. The average lot width will be 35 feet. The opposite side of the street is zoned for mixed use and residential development and the average lot size comes to 40 feet.

Mr. Henry stated the subdivision would also require a variance to the width to depth ratio, since these lots would be more than four times deeper than they would be wide. He stated the subdivision plat should extend the lots to the alley as proposed, and this depth would violate this ratio if the lot widths of 32 to 37 feet are approved. He stated staff was recommending approval of this variance in that it would allow creation of urban lots appropriate to this specific location.

Mr. Henry suggested the Commission grant a variance to required right-of-way dedications along Monroe and Madison Streets. He said Monroe has a 30 foot right-of-way and Madison 31 ½ feet. Mr. Henry stated the streets are configured in such a way that any street widening in this area would not occur along this property being subdivided. Therefore, right-of-way dedication from this property would not be helpful. He further pointed out that the traffic engineer did not foresee growth in traffic volumes to justify the need for widening these streets.

Finally, the structures proposed as they sit on the property they would be in violation of the minimum setback for side yards in the MUL district. The MUL district requires a setback of either 0 or 10 feet. They are proposing these structures sit 3 feet from the property line on one side. The approval of this preliminary plan of subdivision will force the applicant to go to the Board of Zoning Appeals and request a variance in that side yard setback for at least 4 of the lots proposed. Codes Administration is willing to support that variance based on the fact that if the proposed Zoning Code goes through and is approved by Metro Council this 0 to 10 foot side setback will no longer be in the code.

Despite all the variances being requested there is a solution to this development that would allow residential development to occur. It would require a condominium type regime; therefore, it would remove the necessity to have the individual lot lines and would remove the necessity for the variances for the requested.

The applicant does not want to pursue this development as a condominium regime. They want individual lots.

Chairman Smith asked if there was an overlay on this area.

Mr. Henry stated there was not.

Chairman Smith asked what the term "Historic Germantown" meant.

Mr. Henry stated it generically referred to the fact that many of the individual structures in Germantown are listed in the National Register of Historic Places. It is within the Phillips Jackson redevelopment area that MDHA administers which is simply a revitalization plan and this property was acquired for that purpose.

Mr. Bodenhamer stated there were many other pieces of property in that area with frontage the same as the Commission is being asked to consider, and anything the Commission could do to maintain the integrity of the neighborhood would be a positive move.

Mr. Scott Chambers, Andree LeQuire, Michael Hamrick and Bundell Campbell spoke in favor of the proposal and presented the Commission with letters in favor from Councilmember Morris Haddox and from the neighborhood board.

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

**Resolution No. 97-291**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 97S-104U, is granted **APPROVAL with a variance to minimum street frontage (2-4.2A) and to substandard street width (2-7.1A).**"

**Final Plats:**

**Subdivision No. 97S-098A**  
Pine Ridge, Section 4, Lot 55  
Map 60-11-A, Parcel 63  
Subarea 5 (1994)  
District 4 (Majors)

A request to amend the front setback line from 20 feet to 19 feet and the south setback line from 5 feet to 2.5 feet on a lot abutting the east margin of Longleaf Court, approximately 90 feet north of Pine Ridge Drive (.12 acres), classified within the R8 Residential Planned Unit Development District, requested by Henry Matthew Ward, owner/developer, Land Surveying and Consulting, surveyor.

Mr. Henry stated an area of the roof was extended out over the patio of a newly constructed house after the builder was told by Codes Administration that to do so would be in violation of the setbacks.

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

**Resolution No. 97-292**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-098A, is **DISAPPROVED for failure to demonstrate reasons why the setback requirements could not have been met at the time the house was constructed (Subdivision Regulation 1-10).”**

**Subdivision No. 97S-112U**  
Tennessee NFL Stadium, Phase 1  
Map 93-2, Parcels 104 and 107  
Map 93-3, Parcels 36, 37, 50, 57-60, 62-64, 66,  
109-114, 116, 169 and 170  
Subarea 9 (1991)  
District 6 (Beehan)

A request to consolidate 22 lots into one lot abutting the west margin of South Second Street, between Russell Street and Boscobel Street (24.97 acres), classified within the IR and IG Districts, requested by Metropolitan Development and Housing Authority, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Henry stated this property is for the footprint for the TN NFL stadium. This plat consolidates individual lots and incorporates the streets which have passed third reading in Council for abandonment and closure. Two lots will not have the required public street frontage as required by the Subdivision Regulations. This plat is providing an access easement from Russell Street along the railroad track so the properties will still have a means of ingress and egress. Staff is recommending approval of this plat consolidation with a variance to the minimum street requirement because these lots will be purchased in the near future and consolidated with the large lot currently being created.

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

**Resolution No. 97-293**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-112U, is granted **APPROVAL with a variance to minimum street frontage requirement for two abutting lots (Subdivision Regulation 2-4.2A).”**

**OTHER BUSINESS:**

1. Consideration of the 1997-98 through 2002-03 Capital Improvements Budget and Program.

Mr. Browning stated Mr. Lawson had set a meeting for Thursday, April 10<sup>th</sup> to study the Capital Improvements Budget and Program and this item should be deferred by the Commission until after that meeting.

2. Employee contract for Debbie Frank.

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

**Resolution No. 97-294**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that it approves the employee contract for Debbie Frank for one year, from April 16, 1997 to April 16 1998.



3. Proposed Zoning Maps. (Deferred from meeting of 03/20/97).

Mr. Fawcett stated that if the Commission agreed to accept the zoning maps they will be attached to the text ordinance bill on April 15<sup>th</sup>.

Councilmember Clifton stated these zoning maps would not be a separate item but would be a part of the rezoning ordinance. As of this time, Council feels the zoning map public hearing can be held the first meeting in May.

Chairman Smith asked if the Commission would deal with the changes that come back from the Council's action.

Mr. Fawcett stated staff had received a lot of feedback from Councilmembers during the review process and have made some changes in the maps and explained those changes to the Commission.

The Commission discussed the maps and procedures in detail, instructed staff to make changes to maps 43, 82, 92, 93, 101, 102, 104, 105, 113, 114, 115, 127, 128, 129, 142, 143, 160, 161 and 171 and agreed they were ready to forward to the Metro Council.

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

**Resolution No. 97-295**

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the new zoning maps to be forwarded to the Metropolitan Council and attached to the text ordinance, subject to making recommended changes to maps 43, 82, 92, 93 101, 102 104, 105, 113, 114, 115, 127, 128, 129, 142, 143, 160, 161 and 171. The Commission also affirmed the changes which staff recommended from their meetings with various councilmembers.”

4. Subarea 12 Plan: 1996 Update. (Deferred from meetings of 03/06/97 and 03/20/97).

Ms. Frank stated the only actions remaining were Area 2B and the adoption of the overall plan. Area 2B is the Blue Hole/Bell Road area where Mr. Coode requested the application of the retail community scale policy. Staff is suggesting continuing the residential medium high density policy in that as adopted in the original plan.

Mr. Harbison stated this area brought up by Mr. Coode involves a pending court case questioning the Commission's denial of a more commercial application as contrary to the General Plan. That has been through the trial level and is in appeal at the present time. He stated perhaps the Commission should add text to the plan update that there was no action taken on this area and it could come back as an amendment after the law suit has been settled.

Ms. Frank stated that area had residential policy at the present time and it would continue until a change is adopted.

Mr. Harbison stated he felt the Commission could not act on Mr. Coode's request either way and this may be a situation where Metro loses the court case.

Mr. Browning stated the court case is not over the Commission setting policy. It is over whether that could be a basis for overriding a zoning decision. You have to have a policy one way or the other and the

Commission would be remiss not setting a policy, either residential or commercial. The court suite is looking to overturn the zoning decision.

Mr. Bodenhamer stated this area only came up as a result of upgrading the subarea plan and suggested leaving the area residential as currently policed.

Ms. Jernigan stated the current policy is residential and the staff recommendation is to continue that policy. If there is a resolution from the court case or some other circumstance that might bring it up then there could be a plan amendment.

Mr. Browning stated that if Metro lost the lawsuit the result would be that there would be some CS at that one spot but the Commission is obligated to establish a land use policy.

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

**Resolution No. 97-296**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby adopts Residential Medium-High (RMH) density policy for Area 2B of the Subarea 12 Plan: 1996 Update that lies west of the intersection of Bell Road and Blue Hole Road.”

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

**Resolution No. 97-297**

“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 12 Plan* that was adopted on April 11, 1991; and,

WHEREAS, five meetings were held between October 7, 1996 and January 9, 1997 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 12 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 March 6, 1997; and,

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

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** *Subarea 12 Plan: 1996 Update* (Subarea Plan), 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 12 Plan: 1996 Update* is also adopted as part of the General Plan.”

5. FY 1998 Work Program and Operating Budget.

Mr. Browning stated the budget was at about \$3,085,000.00 and the Work Program reflects that budget and has the time appropriated among subarea planning, neighborhood planning, the computerization program (the land information system), capital budget and transportation and have accounted for the 50 employees.

Ms. Nielson moved and Ms. Jernigan seconded the motion, which carried unanimously, to approve the FY 1998 Work Program and Operating Budget.”

6. Legislative Update.

This item was deferred.

**PLATS PROCESSED ADMINISTRATIVELY:**

March 20, 1997 through April 2, 1997

- 97S-046U Lakeview Hills, Section 2, Lot 32  
Zone Lot Division
- 97S-047U Cherry Hills, Section 12, Lot 19  
Zone Lot Division
- 97S-053U Brookside Woods, PUD Boundary Plat, 1<sup>st</sup> Revision  
Adds a bearing and distance that was omitted on original plat
- 97S-065G The Odom Property  
Subdivides one parcel into two lots
- 97S-069U Hopper Subdivision  
Subdivides one lot into two lots
- 97S-072U Addition to Lincoya Hills, Section 6  
Reconfigure lot line to accommodate easement
- 97S-100G Robert & Connie Kribbs Property  
Platting septic field location
- 97S-101U C. E. Riat Property, Lots 1 and 2, 1<sup>st</sup> Revision  
Reconfigures two platted lots
- 97S-105U D. G. White, Jr. Subdivision  
Subdivides one lot into two lots
- 97S-106U Castlegate, Sections 3 and 6, Lot 6  
Zone Lot Division
- 97S-107U Harbor Gate, Section 1, Lot 20  
Zone Lot Division

**ADJOURNMENT:**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 6:10 p.m.

---

---

Minute approval:  
This 17<sup>th</sup> day of April, 1997