

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

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

**Roll Call**

**Present:**

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

**Absent:**

Mayor Philip Bredesen

**Others Present:**

**Executive Office**

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

**Current Planning and Design Division:**

Ed Owens, Planning Division Manager  
Shawn Henry, Planner III  
John Reid, Planner II  
Doug Delaney, Planner I  
Jimmy Alexander, Planning Technician II

**Community Plans Division:**

Jerry Fawcett, Planning Division Manager

**Others Present:**

Rachel Allen, Legal Department  
Jim Armstrong, Public Works

Chairman Smith called the meeting to order.

**ADOPTION OF AGENDA**

Mr. Owens announced there were changes to the agenda before adoption. The caption for Final Plat Proposal No. 97S-148U and 97S-149U should refer to Phase 3 instead of Parcel 3, and Mandatory Referral 97M-62U should be deleted.

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

**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. (Final Plat approval also deferred.)
- 78-87-P           Deferred two weeks, by applicant.
- 92P-007U         Deferred two weeks, by applicant.
- 96P-009U         Final Plat deferred two weeks, by applicant.
- 97P-018U         Deferred indefinitely, by applicant.
- 96S-417U         Deferred indefinitely, by applicant.
- 97S-118U         Deferred two weeks, by applicant.
- 97S-139G         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**

Mr. Lawson moved and Ms. Jernigan seconded the motion, which unanimously passed, to approve the minutes of the meeting of April 17, 1997.

**RECOGNITION OF COUNCILMEMBERS**

Councilmember Earl Campbell spoke in favor of Zone Change Proposal 92Z-019U.

Councilmember Vic Lineweaver spoke in favor of 97S-126G, Carousel Farms Subdivision, and asked the Commission for approval. He also spoke in favor of Zone Change Proposal No. 97Z-006T, stating he agreed with provisions to limit the rooms to 6 or 7, and to require that the owner be an on-site resident.

**ADOPTION OF CONSENT AGENDA**

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

**APPEAL CASES:**

**Appeal Case No. 97B-059U**  
Map 91-14, Parcel 216

Subarea 7 (1994)  
District 24 (Johns)

A request for a conditional use permit under the provisions of Section 17.116.030 (Floodplain) as required by Section 17.124.030 to legally use an existing 320 square foot office building in the CS District, for property located on the south margin of Charlotte Pike, approximately 700 feet west of White Bridge Road (1.35 acres), requested by Performance Ford, appellant/leasee.

**Resolution No. 97-330**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 97B-059U to the Board of Zoning Appeals:

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

**Appeal Case No. 97B-062G**  
Map 23, Parcel 50  
Subarea 2 (1995)  
District 10 (Garrett)

A request for a conditional use permit under the provisions of Section 17.116.030 (Floodplain) as required by Section 17.124.030 to construct a 225 square foot sun room in the floodplain in the AR2a District, on property abutting the east margin of Crocker Springs Road approximately 2,000 feet north of Lickton Pike (58.29 acres), requested by Jack Spangler, appellant/owner.

**Resolution No. 97-331**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 97B-062G to the Board of Zoning Appeals:

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

**ZONE CHANGE PROPOSALS:**

**Zone Change Proposal No. 97Z-044G**  
Map 23, Parcel 50  
Subarea 2 (1995)  
District 10 (Garrett)

A request to apply the Bed and Breakfast Overlay District on property abutting the east margin of Crocker Springs Road, approximately 2,000 feet north of Lickton Pike, requested by Jack Spangler, appellant/owner.

**Resolution No. 97-332**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-044G is **APPROVED:**

**The Metropolitan Historical Commission designated the barn on this property as a historically contributing structure on March 19, and therefore the property qualifies for consideration as a Bed and Breakfast Overlay District."**

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 89P-022U**

Melrose PUD  
Map 118-2, Parcels 48 and 180  
Map 118-6, Parcels 49 and 159  
Subarea 10 (1994)  
District 17 (Douglas)

A request to revise a portion of the Phase I final site development plan of the Commercial (General) Planned Unit Development District abutting the west margin of Franklin Pike, between Gale Lane and Kirkwood Avenue (5.77 acres), classified R10, RM8 and CS, to enlarge the retail shops on both sides of the existing Kroger store, increasing the total square footage by 5,430 square feet, requested by Barge, Waggoner, Sumner and Cannon, for Elanco, Inc., owner.

**Resolution No. 97-333**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 89P-022U is given **CONDITIONAL APPROVAL OF REVISION TO FINAL**. The following condition applies:

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

**Proposal No. 96P-009U**

Walden Woods, Phase I  
Map 75, Part of Parcel 78  
Subarea 14 (1996)  
District 12 (Ponder)

A request for final approval for Phase I of the Residential Planned Unit Development District abutting the east margin of Tulip Grove Road, approximately 500 feet south of Chandler Road (9.35 acres), classified R15, to permit the development of 28 single-family lots, requested by Dale and Associates, for Wallace Realty Development, L.L.C., owner. (Deferred from meetings of 3/20/97, 4/3/97 and 4/17/97).

**Resolution No. 97-334**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-009U is given **CONDITIONAL FINAL PUD APPROVAL, FINAL PLAT DEFERRED**. The following conditions apply:

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

**Proposal No. 96P-017G**

Indian Creek Estates, Section 1  
Map 181, Part of Parcel 100  
Subarea 12 (1991)  
District 31 (Alexander)

A request for final approval for a portion of the Residential Planned Unit Development District abutting the south margin of Old Hickory Boulevard, approximately 500 feet east of Culbertson Road (15.09 acres), classified R20, to permit the development of 43 single-family lots, requested by Barge, Waggoner, Sumner and Cannon, for Eugene Collins, owner. (Also requesting final plat approval).

**Resolution No. 97-335**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-017G is given **CONDITIONAL FINAL APPROVAL FOR PHASE I; FINAL PLAT APPROVAL SUBJECT TO A BOND IN THE AMOUNT OF \$658,050.00.** 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 the final subdivision plat upon the posting of a bond in the amount of \$658,050.00 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.”

**SUBDIVISIONS:**

**Final Plats:**

**Subdivision No. 97S-126G**  
Carousel Farms Subdivision  
Map 168, Parcels 147, 214, 215 and  
Part of Parcel 146  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to create four lots out of four parcels abutting the south margin of Hester Beasley Road, approximately 565 feet southeast of State Route 100 (48.25 acres), classified within the AR2a District, requested by Ernest G. and Marsha L. Wiggins, owners/developers, The Reasons Company, surveyor.

**Resolution No. 97-336**

“BE IT RESOLVED by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-126G, is granted **APPROVAL.**”

**Subdivision No. 97S-142U**  
Fryer Subdivision  
Map 81-6, Parcels 384 and 386  
Subarea 8 (1994)  
District 20 (Haddox)

A request to consolidate four lots into one lot abutting the north margin of Seifried Street, approximately 224 feet east of 23rd Avenue North (.79 acres), classified within the CS District, requested by James Fryer, owner/developer, Volunteer Surveying, surveyor.

**Resolution No. 97-337**

“BE IT RESOLVED by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-142U, is granted **APPROVAL.**”

**Subdivision No. 97S-146G**

Fredericksburg, Section 7  
Map 171, Part of Parcel 89  
Subarea 12 (1991)  
District 32 (Jenkins)

A request to create 32 lots abutting the east margin of Cloverland Drive and both margins of Fredericksburg Way West (10.51 acres), classified within the R20 Residential Planned Unit Development District, requested by Radnor Development Corporation, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

**Resolution No. 97-338**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-146G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$410,050.00.**”

**Subdivision Nos. 97S-148U and 97S-149U**  
Hickory Highlands Place, Phase 2 and Phase 3  
Map 163, Parcels 26, 174 and Part of 27  
Subarea 13 (1997)  
District 29 (Holloway)

A request to create 35 lots (20 lots in Phase 2 and 15 lots in Phase 3) abutting the northwest margin of Highlander Drive and both margins of Kevington Court (15.05 acres), classified within the RS8 and RM8 Districts, requested by Hickory Highlands, LLC, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

**Resolution No. 97-339**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-148U and 97S-149U, is granted **CONDITIONAL APPROVAL subject to posting performance bonds as follows:**

<b>Subdivision No. 97S-148U (Phase 2)</b>	<b>\$219,800.00</b>
<b>Subdivision No. 97S-149U (Phase 3)</b>	<b>\$226,500.00.”</b>

**Subdivision No. 97S-152G**  
Boone Trace at Biltmore, Section 3  
Map 126, Part of Parcel 65  
Subarea 6 (1996)  
District 23 (Crafton)

A request to create 44 lots abutting both margins of Boone Trace and both margins of Settler's Court (15.9 acres), classified within the RS30 District, requested by Fox Ridge Homes, Inc., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

**Resolution No. 97-340**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-152G, granted **CONDITIONAL APPROVAL subject to posting a performance bonds in the amount of \$446,400.00.**”

**MANDATORY REFERRALS:**

**Proposal No. 97M-054U**

Bonds Avenue Closure  
Map 94-13  
Subarea 11 (1993)  
District 15 (Dale)

A proposal to close Bonds Avenue between Fesslers Lane and I-40, requested by Lannie Boswell, adjacent property owner. (Easements are to be retained).

**Resolution No. 97-341**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-054U."

**Proposal No. 97M-055U**

Council Bill No. O97-732  
Alert Center 3 Lease Agreement  
Map 105-11, Parcel 116  
Subarea 12 (1991)  
District 17 (Douglas)

An ordinance approving a lease agreement between MDHA and the Police Department for Alert Center 3 to be located at 513 Southgate Avenue.

**Resolution No. 97-342**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-055U."

**Proposal No. 97M-056U**

Alley 1198 Closure  
Map 91-15  
Subarea 7 (1994)  
District 24 (Johns)

A proposal to close Alley No. 1198 between Alley No. 1176 and 50th Avenue North, requested by Lynne E. Baker, for adjacent property owners. (Easements are to be retained).

**Resolution No. 97-343**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-056U."

**REDEVELOPMENT PLAN AMENDMENTS:**

**Proposal No. 97M-060U**

Council Bill No. 097-755  
Maps 93-6-2, 93-6-3 and 93-6-4  
Subarea 9 (1991)

District 19 (Sloss)

An council bill to approve Amendment No. 4 to the Capitol Mall Redevelopment Plan and Amendment No. 3 to the Rutledge Hill Redevelopment Plan. This action would transfer an area along lower Broadway from the Rutledge Hill to the Capitol Mall Redevelopment Plan so as to provide M.D.H.A. with the same regulations and controls on both sides of Broadway.

**Resolution No. 97-344**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-060U."

**Proposal No. 97M-061U**  
Council Bill No. 097-754  
Maps 93-10 and 93-11  
Subarea 9 (1991)  
District 19 (Sloss)

An council bill to approve Amendment No. 4 to the Rutledge Hill Redevelopment Plan. This action would amend the text, revise the boundaries and incorporate additional area into the Rutledge Hill Redevelopment Plan. General Design guidelines would be added to assist in the interpretation and implementation of the plan.

**Resolution No. 97-345**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-061U."

This concluded the items on the consent agenda.

Mr. Stephen Smith arrived at 1:20 p.m., at this point in the agenda.

**ZONE CHANGE PROPOSALS:**

**Zone Change Proposal No. 92Z-019U**  
Council Bill No. 097-716  
Map 72-6, Parcel 256  
Subarea 5 (1994)  
District 7 (Campbell)

A council bill to change from R6 District to CS district certain property abutting the south margin of McGavock Pike, approximately 175 feet east of Gallatin Pike, Willard Wallace, owner.

Mr. Reid stated the objectives of the subarea plan in this area are to focus the commercial policy along Gallatin Pike and to keep all the commercial properties along this major road oriented to Gallatin Pike without adversely affecting the residential policies on either side. Staff could support this request if this parcel would be consolidated into the property fronting on Gallatin Pike. However, the owner does not own both of these parcels, so consolidation is not feasible.



The Commission has seen this zone change before, in 1992, when it endorsed approving this parcel for commercial zoning with the condition that it be consolidated with an adjacent property, noting that if the properties were not consolidated that it would be turning the corner into the residential neighborhood. This is a difficult boundary situation because across the street on McGavock Pike is a commercially zoned land use. Rezoning this property commercial would also put pressure on nearby residential properties. Knowing that this is a boundary and that there are some existing commercial uses across the street, staff is still recommending disapproval because any commercial expansions along Gallatin Pike should be oriented to Gallatin Pike and not allow commercial intrusion into the residential neighborhood.

Mr. Browning stated that when this case came up in 1992 the staff recommended approval and the Commission accepted that position and recommended to the Council approval as well, so long as this piece of property was combined, plat wise, with the one fronting on Gallatin Road. The confusion that ultimately resulted was that at that time staff thought that the two properties were under the same ownership but in fact it was another piece of property to the south which was under the same ownership. The Council bill was drafted to say that the zoning became effective upon the consolidation of those lots, and since the consolidation could not occur, they could not meet the conditions that were established, so the zoning has not been recognized.

Mr. Willard Wallace stated he and his father had owned this property for approximately twenty-five years or more and used it for a large U-Haul business and it was used to park trucks. Codes Department informed him in 1992 he could not longer park trucks on it. The trucks were removed and now he is asking for this commercial approval for the property. He stated he had an owner for the property and that he planned to put a nice building on the property and it would improve the neighborhood. If this remains residential, the property may remain vacant because no one will build a house on it.

Mr. Bodenhamer asked if the key problem with this proposal was the orientation of the building.

Mr. Reid said orientation of the properties to Gallatin Pike was the key issue.

Mr. Lawson stated he did not think this property would ever go residential and asked if there was any transitional zoning that could be placed on this property that could facilitate its value.

Mr. Owens stated the historic tendency had been to put office zoning on locations like this but there is hardly ever a market demand for office zoning in a situation like this. Therefore, they either end up not being used or under utilized and eventually they come back for that next step up on the commercial scale because it is no longer residential. If this particular property goes commercial, there is another property directly across the street that is now used residentially that will probably change. Part of this deliberation should consider if there is enough unique about this case to warrant commercial zoning.

In response to an allegation that taxes are levied at a substantially higher commercial rate, Mr. Reid stated that the property has been assessed residentially at the 25% rate and is being assessed at that rate today. The commercial rate is 40%.

Councilmember Clifton stated he understood what was being said by staff about drawing a line to stop the commercial, but it seems that at some point the equities must be balanced considering the confusion over the consolidation of lots, the use of the plot of land for decades, what is right across from it and no community opposition. The staff did what they needed to do but this is a clear cut case for extending the zoning under these facts.

Chairman Smith stated from what he understood, they could consolidate the property now and have the correct commercial zoning.

Mr. Manier stated that when this was before the Commission in 1992 staff inadvertently assumed the auto parts company and the adjoining property on Gallatin Road were under common ownership. It would be

appropriate to effect a rezoning in this close case to correct whatever inequity may have been created in the past with the misunderstanding.

Chairman Smith stated he agreed in general about the use of the property but disagreed with specifics because he did not think staff nor the tax assessor had made an error. The Commission may have erred in approving something on a conditional basis because they took in faith that the consolidation was going to happen.

Mr. Manier stated this may be a futile argument but in this situation there is enough argument on both sides but in these extenuating circumstances of an inadvertent error and the other physical facts surrounding the property this should be approved.

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

**Resolution No. 97-346**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 92Z-019U is **APPROVED:**

**The Commission determined that commercial zoning is appropriate for this property given its immediate proximity to the Gallatin Road commercial corridor."**

**Zone Change Proposal No. 97Z-038U**

Map 104-8, Parcels 251 and 253

Subarea 10 (1994)

District 18 (Clifton)

A request to change from RM6 District to OP District and apply a Conservation Overlay District to certain property abutting the east margin of 18<sup>th</sup> Avenue South, approximately 400 feet south of Horton Avenue (0.525 acres), requested by Manuel Zeitlin, for Dr. Alan Bachrack, owner. (Deferred from meeting of 4/17/97).

**Proposal No. 97M-053U**

Unnumbered Alley Closure

Map 104-8

Subarea 10 (1994)

District 18 (Clifton)

A proposal to close an unnumbered alley between 18<sup>th</sup> Avenue South and Alley No. 442, requested by Manuel Zeitlin, for adjacent property owners. (Easements are to be abandoned (Deferred from meeting of 4/17/97).

Mr. Reid stated the applicant wanted to rezone properties, close the alley and relocate it on the south margin of the rezoned property. The goals for the subarea plan, along 16<sup>th</sup> and 17<sup>th</sup> Avenues, are to provide office and residential opportunities for Music Row and to protect the residential appearance of the structures which is currently being accomplished through the OP zoning and a conservation overlay district.

The reason the applicant wants to expand the office zoning and the conservation overlay zoning onto these properties is to provide required parking for the offices which will be placed in the renovated historically significant building. The Historic Commission has already approved expanding the conservation overlay zoning onto these properties. The property is on a boundary situation because the subarea plan is trying to reserve the residential uses along both sides of 18<sup>th</sup> Avenue South. A judgment call needs to be made on how appropriate is it to expand office zoning to allow for the long term parking needs of this historic building without undermining the residential policy goals of the subarea plan for 18<sup>th</sup> Avenue South.

Staff sees some merit for allowing this expansion of office zoning to allow for sensitive alteration of the historic structure. The Public Works department, however, has cautioned that the relocated alley should allow for adequate turning radii at the two 90 degree turns that will be created in order to accommodate large trucks which may use this alley from time to time.

Mr. Manuel Zeitlin, stated he had spoken with Public Works and they were going to work together within the constraints to achieve what they could. There are no properties that open onto the alley and so in effect this alley provides a parallel function to Horton Avenue and enables trucks to go from 17<sup>th</sup> to 18<sup>th</sup>.

Ms. Nielson suggested approving the zone change and deferring the alley closure until staff received a plan.

Mr. Steve Smith moved and Mr. Lawson seconded the motion, which carried with Mr. Harbison abstaining, to defer Alley Closure 97M-053U and approve the following resolution:

**Resolution No. 97-347**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-038U is **APPROVED subject to consolidation with parcel 250:**

**The Commission determined that a minor expansion of office zoning in association with the historic conservation district, is appropriate in this situation to accommodate additional parking for the Sisters of the Poor facility immediately to the north, thus protecting the architectural integrity of that historically contributing structure."**

**Zone Change Proposal No. 97Z-004T**  
Council Bill No. O97-721

A council bill to amend Section 17.32.120 by providing for accessory off-site parking in residential districts for community facilities, sponsored by Councilmember James Dillard.

Mr. Reid stated this bill would allow community facilities to locate off site parking within residential areas as a conditional use. The bill is really targeted to churches within residential neighborhoods but also applies to other community facilities. It would allow a community facility to locate its parking across the street. Staff feels the effect of this bill would be further encroachment into residential neighborhoods. Under the current code it is provided that any church parking be provided on the church site itself or contiguous with the church site. Staff is recommending disapproval because this is moving away from the general direction of the General Plan to preserve the integrity of residential areas.

The two conditions required in this bill for church's to expand their off site parking are appropriate parking lot screening and the requirement to use contiguous vacant properties first. Staff feels this bill would allow too much encroachment into residential areas.

Mr. Doug Odom, member of City Chapel United Methodist, stated the church had purchased every house going east on Neeley's Bend and there was nowhere to go with additional parking except across Neeley's Bend Road or across Argyle.

Chairman Smith stated this ordinance amendment would have countywide implications, and would not apply just to City Chapel United Methodist Church.

Mr. Bodenhamer stated that perhaps any church that is in excess of fifty years old has the same problem, especially in black communities because those facilities were built for the time when there weren't many vehicles and the congregation lived locally and that has changed dramatically. Some consideration on a county wide basis should be given to this problem. Most of those facilities are grandfathered and none of them would meet the criteria of the new code that is coming into effect. This contiguous thing just doesn't

work in those situations. They are going to park across the street because that is what they have always done.

Ms. Nielson asked what other type of community facilities would this bill refer to.

Mr. Reid stated it would apply to community centers, day care centers, YWCA's and YMCA's.

Ms. Jernigan asked if there was any way to accomplish this same purpose on this specific site with a conditional use permit rather than a Council bill.

Mr. Owens stated the purpose of this text amendment is to put this kind of situation into the conditional use realm for the Board of Zoning Appeals but it is not allowed at all at the present time.

Chairman Smith asked if this Council bill was on the 28-day cycle.

Mr. Owens stated this bill was slated for public hearing Tuesday, May 6<sup>th</sup>, and without a Commission recommendation today the public hearing would have to be postponed.

Mr. Steve Smith stated he agreed with Mr. Bodenhamer and it was in the community interest to accommodate the churches.

Ms. Jernigan stated the main thing seemed to be the specificity of this bill and it needed further study to have more of a county wide effect.

Mr. Harbison suggested staff work on this bill and help the Councilmember make it more palatable.

Mr. Bodenhamer stated that if the Commission was going to consider this bill it should not be a piecemeal thing.

Councilmember Clifton asked if there were some way the Commission could act, today, yes or no in light of the fact public notices have gone out and have it re-referred back to the Commission

Mr. Browning stated the Commission just needed to send a recommendation for or against to the Council and let the Councilmember decide what he wants to do at second reading and public hearing and perhaps he would want to defer it and refer it back to the Commission.

Chairman Smith asked staff to communicate with Councilmember Dillard and let him know the Commission's intent, in spite of the action.

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

**Resolution No. 97-348**

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

**While acknowledging a need to provide some reasonable opportunities for established churches to expand within residential settings, the Commission determined that the proposed standards to accommodate the creation of remote parking lots for all forms of community facilities within residential districts require further study. Since there are many churches in the County which are within residential neighborhoods, the Commission encourages further investigation of alternative methods of accomplishing the intent of this bill in a manner which minimizes potential disruption of those residential areas."**

**Zone Change Proposal No. 97Z-006T**  
Council Bill No. 097-722

A council bill to amend the requirements to operate bed and breakfast homes, sponsored by Councilmember Vic Lineweaver.

Mr. Reid stated the ordinance before the Commission does two significant things. It requires that a bed and breakfast facility be in a historically significant structure or area of the city, but it would no longer require designating that structure or area as historic. The Board of Zoning Appeals would be empowered to approve a conditional use so long as the historic requirements are met. Mr. Reid stated this provision is consistent with the comprehensive zoning ordinance currently proposed by the Commission.

Second, it broadens the potential for bed and breakfast home stays by allowing them in non-historically significant circumstances in the more rural areas on properties with five or more acres. Mr. Reid stated the rural home stay did not have a limitation on the number of rooms, and suggested they should be limited to three guest rooms as are bed and breakfast facilities in the historic areas of Nashville.

Councilmember Clifton stated Councilmember Lineweaver had suggested a specific limit for a number of rooms.

Mr. Harbison stated he would be willing to go with six guest rooms because of the five acre requirement.

Chairman Smith stated there may need to be a line and it could be that at what point do you bring in employees to service the unit.

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

**Resolution No. 97-349**

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

**The Commission recommends that "Rural Bed and Breakfast Homestay" facilities be limited to no more than six guest rooms, and that an owner residency requirement be established."**

**SUBDIVISIONS:**

**Preliminary Plats:**

**Subdivision No. 97S-130U (Public Hearing)**  
J. C. Smith, Jr. Subdivision  
Map 49, Part of Parcel 137  
Subarea 3 (1992)  
District 1 (Patton)

A request for preliminary approval for 17 lots abutting the east margin of Buena Vista Pike, south of Whites Creek Pike (5.91 acres), classified within the R15 District, requested by Volunteer Investments, Inc., owner/developer, Land Surveying and Consulting, surveyor.

Mr. Henry stated the fundamental problem with this plan of subdivision is that the lots proposed are based on 10,000 square foot zoning, while the property is currently zoned R15 requiring 15,000 square foot lots.

The developer is asking for a two week deferral to revise this plan of subdivision and bring it back to the Commission for consideration. Staff has received a letter of concern from Councilmember Regina Patton and also asking for deferral to give her and neighbors some time to discuss the plan of subdivision.

Mr. John D. Grafnerey, Ms. Milabean Shaw, Mr. Rufus Stanton and Mr. John Matthews spoke in opposition to the proposal and expressed concerns regarding flooding problems because it is in the 100 year flood plain, property value, comparability, traffic and road improvements, safety, and establishing an R10 type zoning which would cause a three to four times density across the street as compared to the housing already in the area.

Chairman Smith stated the applicant was not asking to change the zoning and most of the engineering would be in the final phase as opposed to the preliminary phase and those lots that are by law not buildable do not get through final plat.

Mr. Lawson moved and Mr. Harbison seconded the motion, which carried unanimously, to defer action on this matter for two weeks and leave the public hearing open.

**Subdivision No. 97S-131G (Public Hearing)**  
Marlin Meadows Subdivision  
Map 42-4, Parcel 43  
Subarea 4 (1993)  
District 3 (Nollner)

A request for preliminary approval for 13 lots abutting the south margin of Highland Circle, approximately 800 feet northwest of Campbell Road (6.92 acres), classified within the R20 District, requested by Charles Rhoten, owner/developer, Burns Consulting, Inc., surveyor.

Mr. Henry stated a new cal-de-sac will come into this property to serve as street frontage. There is an existing house on the property and will be retained. Drainage is to head towards the northeast to existing culverts. Staff recommends approval of this preliminary plan of subdivision.

No one was present to speak at the public hearing.

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

**Resolution No. 97-350**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 97S-131G, is granted **APPROVAL.**”

**Final Plats:**

**Subdivision No. 97S-071U**  
12 Oaks Apartments  
Map 81-16, Parcel 493  
Map 92-4, Parcels 101 and 102  
Subarea 8 (1994)  
District 19 (Sloss)

A request to consolidate three lots into one lot abutting the southwest corner of Phillips Street and 12th Avenue North (.64 acres), classified within the RM8 District, requested by the Metropolitan Development and Housing Agency, owner/developer, Ernest Davis, surveyor.

Mr. Henry stated this item was previously before the Commission and was disapproved. The issue continues to be whether or not the subdivision as requested can be approved if only a portion of a platted lot is involved in the subdivision, and if other owners of that platted lot have not joined in on the subdivision plat. Mr. Henry further explained that the original lot was created in the 1800s, was divided by deeds in 1921, and has remained under separate ownership since then. The current plat attempts to take a deeded part of the original lot and combine it with other lots to create a larger tract for new development. Staff is suggesting that the remainder of the original lot should also be involved in the subdivision, if only to legitimate it as a remaining and separate 33 foot wide platted lot.

Mr. Dan Lane and Mr. Carl Jones explained that Mr. Samuel Johnson who owns the third lot has been asked to include his lot into the subdivision but he refuses to do so. This area has not had any new units added to it in thirty years and needs them desperately and that if this was not passed soon and the interest rates went up again it would be unfeasible.

Mr. Lawson stated this was interesting that this particular case came up this week particularly after past discussions and questions about redevelopment in this area.

Mr. Browning stated that staff concurred that the 33 foot wide lot warrants a variance to the lot width. The concern is more a legal question and the lot in question has been given over to two different owner ships by deed.

Mr. Owens stated that may raise a cloud on whether this is a legal subdivision if it is never challenged by that adjacent property owner.

Mr. Manier asked how this would be vulnerable to a law suit.

Mr. Owens stated this lot was created by plat in 1845 and in 1920 the ownership split. Since 1921 two individuals have jointly owned a platted lot but until that 1845 platted lot is replatted it is still a platted lot and there is actually two owners, even today, of that originally platted lot.

Ms. Rachel Allen, with Metro Legal, stated she would be willing to investigate this issue and render a report.

Mr. Harbison stated deeding of the property happened back in 1921 and that takes away ownership of that piece.

Chairman Smith said he thought what these people were trying to do sounded good but what staff is doing is telling this Commission that they might have a legal problem and council has said they need two weeks to research it and come back to the Commission.

Mr. Carl Jones stated they had almost \$100,000 tied up in this project already.

Mr. Mark Sturdivant, with MDHA, stated that MDHA was comfortable with the Commission going forward on this and if there was any way MDHA could accept the legal responsibility that they would do that.

Councilmember Clifton stated his main concern was the ultimate hopes for the project and suggested the Commission approve this proposal and give Mr. Browning the discretion to get further clarity from their legal staff prior to signing off on the plat.

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

**Resolution No. 97-351**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-071U, is granted **CONDITIONAL APPROVAL subject to a legal opinion from the Metropolitan Department of Law regarding the legal status of Lot #49 as a result of this subdivision.”**

**Subdivision No. 97S-082G**  
Quail Ridge, Section 5  
Map 32, Part of Parcels 11 and 85  
Subarea 2 (1995)  
District 10 (Garrett)

A request to create eight lots abutting the west margin of Brick Church Pike, approximately 105 feet north of Quail Ridge Drive (3.83 acres), classified within the R20 District, requested by The Developers, A Joint Venture, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. (Deferred from meetings of 3/6/97, 3/20/97, 4/3/97 and 4/17/97).

Mr. Henry stated this was an item that had been deferred four times before. The applicant is proposing that because other homes had been permitted single access driveways onto Brick Church Pike, which is a collector street, that they be provided single access driveways also. The Subdivision Regulations require joint access driveways along collector streets. There is a dangerous curve on this section of Brick Church Pike.

Mr. Bob Eatherly stated he did not see how it would be any safer to have the driveway on one side or the other and some people wanted their garage on a certain side of the house and asked the Commission to grant a variance for the driveways.

Mr. Harbison stated he did not see any hardship which would warrant a variance from the Subdivision Regulations.

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

**Resolution No. 97-352**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-082G, is **DISAPPROVED since the plat does not establish joint-access driveways (one driveway shared by two lots) for these lots which have access on a collector street, Brick Church Pike (Subdivision Regulation 2-4.3.B).”**

**Subdivision No. 97S-121A**  
Woodlands, Phase 1, Lot 91  
Map 172-3-A, Parcel 91  
Subarea 12 (1991)  
District 31 (Alexander)

A request to amend the south setback line from 15 feet to 10 feet on a lot abutting the northeast corner of Maplesong Drive and North Woodstone Lane (.26 acres), classified within the R15 Residential Planned Unit Development District, requested by Brenda Louise Hampton, owner/developer. (Deferred from meeting of 4/17/97).

Mr. Henry explained the encroachment and stated the house was not yet finished. This was deferred to let the applicant address the Commission.

Mr. Al Atwood stated the builder was Homestead Builders and they had gone out of business and the buyer had invested approximately \$100,000 to date into this property. When Homestead built that house they did



encroach the easement. The bank hired Mr. Atwood to finish the work and he asked the Commission for a variance on the house.

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

**Resolution No. 97-353**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-121A, is granted **APPROVAL**.”

**Subdivision No. 97S-147G**  
Richard Gleaves Division  
Map 98, Parcel 23  
Subarea 14 (1996)  
District 12 (Ponder)

A request to subdivide one parcel into four lots abutting the southwest margin of Earhart Road and the east terminus of Chestnutwood Trail (20.03 acres), classified within the RS15 District, requested by Richard K. Gleaves, Sr., owner/developer, John D. McCormick, surveyor.

Mr. Henry stated this proposal was to create four - five acre tracks. He stated staff was recommending disapproval because the plan of subdivision does not represent the ultimate best use of this property, and does not indicate how further subdivision of this property can occur consistent with the subarea plan and the existing zoning on the property.

Mr. Doug McCormick, surveyor, stated he had been working on a proposal for this property for some time and that every time the Commission found some reason to turn it down. Mr. Gleaves and himself felt it was unfair but that he would be willing to extend the road.

Mr. Harbison asked if this proposal had anything to do with the last item on the agenda, which was consideration of an amendment to the Subdivision Regulations by revising the definition of “Subdivision”.

Mr. Owens explained that staff would try to illustrate to the Commission how the proposed change in the Subdivision Regulations could positively affect three of the lots in this subdivision.

Mr. Harbison said it was confusing but would be an issue the Commission would try to deal with at some point.

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

**Resolution No. 97-354**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-147G, is granted **CONDITIONAL APPROVAL** subject to **posting a performance bond in the amount of \$10,000.00**.”

**OTHER BUSINESS:**

1. Set a public hearing date for consideration of an amendment to the Subdivision Regulations by revising the definition of “Subdivision.”

Mr. Steve Smith moved and Ms. Nielson seconded the motion, which carried unanimously, to set the public hearing for the consideration of an amendment to the Subdivision Regulations by revising the definition of "Subdivision" for May 29, 1997.

2. Legislative Update.

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

**PLATS PROCESSED ADMINISTRATIVELY:**

April 17, 1997 through April 30, 1997

**94S-399G            NORTHFORK INDUSTRIAL PARK, Phase 1, Second Revision**  
Revises open space

**96S-243G            POPLAR RIDGE, Section 5, First Revision**  
Adds parcel numbers

**97S-135U            The CROSSINGS at HICKORY HOLLOW**  
Relocation of a lot line

**97S-143U            H. L. MAJORS SUBDIVISION**  
Plats one lot from a larger (5 acres) deeded parcel

**97S-144U            BRICK CHURCH BUSINESS PARK, Phase 2**  
**Resubdivision of Lots 6A and 7, First Revision**  
Revises a platted lot and two deeded parcels

**97S-153G            INDIAN CREEK ESTATES**  
PUD Boundary Plat

**97S-162U            JEFFREY HODGES PROPERTY**  
Plats a deeded parcel

**ADJOURNMENT:**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:15 p.m.

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Chairman

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Secretary

Minute Approval:  
This 15<sup>th</sup> day of May 1997