MINUTES

OF THE

METROPOLITAN PLANNING COMMISSION

Date: August 7, 1997
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith, Chairman
Arnett Bodenhamer
William Harbison
William Manier
Stephen Smith
Marilyn Warren

Absent:

Mayor Phil Bredesen
Councilmember Stewart Clifton
James Lawson
Ann Nielson

Others Present:

Executive Office:

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

Current Planning & Design Division:

Ed Owens, Planning Division Manager
Shawn Henry, Planner III
Jennifer Regen, Planner III
Doug Delaney, Planner I
Charles Hiehle, Planning Technician II
Dolores Watson, Secretary I

Community Plans Division:

Chris Hall, Planner I
Debbie Frank, Planner I
Jennifer Uken, Planner I

Advance Planning and Design Division:

Cynthia Lehmbeck, Planner III
April Alperin, Planner I
Jackie Blue, Planner I

Others Present:

Rachel Allen, Legal Department
Jim Armstrong, Public Works

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced 97S-285U, Rains Avenue Property, and 97S-286U, Canby Court, have both been withdrawn by the applicant. Mr. Owens also stated 97S-287G, Holt Hills, had an error in the caption and should state that it is a public hearing.

Mr. Bodenhamer moved and Mr. Manier 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:

97S-253U	Deferred indefinitely, by applicant.
97S-283G	Deferred two weeks, by applicant.

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

APPROVAL OF MINUTES

Mr. Harbison moved and Mr. Stephen Smith seconded the motion, which unanimously passed, to approve the minutes of the meeting of July 24, 1997.

RECOGNITION OF COUNCILMEMBERS

Councilmember James Dillard and Councilmember Bruce Stanley were both present.

Councilmember Tim Garrett spoke in favor of 97S-279G and stated this is definitely a hardship situation. He requested the Commission approve the request asking for a variance to the minimum required road frontage.

ADOPTION OF CONSENT AGENDA

Mr. Harbison moved and Mr. Manier seconded the motion, which unanimously carried, to approve the following items on the consent agenda.

APPEAL CASES:

Appeal Case No. 97B-148U
Map 147-6, Parcel 143
Subarea 12 (1997)
District 26 (Arriola)

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 288 square foot detached garage and deck in the floodplain in the R10 District, on property abutting the west margin of Edmondson Pike (0.57 acres), requested by William Lankford, appellant/owner.

Resolution No. 97-613

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 97B-148U to the Board of Zoning Appeals:

The site plan satisfies the conditional use criteria (6-0)."

Appeal Case No. 97B-152U
Map 85, Parcel 32
Subarea 14 (1996)
District 14 (Stanley)

A request for a conditional use permit under the provisions of Section 17.124.120 (Community Assembly), as required by Section 17.124.030, to construct a 5,098 square foot addition to the existing building in the R10 District, on property abutting the south margin of Lebanon Pike (14.9 acres), requested by YMCA, appellant/owner.

Resolution No. 97-614

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 97B-152U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria (6-0).

Said approval is subject to compliance with all codes of the Metropolitan Government and the State of Tennessee."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 94-71-G
Bellevue Mall
Map 128, Parcel 148
Subarea 6 (1996)
District 23 (Crafton)

A request to revise a portion of the final site development plan of the Commercial (General) Planned Unit Development District located abutting the north margin of Memphis Bristol Highway, west of Sawyer Brown Road (11.71 acres), to permit the temporary location of a 1,500 square foot press trailer and an 11,400 square foot office building as part of the Tennessee Oilers training facility, requested by Hart, Freeland and Roberts, for Baptist Hospital, owners.

Resolution No. 97-615

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94-71-G is given **CONDITIONAL APPROVAL OF REVISION TO FINAL FOR A PHASE (6-0) :** 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 approval of the temporary Press Trailer and Office Building is for a two year period."

Proposal No. 84-87-P
The Crossings at Hickory Hollow
Map 163, Parcels 142, 147, 150, 190, 215, 323, 338, 339, 345, 346, 354, 361-363 and 367
Map 174, Parcels 25, 26.1, 27, 28, 101, 174, 176, 193, 195 and 196
Subarea 13 (1997)
District 28 (Hall)

A request to revise the approved preliminary site development plan of the Commercial (General) Planned Unit Development District located abutting the south margin of Mt. View Road and both sides of Crossings Boulevard (165.96 acres), classified R10, to rearrange square footage distributions in this multiple lot PUD, to permit the development of a 122,400 square foot retail garden center and to add 15,000 square feet of floor area to the existing Christian Network International Facility, requested by Hodgson and Douglas, for American General Realty Investment Corporation, owners.

Resolution No. 97-616

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-87-P is given **CONDITIONAL APPROVAL OF A REVISION TO PRELIMINARY (6-0):** 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. The recording of a final subdivision plat and the posting of all required bonds with any applicable final approval."

Proposal No. 97P-034U
Martha O'Bryan Center
Map 93-4, Part of Parcel 73
Subarea 5 (1994)
District 6 (Beehan)

A request to revise the approved final site development plan for the Residential Planned Unit Development District located abutting the east margin of South Seventh Street, north of South Eighth Court (1.97 acres), classified RM8, to permit the development of a 22,500 square foot addition to the existing community center facility, requested by CESP, Inc., for MDHA, owner.

Resolution No. 97-617

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-034U is given **CONDITIONAL FINAL APPROVAL (6-0):** 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-432U
Commodore Products, Resubdivision (First Revision)
Map 120, Parcels 37 and 156
Subarea 13 (1997)
District 13 (French)

A request to increase a public utility easement to 30 feet at adjoining property line abutting the northeast margin of Murfreesboro Pike, approximately 250 feet southeast of McGavock Pike (10.0 acres), classified within the IR District, requested by T & W Partners, owner/developer, Cherry Land Surveying, surveyor.

Resolution No. 97-618

"**BE IT RESOLVED** by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 96S-432U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of $44,000.00."**

Subdivision No. 97S-209U
Noble Hills
Map 59-13, Parcels 9, 11, 163, 172 and 173
Subarea 3 (1992)
District 2 (Black)

A request to create 18 lots abutting the northwest margin of Hummingbird Drive, 700 feet east of Pheasant Drive (5.72 acres), classified within the R10 District, requested by IAB, Inc., owner/developer, IDE Associates, Inc., surveyor. (Deferred from meeting of 7/24/97).

Resolution No. 97-619

"**BE IT RESOLVED** by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 97S-209U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of $183,500.00."**

Subdivision No. 97S-215G
Granwood Village (PUD Boundary and Subdivision Plat)
Map 64, Parcel 104
Subarea 14 (1996)
District 11 (Wooden)

A request to create three lots abutting the northwest corner of Granwood Boulevard and Old Hickory Boulevard (11.98 acres), classified within the R15 Commercial Planned Unit Development District, requested by Granwood Village, LLC, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. (Deferred from meeting of 7/24/97).

Resolution No. 97-620

"**BE IT RESOLVED** by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 97S-215G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of $406,000.00."**

Subdivision No. 97S-242U
RDR Property, L.P.
Map 106-9, Parcel 72
Subarea 11 (1993)
District 19 (Sloss)

A request to subdivide one parcel into two lots abutting the northwest corner of Fiber Glass Road and Polk Avenue (6.91 acres), classified within the IR District, requested by RDR, Limited Partnership, owner/developer, Cherry Land Surveying, surveyor.

Resolution No. 97-621

"**BE IT RESOLVED** by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 97S-242U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of $59,200.00."**

Subdivision No. 97S-284U
Village of Cherry Glen, Phase 3
Map 131-6-A, Part of Parcel 16
Subarea 10 (1994)
District 33 (Turner)

A request to create 30 lots abutting the west margin of Compton Trace and both margins of Cumberland Place (5.78 acres), classified within the R15 Residential Planned Unit Development District, requested by Cherry Glen Partners, L.P., owner/developer, Crawford Land Surveyors, surveyor.

Resolution No. 97-622

"**BE IT RESOLVED** by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 97S-284U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of $172,200.00."**

Request for Bond Extension:

Subdivision No. 5-73-G
Music Valley PUD
William E. Oaks, principal

Located abutting the west margin of Music Valley Drive, approximately 312 feet west of Music Valley Drive.

Resolution No. 97-623

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 5-73-G, Bond No. 94BD-110, Music Valley PUD in the amount of $9,000 to 10/1/97 subject to submittal of a letter from the American Home Assurance Company by **9/21/97** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification."**

Subdivision No. 18-84-U
Village of Cherry Glen, Phase Two
Cherry Glen Partners, L.P., principal

Located abutting both margins of Cherry Plum Court, approximately 86 feet south of Cherry Laurel Court

Resolution No. 97-624

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 18-84-U, Bond No. 95BD-088, Village of Cherry Glen, Phase Two, in the amount of $13,000 to 11/15/97 subject to submittal of an amendment to the present Letter of Credit by **9/1/97** which extends its expiration date to 5/15/98. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**

Subdivision No. 75-87-P
River Glen, Phase Four, Section One
Julius Doochin, principal

Located abutting both margins of Benay Road, approximately 150 feet northwest of Allandee Street.

Resolution No. 97-625

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 75-87-P, Bond No. 96BD-012, River Glen, Phase Four, Section One in the amount of $64,600 to 8/15/98."

Subdivision No. 95P-031G
Wexford Downs, Section One
Wexford Downs, LLC, principal

Located abutting the northeast corner of Holt Road and Edmondson Pike.

Resolution No. 97-626

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95P-031G, Bond No. 96BD-052, Wexford Downs, Section One, in the amount of $628,750 to 8/1/98 subject to submittal of an amendment to the present Letter of Credit by **9/21/97** which extends its expiration date to 2/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification."**

Subdivision No. 95S-307U
Anton Place
Regency Group LLC, principal

Located abutting the east terminus of Anton Drive, approximately 600 feet east of Creekside Drive

Resolution No. 97-627

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95S-307U, Bond No. 96BD-029, Anton Place, in the amount of $36,750 to 8/1/98 subject to submittal of an amendment to the present Letter of Credit by **9/21/97** which extends its expiration date to 2/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification."**

Subdivision No. 96S-099U
Marchetti Company Property
Marchetti Company, principal

Located abutting the north margin of Belton Drive, between Davidson Road and Alfred Drive.

Resolution No. 97-628

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 96S-099U, Bond No. 95BD-037, Marchetti Company Property, in the amount of $20,000 to 8/1/98 subject to submittal of an amendment to the present Letter of Credit by **9/21/97** which extends its expiration date to 2/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**

Subdivision No. 96S-138G
Oakhaven, Section One
C & C Building and Development Company, principal

Located abutting the west margin of Sawyer Brown Road, approximately 1,710 feet south of Old Charlotte Pike.

Resolution No. 97-629

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 96S-138G, Bond No. 96BD-042, Oakhaven, Section One in the amount of $55,000 to 8/1/98.

MANDATORY REFERRALS:

Proposal No. 97M-081G
Council Bill No. O97-846
Sale of Property Located on Whites Creek Pike
Map 22, Part of Parcel 91
Subarea 1 (1992)
District 1 (Patton)

A council bill approving the sale to an adjacent property owner of 1.0781 acres of a 3-acre tract located on Whites Creek Pike that is owned by the Metropolitan Board of Education and has been declared surplus.

Resolution No. 97-630

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 97M-081G."

Proposal No. 97M-082U
Council Bill No. O97-847
Acquisition of Property Located on Shackleford Road
Map 131-4, Part of Parcels 60, 63 and 64
Subarea 10 (1994)
District 25 (Kleinfelter)

A council bill approving the acquisition of right-of-way and easements on three properties located at or near the intersection of Granny White Pike and Shackleford Road for Project No. 96-R-8, an intersection improvement project that will provide turn lanes at all approaches.

Resolution No. 97-631

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 97M-082U."

Proposal No. 97M-083U
Council Bill No. O97-848
Acquisition of Property Located on Glendale Lane and Lone Oak Road
Map 131-7, Part of Parcels 7 and 119
Map 131-8, Part of Parcel 45
Subarea 10 (1994)
District 25 (Kleinfelter) and District 33 (Turner)

A council bill approving the acquisition of right-of-way and easements on three properties located at or near the intersection of Granny White Pike, Lone Oak Road and Glendale Lane for Project No. 96-R-7, an intersection improvement project that will provide turn lanes at all approaches to the intersection, and will also provide traffic signals.

Resolution No. 97-632

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 97M-083U."

Proposal No. 97M-084U
Council Bill No. O97-849
Transfer of Property to the Metropolitan Development and Housing Agency
Various Maps and Parcels
Subarea: Various
District: Various

A council bill approving the transfer to the Metropolitan Development and Housing Agency, of nine surplus properties held by the Metropolitan Government and acquired due to failure to pay back taxes for use in the Mayor's Urban Homestead Program.

Resolution No. 97-633

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 97M-084U."

Proposal No. 97M-085U
Vacant Property Review
Various Maps and Parcels
Subarea: Various
District: Various

A mandatory referral from Metropolitan Development and Housing Agency (MDHA) to determine if residential use of certain properties that were acquired through donations, voluntary sales or transferred from the Metropolitan Government to MDHA is consistent with the general plan in accordance with Ordinance No. O97-780.

Resolution No. 97-634

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 97M-085U."

Proposal No. 97M-086U
Broadmoor Drive Property Acquisition
Map 61-7, Part of Parcel 128
Subarea 5 (1994)
District 8 (Hart)

A mandatory referral from the Department of Public Works approving the acquisition of property 5' wide and 115' in length located on Broadmoor Drive near Gallatin Pike intersection for the purpose of sidewalk installation.

Resolution No. 97-635

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 97M-086U."

This concluded the items on the consent agenda.

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 90P-009U ***(Public Hearing)***
Congregate Housing
Map 129, Part of Parcel 7
Subarea 7 (1994)
District 34 (Fentress)

A request to cancel the undeveloped Residential Planned Unit Development District located abutting the north margin of Percy Warner Boulevard, 1,250 feet west of Vaughns Gap Road (6.6 acres), classified R8, requested by Nashville Jewish Community Center, owner.

Mr. Delaney stated this residential PUD was originally approved in 1990 for an 80 unit congregate care facility. It has not been developed to date. There are no technical issues with this cancellation. Staff is recommending approval. This item is set as a public hearing because it is a cancellation.

No one was present to speak at the public hearing.

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

Resolution No. 97-636

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 90P-009U is given **APPROVAL FOR CANCELLATION REQUIRING COUNCIL CONCURRENCE (6-0):** The following condition applies:

Approval of this cancellation by the Metropolitan Council."

Proposal No. 28-74-U
Petmed Animal Hospital

Map 163, Parcel 265
Subarea 12 (1997)
District 31 (Alexander)

A request to revise a portion of the final plan of the Commercial (General) Planned Unit Development District abutting the south margin of Bell Road, west of Cane Ridge Road (.60 acres), to reduce the width of a scenic landscape easement and add 10 parking spaces to the existing veterinarian clinic, requested by Wade Hill Architect, for Anthony Girone, owner.

Mr. Delaney stated this is a request to permit the reduction of a scenic landscape easement to allow the addition of ten parking spaces. Bell Road in this area is classified as a six lane scenic arterial. The standards for scenic arterials were revised in February of 1996 to require a total of 120 feet of right-of-way for a six lane scenic arterial. As it currently stands this portion of Bell Road has a total of 125 feet of right-of-way. With these additional parking spaces there will still remain a 26 foot setback landscaped area between that 125 feet of right-of-way and the proposed parking. There are no technical issues with this proposal and staff is recommending approval with conditions.

Mr. Bodenhamer stated there is probably not a traffic study required for this but with the peak traffic hours he questioned people getting in and out of there safely.

Mr. Delaney stated the traffic engineer has reviewed it and they feel this will work as they are currently proposing it.

Mr. Browning stated the application is not proposing any new curb cuts or changing the existing curb cuts; it is only adding parking space. The question is whether or not the existing curb cuts are properly placed for safety reasons. Mr. Browning also stated he thought the parking area is designed so that the next curb break to the east is also available. Mr. Browning stated the problem Mr. Bodenhamer is referring to is the result of very high traffic volumes on Bell Road.

Mr. Delaney stated this PUD was designed with a couple of exit options to get out.

Mr. Wade Hill, architect, stated the problem they are having with the drive now is that 18 wheel trucks are pulling in off Bell Road and driving over their landscaped area. He stated the two problems they are trying to solve is to add some additional parking and to stop the 18 wheelers.

Mr. Delaney added as currently proposed they would bring the ramp location and size into conformance with the approved preliminary plan. It is currently not in conformance. He stated the traffic engineer approved the reduction of it down to 25 feet which is the typical commercial width.

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

Resolution No. 97-637

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-74-U is given **APPROVAL OF REVISION TO FINAL (6-0):** The following condition applies:

Written confirmation of final approval from the Stormwater Management Division of the Department of Public Works."

Proposal No. 78-87-P
Fredericksburg
Map 171, Part of Parcel 89
Subarea 12 (1997)
District 32 (Jenkins)

A request to revise a portion of the preliminary site development plan of the Residential Planned Unit Development District abutting the south margin of Old Hickory Boulevard opposite Hearthstone Lane, (34.53 acres), classified R20, to permit the development of 168 multi-family units, requested by Anderson-Delk and Associates, Inc., for Radnor Development Corporation, owner.

Mr. Delaney stated the currently proposed plan shifts the location of the townhomes to approximately 50 feet of separation between the buildings themselves and the back of the single family properties. The applicant is also proposing a 30 foot landscape easement and a 20 foot landscape easement. As currently proposed the back of the townhomes will be located 15 to 20 feet from the rear of the single-family properties. There is a creek that runs through the trees and another drain which runs along the back of these single-family lots.

The applicant has increased the setback from approximately 15 to 20 feet to about 50 feet for the buildings. They do feel that they are going to disturb some of the trees along the drain because they are going to have to rework the drain in order that the townhomes do not get flooded. That is the concern of the residents in the existing single family houses that even though the buildings are being pulled back farther to increase the separation, that this buffering is going to be disturbed as a result of working that drain and placing the townhomes on this site. As a result of that a number of these single family lot owners have proposed a third alternative. There is some open space being proposed in between the two facing townhomes. The single-family lot owners have proposed bringing a single cul-de-sac in, thereby shifting the location of these townhomes up farther to increase the separation and to perhaps leave the majority of these trees in place as the buffer between the single-family and the multi-family. The Commission will have to decided whether to keep the currently approved preliminary master plan, whether to approve the plan as proposed by the developer, or whether or not to approve or look at an additional third option.

Mr. Jay Austin, homeowner, asked to show seven or eight slides and speak on behalf of saving the tree line, minimizing traffic, and relocating the proposed condos to be built out on Old Hickory Boulevard where they are not adjacent to single-family dwellings. Mr. Austin requested deferral for more study.

Mr. Cliff Rudy, homeowner, spoke on behalf of other homeowners regarding saving the tree line. He requested the Commission defer consideration of the plan and direct Radnor Homes to get together with homeowners to listen to their input and come back with a plan that is amenable to both homeowners and to Radnor Homes.

Mr. Mike Anderson stated that Radnor Homes presented this to the Planning Commission for their consideration back in May and at the request of the homeowners association deferred this for several meetings in order to work with the homeowners association and the board of the homeowners association to resolve this. He requested that the Commission not defer again.

Ms. Cheryl Cruz, homeowner, stated that the homeowners did not appoint that president of the homeowners and that the homeowners association never consulted the homeowners. She stated that the homeowners are highly upset and were under the impression that there would not be a road connecting the condos to homes.

Mr. Harbison stated he was sensitive to the concerns that were being expressed but thought they were concerns between the developer and certain homeowners and not the kinds of concerns that the Commission can deal with or try to resolve as a planning commissions body. He further stated that what is being asked is something that is probably an improvement with what is already been given preliminary approval.

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

Resolution No. 97-638

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 78-87-P is given **CONDITIONAL APPROVAL OF A REVISION TO PRELIMINARY FOR A PHASE (6-0):** 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. The recording of a final subdivision plat and the posting of all required bonds with any subsequent final approval."

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 97S-287G
Holt Hills, Section 2A, Resubdivision of Lot 21
Map 180, Parcel 106
Subarea 12 (1997)
District 31 (Alexander)

A request for preliminary approval for six lots abutting the northwest corner of Holt Road and Holt Hills Road (3.05 acres), classified within the R20 District, requested by Richard C. Argo, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Mr. Henry stated this was a public hearing item and notices were sent to abutting property owners. Mr. Henry explained there is an existing house on the property and it will be retained on this existing lot. He stated they are creating new lots, four of which will have joint access driveways onto Holt Hills Road, which is a collector street. Staff recommends approval as do other departments who have reviewed this.

Chairman Smith stated the matter was set for public hearing and called for anyone in the audience wishing to speak in favor of the project.

Mike Anderson stated staff has made all the comments.

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

Resolution No. 97-639

"**BE IT RESOLVED** by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 97S-287G, is granted **APPROVAL."**

Final Plats:

Subdivision No. 95S-360G
Red Bud Terrace, Resubdivision of Lots 3, 4 and 5
Map 52-5, Parcels 105, 106 and 107
Subarea 4 (1993)
District 8 (Hart)

A request to subdivide three lots into six lots abutting the southeast margin of Red Bud Terrace, approximately 150 feet northeast of East Palestine Boulevard (1.38 acres), classified within the R10 District, requested by Doss Hill et al, owners/developers, Bruce Rainey and Associates, surveyor.

Mr. Henry stated staff is recommending disapproval. The proposal is for six lots and there are three lots that exist today. The proposal is to split each of the lots in half, doubling the density. He stated that since the staff report went out they have learned Redbud is only 25 feet in right-of-way width. The plan of subdivision shows 30 feet. Public Works has corrected that. This plan of subdivision does not dedicate any right-of-way necessary to bring this substandard street up to the minimum of 40 feet in width. In 1985 there was a subdivision plat creating three lots on the opposite side of the street which did dedicate right-of-way. Staff is recommending that any plan of subdivision for this side do a comparable dedication of right-of-way.

Secondly, when these proposed lot areas and lot frontage are compared with the surrounding properties, it is found that in order to meeting the tests, and that would be 75% of the average area in surrounding lots, these lots would have to be at least 12,632 square feet. The proposal is for 10,000 square foot lots. Frontage, in order to meeting comparability, the 90% of the average would be 82 feet and they are proposing 50 foot wide lots. With the dedication of right-of-way that would eliminate one of the lots down to five and even at five lots that test has been run and found that the areas would only be 12,000 square feet and the frontages would only be 60 feet. Again, 82 feet would be the necessary to meet comparability. The staff is recommending disapproval for these reasons.

Jim Stevens, of Stevens Auction and Realty Company, spoke in favor of approving this subdivision.

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

Resolution No. 97-640

"**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 95S-360G, is **DISAPPROVED** since the plan of subdivision does not dedicate right-of-way as required for substandard streets (Subdivision Regulation 2-7.1.A) and does not satisfy the frontage and lot area comparability test (Subdivision Regulation 2-4.7)."

Subdivision No. 97S-277A
Lexington Green, Phase 2, Lot 19
Map 131-1-J, Parcel 19
Subarea 7 (1994)
District 34 (Fentress)

A request to encroach into a landscape easement area on a lot abutting the north margin of Lexington Court, approximately 240 feet northeast of Wallace Lane (.17 acres), classified within the R20 Residential Planned Unit Development District, requested by Toby B. Schulman, owner/developer, Crawford Land Surveyors, surveyor.

Mr. Henry stated the proposed swimming pool is proposed to extend 10 feet into the 20 foot landscape easement. The landscape easement has mature landscaping and a brick wall running through it as required by the planned unit development when the subdivision was built. He stated the landscaped buffer provided by this six foot fence is adequate buffering and staff was recommending approving this reduction in the landscape easement to allow the swimming pool.

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

Resolution No. 97-641

"**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-277A, is granted **APPROVAL."**

Subdivision No. 97S-278U
Wellington Square
Map 85-11, Parcel 103
Subarea 14 (1996)
District 14 (Stanley)

A request to subdivide one parcel into three lots abutting the northwest margin of Lebanon Pike, approximately 580 feet southwest of Danacrest Drive (3.18 acres), classified within the RS10 District, requested by James D. and Polly A. Carter, owners/developers, John D. McCormick, surveyor.

Mr. Henry stated this application has been amended by the applicant for two lots instead of three. A revised plan has consolidated the two lots along Lebanon Pike into one lot. The other lot extends to the rear of the site and because this area is greater than three times the minimum zoning district, the subdivision regulations require a demonstration of a future plan of subdivision. The developer has provided this future plan of subdivision that would be a cul-de-sac coming in from Lebanon Pike and staff recommends approval of this subdivision.

Councilmember Stanley stated this is not an R10 District as stated in the agenda but is an RS10 District as established by actions taken by both the Planning Commission and the Council in July of this year. This was originally a condominium PUD that was designated for this specific lot, but the residents in the area, because of the size of the property and the number of additional residential lots it is contiguous with and would affect the residents, were against the establishment of 19 to 23 condominium units at that time. Councilman Stanley said that is the reason he and the residents moved for RS single-family. There would be no more condominiums or duplexes established in this area without a planned unit development. He stated when establishing a subdivision or new development in an area compatibility with the surrounding properties should be considered to prevent any adverse impact which itself could cause depreciation in neighboring property values. Material consistency and size should be considered so that any development within that subdivision will mirror the existing structures as they exist.

Mr. Harbison stated the Planning Commission is not in the business of saying what materials can or can not be used or whether structures are brick, masonry or fiberboard if they comply with codes.

Doug McCormick spoke in favor stating that all requirements have been met on this in working with the Planning Commission staff and Traffic and Parking and he asked for approval.

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

Resolution No. 97-642

"**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-278U, is granted **APPROVAL (amended application).**"

Subdivision No. 97S-279G
Benny Brown Subdivision
Map 7, Parcels 62, 66 and 68
Subarea 2 (1995)
District 10 (Garrett)

A request to consolidate three parcels into one lot abutting the southwest margin of Tinnin Road, approximately 360 feet south of and opposite Ridge Hill Road (22.89 acres), classified within the AR2a District, requested by Benny Brown, owner/developer, Volunteer Surveying, surveyor.

Mr. Henry stated the issue is that this remaining tract has only 20 feet of public street frontage on Tinnin Road. In 1989 the adjacent two acre piece of property was subdivided by plat from the parent parcel now

being considered. The two acre tract was given 105 feet of frontage, leaving only 20 feet of frontage for the remaining parent parcel. There is only 20 feet left for the remaining parent parcel; therefore staff is recommending disapproval as a result of not having sufficient street frontage.

Mr. Smith asked if this circumstance wasn't inadvertently created under a different set of regulations.

Mr. Owens stated it is a fact that in 1989 the original applicant would have been advised that he could draw a building permit on that remaining 20 acres. Today, however, proper interpretation of the state law would say if this same individual came in and said the scope of his plat he is submitting is the five acre tract up front, that he is not bringing in a plat for the remaining 20 acres, then the limit of the Commission's authority to approve or disapprove that plat is based upon the five acres which is in that application. Mr. Owens further stated the point that Shawn is making is that the Commission can caution the applicant that by approving that five acre plat, he is messing himself up in the future on being able to use the remainder. It may not be proper for this Commission to disapprove that five acre plat simply to look out for the best interest of that property owner long-term. The Commission can warn him that if you come back in and try to plat the remaining 20 acres, then he is going to violate the subdivision regulations and that can not be approved. The property owner is responsible for knowing the long-term consequences of whatever plat and action they are asking for at that time.

Rachel Allen said she was confused about what the applicant is asking now and feels she needs more information.

Mr. Owens stated what exists today are three deeded parcels, none of which has ever been subject to platting. What appears to be driving this is Codes' policy now saying one must have a platted lot to get a building permit. By subjecting the property to a platting process, thereby creating a lot, the subdivision regulations come into effect or come into play and the subdivision regulations require any lot be created by plat to have 50 feet of frontage; therefore what is being requested is a variance to the lot frontage requirements or any lot being created by plat whether it is comprised of three parcels or thirty parcels.

Mr. Browning stated the Department of Codes Administration will not issue a building permit unless a lot is platted. This lot is not platted. If the boundaries stay exactly as they are, they have got to show it on a plat. The only way that can be approved is through this Commission. The only way you can approve this plat is to grant a variance because it does not meet frontage requirements.

Mr. Harbison stated this seemed very technical and asked for clarification as to what policy the Commission is trying to achieve or protect or what goals they are trying to accomplish.

Mr. Browning stated the issue is why this Commission is requiring 50 feet of frontage in all circumstances. He questioned if the subdivision process should require the same frontage in rural Joelton as it does in more urbanized east Nashville, Green Hills or Germantown. Those areas differ and how the Commission treats subdivisions may differ. There may be a solution to their problem that will be defined at some later time, but right now the subdivision regulations say it does not make any difference if it is in Green Hills or in Joelton, that lot has to have a 50 foot wide frontage on a street.

Ms. Allen stated the Tennessee Code says a building permit may be issued for a building to be located on a recorded lot of record as of a certain date which lot fronts on a permanent easement or has access to an existing public street. Ms. Allen further stated she is not sure why Codes is requiring that this lot be platted because this is a recorded deeded lot, in order for Codes to issue a building permit. She stated that perhaps this is a distinction they should not be making and if they could issue a building permit without platting this property then that would do away with this Commission having to grant a variance.

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

Resolution No. 97-643

"**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-279G, is granted **CONDITIONAL APPROVAL with a variance to Subdivision Regulation 2-4.2A since new legal interpretations have been issued after the original tract was subdivided in 1989. This plat may not be necessary if the Department of Codes Administration will issue a building permit without the creation of a platted lot."**

Request for Bond Extension:

Subdivision No. 95S-203G
Meadows of Tulip Grove, Section Four
Meadows of Tulip Grove, L.P.

Located abutting the southeast margin of Richard Lee Circle and Netherlands Drive.

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

Resolution No. 97-644

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension of a performance bond for Subdivision No. 95S-203G, Bond No. 95BD-064, Meadows of Tulip Grove, Section Four, in the amount of $5,000 and authorizes collection if all work is not complete by 10/1/97."

Mr. Stephen Smith left at 3:15 p.m.

OTHER BUSINESS:

1. Highland Heights Neighborhood Plan Presentation.

Jennifer Uken presented the neighborhood plan for Highland Heights. She stated the development of the Highland Heights Neighborhood Plan has been an ongoing planning process for the Metropolitan Planning Commission staff, neighborhood representatives, and staff of MDHA since March of 1997. The final draft of the plan is complete and has received the endorsement of both the community, and the Planning Commission staff. The plan contains an overview of the existing conditions in the neighborhood, what the community found to be the critical challenges and issues facing the neighborhood, and the community's approach to addressing those challenges. A steering committee consisting of residents, property owners, and other interested individuals was instrumental in preparing this draft plan.

Highland Heights is located in northeast Nashville in the western portion of Subarea 5. It is bounded by East Trinity Lane to the north, Ellington Parkway to the east, Douglas Avenue to the south and Dickerson Pike to the west. The dominant land use pattern in the neighborhood is single family residential, with 76% of the neighborhood's parcels used for this purpose. Duplexes and triplexes constitute 12% of the neighborhoods parcels, 7% of the parcels are vacant, 3% are used for commercial purposes, and 2% are used for industrial purposes.

As you can see from the land use map, commercial land uses are not concentrated into nodes at major intersections as the **General Plan** suggests, but are found throughout the neighborhood. Dickerson Pike is primarily marginal strip commercial, with some vacant land and single family residential units interspersed. Many of the commercial uses along Dickerson Pike are pay by the hour motels, adult businesses, and tire places. These types of uses are located in close proximity to many single family residential homes, and attract many outsiders to the area, including those involved in illegal activities such as numbers, drugs, and prostitution**.** Other commercial uses in the neighborhood are found along East Trinity Lane, Douglas Avenue, Lischey Avenue, and Jones Avenue, scattered among primarily single family residential homes. These commercial uses, primarily auto repair and convenience markets, are not concentrated into nodes either.

The industrial uses that exist in the neighborhood are not consolidated or adequately buffered from residential development. Industrial land uses are scattered throughout the neighborhood, in particular along East Trinity Lane, Meridian Street, Cherokee Avenue, and Douglas Avenue.

Observing the existing zoning of the neighborhood, it is obvious that while some existing land uses are found to be compatible to the zoning districts, other land uses are clearly incompatible.

Information provided by the Metro Police Department for 1996 illustrates that crime occurs throughout the Highland Heights neighborhood. However, there are several areas where the rate of incident appears to be greater. These areas are primarily along Dickerson Pike and Douglas Avenue, where there are many pay by the hour motels, adult businesses and liquor establishments.

According to US Census data, approximately 4771 people lived in the Highland Heights neighborhood in 1990. Of those 4771 people, 10% were over the age of 65 and 30% were under the age of 18. Compared to the rest of the county, Highland Heights has a relatively young population. This population also has a lower median family income at $21,736 as compared to the rest of the county at $28, 377. This is significant in that 22% of the neighborhood's population lives below the poverty level, with 31% of the neighborhood's children living below the poverty level.

Information obtained from the neighborhood and steering committee meetings enabled the community to identify 5 critical issues facing the Highland Heights neighborhood. The issues are: Public Safety; Poorly Maintained Rental Properties; Drainage; Traffic and Parking; and Noise.

Public safety is the most important issue for the Highland Heights neighborhood as a whole. The guiding principle is to make the neighborhood a safer place to live by looking for ways to reduce crime in Highland Heights, and creating and maintaining a relationship with law enforcement officials in the area. Among the goals developed for public safety are investigating and studying traffic management measures that restrict access to the neighborhood; expanding the neighborhood watch to include all areas of Highland Heights, and holding periodic neighborhood watch meetings with police representatives to discuss public safety issues and their solutions; enhancing code enforcement of properties that attract and harbor illegal activities; and reclaiming the alleys and streets as active community spaces.

Drainage is another critical issue in the Highland Heights neighborhood. The guiding principle for drainage is to supply the drainage facilities and services that would make Highland Heights a safer, more attractive, and healthier place to live. The neighborhood has come up with many goals to address the drainage issue, including: Conducting a comprehensive study of the drainage problems throughout the neighborhood, and then informing the district councilmember of the recommendations included in this study so that the councilmember may get the necessary projects placed and funded in the Capital Improvements Budget. Maintaining all manhole drains and storm sewers on a regular basis; evaluating the feasibility of installing an enclosed drainage system to eliminate open drainage ditches running throughout the neighborhood; posting "no dumping" signs throughout the neighborhood; and implementing preventative measures that would eliminate trash and debris from circulating throughout the various drainageways in the neighborhood.

Poorly maintained rental properties is another important issue in the Highland Heights neighborhood. The guiding principle is to maintain rental properties and enhance the appearance of the neighborhood as a whole. The neighborhood came up with several goals for this issue; they are as follows: to raise homeownership levels throughout the neighborhood; to create specific neighborhood appearance guidelines for homeowners and landlords in the neighborhood (which suggests that an informal community appearance organization should be established that will oversee and encourage compliance with these guidelines); update the Land use and site conditions audit as a means to encourage property upkeep throughout the neighborhood (the audit should be submitted each year to established Metro liaisons for review); more single family residential structures should be encouraged in the neighborhood through rezoning to prevent new duplexes from being built; landlords should be fined for violations of property maintenance, and asked to surrender their property to Codes to be resold if the fines are not paid; Metro should be encouraged to adopt a "3 Strikes" rule that would apply to landlords. If a landlord receives 3 violations that are not resolved within a certain period of time, then the property should be surrendered to Codes for resale.

The goals and strategies for poorly maintained rental properties are also consistent with the **General Plan**'s goal of preserving Nashville's housing stock. The **General Plan** states that the preservation and rehabilitation of existing dwelling units is central to the provision of affordable housing and should be encouraged. Housing should only be demolished as a last resort, when rehabilitation is not feasible. In order to preserve the housing stock in as sound a state as possible, housing and building codes should be carefully enforced.

Traffic and parking is another critical issue identified by the neighborhood during the planning process. The guiding principle for this issue is to supply the public facilities and services that would decrease speeding within the neighborhood, would discourage outside traffic from coming into the neighborhood, and would generally make Highland Heights a safer place to live. The primary goals for this issue are to get better police enforcement of the speed limits; and to discourage speeding, cruising and soliciting through street restrictions, such as creating dead end and one way streets.

The fifth issue which the neighborhood identified as significant is noise. The guiding principle for the noise issue is to search for ways to make the neighborhood a quieter and more peaceful place to live, and to enhance the overall quality of life. The goals that the neighborhood has come up with to address the noise issue are to: increase police patrols and frequency of speed traps; encourage citizens to report violations of the noise ordinance, curfew law and speed limits; and to consider more dead end streets and alley closures. The neighborhood has been working with the East Sector Sergeant to increase the police patrols in the area.

It is the intent of this neighborhood plan to conserve the neighborhood and to provide guidance for improvements and future developments in Highland Heights. The staff feel that the goals of neighborhood planning have been achieved through the Highland Heights neighborhood planning process. A plan was developed that is responsive to local characteristics, needs, and problems. All of the ideas in the plan came from the residents, therefore it focuses on what their specific needs are.

The final goal of neighborhood planning, and arguably the most important, is to increase citizen participation in planning. Over the past several months that staff has been working within Highland Heights, residents and property owners of the neighborhood have become involved in and educated about planning. Attendance at the 6 neighborhood meetings ranged from 25 to 75 people. All of these people participated in the planning process.

Chairman Smith asked if there were any suggestions to change this from an R6 zone to an RS6.

Ms. Uken stated she thought Councilman Harrison meet with Bob Eadler on Monday and asked for an RS6. It was originally RS7.5.

Chairman Smith asked what happens to the number of people who are renters that are displaced if that is done.

Mr. Owens stated if the property was zoned to RS, and there were existing duplexes out there, they would be legally nonconforming under the zoning ordinance. Even under the new code a noncomforming duplex that is rezoned RS, they can rebuild.

Mr. Harbison stated this is the first time he has heard of the three strikes rule and it does sound like failure to maintain property is a real problem there. Mr. Haribson said it concerned him a bit that this was the way metro should legislate landlord issues and he was not sure about the three strikes.

Ms. Uken stated this was presented as a suggestion from the neighborhood group. Mr. Browning stated that the staff would suggest that the Commission's role in the endeavor is to articulate the problems and concerns within the neighborhood, and to forward these issues to the appropriate departments of metro government.

Mr. Browning stated there is not a quorum at this point and asked that the Commission, having heard this presentation, direct the staff to continue playing a coordinative role as appropriate to pull metro forces together for the improvement of the neighborhood.

Ms. Rita Viramontes spoke in favor of this organization and stated she was going to devote her time to cleaning up her neighborhood. She expressed her gratitude to Jennifer Uken, Chris Hall and the Planning Commission for giving her the opportunity to learn what is going on beyond her block.

Mr. Bodenhamer stated he did not know what this body could do, but Ms. Viramontes and the report enlightened him as to what is happening, how some of the neighborhoods are deteriorating, and some of the things that various agencies should look into.

2. Set September 4, 1997 as the meeting for consideration of the Level of Citizen Participation to be used in updating the Subarea 3 Plan.

The Commission agreed to consider the Level of Citizen participation to be used in updating the Subarea 3 Plan at the September 4, 1997 meeting.

3. Set public hearing date for Subarea 5 Plan Amendment.

The Commission agreed to hold the Subarea 5 Plan Amendment public hearing on September 4, 1997.

4. FY '98 Operating Budget.

Mr. Browning gave the Commission an overview of the Planning Commission budget approved for fiscal year 1998.

5. Legislative Update.

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

PLATS PROCESSED ADMINISTRATIVELY
July 24, 1997 through August 6, 1997

97S-269U GILBERT-MCCORMICK SUBDIVISION

One lot into two lots

97S-282G **CRESTWOOD SUITES**
Plats one deeded parcel

97S-297G **NEWPORT**
PUD Boundary Plat

97S-312U **HEARTHSTONE ASSISTED LIVING**
PUD Boundary Plat

97S-300A **SEVEN OAKS, Lot 23**
Reduced setback line from 30 feet to 10 feet

97S-308A **WEST MEADE PARK, INC., Lot 101**
Reduced setback line from 130 feet to 110 feet

ADJOURNMENT:

There being no further business, the meeting adjourned at 4:00 p.m.

_____
Chairman

_____
Secretary

Minute approval:
This 21st day of August, 1997