

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

Date: September 18, 1997  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

Gilbert N. Smith, Chairman  
Arnett Bodenhamer  
Councilmember Tim Garrett  
William Harbison  
James Lawson  
William Manier  
Ann Nielson  
Stephen Smith  
Marilyn Warren

**Absent:**

Mayor Philip Bredesen

**Others Present:**

**Executive Office:**

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

**Current Planning and Design Division:**

Edward Owens, Planning Division Manager  
Jennifer Regen, Planner III  
John Reid, Planner II  
Doug Delaney, Planner I  
Jeff Stuncard, Planner I  
Charles Hiehle, Planning Technician II

**Community Plans Division:**

Jerry Fawcett, Planning Division Manager

**Advance Planning and Research Division:**

John Boyle, Planning Division Manager

**Others Present:**

Wesley Weeks, Legal Department  
Jim Armstrong, Public Works Department

Chairman Smith called the meeting to order.

The Commission welcomed Councilmember Tim Garrett, who was elected by the Council to serve a two year term, to replace Councilmember Stewart Clifton.

Councilmember Garrett stated he appreciated being a member of the Commission and that Councilmember Clifton had done a great job.

Chairman Smith presented a plaque to Councilmember Clifton in recognition of his service.

**Presented to**  
**Stewart Clifton**  
**In recognition of service on the**  
**Metropolitan Planning Commission of Nashville and Davidson County**  
**October 1995 to September 1997**  
**With Great Appreciation this service is acknowledged by:**

**Metropolitan Mayor**

**Commission Chairman**

**Executive Director**

Councilmember Clifton expressed his appreciation and stated he had enjoyed the past two years of service on the Commission.

#### ADOPTION OF AGENDA

Mr. Owens stated a transportation contract addendum item should be added to the agenda and Appeal Case No. 97B-190U, Zone Change 97Z-089U and Planned Unit Development 97P-037U had been withdrawn.

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the agenda with the addendum and the three withdrawals.

#### ANNOUNCEMENT OF DEFERRED ITEMS

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

97Z-087U	Deferred two weeks, by applicant.
24-85-P	Deferred indefinitely, by applicant.
97P-007G	Deferred final plat approval, by applicant.

97S-343G          Deferred two weeks, by applicant.

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

#### **APPROVAL OF MINUTES**

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which unanimously passed to approve the minutes of the regular meeting of September 4, 1997.

#### **RECOGNITION OF COUNCILMEMBERS**

Councilmember Vic Lineweaver congratulated Haury and Smith on their award from Metro Beautification, for The Clean Builder Award.

#### **ADOPTION OF CONSENT AGENDA**

Mr. Owens suggested the two transportation contracts under Other Business should be taken off of the consent agenda for discussion.

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

#### **APPEAL CASES:**

##### **Appeal Case No. 97B-180U**

Map 59-6, Parcel 88

Subarea 3 (1992)

District 2 (Black)

A request for a conditional use permit, under the provisions of Section 17.124.350 (Floodplain) as required by the provisions of Section 17.124.010, to construct a 400 square foot addition to an existing house within the Ewing Creek floodplain in the R8 District, on property located at 701 Roman Drive, abutting the east margin of Crouch Drive (.22 acres), requested by S&S Builders, appellant for Robert E. Matthews, Jr., owner.

##### **Resolution No. 97-750**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 97B-180U to the Board of Zoning Appeals:

**The site plan complies with the conditional use criteria (9-0)."**

##### **Appeal Case No. 97B-191U**

Map 91-10, Parcel 369

Subarea 7 (1994)

District 22 (Holt)

A request for a conditional use permit, under the provisions of Section 17.124.350 (Floodplain) as required under the provisions of Section 17.124.010, to construct a 180 square foot addition to an existing house in the R6 District within the Richland Creek floodplain, on property located at 901 Morrow Road (.14 acres), requested by Michael L. Williams, appellant/owner.

**Resolution No. 97-751**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 97B-191U to the Board of Zoning Appeals:

**The site plan complies with the conditional use criteria (9-0)."**

**ZONE CHANGE PROPOSALS:**

**Zone Change Proposal No. 97Z-074G**

Map 143, Parcel 20  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to change from R40 District to R20 District certain property abutting the north margin of State Highway 100, opposite Old Hickory Boulevard (24.2 acres), requested by Gary Batson, appellant, for Bill Kantz, owner. (Re-referred from the Metro Council 9/2/97). (Approved by Planning Commission 7/24/97).

**Resolution No. 97-752**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-074G is **APPROVED (RM4 New Code) (9-0)**:

**This property falls within the "Natural Conservation (NC)" policy (calling for low intensity residential uses at densities up to 4 dwelling units per acre) in the Subarea 6 Plan. The R20 District falls within this desired density range, and is consistent with the surrounding zoning pattern of this area."**

**Zone Change Proposal No. 97Z-085U**

Map 91-14, Parcels 67 (.09 acres) and 69 (.09 acres)  
Subarea 7 (1994)  
District 22 (Holt)

A request to change from R8 District to CS District certain properties located at 3 Twin Street (north of Alley 1519) and 413 Robertson Avenue, between Midland and Robertson Avenues (.18 acres), requested by Landmark Homes of Tennessee, Inc., appellant, for Leela Gowda, owner.

**Resolution No. 97-753**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-085U is **APPROVED (CS New Code) (9-0)**:

**This property falls within an area of Commercial Mixed Concentration policy in the Subarea 7 Plan, allowing for a mixture of retail, office, and multi-family residential uses around the I-40/White**

**Bridge Pike interchange. The proposed CS District is consistent with this policy and the surrounding zoning pattern.”**

**Zone Change Proposal No. 97Z-088U**

Map 148, Parcel 121 (4.13 acres) and  
Parcel 120.1 (3.26 acres)  
Subarea 13 (1996)  
District 28 (Hall)

A request to change from AR2a District to RS8 District certain property located at Route 1 Payne Road and 4801 Payne Road, abutting the southwest margin of Reeves Road and Payne Road (7.39 acres), requested by MEC, Inc., appellant for Kenneth Victory, optionee, for W. F. Moss, Margaret Solomon and Patricia Moss, owners.

**Resolution No. 97-754**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-088U is **APPROVED (RS7.5 New Code) (9-0)**:

**The proposed RS8 District is consistent with the predominate zoning pattern in the area (permitting single-family homes at densities up to 5.5 dwelling units per acre)."**

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 154-79-U**

Lions Head Village West  
Map 103-14, Parcel 115  
Subarea 7 (1994)  
District 24 (Johns)

A request to amend the preliminary master plan of the Commercial General Planned Unit Development District abutting the north margin of White Bridge Road, opposite Brookwood Terrace (12.49 acres), classified R6, to permit the addition of 15,000 square feet to the existing Target Store, requested by Southeastern Engineers, Inc., for Dayton Hudson Corporation, owner.

**Resolution No. 97-755**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 154-79-U is given **APPROVED WITH CONDITIONS TO AMEND THE PRELIMINARY MASTER PLAN REQUIRING COUNCIL CONCURRENCE (9-0)**. 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. Submittal to and approval by Water and Sewer of plans to relocate the water main on this site at the time of final submittal.
3. Receipt and approval of revised parking layout plans per the request of the Traffic Engineer."

**Proposal No. 83-86-P**

National Self-Storage  
Map 147-11, Parcel 39  
Subarea 12 (1997)  
District 26 (Arriola)

A request for final approval for a portion of this Commercial (General) Planned Unit Development District abutting the southwest margin of Nolensville Road, 200 feet southeast of Cotton Lane (4.04 acres), classified CS and R6, to permit the development of building #6, a 16,800 square foot mini-storage facility, requested by Derby Self Storage, LLC, appellant/owner.

**Resolution No. 97-756**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 83-86-P is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (9-0)**. 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.”

**Proposal No. 93P-010G**

Sugar Valley  
Map 181, Parcel 20 and Part of  
Parcels 11, 12, 16 and 17  
Subarea 12 (1997)  
District 31 (Alexander)

A request to amend the Residential Planned Unit Development District located approximately 425 feet east of Nolensville Pike and approximately 80 feet north of Culbertson Road (87.6 acres), classified R20, to permit the development of 209 single-family lots and 140 multi-family units, requested by Anderson-Delk and Associates, Inc., for Paul E. Johnson, owner.

**Resolution No. 97-757**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93P-010G is **APPROVED WITH CONDITIONS TO AMEND THE PRELIMINARY MASTER PLAN REQUIRING COUNCIL CONCURRENCE (9-0)**. The following condition applies:

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

**Proposal No. 96P-006G**

Mountain View PUD  
Map 172, Parcel 30  
Subarea 12 (1997)  
District 31 (Alexander)

A request to revise the approved final site development plan of the Residential Planned Unit Development District located at the southern terminus of Woodland Hills Drive and the eastern terminus of Frontier Lane, to permit the development of 100 single-family lots, to replace the 98 single-family lots on the currently approved final plan, requested by Littlejohn Engineering Associates, Inc., for Centex Homes, a Nevada General Partnership, owner.

**Resolution No. 97-758**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-006G is given **CONDITIONAL APPROVAL TO REVISE THE APPROVED FINAL PLAN (9-0)**. 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.”

**Proposal No. 97P-007G**

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

A request for final approval of the Residential Planned Unit Development District abutting the south margin of North Dupont Avenue, 400 feet west of Rio Vista Drive (9.28 acres), classified R8, to permit the development of a 100 unit multi-family complex, requested by Ragan-Smith Associates, Inc., for Norsouth Corporation, owner.

**Resolution No. 97-759**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-007G is given **CONDITIONAL FINAL APPROVAL; FINAL PLAT DEFERRED AS REQUESTED BY THE APPLICANT (9-0)**. 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 recording of a final subdivision plat upon the posting of a bond for water and sewer line extensions as required by the Madison Suburban Utility District and the Metropolitan Department of Water Services.”

**Proposal No. 97P-030G**

Townhomes of Warner Park  
Map 143, Parcel 20  
Subarea 6 (1996)  
District 35 (Lineweaver)

A referral from Metro Council of a modified plan for a new Residential Planned Unit Development District abutting the northwest margin of Highway 100, 400 feet northeast of Old Hickory Boulevard (25 acres), classified R40 and proposed for R20, to permit the development of 86 townhomes and three single-family lots, requested by Batson and Associates, for Radnor Development Corporation, owners. (Re-referred from the Metro Council 9/2/97). (Approved by Planning Commission 7/24/97).

**Resolution No. 97-760**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-030G is given **CONDITIONAL PRELIMINARY APPROVAL (9-0)**. 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. Written confirmation of approval from CSX Transportation of the proposed public railroad crossing. The developer shall be responsible for all costs associated with this proposed railroad crossing.
3. Written confirmation of approval by the Harpeth Valley Utility District.
4. A geotechnical study shall be performed prior to any final approval.
5. The applicant shall demonstrate adequate site distance at the proposed T-intersection, prior to any final approval.”

**Proposal No. 97P-039U**

Adams Property  
Map 171, Parcel 90  
Subarea 12 (1997)  
District 32 (Jenkins)

A request to grant preliminary approval for a new Residential Planned Unit Development District abutting the north margin of Cloverland Drive, approximately 200 feet west and opposite Saddlewood Lane (15.45 acres), classified R40, to permit the development of 26 single-family lots, requested by Anderson-Delk and Associates, Inc., for Ira T. Adams, owner.

**Resolution No. 97-761**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-039U is given **CONDITIONAL PRELIMINARY APPROVAL (9-0)**. 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. With a request for final approval it is the responsibility of the applicant to demonstrate to the Metropolitan Department of Public Works, Traffic Engineering Section, that adequate sight distance has been achieved at the entrance to this proposed development and Cloverland Drive.
3. The recording of a boundary plat.
4. Prior to construction the recording of a final subdivision plat and the posting of any required bonds.”

**SUBDIVISIONS:**

**Final Plats:**

**Subdivision No. 96S-276G**

Banbury Crossings, Section 1, Second Revision  
Map 172-9-A, Parcels 2-35  
Subarea 12 (1997)  
District 32 (Jenkins)

A request to add four lots and to revise two lots and the open space abutting the west margin of Edmondson Pike, opposite Mt. Pisgah Road (20.15 acres), classified within the R40 Residential Planned Unit Development District, requested by Jones Company, owner/developer, Gresham, Smith and Partners, surveyor.

**Resolution No. 97-762**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 96S-276G, is granted **FINAL APPROVAL.**”

**Subdivision No. 96S-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.

**Resolution No. 97-763**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 96S-082G, is granted **CONDITIONAL FINAL APPROVAL subject to posting a performance bond in the amount of \$55,500.00.**”

**Subdivision No. 97S-319G**

Tree Haven, Section 1  
Map 164, Part of Parcel 37  
Subarea 13 (1996)  
District 29 (Holloway)

A request to create 14 lots abutting the east terminus of Asheford Trace, approximately 135 feet east of Murphywood Crossing (4.57 acres), classified within the RS8 District, requested by The Forrest Partnership, owner/developer, James L. Terry, surveyor. (Deferred from meeting of 9/4/97).

**Resolution No. 97-764**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-319G, is granted **CONDITIONAL FINAL APPROVAL subject to posting a performance bond in the amount of \$201,000.00.**”

**Subdivision No. 97S-340U**

Charlotte Park Commercial Area,  
Sections 1, 3 and 4 Resubdivision  
Map 103-1, Parcels 11.1, 132, 133 and 13  
Subarea 7 (1994)  
District 22 (Holt)

A request to reconfigure four parcels into three lots abutting the northeast corner of Charlotte Pike and American Road (3.39 acres), classified within the CS and OP Districts, requested by T. C. Summers, Inc., owner/developer, Turner Engineering Company, surveyor.

**Resolution No. 97-765**

“**BE IT RESOLVED** by the Metropolitan Planning Commission Subdivision No. 97S-340U is granted **FINAL APPROVAL.**”

**Subdivision No. 97S-345U**

Landport at Cummins Station  
Map 93-9, Parcels 320 and 331  
Map 93-10, Parcel 46  
Subarea 9 (1991)  
District 19 (Sloss)

A request to consolidate and reconfigure fourteen platted lots and one deed parcel into three lots and dedicate additional utility easements and alley right-of-way for properties abutting the southwest corner of Demonbreun Street and 10th Avenue South (6.91 acres), classified within the CF District, requested by Metropolitan Transit Authority, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

**Resolution No. 97-766**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-345U, is granted **FINAL APPROVAL.**”

**Request for Bond Extension:**

**Subdivision No. 84-467-G**  
Village by the Creek, Section 9  
Robert E. Earheart, principal

Located abutting both margins of Valley Creek, approximately 100 feet southeast of Valley Trail.

**Resolution No. 97-767**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 84-467-G, Bond No. 94BD-007, Village by the Creek, Section 9, in the amount of \$12,000 to 9/15/98 subject to submittal of an amendment to the present Letter of Credit by **10/18/97** which extends its expiration date to 3/14/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 23-85-P**  
Forest Pointe, Phase 2  
Fox Ridge Homes, Inc.

Located abutting the east terminus of Pointe Place, approximately 55 feet east of Pointe Place Court.

**Resolution No. 97-768**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 23-85-P, Bond No. 94BD-099, Forest Pointe, Phase 2, in the amount of \$23,750 to 7/1/98 subject to submittal of an amendment to the present Letter of Credit by **10/18/97** which extends its expiration date to 1/2/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 41-85-P**  
Cedar Crest, Phase 2  
Joe Gower, principal

Located abutting the south terminus of Cedar Crest Drive, approximately 140 feet south of Williams Court.

**Resolution No. 97-769**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 41-85-P, Bond No. 95BD-042, Cedar Crest, Phase 2 in the amount of \$30,000 to 8/1/98”

**Subdivision No. 78-87-P**  
Townhomes of Fredericksburg, Phase 1, Section 1  
Radnor Homes, Inc., principal

Located abutting the south margin of Old Hickory Boulevard, opposite Hearthstone Lane.

**Resolution No. 97-770**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 78-87-P, Bond No. 96BD-038, Townhomes of Fredericksburg, Phase 1, Section 1 in the amount of \$40,750 to 11/1/97 subject to submittal of a letter from the Frontier Insurance Company by **10/18/97** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 79-87-P**  
Calumet, Phase 5  
James T. McLean, Sr., principal

Located abutting the northeast corner of Calumet Drive and Roundwood Drive.

**Resolution No. 97-771**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 79-87-P, Bond No. 97BD-012, Calumet, Phase 5, in the amount of \$37,000 to 4/1/98 subject to submittal of an amendment to the present Letter of Credit by **10/18/97** which extends its expiration date to 10/1/98. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 88P-023G**  
Little Creek Farm, Section 1  
I-24 Northwest Partners, principal

Located abutting the south margin of Old Hickory Boulevard, approximately 900 feet east of I-24 North.

**Resolution No. 97-772**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 88P-023G, Bond No. 90BD-015, Little Creek Farm, Section 1 in the amount of \$26,900 to 9/15/98 subject to submittal of a letter from the Reliance Insurance Company by **10/18/97** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 90P-008G**  
Magnolia Hills  
J & J Development, Inc.

Located abutting the north margin of Old Harding Pike, approximately 1,000 feet east of Collins Road.

**Resolution No. 97-773**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 90P-008G, Bond No. 94BD-070, Magnolia Hills, in the amount of \$40,000 to 6/1/98 subject to submittal of an amendment to the present Letter of Credit by **10/18/97** which extends its expiration date to 12/1/98. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 90S-021U**  
MetroCenter, Tracts 15A and 15B  
MetroCenter Properties, principal

Located abutting the east side of Athens Way, between Great Circle Road and French Landing.

**Resolution No. 97-774**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 90S-021U, Bond No. 90BD-016, MetroCenter, Tracts 15A & 15B, in the amount of \$30,000 to 9/15/98 subject to submittal of an amendment to the present Letter of Credit by **10/18/97** which extends its expiration date to 3/15/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 93P-023G**  
Gateway of Hermitage  
Shurgard-Freegard Hermitage, J.V., principal

Located abutting the south margin of Central Pike, approximately 240 feet west of Old Hickory Boulevard.

**Resolution No. 97-775**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 93P-023G, Bond No. 94BD-015, Gateway of Hermitage, in the amount of \$105,400 to 8/1/98 subject to submittal of an amendment to the present Letter of Credit by **10/18/97** 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. 94P-026U**  
Hill Place  
H. G. Hill Realty Company, principal

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

**Resolution No. 97-776**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 94P-026U, Bond No. 95BD-031, Hill Place in the amount of \$129,000 to 6/1/98.”

**Subdivision No. 95P-003G**  
Forge Ridge, Resubdivision of Lot 1  
Dewey Pedigo, Jr., trustee, principal

Located abutting the northwest margin of Franklin Limestone Road, approximately 338 feet west of Rice Avenue.

**Resolution No. 97-777**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95P-003G, Bond No. 95BD-093, Forge Ridge, Resub, of Lot 1 in the amount of \$100,000 to 8/1/98.”

**Subdivision No. 95P-005U**  
Overlook at Hickory Hollow  
Security Capital Atlantic, Inc., principal

Located abutting the west margin of Bell Road, opposite Zelida Avenue.

**Resolution No. 97-778**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95P-005U, Bond No. 96BD-011, Overlook at Hickory Hollow in the amount of \$50,000 to 8/15/98.”

**Subdivision No. 95S-028G**  
New Hope Estates, Phase 1  
Raymond Lane, principal

Located abutting the west margin of New Hope Road, approximately 720 feet south of Farmingham Woods Drive.

**Resolution No. 97-779**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95S-028G, Bond No. 94BD-112, New Hope Estates, Phase 1, in the amount of \$368,000 to 3/15/98 subject to submittal of an amendment to the present Letter of Credit by **10/18/97** which extends its expiration date to 9/15/98. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 95S-398G**  
New Hope Estates, Phase 2  
Raymond D. Lane, Sr., principal

Located abutting the west margin of New Hope Road, approximately 115 feet south of Farmingham Woods Drive.

**Resolution No. 97-780**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95S-398G, Bond No. 94BD-112, New Hope Estates, Phase 2, in the amount of \$103,500 to 3/15/98 subject to submittal of an amendment to the present Letter of Credit by **10/18/97** which extends its expiration date to 9/15/98. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Request for Bond Release:**

**Subdivision No. 90P-020G**  
Heron Walk, Phase 1, Section 1  
Allen Earps, principal

Located abutting the west margin of Cheyenne Boulevard, approximately 1,400 feet southeast of Manzano Road.

**Resolution No. 97-781**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 90P-020G, Bond No. 96BD-030, Heron Walk, Phase 1, Section 1 in the amount of \$31,500.”

**Subdivision No. 96S-264U**  
H. G. Hill Resubdivision  
H. G. Hills Realty Company, co-principal  
Phipps Construction Company, co-principal

Located abutting the east margin of Gallatin Pike between Howard Street and McChesney Avenue.

**Resolution No. 97-782**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 96S-264U, Bond No. 96BD-053, H. G. Hills Resubdivision in the amount of \$5,000.”

**MANDATORY REFERRALS:**

**Proposal No. 97M-087U**

Albion Street and 38<sup>th</sup> Avenue North Closures  
Map 92-5  
Subarea 8 (1994)  
District 21 (McCallister)

A proposal to close Albion Street between Clare Avenue and 39<sup>th</sup> Avenue North, and to close 38<sup>th</sup> Avenue North between Albion Street and Clare Avenue, requested by Dr. James A. Hefner for Tennessee State University, adjacent property owner. (Easements are to be retained).

**Resolution No. 97-783**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (9-0)** Proposal No. 97M-087U.

**Proposal No. 97M-102U**

Awning at 1801 21<sup>st</sup> Avenue South  
Map 104-12, Parcel 2  
Subarea 10 (1994)  
District 18 (Clifton)

A mandatory referral from the Department of Public Works, proposing the installation of an awning over the public right-of-way at the Belcourt Avenue entrance to 1801 21<sup>st</sup> Avenue South, requested by Carissa Meyer for Carissa’s Armoires and Antiques, proprietor.

**Resolution No. 97-784**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (amended request) (9-0)** Proposal No. 97M-102U.

**Proposal No. 97M-103U**

Alley No. 1806 Easement Abandonment  
Map 105-7  
Subarea 11 (1993)  
District 19 (Sloss)

A proposal to abandon the public utility and drainage easements retained in the former right-of-way of Alley No. 1806, between Rains Avenue and Pillow Street, which was closed by Ordinance O83-1355, requested by Jack L. Whitson for The Resource Foundation, adjacent property owner.

**Resolution No. 97-785**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (9-0)** Proposal No. 97M-103U.

This concluded the items on the consent agenda.

**ZONE CHANGE PROPOSALS:**

**Zone Change Proposal No. 97Z-084U**

Map 60-8, Parcel 1  
Subarea 5 (1994)  
District 4 (Majors)

A request to change from OG District to CS District certain property located at 127 Ewing Drive, approximately 600 feet west of Dickerson Pike (.45 acres), requested by Tina M. Manuel, appellant for Sammy Flatt, owner.

Mr. Reid stated this property falls on the boundary between commercial policy focused along Dickerson Pike and residential policy to the west. The surrounding land uses include a gravel parking lot currently zoned OG, a commercial strip center zoned CS and retail building zoned CS.

Staff is recommending disapproval of extending CS zoning further into the residential since there is already CS zoned opportunities available on Dickerson Pike and there are also vacant opportunities available in the shopping center across the street on Ewing Drive.

In 1996 the Commission recommended disapproval of a request for OP zoning for three parcels due to the fact it would give the residential area a commercial orientation.

Councilmember Don Majors spoke in favor of the proposal and stated the applicants were planning to refurbish a former residential home into a barber shop/beauty shop complex.

Ms. Tina Manuel stated the vacant opportunities in the shopping center Mr. Reid referred to had to be rented at 10,000 square feet or more and that was too much and the residential property next door does not have a house on it.

Ms. Nielson stated she respected what Ms. Manuel was trying to do but if things did not work out the property could be sold but the zoning would stay.

Councilmember Majors stated this property was already zoned OG and instead of residential and that the setbacks were the same on OG and CS.

Mr. Steve Smith stated this would be a good community use but the Commission was reluctant to let it go commercial.

Mr. Owens stated this was dealing with a basic land use decision as well as a commercial corridor that is not fully utilized.

Chairman Smith said it looked like a squaring off more than anything else because the R10 across the street will never be used as R10.

Councilmember Garrett stated the subject piece of property did not seem like it was the one buffering the neighborhood but that the one next to it was the buffer.

Mr. Harbison stated he felt this change would square up the commercial area.

Mr. Lawson stated he thought it gets into issues of spot zoning. If you look at the entire picture it does square it up and if you look at the whole area there will probably not be residential developed on this lot with all the existing commercial property.

Councilmember Garrett stated the property down the street that is nonconforming, which is R10 on the map, is a parking lot and certainly not residential.

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

**Resolution No. 97-786**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-084U is **APPROVED** :

**This property falls at the boundary of Retail Concentration Community (RCC) policy (focused around the Ewing Drive/Dickerson Pike intersection) and Residential Low Medium policy to the west within the Subarea 5 Plan. Given the property's location across from a large commercial shopping center and proximity to commercial uses along Ewing Drive to the east, the Commission determined it was appropriate to extend CS zoning to this property. The Commission also identified this property as the boundary between commercial and residential uses."**

**Zone Change Proposal No. 97Z-086U**

Map 91-14, Parcel 204

Subarea 7 (1994)

District 24 (Johns)

A request to change from OG District to CS District certain property located at 236 Orlando Avenue within the Richland Creek floodplain, approximately 700 feet south of Charlotte Pike (.58 acres), requested by J. Michael Halloran, optionee, for Frances Bibee, owner.

Mr. Reid stated to the south and east are residential land uses and the Richland Creek flood plain through the property and various retail uses along Charlotte Pike. The Subarea 7 Plan places this entire area within Commercial Mixed Concentration policy, which encourages a combination of office, retail and multi-family uses. Both the existing office zoning on the property and the proposed retail zoning would implement this policy. However, there are many commercial uses in this CMC policy. Around the major intersections, such as White Bridge Road and Charlotte Pike, retail land uses are encouraged. Along the major roads, offices and multi-family uses area encouraged. The secondary street, such as Orlando, office zoning is a more compatible type of transition to the residential to the south and east and staff is recommending disapproval of this zone change.

Mr. Harbison stated he was concerned that if this were changed to CS they someone would try to rezone the rest of the immediate area.

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

**Resolution No. 97-787**



"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-086U is **DISAPPROVED (9-0)**;

**This area falls within the Commercial Mixed Concentration (CMC) policy of the Subarea 7 Plan which provides for a mixture of office, multi-family, and retail uses. The General Plan encourages placing CS zoning around major intersections such as Charlotte Pike/White Bridge Pike and office uses along secondary streets (e.g. Orlando Avenue). The existing office zoning provides a buffer and transition to residential areas from the commercial and retail uses along Charlotte and White Bridge Pike."**

**Zone Change Proposal No. 97Z-091U**

Map 160, Parcels 99 and 191

Map 161, Parcel 41

Subarea 12 (1997)

District 32 (Jenkins)

A request to change from R40 District to R20 District certain properties located at 5595 Hill Road and the north margin of Old Hickory Boulevard (56.71 acres), requested by Vastland Development, LLC, appellant, for Charles G. Cornelius, owner.

**Proposal No. 97P-040U**

Mulholland

Map 160, Parcels 99 and 191

Map 161, Parcel 41

Subarea 12 (1997)

District 32 (Jenkins)

A request to grant preliminary approval for a new Residential Planned Unit Development District abutting the north margin of Old Hickory Boulevard and the southwest margin of Hill Road (56.71 acres), classified R40 and proposed for R20, to permit the development of 152 single-family lots and 75 town houses, requested by LDI Design, LLC, for Charles G. Cornelius, owner.

Mr. Delaney stated the R20 zoning that has been requested as well as the overall density of the Residential Planned Unit Development, which is 4 dwelling units per acre, will implement the residential low-medium policy for this area. There are, however, some design issues with the PUD. There is a townhouse component, and staff believes the Commission's approved policy stops the higher density, cluster type development west of Hearthstone Drive.

The applicant is proposing private streets within this development to create an enclave community with a circling street and there are no plans to make connections to existing street stub outs. Manor Place, by not making a connection, would create a 1,200 foot long dead end street system that is in violation of the Subdivision Regulations.

The zone change is in conformance with policy as well as the overall density of the PUD. Staff is recommending disapproval because of design issues and street standards.

Mr. Bob Murphy, with RPM and Associates, stated his firm did the traffic study for this project. The extension of the roadways from the existing Hearthstone development into this development would only implement the general planning guidelines that streets should be connected; however, he stated there is no compelling reason from a traffic standpoint to connect the streets. This project is proposed to be a gated community with private streets. It is usually difficult to get a traffic circle approved in Metro because they require a 30 mile per hour design speed for any internal roadway that would be either a public street or private street. In this case there should not be a requirement to put the 30 mph design speed on this specific design because it functions essentially as an intersection.

Mr. Jim Renner stated he had spoken with residents and neighborhood associations surrounding this proposed PUD and all of them were in favor of the plan and also do not want through streets.

Ms. Nielson asked if it would be in order at this time to approve the zone change and ask Public Works to work with the developers to resolve the PUD issues.

Chairman Smith stated that would be appropriate and that could be done by deferral or by conditions.

Mr. Manier stated he had driven by Granberry School and counted approximately 18 or 19 portable buildings on the property. There are plans to add 15 class rooms to the school but that still will not be enough. That school was built for 380 students and now has over 800 students at the present time. In the areas of explosive population growth the school problems must be solved. He stated he would like to defer the PUD until such time somebody, with cooperation of the school board, can tell the Commission the facts.

Mr. Renner stated Councilmember Jenkins had been working with the Board of Education to move \$2.5 million dollars into the 1997-98 Capital Improvements Budget to address the situation at Granberry.

Mr. Manier stated that information was reflected in the staff report. Fifteen classrooms is not sufficient.

Councilmember Garrett stated that if there was concern that this particular project would have any real impact on Granberry this auditorium would be full right now. This property is presently zoned R40 and someone could come in with a subdivision plat and maybe get 40 to 50 homes in that particular area.

Mr. Bodenhamer expressed his concerns regarding the stubbed out streets not being connected and the overcrowding of the schools with no relief in sight.

Mr. Lawson stated that Mr. Manier's concerns were valid and consistently over the years the Commission has heard many debates about how streets are structured and how everyone would like to have dead end streets and gated communities. The Commission has followed a consistent policy of requiring streets to be connected.

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

**Resolution No.97-788**

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-091U is **APPROVED (9-0)**:

**This property falls within an area along Old Hickory Boulevard that has an average density of about 2 dwelling units per acre. The R20 District, allowing single-family homes or duplexes, is consistent with this emerging development pattern as well as the Residential Low Medium policy (allowing up to 4 dwelling units per acre) of the Subarea 12 Plan.”**

Mr. Manier moved and Ms. Nielson seconded the motion, which carried unanimously, to defer the PUD for two weeks so staff can develop further information for the Commission through the Board of Education and information relating to the connecting of the streets.

Mr. Manier stated it seemed that it would be appropriate if the staff took a look at development currently underway and other development which is proposed.

**Zone Change Proposal No. 97Z-009T**  
Council Bill No. O97-920

A council bill to modify the definition of an "on-premise" sign used for commercial activities conducted within an enclosed structure, to be content neutral, allowing tri-vision panels, marquees, video projection screens, intelli-beams, banners and lettering on kiosks to be considered on-premises signs, requested by Councilmembers Julius Sloss and Leo Waters.

Mr. Owens stated this proposal was to amend the current zoning regulations to expand the definition of an on premise sign to allow all businesses the opportunity to advertise products and services not sold on the property where the sign is located. Mr. Owens pointed out to the Commission that the regulations currently designate these signs as billboards, and regulate them differently than those signs advertising a business or service located on the property. He stated this amendment would remove the distinction between on premise and billboard signs.

Mr. Owens stated the Commission and Council maintained this distinction when new sign regulations were passed in 1993 because billboards had certain spacing requirements which other signs did not have.

The effect of this amendment would allow commercial establishments to advertise any product or service on their property even though it may not be sold on the property or that business may not be conducted on the property. Staff feels there will be a notable increase in the amount of signage along the major streets and highways as businesses are able to advertise more than just what is happening on the property and staff is recommending disapproval.

Councilmember-at-Large Leo Waters spoke in favor of the amendment and stated there were members of the community concerned about non-conforming signs being used every day. There was an exemption to the sign ordinance filed for the Nashville Arena and some Councilmembers and members of the community feel that when exceptions and exemptions are made it is time to look at the rules. There is a real need for this change and it is practical and does not cause a proliferation of signs but does allow the property owner some choice as to what is on the sign.

Chairman Smith asked what this difference between this bill and the one that is related to the arena.

Councilmember-at-Large Waters stated the arena bill totally exempted the arena from the sign ordinance and the new stadium will also be exempted. This proposed amendment does not allow signs above the roof line and will bring into compliance the sign on Music Row.

Mr. Harbison questioned the logic of broadening the advertising nature of signs as opposed to the function of identifying businesses and services.

Councilmember-at-Large Waters stated there was a possibility that would occur but realistically it would not.

Ms. Nielson and Mr. Manier stated they felt this would be a step backwards and would weaken the ordinance.

Ms. Warren agreed and stated she had a vision of Carpet Barn leasing out its space along I-65 and advertising other businesses.

Mr. Harbison agreed and stated he was afraid it would weaken the ordinance and add to the visual clutter and make this a less desirable community.

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

**Resolution No. 97-789**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-009T is **DISAPPROVED (8-1)**:

**By removing the distinction between the “on-premise” business and the “billboard” form of signage for most commercial properties, Council Bill O97-920 would significantly alter the manner in which Metro regulates commercial signs and is likely to result in an increase in signage throughout the commercial areas of the county. If this amendment is adopted, the Commission recommends that the entire 1993 sign ordinance be re-examined with particular regard to the allowable number and sizes of “on-premise” business signs (especially building facade signs); the regulation of animated/changeable copy signs, including video projection screens; and how billboards will continue to be regulated.**

**Council Bill O97-906, previously endorsed by the Commission differs from this bill in that in that there is a community benefit associated with permitting signs on a large-scale community assembly facility to advertise sponsors of cultural, sporting and entertainment events associated with the facility itself. Permitting the advertisement of a sponsor defrays the cost of holding the event, lowers ticket prices and makes the event accessible to a larger segment of the community. Council Bill O97-920 appears to provide no community-wide benefit.”**

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 106-80-U (Public Hearing)**  
Council Bill No. O97-922  
Grinstead Place  
Map 61, Parcels 9.01 and 46  
Subarea 5 (1994)  
District 8 (Hart)

A council bill to cancel the undeveloped Residential Planned Unit Development District abutting the south margin of Briley Parkway and the east margin of the CSX railroad (approved for a 96 unit residential complex), (10 acres), classified R8, requested by Councilmember Lawrence Hart, Mary Reeves Davis, owner.

Mr. Delaney stated in 1980 this was approved for a 96 unit multi-family development and thus far none of that development has occurred. With the cancellation of this PUD, the property will revert back to the underlying R8 zoning district and staff is recommending approval of this cancellation.

Chairman Smith asked if the owner approved of this.

Mr. Delaney stated notice had been sent to the owner and it was his understanding the owner was in agreement and had discussions with the Councilmember regarding the cancellation.

Mr. Harbison stated Mary Reeves Davis is listed as the owner, but this property is in a conservatorship. A conservator has just been appointed for her within the past two weeks.

Ms. Warren moved and Mr. Stephen Smith seconded the motion, which carried unanimously, to defer this matter and have staff notify the owner’s conservator.

**Proposal No. 300-84-U (Public Hearing)**  
Coventry Woods, Phase II  
Map 52-1, Parcels 142-149 and Part of Parcel 141  
Subarea 4 (1993)  
District 9 (Dillard)

A request to cancel the unbuilt Residential Planned Unit Development District abutting the east margin of Forest Park Drive, 250 feet north of Neeley's Bend Road (approved for a 90 unit multi-family development), (5.98 acres), classified R6, requested by Henry E. Hooper, owner. (Deferred from meeting of 9/4/97).

Mr. Delaney stated this item had been deferred to allow the residents of Phase 1 to meet with the person requesting this cancellation. Certain promises were made to the residents in Phase 1 about using certain amenities in Phase 2 such as a club house, pool and open space. The property owner has contacted Councilmember Dillard and gotten names and phone numbers of concerned residents. Staff is in receipt of a letter from Councilmember Dillard requesting deferral in order for discussion to continue between the owner and residents.

Staff's concern is that this plan is only a preliminary plan and to date none of the properties have been consolidated; nine separate property owners are being dealt with within this PUD. Some of those property owners were there when the PUD was put in place and some are new owners. It is highly unlikely that the property can be consolidated to accommodate the PUD. Staff recommends approval of the cancellation.

Mr. Phil Dildine, with Morris Properties and representing Mr. Henry Hooper, stated there were actually five and a half parcels involved with this PUD. Four of the parcels belong to Mr. Hooper and comprise approximately 4.5 acres of the 5.9 acres encompassed by the PUD. Mr. Hooper would like to move forward with productive use of his land for the community; unfortunately, it is under an unworkable PUD that was put in place 12 to 13 year ago. Mr. Hooper was involved in having that PUD put in place and is now requesting for it to be cancelled and for the property to revert back to its base zoning of R6. The residents of Coventry Woods, Phase 1 are worried that a shabby apartment complex will be built but that is not the case and a meeting with the homeowners association has been agreed to sometime in October.

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

**Proposal No. 94P-010G (Public Hearing)**  
Council Bill No. O97-921  
Garrett Place  
Map 52-2, Parcels 224 and 225  
Subarea 4 (1993)  
District 8 (Hart)

A council bill to cancel the undeveloped Residential Planned Unit Development District abutting the southwest corner of Neelys Bend Road and Howse Avenue (approved for a 31 single-family lot development), (9.3 acres), classified R10 and R20, requested by Councilmember Lawrence Hart, Top of the World Music Investment and Holding Company, Inc., owner.

Mr. Delaney stated this PUD was originally approved in 1984 for a 31 single-family lot development and thus far none of that project has been developed. With this cancellation the PUD overlay would revert back to R10 and R20 base zoning which bisects this property, and staff is recommending approval of this cancellation.

Mr. Jim Stevens, owner of the property, stated he purchased this property last year with the understanding it was PUD property and that when he received the notice that was the first time he had heard about it being cancelled. He requested the Commission to deny the request and leave the PUD overlay on the property.

Chairman Smith asked if this proposal was filed by Councilmember Hart without Mr. Steven's knowledge.

Mr. Steven stated it was and that he had talked to Councilmember Hart.

Mr. Manier asked where the motivation for the change come from if Mr. Stevens was not aware of it.

Mr. Jerry Fawcett stated this came about because Councilmember Hart came in to review the proposed zoning maps, noted the existing PUDs which had not been developed, and indicated his desire to initiate cancellation of them.

Chairman Smith asked if a PUD cancellation can occur without the owner's knowledge.

Mr. Owens stated the Council and Planning Commission are authorized by the Zoning Ordinance to initiate any cancellation of PUDs.

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

**Resolution No. 97-790**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-010G is **DISAPPROVED (9-0)**:

**The basis for disapproval was the owner's desire for the Residential Planned Unit Development to remain in place.”**

**Proposal No. 6-87-P**  
Stammer Place Assisted Living  
Map 131-2, Parcels 45-49  
Subarea 10 (1994)  
District 34 (Fentress)

A request to amend the preliminary site development plan for the Residential Planned Unit Development District located at the southeast corner of Hobbs Road and Stammer Place (3.60 acres), classified R6, to permit the development of a 128 rooming unit (64 dwelling unit), assisted living facility with a central kitchen, and a 4,900 square foot neighborhood primary health care clinic, requested by Gresham, Smith and Partners, for Tennessee Industrial Properties, L.P., owner.

Mr. Delaney stated this PUD was originally approved in 1987 for a multi-family development of 54 dwelling units. Subsequently, in June of this year the Commission approved a 108 unit assisted living facility that equated to the same 54 dwelling units. This proposal increases the number of rooming units by 20 which increases the number of dwelling units by 10. However this is still within the residential medium-high policy of 9 to 20. The overall density of this is approximately 17.8 units per acre.

In addition to the proposed assisted living facility staff would point out the applicant is also proposing the primary health care facility at the corner and has indicated this clinic will serve both the residents of this development as well as outside residents. The current zoning regulations allow the Council to authorize this type of use in a Residential PUD under the limited commercial activity provision and staff is recommending approval.

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

**Resolution No. 97-791**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 6-87-P is given **APPROVED WITH CONDITIONS TO AMEND THE PRELIMINARY MASTER PLAN REQUIRING COUNCIL CONCURRENCE (9-0)**. 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. All on-site parking located within the floodway shall be identified on the final plans as staff parking.”

**Proposal No. 89P-013U**  
Hickory Bell Retail  
Map 162, Parcels 75 and 76  
Subarea 12 (1997)  
District 31 (Alexander)

A request to revise a portion of the previously approved final site development plan and for final approval for a portion of the Commercial (General) Planned Unit Development District (5.05 acres), classified AR2a, abutting the south margin of Old Hickory Boulevard, 1,000 feet east of Nolensville Pike, to permit the development of a 41,300 square foot retail sales and service facility and a 3,670 square foot restaurant, requested by Dale and Associates, for Farukh Fani, owner.

Mr. Delaney stated the retail facility that has been granted previous approval by the Commission is located in rear of the property and the site the Commission is dealing with today is an out parcel. At this point all the technical issues have been addressed by the applicant. The reason this is being presented to the Commission is in regard to a landscape easement that is on the Council approved preliminary master plan. That landscape easement has a 35 foot buffer that ran along one edge of the property that was to provide a buffer between the commercial development and the residentially zoned property to the east. The applicant is proposing, with this out parcel, to reduce the landscape easement to 9 feet with intense evergreen landscaping as well as a wooden fence along the property line. Staff has contacted the councilmember for this area and he has indicated his support in reducing this easement provided it is implemented with the PUD plan. Staff is recommending approval.

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

**Resolution No. 97-792**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 89P-013U is given **APPROVAL WITH CONDITIONS OF REVISION TO THE FINAL PLAN (9-0)**. 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 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.
3. Council approval of the mandatory referral to close the unbuilt section of Old Hobson Road on this site.”

Mr. Lawson left at 3:35, at this point in the agenda.

**Proposal No. 97P-036U**  
Riverwood Close  
Map 72-12, Parcel 315

Map 73-5, Parcels 22, 104 and 149  
Map 73-9, Parcels 3, 4, 64 and 65  
Subarea 5 (1994)  
District 8 (Hart)

A request to grant preliminary approval for a new Residential Planned Unit Development District abutting both margins of Cooper Lane and the southeast margin of Demarius Drive (59.1 acres), classified R10, to permit the development of a 600 unit residential development, of which 219 are intended to be assisted living units, requested by Barge, Waggoner, Sumner and Cannon, for Tom Stewart, owner. (Deferred from meeting of 9/4/97).

Mr. Delaney stated the Commission deferred this item from the last meeting because of some density issues and traffic concerns. The applicant is still maintaining the 600 units and 219 of those are the assisted living units. The applicant has revised the plans to lower the parking to the minimum required parking by the zoning code.

In regard to the traffic concerns, there was a meeting last week between the Traffic Engineer and the applicant and there were five issues identified concerning off site improvements they felt were necessary. The first was removal of vegetation and cutting back the grade at the main entrance and the applicant has agreed to make those provisions. The second item identified was a left turn lane at the main entrance to the development on Cooper Lane and the applicant has agreed to that as well. The third concern was a left turn lane on Cooper onto McGavock Pike and the developer has also agreed to do that. The two remaining issues are a provision for a left turn lane on McGavock Pike onto Cooper, but the developer does not feel they should be held responsible for this improvement. The Traffic Engineer is requesting that Cooper Lane itself be upgraded to a collector standard from McGavock Pike to the main entrance of the development. At this point staff is still recommending disapproval of this request for those reasons.

Mr. Bill Lockwood stated staff had address most of the issues he had intended to address. The intersection of McGavock operates at a level of service A today and after the proposed development, even without the turn lane, it will still operate at a level of service A. He stated the developer had agreed to make the improvements which are being necessitated by his development.

Mr. Tom Stewart, owner, spoke in favor of the proposal and stated his engineers feel a left turn lane onto Cooper Lane from McGavock would create a problem worse than it is at the present time. He expressed his feelings that the turn lane was needed at the present time with or without this development and that he should not be held responsible for it.

Mr. Manier stated the Commission could require improvements contiguous to the development. Or the Commission could disapprove a development where infrastructure was incapable of supporting the development. But he questioned if the Commission could require a developer to make improvements that are removed from the development.

Mr. Wesley Weeks stated the Commission could turn down a particular project if they did not feel the traffic and parking needs were met and could mandate that the developer implement off site improvements to the extent that there is some nexus to the increased traffic needs and the development itself.

Mr. Ali Afis, Traffic Engineer with Public Works, stated if the market changed the occupancy of that development would be typical family usage and the traffic count percentage would be increased drastically and could even triple. The left turn lane off of McGavock onto Cooper Lane and the upgrade of Cooper Lane to collector status would be needed under these circumstances.

Mr. Afis reminded the Commission to keep in mind the traffic counts the developer was using were for an elderly development only, and if the market changed that number could triple.

Mr. Manier stated he wanted to know what level that intersection was rated.



Mr. Afis stated it was not the level of service, it was the number of cars turning during the peak hours.

Ms. Nielson asked if there was a rating at the intersection of McGavock and Cooper Lane of A, B, C, D, E or F.

Mr. Afis stated that according to the developer it was a level A but the Traffic Engineers have not done an analysis to verify that. Presently it could be assumed to be level A or B.

Mr. Bodenhamer stated he also heard earlier that it was a level A and if the traffic does not come and this intersection remains level A, then the development is a failure. You can't put anything new in and not get additional traffic.

Mr. David Moss, with Barge-Waggoner, stated the concern expressed by Public Works is that this is a proposed retirement development and they are concerned it will not remain a retirement development. Public Works is concerned there will be an increase in traffic.

Chairman Smith stated the Commission had received two engineering explanations and could now make their decision.

Mr. Afis also addressed the widening of Cooper Lane and stated it was only 20 to 22 feet wide with no shoulders and should be brought up to 37 feet and even the pavement is not sufficient to support any additional traffic.

Chairman Smith stated most of these type developments are already on collector streets and they only widen the road in front of their development.

Ms. Nielson stated that if in fact this is being built as a senior living development, they need to follow the guideline as to the parking spaces and the fact that McGavock, Cooper is at the level of service A, it would probably not lower it to the extent of D, E or F. The only concern now is the collector street.

Mr. Harbison stated he felt the upgrade to the collector street all the way to McGavock Pike was asking too much of the developer because many concessions have already been made and today they made an additional concession to donate additional right-of-way if that collector is ever done.

Mr. Manier stated he did not feel bad about making demands on the developer where he abuts the needed improvement but it is hard to be convinced to make him extend it all the way to the intersection several blocks away.

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

Mr. Harbison stated this was a pretty unusual and unique piece of property and is in an infill area. It has been before the Commission several times with different possibilities. This one provides considerable green space which is what the community wants. Mr. Stewart will also have to comply with some federal elderly requirements and that is a fair degree of assurance to those neighbors who are saying they do not mind the traffic.

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

**Resolution No. 97-793**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-036U is given **CONDITIONAL APPROVAL (8-0)**. The following conditions apply:

1. Written confirmation of preliminary grading and drainage approval from the Stormwater Management section of the Metropolitan Department of Public Works.
2. The dedication of right-of-way, to a total width of sixty feet, on either side of Cooper Lane along the frontage of this proposed development.
3. The developer shall construct a left-turn lane on Cooper Lane at the proposed entrance to the development in accordance with Metro standards.
4. The developer shall construct a left-turn lane on Cooper Lane at the McGavock Pike intersection in accordance with Metro standards.
5. The developer shall remove vegetation and grade the area surrounding the proposed entrance to the development (on Cooper Lane) to achieve adequate site distance at this entrance.”

**SUBDIVISIONS:**

**Preliminary Plats:**

**Subdivision No. 97S-325G**  
 Scenic River Farms  
 Map 141, Parcels 40, 104 and 107-114  
 Subarea 6 (1996)  
 District 35 (Lineweaver)

A request to plat ten deeded parcels located between the CSX Railroad and the Harpeth River (105.8 acres), classified within the AR2a District, requested by Ed and Wanda Smith et al, owners/developers, Jesse Walker, surveyor. (Deferred from meeting of 9/4/97). (Public Hearing closed at 9/4/97 meeting).

Mr. Owens stated this subdivision divided a 100 plus acre tract into 10 lots, each of which will be at least 10 acres. This development started out under the theory that it could be divided by simply recording deeds and that was occurring until the legal opinion of last fall. There are five homes that have already been built on five of these deeded parcels and this development is now having to go through the subdivision process to get this recorded as a plat in order to continue to develop the remaining five lots. The issues center around the streets which may need some variances.

This was deferred two weeks ago so staff could work with Public Works and the applicant on the nature of improvements necessary on a very old public lane. Public Works has recommended that this developer been required to upgrade this street all the way back to Coley Davis Road to at least 20 feet in width. That is 1,700 feet long and the cost estimate is \$375,000 to be spread out among the 10 lots.

Another PUD, The Meadows, in its future phases of development, will be required to improve the road for 750 feet to Coley Davis Road. That would leave the Scenic River Farms developer 1,000 feet to improve and that estimate is \$175,000 or \$17,500 per lot. Staff feels these are excessive assessments to make on 10 large acreage lots.

There are not funds allocated today in the Capital Improvements Budget to improve this lane. The Legal Department also mentioned a second option is to go into a joint participation type of approach and divide up the cost such as was done on Newsome Station Road. Staff feels a third option would be to take the position that this is Metro’s problem, it has been a problem for years, it is a very old road and as development occurs Metro may need to budget some money for improvements and allow this development to continue.

Chairman Smith asked if there could be an option to improve the road on either side of the railroad to alleviate a potentially dangerous railroad crossing.

Mr. Owens stated there is a reasonable nexus between the railroad crossing and the development.

Councilmember Vic Lineweaver stated he had talked to Mr. Sullivan, Executive Vice President of the Meadows, and he said the Meadows would not be coming out on this road but would only be having entrances on Coley Davis Road.

Chairman Smith stated he would like to defer this two weeks to find out what it would take to make the railroad safe and then decide on the length of the road improvement.

The public hearing was closed two weeks ago but the owner/developer was not able to be here last time and he asked the Commission to be heard.

Ms. Nielson moved and Ms. Warren seconded the motion, which carried unanimously, to reopen the public hearing.

Mr. Ed Spence, Scenic River Lane resident, stated a few years ago residents paid \$12,000 to clean the banks along the railroad on both sides on the approach from the Coley Davis side. An engineer for Public Works came out, inspected and surveyed the site and checked the site distance. A Yield sign was erected at the tracks and 100 yards before that there is a Railroad Crossing sign which is visible to warn people of the tracks.

Chairman Smith stated he felt like it was unsafe to have two lanes come into the railroad track and one lane on the other side.

Mr. Spence stated that was enough width on the Coley Davis Road side of this road to widen that particular area, probably 20 to 25 feet.

Mr. Jesse Walker, surveyor, stated there was room to provide that improvement but Mr. Spence has already spent several thousand dollars adding black top to the tar and chip surface that was added by Metro Public Works after this development was started.

Dr. Philip Leverton, lot owner, stated he was supposed to have closed on Monday but could not. He said he appreciated all the concerns regarding safety but would like to have the go ahead to close on the property and get started with the architect.

Mr. Harbison moved and Councilmember Garrett seconded the motion, which carried unanimously, to close the public hearing and defer this matter for two weeks.

**Final Plats:**

**Subdivision No. 97S-236U**  
176, LLC Property  
Map 119-10, Parcels 102 and 103  
Subarea 11 (1993)  
District 16 (Graves)

A request to create four lots abutting the northeast corner of Thompson Lane and St. Edwards Drive (2.18 acres), classified within the OP and R10 Districts, requested by 176 LLC, owner/developer, Dale and Associates, Inc., surveyor.

Mr. Owens stated the only reason this was being presented to the Commission was to point out that at the preliminary approval of this plat five lots were set up and this final plat has come in for four lots. The fifth lot will come in later so staff is recommending approval as Phase 1 of the development.

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

**Resolution No. 97-794**

**“BE IT RESOLVED** by the Metropolitan Planning Commission Subdivision No. 97S-236U, is granted **FINAL APPROVAL as Phase I.”**

**Subdivision No. 97S-341A**

Oak Park, Section 1, Reserve Parcel B

Map 60-3, Parcel 64

Subarea 5 (1994)

District 4 (Majors)

A request to remove the reserve status on a lot abutting the northwest margin of Larkspur Drive, northeast of Ewing Drive (.24 acres), classified within the R10 District, requested by Bonnie J. Malone, owner/developer.

Mr. Owens stated this application was before the Commission in 1995. It is a reserve parcel which was created in 1964. In 1995 the owner came before the Commission and asked it be converted to a building site. The Commission disapproved that request citing that the area did not appear to be feasible for development and instructed the owner to try to acquire property to the rear to make a larger lot.

The property is now under different ownership and the new owner is asking for removal of the reserve parcel status. Staff does not recommending approval because this site still is not reasonably buildable.

Ms. Bonnie Malone, property owner, stated she had just recently bought the lot. It was advertised in a real estate magazine as a building lot. When she went to the tax assessors office and the codes office it appeared to be a building lot because it was zoned R10. She stated that if she could use a 30 foot setback then she would meet all the other requirements on both sides and in the rear. :This lot was made a reserve lot in 1964 because of lack of adequate sewer system. Since then the sewer system has been installed and building on this lot would not interfere or take away from the neighborhood. Right now it is just empty land and sometimes there is over growth and sometimes there is unauthorized dumping.

Chairman Smith stated that if this property was advertised as a bulidable lot that she might be wise to contact an attorney.

She stated that was just more money.

Chairman Smith asked if she bought the lot through a realtor.

Ms. Malone stated she did, Coldwell Banker.

Councilmember Garrett stated that even if Ms. Malone did not hire a lawyer, if she felt she had been wronged in some way, there is a state Real Estate Board and a complaint should be filed with them.

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

**Resolution No. 97-795**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-341A, is **DISAPPROVED since the parcel is an inadequate building lot.”**

**Subdivision No. 97S-342G**  
Holt Woods, Section 11, Revision to  
Lots 160 and 161  
Map 172-15-A, Parcels 211 and 212  
Subarea 12 (1997)  
District 31 (Alexander)

A request to revise the platted yard areas of two lots abutting the northeast margin of Argo Lane, approximately 665 feet northeast of Bryce Road (.60 acres), classified within the R10 Residential Planned Unit Development District, requested by Claridge Builders, Inc. and Yazdian Construction, Inc., owners/developers, Anderson-Delk and Associates, Inc., surveyor.

Mr. Owens stated this request to revise the platted yard areas for two lots was the result of a building encroachment. There was an error made at the surveying level.

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

**Resolution No. 97-796**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-342G, is granted **FINAL APPROVAL.**”

**Subdivision No. 97S-362A**  
Devon Woods, First Revision, Lot 7  
Map 142, Parcel 331  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to reduce an easement by 7' x 27' on a lot abutting the east margin of Hicks Road, approximately 840 feet north of Bellevue Road (1.04 acres), classified within the R20 Residential Planned Unit Development District, requested by W. H. Eason, Jr., owner/developer.

Mr. Owens stated this involved a building encroachment into an easement. This is a very long piece of property and is steep on the rear. There are a number of easements cutting through the property. There is one easement devoted to phone, gas, cable TV and driveways and the house was built cutting into that easement. This situation came about because of the length and topography of the lot. It appears to have been very difficult to have figured out where to put the house. Staff is still checking with the Legal Department as to whether or not this easement abandonment has to go back to the Council. The applicant contends that there are no improvements in this easement and if that is the case it would not be a Council referral. If the Commission is inclined to approve this staff would request time to finish the analysis with the Legal Department.

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

**Resolution No. 97-797**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-362A is granted **FINAL APPROVAL.**”

**Request for Bond Extension:**

**Subdivision No. 23-85-P**  
Forest Pointe, Phase 1  
Fox Ridge Homes, Inc., principal

Located abutting the east terminus of Pointe Place and both margins of Pointe Place Court.

Mr. Owens stated this was a residential development with private streets. Phase 1 is at 88% build out and Phase 2 is at 45%. The developer wants to delay completing the pavement in Phase 1 until he gets to Phase 2. Staff is recommending collection if work is not complete by November 1, 1997.

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

**Resolution No. 97-798**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension of a performance bond for Subdivision No. 23-85-P, Bond No. 94BD-055, Forest Pointe, Phase 1, in the amount of \$19,500 and collect if final paving and sidewalks are not complete by 11/1/97.”

**OTHER BUSINESS:**

1. Fiscal Year 1998 Transportation Planning Contract with the Tennessee Department of Transportation.

**ADDENDUM:**

Fiscal Year 1998 Transportation Planning Contract with the Tennessee Department of Transportation (FTA).

Mr. Browning asked the Commission to defer these two items. Staff had understood attorneys for both Metro and Tennessee DOT had agreed on the contract language. We understand at the last moment that there is not agreement on some of the language regarding indemnification.

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

2. Legislative Update.

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

**PLATS PROCESSED ADMINISTRATIVELY:**

September 4, 1997 through September 17, 1997

**97S-314U      PETERS SUBDIVISION**  
Consolidates two commercial lots into one lot

**97S-328U      HOOD SUBDIVISION**  
Interior lot line shift

**ADJOURNMENT:**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:15 p.m.

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Chairman

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Secretary

Minute approval:  
This 2<sup>nd</sup> day of October, 1997