

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

Date: October 2, 1997  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

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

**Absent:**

Mayor Philip Bredesen  
Marilyn Warren

**Others Present:**

**Executive Office:**

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

**Current Planning & Design Division:**

Ed Owens, Planning Division Manager  
Jennifer Regen, Planner III  
John Reid, Planner II  
Doug Delaney, Planner I  
Jeff Stuncard, Planner I  
Jimmy Alexander, Planning Technician II

**Community Plans Division:**

Jerry Fawcett, Planning Division Manager  
Cynthia Lehmbeck, Planner III  
Jennifer Uken, Planner I

**Advance Planning & Design:**

John Boyle, Planning Division Manager  
Jeff Lawrence, Planner III  
Preston Elliott, Planner II  
April Alperin, Planner I  
Jackie Blue, Planner I  
Michelle Kubant, Planner I  
Paige Watson, 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 Subdivision No. 96S-417U should be changed to Rosebank Meadows, Phase 1 and the caption should read 35 lots.

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

**ANNOUNCEMENT OF DEFERRED ITEMS**

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

97Z-092U	Deferred indefinitely, by applicant.
155-74-G	Deferred two weeks, by applicant.
94-79-G	Deferred two weeks, by applicant.
97S-348G	Deferred indefinitely, by applicant.
97S-353U	Deferred indefinitely, by applicant.
93S-343G	Deferred two weeks, by staff.

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

**APPROVAL OF MINUTES**

Ms. Nielson moved and Mr. Lawson seconded the motion, which unanimously passed to approve the minutes of the regular meeting of September 18, 1997.

**RECOGNITION OF COUNCILMEMBERS**

Councilmember David Kleinfelter stated as far as he understood everyone had reached agreement on subdivision 97S-337U, Montgomery Lands, Resubdivision of Part of Lot 1. The land developer has agreed to a series of deed restrictions that will be recorded prior to the plat being recorded. It is because of those agreements by the land owner that the neighbors are not going to oppose.

Chairman Smith asked Councilmember Kleinfelter if he understood that deed restrictions were not part of the Commission's jurisdiction.

Councilmember Kleinfelter stated he did understand that but he wanted it to be part of the record that the Commission was aware that those deed restrictions were there.

Councilmember Lawrence Hart stated he had been contacted by Vice Mayor Jay West to defer Planned Unit Development 106-80-U.

Chairman Smith stated the deferred items had already been acted upon, and that this item was listed as a public hearing and the hearing would have to be held.

Councilmember Hart stated he wanted to communicate the Vice Mayor's request to the Commission. This PUD has been in place for 17 years and nothing has been done with it. It is for this reason that he is asking the Commission to remove the PUD.

Councilmember Hart also spoke in favor of Zone Change 97Z-093U and stated the area residents were also in favor of this zone change. He briefly presented the Commission with future plans for the Inglewood area.

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

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:

#### **PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 98-73-G**  
Hickory Hills Commercial PUD  
Map 40, Parcel 205  
Subarea 2 (1995)  
District 10 (Garrett)

A request to revise a portion of the final site development plan for a phase of the Commercial (General) Planned Unit Development District abutting the west margin of Hickory Hills Drive, approximately 500 feet north of Old Hickory Boulevard (2.6 acres), classified R10, to include a telecommunications tower within the 26,460 square foot self-storage facility, requested by Nextel, Inc., for Liane Miller, owner.

#### **Resolution No. 97-799**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98-73-G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (8-0)**. 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. 82-84-G**  
Greer Meadows, Section 2, Phase III  
Map 75, Part of Parcel 101  
Subarea 14 (1996)  
District 12 (Ponder)

A request for final approval for a portion of the Residential Planned Unit Development District abutting the western terminus of Greer Station Road, approximately 500 feet east of Tulip Grove Road (1.73 acres), classified R10, to permit the development of 11 single-family lots, requested by Anderson-Delk and Associates, Inc., for Smith-Binkley Investments, owners. (Also requesting final plat approval).

**Resolution No. 97-800**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 82-84-G is given **CONDITIONAL FINAL PUD APPROVAL, FINAL PLAT APPROVAL SUBJECT TO A BOND IN THE AMOUNT OF \$48,000.00 (8-0)**. 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 the final subdivision plat upon the posting of a bond in the amount of \$48,000 for all necessary road improvements as required by the Metropolitan Department of Public Works and all water and sewer line extensions as required by the Metropolitan Department of Water Services.”

**Proposal No. 93P-023G**

Gateway of Hermitage  
Map 86, Part of Parcels 155, 329, 330 and 331  
Subarea 14 (1996)  
District 12 (Ponder)

A request to revise a portion of the approved preliminary master plan of the Commercial (General) Planned Unit Development District abutting the south margin of Central Pike and the north margin of Interstate 40, (2.87 acres), to permit the development of a 6,000 square foot restaurant and a 69,000 square foot, 6-story, 144 room motel, requested by Heibert and Associates, for Shurguard-Freeman Hermitage Joint Venture, owners.

**Resolution No. 97-801**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93P-023G is given **CONDITIONAL APPROVAL AS A REVISION TO THE PRELIMINARY MASTER PLAN (8-0)**. 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. 97P-026U**

Council Bill No. O97-901  
West End Station  
Map 104-01, Parcels 263 and 266  
Subarea 10 (1994)  
District 24 (Johns)

A request to grant preliminary approval for a new Residential Planned Unit Development District abutting the north margin of Nebraska Avenue and the east margin of 36<sup>th</sup> Avenue North (5.18 acres), classified R6, to permit the development of 46 townhomes, requested by Heibert and Associates, for PR Trading, owners. (Approved by Planning Commission 7/10/97). (Re-referred from Council 9/16/97).

**Resolution No. 97-802**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-026U is given **CONDITIONAL APPROVAL (8-0)**. 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. Approval by the Metropolitan Council.”

**SUBDIVISIONS:**

**Final Plats:**

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

A request to create 16 lots abutting the east margin of Fifth Avenue North, between Monroe Street and Madison Street (2.29 acres), classified within the MUL District, requested by Germantown LLC, MDHA, owner/ developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

**Resolution No. 97-803**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-104U, surveyor, is granted **FINAL APPROVAL.**”

**Subdivision No. 97S-343G**  
Westwood Center  
Map 169, Part of Parcel 58  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to create a lot approximately 120 feet south of Highway 100, opposite Westhaven Drive (.65 acres), classified within the CS District, requested by Music City Money, Inc., owner/developer, Wamble and Associates, Inc., surveyor. (Deferred from meeting of 9/18/97).

**Resolution No. 97-804**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-343G, is granted **FINAL APPROVAL.**”

**Subdivision No. 97S-358U**  
University Plan, Resubdivision of Part of Lots 59 and 60  
Map 93-15, Parcels 75-77 and 79  
Subarea 9 (1991)  
District 19 (Sloss)

A request to consolidate four parcels into one lot abutting the southeast margin of Lindsley Avenue, between First Avenue South and Second Avenue South (1.32 acres), classified within the CF District,

requested by Lindsley Avenue Church of Christ and University Youth Hobby Shop, owners/developers, H & H Land Surveying, Inc., surveyor.

**Resolution No. 97-805**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-358U, is granted **FINAL APPROVAL**.”

**Subdivision No. 97S-365G**  
Oakmont, Phase 3  
Map 172, Part of Parcel 209  
Subarea 12 (1997)  
District 32 (Jenkins)

A request to create 13 lots abutting both margins of Red Feather Lane, approximately 300 feet southeast of Grand Oak Way (4.31 acres), classified within the R30 Residential Planned Unit Development District, requested by Tiara Development, L.L.C., owner/developer, Wamble and Associates, surveyor.

**Resolution No. 97-806**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-365G, is granted **FINAL CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of **\$116,500.00**.”

**Request for Bond Extension:**

**Subdivision No. 86-639-G**  
Interchange City Industrial Park, Section 32  
Wolfe Investment Company, principal

Located abutting the southeast corner of J. P. Hennessy Drive and Firestone Parkway.

**Resolution No. 97-807**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby grants APPROVAL to the request for an extension of a performance bond for Subdivision No. 86-639-G, Bond No. 87BD-006, Interchange City Industrial Park, Section 32, in the amount of \$8,600.00 covering water facilities until 10/1/98.”

**Subdivision No. 86-658-U**  
Weldon B. White, Jr., Subdivision  
Weldon B. White, Jr., trustee, principal

Located abutting the southwest corner of Royal Parkway and Elm Hill Pike.

**Resolution No. 97-808**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby grants CONDITIONAL APPROVAL to the request for an extension of a performance bond for Subdivision No. 86-658-U, Bond No. 86BD-006, Weldon B. White, Jr., Subdivision, in the amount of \$8,400.00 covering water facilities until 10/1/98, as requested, said approval being contingent upon submittal of a letter from Reliance Insurance Company by **11/02/97** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 89S-187U**  
Perimeter Place, Section 6  
Larry M. Vaden, principal

Located abutting the north side of Royal Parkway, opposite Perimeter Place Drive.

**Resolution No. 97-809**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby grants CONDITIONAL APPROVAL to the request for an extension of a performance bond for Subdivision No. 89S-187U, Bond No. 86BD-012, Perimeter Place, Section 6, in the amount of \$7,800.00 covering water facilities until 10/1/98, as requested, said approval being contingent upon submittal of a letter from National Grange Mutual Insurance Company by **11/02/97** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification."**

**Subdivision No. 95P-032G**  
Chesney Glen, Section 1-A  
Phillips Builders, Inc., principal

Located abutting the south margin of Old Lebanon Dirt Road and both margins of Chesney Glen Drive.

**Resolution No. 97-810**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby grants CONDITIONAL APPROVAL to the request for an extension of a performance bond for Subdivision No. 95P-032G, Bond No. 95BD-055, Chesney Glen, Section 1-A, in the amount of \$206,300.00 covering water facilities until 10/1/98, as requested, said approval being contingent upon submittal of a letter from Frontier Insurance Company by **11/02/97** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification."**

**Subdivision No. 95P-032G**  
Chesney Glen, Section 1-B  
Phillips Builders, Inc., principal

Located abutting the south margin of Old Lebanon Dirt Road and both margins of Chesney Glen Drive.

**Resolution No. 97-811**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby grants CONDITIONAL APPROVAL to the request for an extension of a performance bond for Subdivision No. 95P-032G, Bond No. 95BD-056, Chesney Glen, Section 1-B, in the amount of \$279,200.00 covering water facilities until 10/1/98, as requested, said approval being contingent upon submittal of a letter from Frontier Insurance Company by **11/02/97** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification."**

**Subdivision No. 96S-117G**  
Hampton Hall  
Phillips Builders, Inc., principal

Located abutting the east margin of New Hope Road, opposite Port Jamaica Drive.

**Resolution No. 97-812**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby grants CONDITIONAL APPROVAL to the request for an extension of a performance bond for Subdivision No. 96S-117G, Bond

No. 95BD-057, Hampton Hall, in the amount of \$506,000.00 covering water facilities until 10/1/98, as requested, said approval being contingent upon submittal of a letter from Frontier Insurance Company by **11/02/97** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification."**

**Subdivision No. 95S-184G**  
Morgan Estates, Section 3  
W. C. Allen & Associates, Inc., principal

Located abutting the southwest terminus of Creasy Drive, approximately 300 feet southwest of Clarksville Pike.

**Resolution No. 97-813**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby grants CONDITIONAL APPROVAL to the request for an extension of a performance bond for Subdivision No. 95S-184G, Bond No. 95BD-072, Morgan Estates, Section 3, in the amount of \$32,300.00 covering water facilities until 09/15/98, as requested, said approval being contingent upon submittal of an amendment to the present Letter of Credit by **11/02/97** 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. 96S-118G**  
Bridle Path, Section 5  
David B. Taylor, principal

Located between Thoroughbred Drive and Palomino Court.

**Resolution No. 97-814**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby grants CONDITIONAL APPROVAL to the request for an extension of a performance bond for Subdivision No. 96S-118G, Bond No. 95BD-076, Bridle Path, Section 5, in the amount of \$30,000.00 covering water facilities until 8/1/98, as requested, said approval being contingent upon submittal of an amendment to the present Letter of Credit by **11/02/97** 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-350G**  
Boone Trace, Phase 2  
Fox Ridge Homes, Inc., principal

Located abutting both margins of Boone Trace and both margins of Daniel Trace.

**Resolution No. 97-815**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby grants CONDITIONAL APPROVAL to the request for an extension of a performance bond for Subdivision No. 96S-350G, Bond No. 96BD-058, Boone Trace, Phase 2, in the amount of \$645,000.00 covering water facilities until 8/1/98, as requested, said approval being contingent upon submittal of an amendment to the present Letter of Credit by **11/02/97** 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."**

**Request for Bond Release:**

**Subdivision No. 92P-010G**



Ottershaw Subdivision  
Ottershaw Development Company, Inc., principal

Located abutting the east margin of Granny White Pike, approximately 1,546 feet north of Old Hickory Boulevard.

**Resolution No. 97-816**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 92P-010G, Bond No. 93BD-040, Ottershaw Subdivision, in the amount of \$8,000.00 as requested."

**MANDATORY REFERRALS:**

**Proposal No. 97M-104U**  
Second Avenue Tunnel  
Map 82-5, Parcels 126, 127 and 140  
Map 82-13, Parcels 358, 359, 360 and 361  
Subareas 8 (1994) and 9 (1991)  
Districts 19 (Sloss) and 20 (Haddox)

A proposal by Water and Sewerage Services to acquire property and easements as part of the planning for the Second Avenue Tunnel and Overflow Abatement Projects (OAP) projects. (Also SA 9, CD 19).

**Resolution No. 97-817**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 97M-104U."

**Proposal No. 97M-105U**  
Unnamed Street Closure  
Map 172-8  
Subarea 12 (1997)  
District 31 (Alexander)

A proposal to close an unnamed street segment abutting the north margin of Kinhawk Drive, approximately 540 feet west of and opposite Kinhawk Court, requested by Joseph A. Belew for adjacent property owners. (Easements are to be retained).

**Resolution No. 97-818**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 97M-105U."

**Proposal No. 97M-107U**  
Miami Avenue Sewer System  
Maps 52-13 and 62, Parcels Various  
Subarea 14 (1996)  
District 15 (Dale)

A mandatory referral from the Department of Water Services to acquire easements on property located along Miami Avenue and Pennington Bend Road to install pressure sewer systems in that area. (Project Nos. 93-SG-109 and 93-SG-110).

**Resolution No. 97-819**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 97M-107U."

**Proposal No. 97M-108U**  
Tennessee Fox Trot Carousel Group Lease  
Map 93-6-2, Parcel 106  
Subarea 9 (1991)  
District 19 (Sloss)

A lease agreement between the Metropolitan Board of Parks and Recreation and the Tennessee Fox Trot Carousel Group, a non-profit corporation, to lease a portion of a parking lot located in Riverfront Park.

**Resolution No. 97-820**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 97M-108U."

**Proposal No. 97M-109U**  
Alley 1199 Closure  
Map 91-16  
Subarea 7 (1994)  
District 24 (Johns)

A proposal to close Alley No. 1199 between 42nd Avenue and its eastern terminus, requested by Brad Currie for adjacent property owners. (Easements are to be retained).

**Resolution No. 97-821**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 97M-109U."

**Proposal No. 97M-110U**  
Youth Hobby Shop Easement Abandonment  
Map 93-15, Parcels 77 and 79  
Subarea 9 (1991)  
District 19 (Sloss)

A mandatory referral from the Department of Water Services to abandon an 8" sewer line and a portion of a sanitary sewer easement located at 11 Lindsley Avenue.

**Resolution No. 97-822**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 97M-110U."

This concluded the items on the consent agenda.

**ZONE CHANGE PROPOSALS:**

**Zone Change Proposal No. 97Z-087U**

Map 162, Parcel 87

Subarea 12 (1997)

District 31 (Alexander)

A request to change from R10 District to OP District certain property located at 14891 Old Hickory Boulevard, approximately 300 feet south of Bell Road (1 acre), requested by Hampton Construction Company, appellant for Leon Hampton, owner. (Deferred from meeting of 9/18/97).

Ms. Regen stated the issue regarding this zone change proposal to OP is the size of the commercial node located at Old Hickory Boulevard and Bell Road. Previously this area has been identified as an unmapped neighborhood commercial node with a maximum square footage of 100,000. Last year the Commission was asked to review parcels 74 and 128 with a request to rezone to CS and the Commission disapproved the proposal based on the threshold of an unmapped neighborhood policy being 100,000 square feet. At that time the neighborhood commercial node totaled about 83,000 square feet and with addition of adjacent land it brought up the total square footage to 133,000. Right now this area is one third above what it ought to be with the general plan policy of an unmapped neighborhood commercial node at 100,000 square feet.

Mr. Leon Hampton, applicant, stated he felt this property would make a location for a doctor's office or something like that. The street has been closed and he felt like one of these days that area would be zoned commercial and it was not a good location for a single family home or a duplex.

Mr. Harbison stated Mr. Hampton made a good point. Even though the Commission would not have wanted to create a commercial node at this point because it is too close to another intense node just to the west at Nolensville Road. On the other hand the decision was made by the Council to put it there. Once it is there you have got commercial activity that could get more intense and this would be traditional transition from commercial to office to residential.

Mr. Lawson stated Mr. Harbison had a good argument but a lot of this flies in the face of the policy the Commission has established in the past. It is Council's prerogative to disagree and override those situations, but the Commission has the responsibility to uphold the integrity of the planning process.

Mr. Manier stated he did not accept the argument for this proposal. He stated the property in the area was totally underutilized at this point and that means the market is telling you there is not a demand for this.

Mr. Stephen Smith agreed with Mr. Harbison's observation and stated this applicant was not asking for commercial. He is asking for office which is a step down from commercial

Mr. Harbison moved and Mr. Stephen Smith seconded the motion to approve the request to rezone the property from R10 to OP. The motion failed with Mr. Harbison, Mr. Stephen Smith and Councilmember Garrett in favor and Mr. Manier, Ms. Nielson, Mr. Lawson, Mr. Bodenhamer and Chairman Smith in opposition.

**Resolution No. 97-823**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-087U is **DISAPPROVED (5-3)**:

**The General Plan applies “neighborhood commercial” policy around the Old Hickory Boulevard/Bell Road intersection. That policy limits commercial activity to 100,000 square feet of overall floor area. This intersection is already zoned to support commercial square footage in excess of 112,000 square feet. Rezoning this property would create commercial opportunities twice that recommended by the General Plan and duplicate commercial services provided at Old Hickory Boulevard/Nolensville Pike.”**

**Zone Change Proposal No. 97Z-090U**

Map 96-9, Parcel 96 (1.95 acres)  
and Parcel 97 (5.09 acres)  
Map 96-13, Parcel 20 (1.94 acres)  
Subarea 14 (1996)  
District 15 (Dale)

A request to change from R10 to CS District (new code: CL) certain property located at 420 and 424 Donelson Pike, between Wellman and Lakeland Drives (8.98 acres), requested by Nick Spiva, appellant/optionee for Ria Grasman, Betty Borth, S. Plant, and 130 Group, owners.

Ms. Regen stated staff was not in disagreement that some sort of commercial use on this property was appropriate, particularly because this site is located between two major intersections and Donelson Pike is a major arterial through the area. Staff is in disagreement with the applicant on whether CS zoning is appropriate for this property. The property is surrounded by a number of residential uses. This property is within CMC policy, primarily in recognition of the noise impacts from the airport. In April of 1997, the Airport Authority adopted an updated plan that eliminates this area from the noise contours. The long term viability of this residential area has been significantly strengthened and so staff is not in agreement to rezoning all of this property to commercial.

Ms. Regen suggested a mixed use zoning district on the front 600 feet of frontage would be more appropriate.

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

**Resolution No. 97-824**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-090U is **DISAPPROVED (8-0)**:

**While this general area is policed Commercial Mixed Concentration by the Subarea 14 Plan, this property is located between two major intersections (Elm Hill Pike and Lebanon Pike), an area where a mixture of residential uses of 4 to 20 dwelling units per acre and small-scale service uses are encouraged. The proposed intensity and depth of CS zoning is not consistent with the intent of the subarea plan’s commercial policy for this area.”**

**Zone Change Proposal No. 97Z-093U**

Map 72-3, Parcel 201  
Subarea 5 (1994)  
District 8 (Hart)

A request to change from R8 to CS District (new code: CL) certain property located at 1103 Greenfield Avenue, approximately 210 feet east of Gallatin Pike (.30 acres), requested by Regency Realty Group, Inc., appellant/optionee for Richard W. Shaffer, Jr. and Marcia D. Shaffer, Trustees.

Ms. Regen stated this was the property Councilmember Hart spoke in favor of earlier. This zone change request is located near a major intersection of arterial and collector streets. It is the location of several community scale commercial establishments. It is an area earmarked by the subarea plan for commercial intensification. Therefore, staff is recommending approval.

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

**Resolution No. 97-825**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-093U is **APPROVED** subject to the recording of a lot consolidation plat for parcels 201, 147 and 147.01, prior to third reading by the Council (8-0):

**This property falls at the boundary between Commercial Arterial Existing (CAE) policy focused along Gallatin Pike and Residential Low Medium (RLM) policy to the east in the Subarea 5 Plan. The intent of the commercial policy for Gallatin Pike is to redevelop and concentrate commercial development around major intersections like Greenfield Avenue/Gallatin Pike. This request to redevelop and consolidate parcels 201, 147, and 147.01 around this major is consistent with the subarea plan's commercial policy."**

**Zone Change Proposal No. 97Z-094U**

Map 60-14, Parcel 13 (18.01 acres),  
Parcel 14 (8.3 acres) and Parcel 15 (9.4 acres)  
Subarea 3 (1992)  
District 2 (Black)

A request to change from R8 to CG District (new code: IWD) certain property located at 2708, 2624, and 2606 Brick Church Pike, on the south margin of Woodfolk Avenue (35.71 acres), requested by Charles Hawkins Development Company, appellant, for John W. Walton, Jr., owner

**Proposal No. 55-81-U (Public Hearing)**

Walton Industrial PUD  
Map 60-14, Parcels 13, 14 and 15  
Subarea 3 (1992)  
District 2 (Black)

A request to cancel the Industrial Planned Unit Development District located at the southwest quadrant of Brick Church Pike and Woodfolk Avenue (35.7 acres), classified R8 and proposed for CG (New Code: IWD), requested by Charles Hawkins Company, applicant/owner.

Ms. Regen stated this property currently contains some office trailers, a cellular tower and some outdoor storage. In addition to the zone change the applicant is requesting to cancel the Industrial PUD on the property. The proposed CG on this property implements the industrial policy in this area. Staff would like to note that in 1993, while the Commission recommended the approval of this zone change, the same zone change request from R8 to CG along with an Industrial PUD application, it was disapproved by the Council. Staff is recommending approval of the zone change request and PUD cancellation finding it consistent with the industrial policy of the Subarea 3 Plan.

No one was present to speak at the public hearing.

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

**Resolution No. 97-826**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-094U is **APPROVED (8-0)**:

**This property is within the industrial policy of the Subarea 3 Plan which the proposed CG (IWD in new code) zoning implements."**

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 55-81-U is given **APPROVAL (8-0)**:

**Council Bill No. O96-555**

A Council re-referral of new comprehensive Zoning Regulations for Nashville-Davidson County. Sponsored by Councilmember Stewart Clifton.

Mr. Owens stated the new zoning ordinance was coming up at Council for third reading Tuesday, October 7, 1997. The Planning and Zoning Committee spent approximately 7 to 8 months reviewing the code that had been referred to them by the Commission. The Planning and Zoning Committee is recommending 43 amendments. Those amendments were handed out to the Commission at the last meeting and the staff has finished the preparation of a substitute bill that will be considered by the Council Tuesday night. That substitute bill contains those 43 amendments as well as 4 additional text amendments.

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

**Resolution No. 97-827**

"BE IT RESOLVED by the Metropolitan Planning Commission that Council Bill No. O96-555 is **APPROVED (8-0)**:

**The Planning Commission recommends approval of a substitute bill incorporating amendments suggested by the Planning , Zoning, Historical and Port Authority Committee, noting that the amended ordinance would continue to effectively implement the land use policies of this community's General Plan."**

Mr. John Boyle made a presentation on questions that had come up at the previous meeting related to the Granberry School and projects surrounding the school. Mr. Boyle pointed out that enrollment pressures at this school would be solved with a combination of solutions. He also stated the Advance Planning and Research division was working toward development of a monitoring system which could anticipate infrastructure problems. Mr. Boyle asked the Commission to meet with school officials on October 16<sup>th</sup> at 11:00 a.m. in a visioning session.

Members of the Commission had several questions related to how the monitoring system would consider population movements within Metro, and factor in current classroom demand in growth areas.

Mr. Manier asked how comfortable the School Board felt with their projections of what is going to happen in any particular district the following school year. Today is the time to plan for next fall. The thing that keeps coming back is the one case of the Granberry school and it is abhorrent to think that one school could have 19 portables.

Chairman Smith stated he shared where Mr. Manier was coming from and the intention in developing this information is headed to a visioning session which will include the School Board's coming over and having

a very frank discussion of that on a city wide basis. He asked the Commission to set October 16<sup>th</sup>, from 11:00 to 12:30 in the Main Conference Room, at the Planning Commission as the first visioning session.

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 106-80-U (Public Hearing)**  
Council Bill No. 097-922  
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. (Deferred from meeting of 9/18/97).

Mr. Delaney stated this PUD was originally approved in 1980 for a 96 unit multi-family development and none of the project has been developed. With cancellation of this overlay the zoning will revert back to R8. This proposal was deferred from the last meeting in order for the attorney for the conservator for the property owner to be notified of the cancellation. That notification took place on September 23<sup>rd</sup>. Since that notification, staff has received a number of calls in regard to this cancellation and Councilmember Hart addressed that earlier. Staff is also in receipt of the letter from Vice Mayor Jay West requesting the Commission disapprove this request.

Mr. George Cate, attorney for the conservator, expressed his appreciation to staff for furnishing him information regarding this proceeding. He stated the property is under the control of a conservator, and he is acting as attorney for the conservator. He expressed the hope that the PUD would not be lifted, and the request to do so could be either disapproved or deferred for further study.

Mr. Don Baltimore, representing the purchaser of the property, stated their client had just gotten word that this proposal has come fourth and asked the Commission to disapprove the change.

Mr. Russ Farrer, also representing the purchaser of the property, stated they had been through a year of litigation involving his client, other parties and the estate to get to the point to where the conservator could make the decision to move forward with this transaction. To approve this change at this time would be an adverse material fact that would cause the whole deal to unravel. He respectfully requested on behalf of his client that the Commission disapprove the request at this time.

Mr. Harbison stated he was involved in this case at one time but is no longer involved and that he be happy to abstain from any further participation; however, he did not feel he had to because his involvement was over.

Ms. Nielson stated this PUD had been in place for 18 years and there were some concerns regarding traffic. If in fact someone wanted to act on that PUD, what type of review would they be subjected to if they did develop the PUD as it sits now.

Mr. Owens stated that if they came in for final approval, they would be obligated to bring a final plan forward to the Commission.

Mr. Stephen Smith stated his concern was that the person that owned the property did not ask for this change and was not aware of it.

Councilmember Garrett suggested a thirty day deferral would be proper.

Chairman Smith stated this was a Council bill and it would have to be acted on.

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

**Resolution No. 97-828**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 106-80-U is **DISAPPROVED (8-0)**:

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

**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 meetings of 9/4/97 and 9/18/97).

Mr. Delaney stated this had been deferred twice at the request of the Councilmember. This PUD was originally approved in 1984 for a 90 unit multi-family development and thus far none of that project has been developed. Phase I (a separate PUD) is currently built which includes an apartment complex.

Mr. Delaney stated some residents in phase I were under the impression they would have use rights for various amenities that would be included in phase II of this development. If the PUD is canceled, then these amenities will not be forthcoming. Mr. Delaney stated there is no documentation in the PUD process of any such agreements.

Mr. Delaney pointed out that the PUD covers several properties under separate ownership. He stated there is no agreement among them to carry out the PUD. Therefore, it is unlikely the PUD can be accomplished. For this reason staff is recommending cancellation of the PUD.

Mr. Phil Dildone, representing Mr. Henry Hooper, who owns four of the parcels, stated this was an unworkable situation and that he had agreed to meet with the Coventry Woods Homeowners Association to work through any concerns they have.

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

**Resolution No. 97-829**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 300-84-U is given **APPROVAL (8-0)**:

**Proposal No. 78-87-P**

Fredericksburg Townhomes  
Map 171, Part of Parcel 89  
Subarea 12 (1997)  
District 32 (Jenkins)



A request for final approval for a portion of the Residential Planned Unit Development District abutting the south margin of Old Hickory Boulevard, approximately 670 feet east of Cloverland Drive (9.85 acres), classified R20, to permit the development of 58 multi-family units, requested by Anderson-Delk and Associates, Inc., for Radnor Development Corporation, owner.

Mr. Delaney stated that approximately a month ago the applicant came in to revise the PUD which included the townhome section. There were some issues with the abutting single family residents as far as location of the proposed townhomes as well as providing screening and buffering between the proposed townhomes and the single family lots. At the time of the revision, the plan showed an increased setback for the buildings away from the single family property lines, as well as a 20 to 30 foot undisturbed landscape buffer.

Staff has been working with the applicant to insure that adequate buffering and screening occurs between the proposed townhomes and the single family lots. The applicant has identified all the trees above 8 inches in caliper that currently exist on this portion of the phase. There are 156 trees and the applicant is indicating 117 trees will remain; the majority of those are on the adjoining side of the single family development. Staff feels that the combination of saving approximately 75% of the existing trees as well as the additional landscaping and buffering that the applicant is currently showing on the plan is a good screen and is what the Commission was looking for at the time of the revision of the preliminary. Staff is recommending approval.

Mr. J. Austen thanked Mr. Delaney and Mr. Alexander for the work they had done on this proposal. He asked, that since there is a Tree Ordinance, what steps could be taken to make sure the developer did comply with the ordinance.

Mr. Owens stated the final PUD plans that the Commission approves are conveyed to Urban Forester at the Codes Department and he will rely on the plans to issue permits to take down or preserve trees.

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

**Resolution No. 97-830**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 78-87-P is given **CONDITIONAL FINAL APPROVAL (8-0)**. 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.”

**Proposal No. 80-87-P**  
Hickory Woods - Tract 5  
Map 176-1, Parcel 16  
Subarea 13 (1997)  
District 29 (Holloway)

A request to amend the preliminary master plan of the Residential Planned Unit Development District located at the southeast quadrant of Maxwell Road and Lavergne-Couchville Pike (33.22 acres), classified R20, to permit the development of 110 single-family lots, requested by Wamble and Associates, PLLC, for Taylor Duncan Interests, owner.

Mr. Delaney stated this Residential PUD was originally approved to permit the development of 103 single family lots. The applicant is requesting 110 lots. This proposal falls within residential low-medium policy

of the Subarea 13 Plan. On a total of 133 acres this 110 lots will result in a density of approximately 3.3 which falls within that policy. The only remaining issue with this proposal is the applicant submitted their fees and information late to Water Services so the capacity study has not been completed. That study is required prior to the Commission's taking action on and approving the proposal. However, the applicant in this case is attempting to get on the November Council Public Hearing as a late bill. Staff is recommending disapproval, and expects the application will be referred to the Commission once the needed water information is submitte.

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

**Resolution No. 97-831**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Proposal No. 80-87-P is **DISAPPROVED (8-0):**

**The basis for disapproval was the lack of a ‘sewer availability letter’ demonstrating the availability of adequate sewer capacity to serve the proposed project.”**

**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 townhomes, requested by LDI Design, LLC, for Charles G. Cornelius, owner. (Deferred from meeting of 9/18/97).

Mr. Delaney stated this proposal was deferred by the Commission at the last meeting in order to address the issues of schools as well as road connections. This applicant is proposing a private road system throughout the PUD with two main entrances on Old Hickory Boulevard as well as an entrance on Hill Road. Even though these are private streets within this development they still are required to meet Metro standards. The Public Works Department still has issues with the circular drive as well as the eyebrow that was discussed at the last meeting. In addition to that, Spring House Way as well as Manor Place were stubbed out to this property from the Hearthstone development. This PUD is not extending those streets into this development, and consequently is creating a 1,200 foot long dead end street which violates the subdivision regulations.

Mr. Bill Whitson spoke in favor of the development and stated the president of the PTA from Granberry School was present and that they supported this development.

Mr. Bob Murphy stated the major concern was the extension of Manor Place because the measurement was 1,200 feet. The number of houses affected past 750 feet is vary small, 10 houses or so. The majority of the people leaving these houses in the morning will go towards Hearthstone and there will be no need to go towards Hill Road. He said he supported the desire to connect streets in most cases but in this situation, the only real impact this would have would be having more people from Hearthstone taking a shortcut through Manor Place to get to Hill Road.

Mr. Harbison asked what the problem was with the circular turn and the eyebrow.

Mr. Murphy stated that from his discussions with Public Works their problem with this pattern was that it did not meet the Metro street standards because it does not have the curve radius of a 30 mph design speed. This circle should not have a 30 mph design speed because this is not a road section; it is an intersection.

Mr. Harbison stated the Traffic and Pedestrian Safety Commission he was on was looking at these circles as an idea for trying to calm traffic.

Mr. Jim Armstrong, with Public Works, stated if they had put an intersection there it would have been approved. An intersection is very visible when you come up to make a turn. However, if you come to a circle and a yield and have cars coming in at different points along the circle it is somewhat different than having an intersection because the visibility's are undefined across the center.

Mr. Harbison stated there was nothing in the code to deal with the circle but it is an idea that is evolving elsewhere. Can this be approved if it is not something we have as one of our tools right now.

Mr. Armstrong stated they could gain that same calming effect by putting in a T intersection.

Mr. Harbison stated the Traffic and Safety Commission would like to see new calming devices introduced around town and then the public would become familiar with them.

Mr. Browning reminded the Commission the issue of the 1,200 foot long cul-de-sac should be solved.

Mr. Manier said he was concerned and his criticism may be for the prior approval of Hearthstone because you only have two ways out. You can get out to Old Hickory and Hill Road but you are blocked in every other respect. You need a way to get out and need not to have an emergency situation arise where you cannot service it with an ambulance or a fire truck or whatever. This is a relatively large single family development and it also only has two ways out.

Mr. Murphy agreed it was good to have as many ways in and out as possible but one of the problems with this deals with the practical reality of this development is that they have worked very hard with the neighborhood to get an agreement on the concept. One of the buy ins for the people along Manor Place was knowing that it was not going to be extended and traffic would not be coming through there.

Mr. Stephen Smith stated he felt the round about was an excellent idea and this was a good place to try it. It maybe appropriate to defer this for a couple of weeks to see if there is a way to accommodate adjoining Manor Place.

Councilmember Garrett stated he could understand the planning aspect of this but the reality of this situation is that this concept has worked considerably in that neighborhood and the major issue is those roads not be opened up at all for the Hearthstone area.

Councilmember Garrett moved and Mr. Stephen Smith seconded the motion to approve the proposal.

Mr. Owens stated that if the Commission approved this proposal they would be granting a variance to the Subdivision Regulations for the maximum to the dead end street length and there must be a basis for granting a variance.

Mr. Stephen Smith stated this was not a public safety issue and this has been a 1,200 foot cul-de-sac for 10 years and was approved for 1,200 and the people out there do not want the road to go through.

Mr. Manier stated the variance must be on something that is significant such as topography, shape, size or some criteria that forces the situation.

Chairman Smith stated that what Stephen Smith said was that this was not creating the cul-de-sac because it was already there and it allowing them to have a gated community.

By motion of Mr. Garrett, which was seconded by Mr. Stephen Smith, the following resolution was offered:

**Resolution No. 97-832**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-040U is **APPROVED (4-4)**.

The motion failed with Mr. Stephen Smith, Chairman Gilbert Smith, Councilmember Garrett and Mr. Harbison voting in favor of the motion, and Mr. Manier, Ms. Nielson, Mr. Lawson and Mr. Bodenhamer voting in opposition to the motion. Chairman Smith announced the motion failed.

**The Commission determined that: a) two existing streets stubbed-out at the northern boundary of this development should be extended into the development for eventual connection with Hill Road and Old Hickory Boulevard; and b) the private street system does not satisfy the design standards of the Subdivision Regulations.”**

**SUBDIVISIONS:**

**Preliminary Plats:**

**Subdivision No. 94S-290G (Public Hearing)**  
Brick Hampton  
Map 174, Parcel 64 and Part of Parcel 96  
Subarea 12 (1997)  
District 31 (Alexander)

A request for preliminary approval for 60 lots abutting the east margin of Cane Ridge Road, approximately 777 feet southeast of Old Franklin Road (26.97 acres), classified within the RS10 District, requested by Paul E. Johnson, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Mr. Owens stated this proposal satisfied all the requirements of the Subdivision Regulations and staff is recommending approval.

Mr. Mike Anderson stated he was present to answer any questions the Commission might have.

Mr. Wayne Dugger, abutting property owner to the south, expressed his concerns regarding the 10,000 square foot lots, driveway access to Cain Ridge Road, safety and road conditions.

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

**Resolution No. 97-833**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 94S-290G, is granted **PRELIMINARY APPROVAL.**”

**Subdivision No. 94S-291G (Public Hearing)**  
Burning Bush  
Map 174, Part of Parcel 96  
Subarea 12 (1997)  
District 31 (Alexander)

A request for preliminary approval for 141 lots abutting the southeast corner of Old Franklin Road and Cane Ridge Road (63.79 acres), classified within the RS10 District, requested by Paul E. Johnson, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Mr. Owens stated this subdivision was given preliminary approval over two years ago and that preliminary approval has expired. This is actually a request for re-approval of this preliminary. It is zoned RS10 with 10,000 square foot lots and staff recommends approval.

No one was present to speak at the public hearing.

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

**Resolution No. 97-834**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 94S-291G, is granted **PRELIMINARY APPROVAL.**”

**Subdivision No. 97S-285U (Public Hearing)**  
Rains Avenue Property  
Map 105-7, Parcels 274-277  
Subarea 11 (1993)  
District 19 (Sloss)

A request for preliminary approval for six lots abutting the northwest corner of Moore Avenue and Rains Avenue (1.29 acres), classified within the R6 District, requested by The Resource Foundation, owner/developer, Wamble and Associates, surveyor. (Also requesting final plat approval).

Mr. Owens stated four existing lots were being re-platted for six lots. All lots comply with the comparability requirements and Subdivision Regulations and staff is recommending approval.

No one was present to speak at the public hearing.

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

**Resolution No. 97-835**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that the Preliminary and Final plan of Subdivision No. 97S-285U, is granted **PRELIMINARY AND FINAL APPROVAL.**”

**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 meetings of 9/4/97 and 9/18/97). (Public Hearing closed at 9/4/97 meeting).

Mr. Owens stated the Commission deferred this item two weeks ago in order for two aspects to be addressed. The first was a request from the Commission that this developer widen Scenic River back from the railroad an adequate distance to allow two vehicles to pass safely at the crossing. The applicant has

provided plans that accomplish this requirement. The road will be widened for a width of 20 feet for a distance of 45 feet.

The other issue that was to be addressed was the current status of the road south of the railroad. It was built with the intention of being a private street. Private streets are not permitted in this area by the Subdivision Regulations. The applicant's engineer has gone back and documented the character of that improvement in terms of its gravel and pavement width. There will have to be some additional improvements made to this and the applicant has agreed to do that. In order to bring this street up to public standards they will add 1 ½ inches of additional binder asphalt and then top it with 2 inches of finished asphalt. With these two issues resolved staff is recommending approval of this plat as a preliminary and the developer will come back in the very near future with the final plat and either have completed these improvements or will offer to post bonds to guarantee the improvements.

Public Works, two weeks ago, did not recommend any further subdivision of this property due the character of Scenic River Road and they are still taking that position.

Councilmember Vic Lineweaver spoke in favor of this proposal.

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

**Resolution No. 97-836**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-325G, is granted **PRELIMINARY CONDITIONAL APPROVAL** subject to:

- 1. Improving Scenic River Lane to a width of 20 feet for a distance of 45 feet immediately north of the railroad;**
- 2. Adding 1 ½ inch of additional binder, and a 2 inch top coat of asphalt to Scenic River Lane (extended) south of the railroad; and**
- 3. Contributing \$154 per lot to the Coley Davis Road Improvement Fund.”**

**Subdivision No. 97S-330U (Public Hearing)**  
W. L. Montmarquet Subdivision  
Map 92-5, Parcel 281  
Subarea 8 (1995)  
District 21 (McCallister)

A request to subdivide one parcel into three lots abutting the northeast corner of Clifton Avenue and 33<sup>rd</sup> Avenue North (.48 acres), classified within the R6 District, requested by Veronica L. Montmarquet, owner/developer, Ernest Davis, surveyor. (Also requesting final plat approval).

Mr. Owens stated this consisted of 6,000 square foot lots, a very simple subdivision and it satisfies comparability requirements and staff recommends approval.

No one was present to speak at the public hearing.

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

**Resolution No. 97-837**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-330U is granted **PRELIMINARY AND FINAL APPROVAL.”**

**Subdivision No. 97S-337U (Public Hearing)**  
Montgomery Lands, Resubdivision of Part of Lot 1  
Map 117-4, Parcel 207  
Subarea 10 (1994)  
District 25 (Kleinfelter)

A request to subdivide one lot into two lots abutting the southwest margin of Wildwood Avenue, approximately 150 feet northwest of Battery Place (.55 acres), classified within the R8 District, requested by Broadway Properties, L.P., owner/developer, Daniels and Associates, surveyor. (Also requesting final plat approval).

Mr. Owens stated this was located in a developed area that is zoned R8 for 8,000 square foot lots. This is an oversized lot that has 24,000 square feet. The new lot line is being bent to achieve street comparability. In reviewing the proposed subdivision, staff has determined both lots would meet comparability. Further other lot lines in the area are at similar angles to the right of way. Staff is recommending approval of the subdivision.

Mr. Greg Daniels, representing the owners, stated he was present to answer any questions the Commission might have.

Mr. John Oldrick, Ms. Linda Donavant, Mr. Louis White, area residents, expressed concerns about the rest of the neighborhood, property values, setting a precedent, stormwater drainage and the character and integrity of the neighborhood

Mr. Harbison stated this case would not be setting a precedent.

Ms. Nielson and Mr. Stephen Smith agreed with Mr. Harbison.

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

**Resolution No. 97-838**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-337U, is granted **PRELIMINARY AND FINAL APPROVAL.”**

**Subdivision No. 97S-368U (Public Hearing)**  
Jenkins Property  
Map 71-7, Parcel 260  
Subarea 5 (1994)  
District 2 (Black)

A request for preliminary approval for five lots abutting the south terminus of Lucas Lane, approximately 500 feet south of West Trinity Lane (34.5 acres), classified within the CG District, requested by Jenkins Properties, LP, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Owens stated that with the original application they had designed a 2,000 foot dead end street. Staff looked at the area and found a street stub that was set up years before. Staff also looked at the area topographically and concluded that the best plan of ultimate subdivision for this area was to bring another street back down to Dickerson Pike thereby getting rid of the dead end street. The applicant has modified their plat to begin a street stub out to their property line to be continued long term back in to Dickerson Pike. The plat is in order and staff is recommending approval.

Mr. Jack Jenkins, land owner, spoke in favor of the proposal.

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

**Resolution No. 97-839**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-368U, is granted **PRELIMINARY APPROVAL.**”

**Final Plats:**

**Subdivision No. 96S-417U**  
Rosebank Meadows, Phase 1  
Map 83-8, Parcels 8 and 9  
Subarea 5 (1994)  
District 7 (Campbell)

A request to create 35 lots abutting the south margin of Rosebank Avenue, approximately 400 feet west of Preston Drive (15.0 acres), classified within the R10 District, requested by Volunteer Investments, Inc., owner/developer, L. Steven Bridges, Jr., surveyor. (Deferred from meeting of 4/17/97).

Mr. Owens stated the preliminary plan of subdivision was originally approved in December of 1996. At that time one of the focuses of attention dealt with a reserve parcel adjoining the property. At the time the Planning Commission approved the preliminary subdivision with the condition that it was subject to incorporating reserve parcel 33 into the plan of subdivision. This final plat started out not accommodating this reserve parcel. Staff asked the applicant to reconfigure some of the lots so that this applicant could maintain the same number of lots and at the same time set enough additional land area aside to make the reserve parcel a legitimate 10,000 square foot lot. It is staff's recommendation that through this platting process this reserve parcel be resolved as a building site. Unfortunately, all the parties involved have not been able to come to terms. Staff is reluctant to put the entire plat to record while this area remains unresolved. The applicant, this morning, in order to break the log jam, has suggested and offered to pull the adjoining lot out of the final plat and leave it as a future platting exercise. What is before the Commission is now a Phase I plat for 35 lots and staff is recommending approval.

Mr. Steve Axley, representing the developer, asked the Planning Commission to approve the entire subdivision and ignore the adjacent reserve parcel.

Chairman Smith stated the Commission was attempting to resolve the substandard reserve parcel and ignoring it at this point would be inappropriate.

Mr. Axley stated there was going to have to be an exchange of property here to resolve this and that he had not been approached to resolve the issue. The owner of the reserve property is not asking for them to sell him a piece of property.

Mr. Harbison stated that as property develops throughout the county the Commission strives to do away with reserve parcels.

Mr. Bob Addler, with Volunteer Investments, stated they were being penalized by having to accommodate the adjacent reserve parcel. He stated this was a tax sale lot and the people that issue their title insurance said they would not insure a mortgage on this the reserve parcel lot. He said he did not want the reserve parcel and Mr. Doubleday had not contacted him to buy any property.



Ms. Allen stated this came up originally when she first started coming to the Commission meetings in December. She said she agreed with the condition put on the approval of this lot, that it incorporate the reserve parcel into his plan of subdivision and by doing so she did not mean to say she was trying to force a private land transfer because that is clearly outside the boundaries of the Commission. What she anticipated, however, was something akin to lot 13 remaining with the reserve parcel if the private land transfer ever did occur. The Planning Commission has an obligation to try to do what they can legally with the reserve parcel. Mr. Addler can be held to the condition to keep lot 13 such that if there were a land transfer it could be combined with the reserve parcel.

Chairman Smith stated he was uncomfortable with making lot 13 less desirable to sell in order to accommodate that condition.

Mr. Browning reminded the Commission that Mr. Addler was not losing a lot and lot 13 was not less desirable. The Commission did put the condition on this that there had to be the accommodation of the reserve parcel.

Councilmember Garrett asked Mr. Addler if he had agreed with the Commission that he would incorporate this reserve lot in his final plat.

Mr. Addler stated he agreed with the stipulation because he was going to be turned down on everything if he did not adhere to some sort of compromise of giving enough property to create an additional reserve parcel.

Ms. Allen stated the conditional approval stated specifically that this was granted conditional approval subject to incorporating reserve parcel 33 in the plan of subdivision. That can be read a couple of ways. It could mean he is going to bring this reserve property into his property but it can also mean the Commission is requiring him to allow the opportunity to configure his lots in such a way that if they were able to work out a private land transfer somewhere down the line that the reserve parcel could be made part of a lot that was buildable.

Chairman Smith stated the staff was suggesting granting 35 lots and hold lot 13 and try to get the reserve parcel resolved before approving the 36<sup>th</sup> lot.

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

**Resolution No. 97-840**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 96S-417U, is granted **FINAL CONDITIONAL APPROVAL amended application for 35 lots subject to posting a performance bond in the amount of \$342,000.00.”**

**Subdivision No. 97S-351A**

Candlestick Farms, Section 1, Lot 107

Map 147-14, Parcel 6

Subarea 12 (1997)

District 32 (Jenkins)

A request to amend the side setback line from 30 feet to 24 feet on a lot abutting the southeast corner of Candlestick Drive (.41 acres), classified within the R10 District, requested by An Ngoc Le et ux, owners/developers.

Mr. Owens stated this was in a 1962 subdivision and is not a building encroachment. The owner wishes to add a house addition and will stick 6 feet in to what was originally platted as a 30 foot setback. Staff does

not feel this 6 feet will have any adverse impact on the character of the neighborhood and staff is recommending approval.

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

**Resolution No. 97-841**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-351A, is granted **FINAL APPROVAL.**”

Stephen Smith left at 4:30, at this point in the agenda.

**Subdivision No. 97S-359G**

Bellshire Estates, Section B, Resubdivision of Lot 477  
Map 41-10, Parcel 5  
Subarea 2 (1995)  
District 3 (Nollner)

A request to subdivide one lot into two lots abutting the west margin of Ridgemont Drive, approximately 283 feet north of Cheshire Drive (.95 acres), classified within the R20 District, requested by Jennie J. Camp, owner/developer, Land Surveying, Inc., surveyor.

Mr. Owens stated the majority of lots in this area are oversized reaching almost an acre. The subject lot is built with a duplex on it, two living units connected with a connector in the middle. The property owner is proposing to remove the physical connections to make them two single family homes and then to split the property into two lots. The issue is comparability. This is a developed area and comparability does apply. The comparability formula was run and both lots fail in both minimum area and minimum frontage and for those reasons staff is recommending disapproval.

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

**Resolution No. 97-842**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-359G, is **DISAPPROVED** since it does not meet comparability lot requirements (Subdivision Regulation 2-4.2(A).”

**Request for Bond Extension:**

**Subdivision No. 93P-021G**

Holt Woods, Section 10  
Hurley-Y, L.P., principal

Located abutting the west margin of Holt Hills Road, approximately 1,100 feet north of Holt Road.

Mr. Owens stated the principal is requesting extension of the bond and staff is recommending denial. This is in a residential subdivision which now has 81% of the lots built out. At this point in time the sidewalks are not completed. There are segments of the sidewalks that have been built but there are gaps where homes have not yet been built. The applicant is asking the Commission to extend the bond and delay the requirement for sidewalk installation until the houses are completed on those lots. This is not the accepted

procedures for sidewalks and street construction. The Subdivision Regulations require completion of the streets and sidewalks when 75 percent of the homes have been constructed. Staff is recommending disapproval of the extension request and authorization to collect if work is not complete by November 15, 1997.

Chairman Smith asked what the terrain was like in the area because the sidewalks will be torn up building a house.

Mr. Owens stated that was a possibility unless they are properly protected. This is an issue that the Commission has wrestled with since the adoption of the Subdivision Regulations in 1991.

Mr. Mike Anderson stated this was a 39 lot subdivision and is kind of an unusual situation. Paul Johnson has reached the threshold of 81% and the dilemma he is in is that he has got 6 lots left. They have not been started and he can build the sidewalks by November 15<sup>th</sup> but those sidewalks will be torn up during house construction.

Chairman Smith stated it should not be Metro's responsibility. Whoever tears up the sidewalks should pay for it.

Bill Harbison left at 4:40, at this point in the agenda.

Mr. Paul Johnson stated that in the last 7 years he had developed 900 lots and built over 800 homes in Metro Nashville. The Planning Commission staff has notified him they will call his bond on the 39 lot section because approximately \$2,000 of sidewalk, in his opinion, can not be properly completed by November 15<sup>th</sup> without being totally destroyed later. There are 6 houses that are in the first phase of construction and do not have sidewalks. There is no way to pour sidewalks in front of these homes without destroying them when gravel and concrete trucks run over them and not to mention building material delivery trucks. The only appropriate time to pour sidewalks is after every large delivery has been made and the yard has been graded.

Chairman Smith stated Mr. Johnson had some good points and perhaps the Commission should look at what 75% completion means in a broader aspect.

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

**Resolution No. 97-843**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby DISAPPROVES the request for an extension of a performance bond for Subdivision No. 93P-021G, Bond No. 95BD-035, Holt Woods, Section 10, in the amount of \$ 87,500.00 covering road, drainage, water and sewer facilities, and **authorization to proceed with collection of the security if all work is not complete by 11/15/97."**

**Subdivision No. 93P-011G**  
Holt Woods, Section 2  
Hurley-Y, L.P., principal

Located abutting the south terminus of Call Hill Road.

Mr. Owens stated Section 2 of this subdivision was over 75% built out. Nearly everything is complete and all that is lacking are inspections on the water and sewer facilities. Staff recommends disapproval of the extension and authorization to collect if work is not complete by November 15, 1997.

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

**Resolution No. 97-844**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby DISAPPROVES the request for an extension of a performance bond for Subdivision No. 93P-011G, Bond No. 95BD-069, Holt Woods, Section 2, in the amount of \$18,000.00 covering road, drainage, water and sewer facilities, and **authorization to proceed with collection of the security if all work is not complete by 11/15/97."**

**OTHER BUSINESS:**

1. Nations-Urbandale Neighborhood Annual Progress Report.

This item was deferred until the October 16, 1997 meeting.

2. Fiscal Year 1998 Transportation Planning Contract with the Tennessee Department of Transportation. (Deferred from meeting of 9/18/97).

3. Fiscal Year 1998 Transportation Planning Contract with the Tennessee Department of Transportation (FTA).(Deferred from meeting of 9/18/97).

Mr. Browning explained these contracts had been corrected by the Metro Legal Department to remove a paragraph involving indemnification. He stated the revised contracts would be submitted to TDOT for their review and approval.

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

**Resolution No. 97-845**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that it approves both the 1998 Transportation Planning Contract with Tennessee Department of Transportation and the 1998 Transportation Planning Contract with the Tennessee Department of Transportation (FTA)."

4. Legislative Update.

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

**PLATS PROCESSED ADMINISTRATIVELY:**

September 18, 1997 through October 1, 1997

**96S-296G            C. T. BELLEVUE LIMITED PARTNERSHIP, BELLEVUE  
PROPERTY, First Revision, Lot 1**  
Minor revision to unimproved easement

**97S-211G            HICKORY HILLS VILLAGE PARK, Resubdivision of Lot 5,  
First Revision**  
Revised easement

- 97S-329U      NORTH RAMA SUBDIVISION**  
One commercial lot into two lots
- 97S-339U      LARCHWOOD, Phase 1C, Section 4**  
Platting a condominium phase
- 97S-352U      JERRY SMITH SUBDIVISION**  
Plats one deeded parcel
- 97S-355G      PINE FOREST (P. U. D. Boundary and Subdivision Plat)**  
Creating P. U. D. Boundary and two phases
- 97S-356G      ROSSON SUBDIVISION**  
One deeded parcel into two lots
- 97S-263U      BRENTWOOD HOTELS/GESKE PROPERTY, Resubdivision**  
Interior lot line shift
- 97S-364U      BASS SUBDIVISION**  
Platting two deeded parcels
- 97S-383G      HERON WALK**  
P. U. D. Boundary Plat
- 97S-399G      STEVE LAIN LOT**  
Plats one deeded parcel

**ADJOURNMENT:**

There being no further business, upon motion made and seconded, the meeting adjourned at 5:00 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Minute approval:  
This 16<sup>th</sup> day of October, 1997