

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

Date: October 30, 1997  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

James Lawson, Vice Chairman  
Councilmember Tim Garrett  
William Harbison  
William Manier  
Ann Nielson  
Stephen Smith  
Marilyn Warren

**Absent:**

Mayor Philip Bredesen  
Gilbert N. Smith, Chairman  
Arnett Bodenhamer

**Others Present:**

**Executive Office:**

T. Jeff Browning, Executive Director and Secretary  
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  
Charles Hiehle, Planning Technician II

**Community Plans Division:**

Jerry Fawcett, Planning Division Manager:

**Advance Planning and Research:**

Preston Elliott, Planner II  
Michelle Kubant, Planner I  
Maxie Starks, Planning Technician II

**Others Present:**

Rachel Allen, Legal Department  
Jim Armstrong, Public Works Department

Vice Chairman Lawson called the meeting to order.

**ADOPTION OF AGENDA**

Mr. Owens announced the caption for Subdivision No. 97S-397U should read, “abutting the north margin of Whitland Avenue.”

Ms. Nielson moved and Mr. Manier seconded the motion, which unanimously passed, to adopt the agenda with the change listed above.

**ANNOUNCEMENT OF DEFERRED ITEMS**

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

- 97B-226U        Deferred indefinitely, by Codes Administration.
- 98-73-G        Deferred two weeks, by applicant.
- 79-87-P        Final deferred two weeks, by applicant.
- 97S-364G       Deferred two weeks, by applicant.
- 97S-402U       Deferred two weeks, by applicant.
- 97S-408G       Deferred two weeks, by applicant.

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

**APPROVAL OF MINUTES**

Ms. Nielson moved and Ms. Warren seconded the motion, which unanimously passed to approve the minutes of the regular meeting of October 16, 1997.

**RECOGNITION OF COUNCILMEMBERS**

No Councilmembers were present to speak at this point in the agenda.

**ADOPTION OF CONSENT AGENDA**

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

**APPEAL CASES:**

**Appeal Case No. 97B-220G**  
 Map 116-13, Parcel 101  
 Subarea 7 (1994)  
 District 34 (Fentress)

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain), as required by Section 17.116.030 to construct a 325 square foot addition to a beauty shop within the Richland Creek floodplain on property located at 5115 Harding Pike in the CS District, approximately 300 feet south of Leake Avenue (.84 acres), requested by Illusions Salon, appellant, for Richard and Kathleen Minton, owners.

**Resolution No. 97-888**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 97B-220G to the Board of Zoning Appeals:

**The site plan complies with the conditional use criteria (7-0)."**

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 74-87-P**

The Peninsula, Phase Three  
Map 97, Parcels 100 and 138  
Subarea 14 (1996)  
District 12 (Ponder)

A request for final approval for Phase Three of the Residential Planned Unit Development District located abutting the south margin of John Hager Road, 1,375 feet west of New Hope Road, classified R15, (29.36 acres), to permit the development of 43 single-family lots, requested by Walter Davidson and Associates for Dukes and Company owners. (Deferred indefinitely on 7/10/97 and Deferred on 10/16/97).

**Resolution No. 97-889**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 74-87-P is given **CONDITIONAL FINAL APPROVAL (7-0)**. 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."

**Proposal No. 61-77-G**

Gifford Place PUD (Chip's Quick Stop Car Wash)  
Map 22, Parcel 161  
Subarea 1 (1992)  
District 1 (Patton)

A request to revise the approved final site development plan for a phase of the Commercial (General) Planned Unit Development District located abutting the south margin of Gifford Place and the east margin of Whites Creek Pike, to permit the addition of an automatic wash bay to an existing car wash, requested by Wamble and Associates for the Gifford Partnership, owner.

**Resolution No. 97-890**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 61-77-G is given **CONDITIONAL APPROVAL (7-0)**. 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. 79-87-P**

Calumet, Phase Seven

Map 150, Part of Parcel 98  
Subarea 13 (1997)  
District 29 (Holloway)

A request to revise the approved preliminary site development plan and for final approval for Phase Seven of the Residential Planned Unit Development District located at the eastern terminus of Shoemaker Drive, approximately 675 feet north of Hamilton Church Road (6.11 acres), classified RS10, to permit the development of 33 single-family lots, requested by Wamble and Associates for James T. McLean, Sr, owner.

**Resolution No. 97-891**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 79-87-P is given

**CONDITIONAL APPROVAL (7-0):**

A request to revise the approved preliminary site development plan and for final approval for a portion of Phase Seven of the Residential Planned Unit Development District located at the eastern terminus of Shoemaker Drive, approximately 675 feet north of Hamilton Church Road (6.11 acres), classified RS10, to permit the development of 33 single-family lots, requested by Wamble and Associates for James T. McLean, Sr, owner. 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. Place in an escrow account one half the construction cost of 1050 feet of the proposed Anderson Road Collector from 650 feet north of Hamilton Church Road to the northern edge of the Addition to Calumet Project. The amount placed in the escrow account will be based on the 1996 construction cost as determined by the Metropolitan Department of Public Works.”

**Proposal No. 95P-002G**  
Heritage Meadows, Phase Two  
Map 75, Parcel 55  
Subarea 14 (1996)  
District 12 (Ponder)

A request for final approval for Phase Two of the Residential Planned Unit Development District located abutting the east margin of Andrew Jackson Parkway, (9.83 acres), classified R10, to permit the development of 34 single-family lots, requested by Michael Moran for B & P Development, owners. (Also requesting final plat approval).

**Resolution No. 97-892**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-002G is given **CONDITIONAL PUD APPROVAL; WITH FINAL PLAT APPROVAL SUBJECT TO A BOND IN THE AMOUNT OF \$282,000.00 (7-0)**. This approval does not include any signs.

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 the bond in the amount of \$282,000 for all road improvements as required by the Metropolitan Department of Public Works and all water and sewer line extensions as required by the Metropolitan Department of Water Services.”

**Proposal No. 97P-004U**  
Nashboro Village (Walgreens)  
Map 135, Parcel 400  
Subarea 13 (1996)  
District 27 (Sontany)

A request for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the northeast margin of Murfreesboro Pike and Nashboro Boulevard, (1.52 acres), classified R10, to permit the development of a 13,905 square foot retail drug store, requested by Ragan-Smith Associates, Inc., for R. S. Tatum, owners.

**Resolution No. 97-893**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-004U is given **CONDITIONAL APPROVAL (7-0)**. The following condition applies:

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

**SUBDIVISIONS:**

**Final Plats:**

**Subdivision Nos. 97S-380U**  
Aberdeen Woods, Phase 1, Section 2  
Map 161, Part of Parcel 2  
Subarea 12 (1997)  
District 32 (Jenkins)

A request to re-establish the performance bond for a final plat that creates 19 lots abutting the southwest margin of Oakley Drive, approximately 130 feet southeast of Cochran Drive (5.24 acres), classified within the R15 Residential Planned Unit Development District, requested by Zaring Homes, Inc., owner/developer, Gresham, Smith and Partners, surveyor.

**Resolution No. 97-894**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-380U is **APPROVED SUBJECT TO A BOND OF \$150,250.00 (7-0)**.”

**Request for Bond Extension:**

**Subdivision No. 18-84-U**  
Addition to Village of Abbeywood  
MerTech Realty, L.P., principal

Located abutting the west terminus of Abbeywood Place, approximately 170 feet west of Thorndale Court.

**Resolution No. 97-895**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 18-84-U, Bond No. 95BD-002, Addition to Village of Abbeywood, in the amount of \$6,480 to 6/1/98 subject to submittal of an amendment to the present Letter of Credit by **11/30/97** 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. 88S-404U**  
Nocturne Forest, Phase 1  
Chateau Associates Ltd., principal

Located between the northeast margin of Old Buena Vista Road and the west terminus of Nocturne Drive.

**Resolution No. 97-896**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 88S-404U, Bond No. 89BD-008, Nocturne Forest, Phase 1 in the amount of \$117,500 to 9/1/98 subject to submittal of a letter from the Reliance Insurance Company by **11/30/97** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

**Request for Bond Release:**

**Subdivision No. 96S-063U**  
Trinity Commercial Subdivision, Section 2  
Jack Jenkins, principal

Located abutting the south margin of West Trinity Lane, between Lucas Lane and Dickerson Pike.

**Resolution No. 97-897**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 96S-063U, Bond No. 96BD-013, Trinity Commercial Subdivision, Section 2 in the amount of \$7,000.

**Subdivision No. 96S-287U**  
E. A. Lindsley, Resubdivision of Parcel A  
Shoneys, Inc., principal

Located abutting the east margin of Dickerson Pike, approximately 668 feet south of Ewing Drive.

**Resolution No. 97-898**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 96S-287U, Bond No. 96BD-054, E. A. Lindsley, Resubdivision of Parcel A in the amount of \$10,000."

**MANDATORY REFERRALS:**

**Proposal No. 97M-118U**

Alley No. 1520 Easement Abandonment  
Map 91-14  
Subarea 7 (1994)  
District 22 (Holt)

A proposal to abandon a portion of public utility and drainage easements retained in the former right-of-way of Alley No. 1520 which was closed by Ordinance No. O64-0303, requested by Tom King , Littlejohn Engineering Associates, Inc., for adjacent property owners.

**Resolution No. 97-899**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 97M-118U.

**Proposal No. 97M-121U**  
Edison Street Closure  
Map 105-16  
Subarea 11 (1993)  
District 16 (Graves)

A proposal to close Edison Street between Seminole Avenue and Gladstone Avenue, requested by William E. Lydick, adjacent property owner. (Easements are to be retained).

**Resolution No. 97-900**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 97M-121U.

**Proposal No. 97M-122U**  
Council Bill No. O97-956  
MDHA and Department of Social  
Services Lease Agreement  
Map 105-11, Parcel 116  
Subarea 11 (1993)  
District 17 (Douglas)

A council bill approving a lease agreement by and between the Metropolitan Government of Nashville and Davidson County, acting through the Department of Social Services and Metropolitan Development and Housing Agency.

**Resolution No. 97-901**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 97M-122U.

**Proposal No. 97M-123U**  
Council Bill No. O97-963  
Easement Abandonment along Charlotte Pike  
Map 91-14, Parcel 108  
Subarea 7 (1994)  
District 22 (Holt)

A council bill to abandon all or a portion of a 20' wide sanitary sewer easement located at 5500 Charlotte Pike.

**Resolution No. 97-902**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 97M-123U.

**Proposal No. 97M-124U**  
Council Bill No. O97-955  
Transfer of Property to MDHA  
Map 82-7, Parcel 261  
Subarea 5 (1994)  
District 5 (Harrison)

A council bill approving the transfer of certain property held by the Metropolitan Government of Nashville and Davidson County to the Metropolitan Development and Housing Agency (MDHA).

**Resolution No. 97-903**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 97M-124U.

**Proposal No. 97M-125G**  
Easement Acquisition on Andrew Jackson Parkway  
Map 86, Parcels 58 and 219  
Subarea 14 ((1996)  
District 12 (Ponder)

A mandatory referral from the Department of Water Services to acquire easements for the Sewer Works Improvements project on Andrew Jackson Parkway. (Project No. 97-SG-86).

**Resolution No. 97-904**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 97M-125G.

**OTHER BUSINESS:**

1. MPO technical assistance contracts with City of Lebanon, City of Portland and Greater Nashville Regional Council.

**Resolution No. 97-905**

"BE IT RESOLVED by the Metropolitan Planning Commission that it approves the MPO technical assistance contracts with City of Lebanon, City of Portland and Greater Nashville Regional Council."

2. Contract with Neel-Schaffer, Inc. for the Enhanced Transportation System Data Collection.

**Resolution No. 97-906**



“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the Contract with Neel-Schaffer, Inc. for the Enhanced Transportation System Data Collection.”

3. Capital Budget Amendment 97CB009:

A request to amend the 1997-98 to 2002-03 Capital Improvements Budget and Program by adding the following project:

I.D. No. 97PD005  
Central Processing Unit  
200 James Robertson Parkway  
Purchase New Central Processing Unit for Police Department Mainframe Computer Located at Police Department Headquarters

\$1,500,000 Proposed G.O. Bonds FY 1997-98

**Resolution No. 97-907**

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves an amendment to the 1997-98 to 2002-03 Capital Improvements Budget and Program by adding the following project:

I.D. No. 97PD005  
Central Processing Unit  
200 James Robertson Parkway  
Purchase New Central Processing Unit for Police Department Mainframe Computer Located at Police Department Headquarters

\$1,500,000 Proposed G.O. Bonds FY 1997-98

This concluded the items on the consent agenda.

**APPEAL CASES:**

**Appeal Case No. 97B-218G**  
Map 42-4, Parcel 24 and Part of Parcel 25  
Subarea 4 (1993)  
District 3 (Nollner)

A request for a conditional use permit under the provisions of Section 17.124.100 (Community Education), as required by Section 17.124.010 to construct a private school for 560 students in the R20 District at 1041 Highland Circle, abutting the western margin of One Mile Parkway (9.27 acres), requested by Rivergate Academy, for Rivergate Academy, Inc., Thomas Leeman et ux, owners.

Ms. Regen stated this property had access to Highland Circle as well as to One Mile Parkway. Staff is recommending that the Planning Commission advise the Board of Zoning Appeals to have the applicant revise the site plan to provide access only from One Mile Parkway. At the present time the applicant is

proposing to have access from Highland Circle as well as One Mile Parkway. The new Zoning Regulations encourage large schools to be located on a collector street, such as One Mile Parkway, with access to a major arterial like Gallatin Pike. One Mile Parkway has one lane in each direction, has a center turning lane and has been built to handle the kind of traffic this school would generate. This site was visited with the Traffic Engineer and concerns were expressed involving Highland Circle because the curve only has a 17 foot pavement width and a limited site distance at the intersection with Campbell Road. Staff is recommending the site plan be redesigned so all the traffic to and from this proposed school site comes from One Mile Parkway.

Mr. Harold Cole stated he realized Highland Circle was a small street but the school would only have between 20 and 50 students the first year. There would be an access constructed to One Mile Parkway and a reasonable plan would be to have temporary access to Highland Circle until the school grew and then use that access for emergencies only. In the future there is a plan to extend One Mile Parkway across the back of the property and then there would be enough space to make two driveways for Rivergate Academy. At that time one access could be used for buses and one access could be used for cars and then a “No Entrance” sign could be placed on Highland Circle.

Mr. Harbison stated that most of the private schools located throughout the county have multiple access.

Mr. Manier stated that the 17 foot wide pavement with no shoulder was pretty hazardous.

Mr. Browning stated the site plan should go toward One Mile Parkway from the very outset.

Councilmember Garrett asked if the Planning Commission could recommend the Board of Zoning Appeals consider the request for a temporary access to Highland Circle.

Ms. Regen stated the front of the school was actually on Highland Circle and that staff’s concern was that once access was permitted, at what point could it be stopped.

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

**Resolution No. 97-908**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 97B-218G to the Board of Zoning Appeals:

**Advise the Board of Zoning Appeals that the site plan should be redesigned to orient buildings and vehicular access to One Mile Parkway only, since Highland Circle is a substandard street and would provide inadequate and unsafe access to the school (7-0)."**

**ZONE CHANGE PROPOSALS:**

**Zone Change Proposal No. 97Z-100G**

Council Bill No. O97-951

Map 42, Parcels 19 (19.18 acres)

Map 42, Parcel 29 (11.52 acres)

Map 42, Part of Parcel 30 (1.85 acres)

Map 42-6, Parcel 14 (.7 acres)

Subarea 4 (1993)

District 3 (Nollner)

A council bill to change from R10 to RS20 District certain property located at 823 Nesbitt Lane and 547 Boyds Hill Top Drive, abutting the east margin of Interstate 65, approximately 200 feet south of Nesbitt Lane (33.87 acres), sponsored by Councilmember Ron Nollner, Eugene Jackson, Gladys Harlan and Madison Suburban Utility District Davidson County, owners.

**Proposal No. 108-79-G (Public Hearing)**

Council Bill No. O97-950

North Graycroft Manor

Map 42, Parcels 19, 29 and Part of

Parcel 30

Map 42-6, Parcel 14

Subarea 4 (1993)

District 3 (Nollner)

A council bill to cancel the undeveloped Residential Planned Unit Development District abutting the east margin of Interstate 65, approximately 200 feet south of Nesbitt Lane (33.25 acres), classified R10, originally approved as a 238 multi-family unit development, sponsored by Councilmember Ron Nollner, Eugene Jackson, Gladys Harlan and Madison Suburban Utility District Davidson County, owners.

Ms. Regen stated this proposal was a request to rezone property from R10 to RS20 as well as to cancel an existing Residential PUD on the property. Staff is recommending approval of the zone change and the PUD cancellation. The zone change is consistent with the residential policy in this subarea. The R10 zoning permits up to 4 dwelling units per acre and the RS20 permits 2 single family dwelling units per acre. The surrounding area is single family development and is presently zoned at R20. January 1, 1998, with adoption of the new zoning maps by Council, this entire area will be rezoned RS20.

The Residential PUD on the property was a multi-family Residential PUD approved for 238 units in 1979 that has never been developed. Staff's concern with zoning to RS20, which would make it consistent with the surrounding zoning, is rezoning the property and not canceling the PUD because then there would be a multi-family development with underlying base zoning for single family. If the PUD is cancelled and the rezoning is not approved, then there would be a base zone that is inconsistent with the subarea plan.

Councilmember Ron Nollner submitted a letter to staff in support of the rezoning to RS20 as well as for the PUD cancellation. A letter was submitted from Bill Lockwood of Barge-Waggoner representing Jerry Harlan, a property owner, who is opposed to not only the cancellation of the PUD but also to the rezoning. Also Madison Suburban Utility District, who owns two water tanks on the property have indicated their Board does not meet until November 10 and are unable to make any recommendation and are requesting the Commission defer action on this proposal until their Board can meet and supply input.

Mr. Manier asked why this proposal was before the Commission if the owner was opposed to it.

Ms. Regen stated anyone was able to request a rezone on any property without the owner's consent.

Mr. Owens stated this proposal was actually a Council bill set for public hearing on November 4, 1997.

Mr. Manier asked that from a legal standpoint would this be verging on condemnation.

Ms. Rachel Allen, legal advisor, stated no, that would not be verging on condemnation.

Mr. Manier stated that going from an intense use to a less intense use might imply the possibility of a difference in value. Therefore it would, to him, with no legal background, have the taint of inverse condemnation.

Mr. Stephen Smith stated he was not a lawyer either but that is exactly what it is.

Ms. Allen stated that perhaps if this were partially or completely built out that she might have a problem with it but right now there is nothing on the property so there was no problem.

Mr. Stephen Smith added, acceptable or not, if the property owner is opposed to this, and likely thinks it is going to lessen the value of his property, that he was completely opposed to the proposal.

Ms. Freida Evans and Mr. Terry Wills spoke in favor of the cancellation because the area neighbors do not want duplexes on the property or small lots and expressed concerns regarding safety and traffic.

Mr. Stephen Smith asked Ms. Evans how long she had lived in that area.

Ms. Evans stated she had been there for 10 years.

Mr. Stephen Smith asked Ms. Evans if she was aware of the PUD when she moved into the neighborhood.

Ms. Evans stated she was aware of the PUD and was told the property was zoned for apartments but was also told that the Cornerstone Church owned it.

Mr. Bill Lockwood, representing Jerry Harlan, one of the land owners, stated Mr. Harlan was against the down zoning from R10 to RS20 and lifting the PUD. The number of units Mr. Harlan is considering developing is more in keeping with what the neighbors want, which is single family rather than the condominiums on the plan. He is submitting a revised PUD for 92 single family lots with open space.

Mr. Tom Pennington, attorney representing Mr. Harlan, stated he would like to take issue with the Commission's legal counsel because this proposal represented a significant devaluation of the property because of the development potential and expressed opposition to zone change and PUD cancellation.

Mr. Harbison stated he agreed with what Mr. Stephen Smith had stated earlier.

Ms. Warren stated she would like to see a deferral to give the developer time to present a new plan for the PUD and that she could not understand why the PUD had not been acted on before now.

Mr. Manier stated he felt the Commission was dealing with a very dangerous precedent because of rezoning property without the participation of the owner and change in the land use.

Councilmember Garrett stated he was a member of the Madison Suburban Utility District and would be abstaining on this issue. He assured the Commission this proposal was absolutely no different from the one from Councilmember Hart. Neither this Commission, nor the Council, can allow an individual who does not own a piece of property to request to remove PUD's or rezone. If that takes place, it is absolutely condemning that piece of property.

Mr. Stephen Smith moved and Ms. Nielson seconded the motion, which carried with Councilmember Garrett in abstention, to close the public hearing and approve the following resolution:

**Resolution No. 97-909**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 108-79-G is given **DISAPPROVAL (6-0)**:

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

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-100G is **DISAPPROVED (6-0-1)**:

**The Planning Commission determined that it was inappropriate to rezone this property and cancel the Residential Planned Unit Development without the property owners' concurrence."**

**Zone Change Proposal No. 97Z-101G**  
Council Bill No. O97-977  
Map 155, Part of Parcel 108 (1.99 acres)  
Subarea 6 (1996)  
District 35 (Lineweaver)

A council bill to cancel the Commercial Planned Unit Development District and apply CL District to a portion of certain property located at 8216 Highway 100, approximately 400 feet south of Collins Road (1.99 acres), requested by Nancy and Paul Moore, appellant, for A.W. Chaffin, et ux et al., owners.

**Proposal No. 101-66-G (Public Hearing)**  
Council Bill No. O97-978  
Chaffin's Barn PUD  
Map 155, Part of Parcel 108  
Subarea 6 (1996)  
District 35 (Lineweaver)

A council bill to cancel a portion of the Commercial Planned Unit Development District abutting the west margin of Highway 100, approximately 400 feet south of Collins Road, (1.99 acres), classified Commercial Planned Unit Development and proposed for CS, requested by Nancy Moore for A.W. Chaffin, owner.

Ms. Regen stated the CS zoning under the new code would convert to CL and in this neighborhood there is an unmapped neighborhood commercial policy for 100,000 square feet. This request is by the property owner. Staff is recommending approval of the request to rezone and to cancel the PUD.

Councilmember Vic Lineweaver spoke in favor of the project and stated the Planning and Zoning Committee of the Chamber of Commerce was also in favor of this project.

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

**Resolution No. 97-910**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 101-66-G is given **APPROVAL (7-0).**"

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-101G is **APPROVED (7-0):**

**This property lies within an unmapped neighborhood commercial node at the intersection of Old Harding Pike/Highway 100. Applying CS zoning to this property involves exchanging one commercial zoning district (i.e. Commercial Planned Unit Development) for another commercial zoning district, and does not increase the amount of existing commercially zoned property at this intersection."**

**Zone Change Proposal No. 97Z-102U**  
Parcel 149-8, Parcel 34  
Subarea 13 (1997)  
District 29 (Holloway)

A request to change from R10 to OR20 District certain property located at 2711 Anderson Road, approximately 120 feet east of Bell Road (.88 acres), requested by W. D. Dunlap et ux, appellants/owners.

Ms. Regen stated staff was recommending disapproval of this zone change because the subarea policy calls for a retail concentration community node and looks at this area as providing retail and office uses at approximately 500,000 square feet of commercial retail development. When you take all the land within this area and apply a conservative estimate of approximately .20 FAR for development, the actual ability of potential build out is 885,000 square feet and that is approximately 43% more than the Subarea 13 Plan recommends. There are also ample properties available for retail, office and commercial use. The property proposed for this zone change does not fall within this commercial node and is actually in the residential medium-high policy of Subarea 13 Plan. If this property were to be rezoned, it would be turning the corner into the residential neighborhood, and this property would be no different from the other properties fronting Anderson Road.

Mr. Winston Dunlap, property owner, spoke in favor of the zone change and asked the Commission for approval.

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

**Resolution No. 97-911**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-102U is **DISAPPROVED (7-0)**:

**There are ample commercial opportunities within the Retail Concentration Community (RCC) policy at the Bell Road/Murfreesboro Pike node. Only 40% of the available commercial land within this RCC policy is built. Before commercial zoning is expanded outside of this node, the existing commercial development potential should be maximized. This property falls within Residential Medium High (RMH) policy east of the Bell Road/Anderson Road intersection within the Subarea 13 Plan, which calls for multi-family redevelopment at densities between 9 and 20 dwelling units per acre. The RMH policy would support RM9, RM15, or RM20 multi-family zoning."**

**Zone Change Proposal No. 97Z-103U**

Map 92-4, Parcel 14

Subarea 8 (1995)

District 19 (Sloss)

A request to change from RM8 to OR20 District certain property located at 1018 16th Avenue North, approximately 150 feet north of Phillips Street (.13 acres), requested by Mike Hampton, appellant, for John Edwards Jordan, III, owner.

Ms. Regen stated this request had been reviewed by the Commission in April of 1997 and was located near Fisk University. Staff is recommending disapproval of this request for rezoning from RM8 to office zoning. The zoning in the area is residential and policy in the Subarea 8 Plan is for residential medium permitting 4 to 9 dwelling units per acre and does not permit commercial or office uses. Staff is recommending that the Commission reaffirm their prior disapproval as contrary to the General Plan.

Mr. Mike Hampton, applicant, asked the Commission for a deferral on this project and stated he had been working with Councilmember Sloss and Fisk University on this issue.

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

**Zone Change Proposal No. 97Z-104G**

Map 128, Parcel 89 (2.43 acres)

Map 128, Parcel 91 (.47 acres)

Map 114, Parcel 234 (1.09 acres)  
Map 114, Parcel 242 (.28 acres)  
Map 114, Parcel 185 (1.3 acres)  
Map 114, Parcel 186 (1.97 acres)  
Subarea 6 (1996)  
District 23 (Crafton)

A request to change from R20 to CS District certain properties located at Tolbert Road, 548, 560 and 562 Old Hickory Boulevard, on the west margin of Tolbert Road (7.54 acres), requested by Diane Knowles, appellant, for James A. Slaughter, Christopher E. Slaughter, Jim H. Leach et ux, Robbie J. Asbury, and George Bartlett, owners.

Ms. Regen stated staff was recommending disapproval of this zone change from residential to commercial. The Commission may recall that through the Subarea 6 planning process came the concept of placing commercial nodes within Subarea 6. This commercial node consists of the RCS policy, a Retail Concentration Super Community node. Commercial uses are concentrated at major intersections, such as I-40 and Highway 70, with the Bellevue Mall or at Old Hickory and Highway 70, but this property falls outside of the RCS policy area.

Councilmember Eric Crafton, Randy Knowles and Carolyn Broyles spoke in favor of the project and stated the people in this area want to have a chance to develop their property because they have been surrounded by commercial development, apartments and have been left in a hole.

Mr. Harbison stated he was sympathetic to these property owners who live on what is now a busy street. The Commission has the authority to adjust nodes where appropriate, but this is a request to spot zone.

Mr. Stephen Smith stated this property was not a residential spot. It was for a long time and now they have been put in a hole and have gone from a country road to five lane highway. Ms. Broyle and her family probably did not want Sam's Warehouse nor the apartments to be built because now their property has zero value for residential.

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

**Resolution No. 97-912**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-104G is **DISAPPROVED** (5-2):

**There are ample commercial opportunities in the commercial node extending from Old Hickory/I-40 to Old Hickory/Charlotte Pike, an area that forms the Retail Concentration Supercommunity (RCS) policy area in the Subarea 6 Plan. While the RCS policy calls for upwards of 1 million commercial square feet in this node, the actual build-out potential exceeds this cap by 60%. Only 17% of this build-out potential has been developed. Before commercial zoning is expanded outside of this node, the existing commercial development potential within the node should be maximized."**

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 88P-026G (Public Hearing)**  
Council Bill No. O97-976  
South Harpeth Trace  
Map 154, Parcels 12, 20, 136 and 137  
Map 155, Parcel 40  
Map 168, Parcel 201

Subarea 6 (1996)  
District 35 (Lineweaver)

A council bill to cancel the undeveloped Residential Planned Unit Development District abutting the northeast margin of South Harpeth Road and the north margin of Highway 100 (820 acres), classified RS2a, originally approved for a 184 single-family lot development, sponsored by Councilmember Vic Lineweaver, South Harpeth Farms, LLC and Randolph and Delana Owen, owners.

Mr. Delaney stated this Residential PUD was approved in 1988, and the property owner has initiated the cancellation through the Councilmember in this district because he has no desire to build at the density allowed by the PUD. The underlying base zoning this property would return to is RS2a and would be RS80 under the new code, consistent with the Natural Conservation policy of the Subarea 6 Plan. Staff is recommending approval of this cancellation.

No one was present to speak at the public hearing.

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

**Resolution 97-913**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-026G is given **APPROVAL OF CANCELLATION REQUIRING COUNCIL CONCURRENCE (7-0).**”

**Proposal No. 90P-005G (Public Hearing)**  
Council Bill No. O97-949  
Hickory Place  
Map 42, Parcel 12  
Subarea 2 (1995)  
District 3 (Nollner)

A council bill to cancel the undeveloped Commercial (General) Planned Unit Development District located at the northwest quadrant of Interstate 65 and Old Hickory Boulevard, classified R10, originally approved as a 150,000 square foot office/retail development, sponsored by Councilmember Ron Nollner, Hickory Place, LLC., owner.

Mr. Delaney stated this property would revert back to R10 base zoning. This request was not initiated by the property owner but by the Councilmember. This Commercial PUD was established in 1990 for a total of 150,000 feet of office and retail development. The subsequent adoption of the Subarea 2 Plan, in 1995, applied residential medium policy for this general area, including this property, and with the cancellation of this PUD reverting back to R10 base zoning would require an RM6 or RM9 rezoning at some future point to get back to the permitted density that would be allowed under this residential medium policy of the Subarea 2 Plan. Staff is recommending approval of this cancellation.

Dr. James Anderson and Dr. Wolfe, owners of the property, asked the Commission to disapprove the cancellation request and stated they had purchased this property approximately two year ago with the knowledge of the PUD overlay on it and intended to build medical office buildings in the PUD.

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

**Resolution No. 97-914**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 90P-005G is given **DISAPPROVAL (7-0).**”



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

**SUBDIVISIONS:**

**Preliminary Plats:**

**Subdivision No. 97S-409U**  
Bransford Realty Company’s Belle Meade  
Golf Links, Resubdivision of Lots 110,  
112, 114, 116, 120 and 132  
Map 130-1, Parcels 174 and 176  
Map 130-5, Parcels 47-50  
Subarea 7 (1994)  
District 34 (Fentress)

A request to reconfigure six lots into five lots abutting the southwest corner of Windsor Drive and Pembroke Avenue (1.55 acres), classified within the RS10 District, requested by John O. Clayton et al, owners/developers, Dale and Associates, Inc., surveyor.

Mr. Owens stated this application was not creating new development opportunities. An old land locked platted area to the rear of the lots is being consumed by five existing lots. Essentially all this application is doing is getting rid of a reserve parcel and an unbuildable site, and staff is recommending approval.

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

**Resolution No. 97-915**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-409U is given **APPROVAL (7-0).”**

**Final Plats:**

**Subdivision No. 97S-397U**  
Whitland Realty Company Subdivision,  
Resubdivision of Lots 10 and 11  
Map 104-9, Parcels 203 and 204  
Subarea 10 (1994)  
District 25 (Kleinfelter)

A request to reconfigure two lots abutting the southwest corner of Whitland Avenue and Bowling Avenue (.67 acres), classified within the RM6 and R8 Districts, requested by Blakemore United Methodist Church, owner/developer, Jesse Walker Engineer, surveyor.

Mr. Owens stated this application is taking two existing platted lots with single family residences on them along Whitland Avenue and shifting the lot lines. Normally a proposal such as this would be processed administratively, but in this case, in a developed area, comparability was run and because of the configuration and shapes of lots in this immediate area, lot number 2 failed in frontage and area. It does provide 50 feet of frontage and is over 8,000 square feet and staff is recommending approval with a wavier to comparability.

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

**Resolution No. 97-916**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-397U is **APPROVED WITH A WAIVER TO LOT COMPARABILITY (7-0).”**

**Request for Bond Extension:**

**Subdivision No. 78-87-P**  
Fredericksburg, Phase 6-A  
Radnor Homes, Inc., principal

Located abutting the north margin of Cloverland Drive, approximately 90 feet west of Fredericksburg Way.

**Subdivision No. 78-87-P**  
Fredericksburg, Phase 6-B  
Radnor Homes, Inc., principal

Located abutting the north margin of Cloverland Drive, approximately 90 feet west of Fredericksburg Way.

Mr. Owens stated these two items involved residential single family lot developments and are both well beyond 75% build out. Staff is recommending this bond not be extended. The principal agrees because there are a few punch list items that need to be accomplished and some sidewalk construction needs to be completed. Staff suggests the Commission give the developer until December 1, 1997 to complete all items.

Mr. Harbison stated he would like to consider both items together and moved and Mr. Manier seconded the motion, which carried unanimously to approve the following resolution:

**Resolution No. 97917**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and authorizes collection of a performance bond for Subdivision No. 78-87-P, Bond No. 95BD-025, Fredericksburg, Phase 6-A in the amount of \$58,600 if all sidewalks, curbs and drainage ditches are not complete by **12/1/97.**"

**Resolution No. 97-918**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and authorizes collection of a performance bond for Subdivision No. 78-87-P, Bond No. 95BD-025, Fredericksburg, Phase 6-B in the amount of \$47,800 if all sidewalks, curbs and drainage ditches are not complete by **12/1/97.**"

**Consideration of Bond Collection:**

**Subdivision No. 23-87-P**  
Boone Trace, Phase 1  
Westinghouse Electric Corporation, principal

Located abutting the north margin of Newsom Station Road, approximately 2,900 feet southeast of McCrory Lane.

Mr. Owens stated this was a residential single family development at 88% build out and there have been some problems completing the project. The roads and sidewalks are completed and the neighborhood has worked with Public Works to develop the final punch list. Now Public Works is working with the principal to get the items on the punch list resolved. Staff recommends collecting the bond if work is not completed by December 1, 1997.

Ms. Freida Sellers, resident, asked the Commission for their help to insure all punch list items are completed before the developer is released from his responsibility.

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

**Resolution No. 97-919**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the collection of a performance bond for Subdivision No. 23-87-P, Bond No. 87BD-032, Boone Trace, Phase 1, in the amount of \$55,200 unless all remaining drainage work is complete by **12/1/97.**"

**Subdivision No. 89P-019G**  
Allens Green, Section 2  
Zaring Homes, Inc., principal

Located abutting both margins of Harpeth Glen Trace and both margins of Timber Leaf Drive. (Deferred from meeting of 10/16/97).

Mr. Owens stated the streets and sidewalks had been completed but there are a few ditches located on hillsides and in open spaces that have not been completed. Public Works has been out to look at them and all parties are now in agreement on items that need to be done. Staff recommends extending the bond until February 1, 1998

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

**Resolution No. 97-920**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 89P-019G, Bond No. 93BD-063, Allens Green, Section 2, in the amount of \$100,000 to 2/1/98 subject to submittal of an amendment to the present Letter of Credit by **11/7/97** which extends its expiration date to 7/1/98. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

**OTHER BUSINESS:**

3. Legislative Update.

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

Mr. Manier reported to the Commission that Williamson County had an online system which allowed professionals in the business of researching government information to easily access the county data through Internet access.

The Commission asked staff to research and report back to them on how the system worked and what it would take to develop a similar system for Davidson County.

**PLATS PROCESSED ADMINISTRATIVELY**

October 16, 1997 through October 29, 1997

- 96S-204G**      **First Revision SMITH SUBDIVISION, Second Resubdivision of Lot 1**  
Adds water and sewer note to platted lot
  
- 97S-327G**      **PALMORE SUBDIVISION**  
One deeded parcel into two lots
  
- 97S-371G**      **BONER HEIRS SUBDIVISION**  
Plats one lot from longer deeded parcel
  
- 96S-393G**      **MENEES SUBDIVISION**  
Plats one lot from a deeded parcel
  
- 97S-396G**      **FRED CARNAHAN LOTS**  
Reconfigures two platted lots
  
- 97S-416U**      **BMO LEASING (U.S.), INC.**  
Plats a deeded parcel

**ADJOURNMENT:**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:30 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Minute approval:  
This 13<sup>th</sup> day of November 1997