

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: April 30, 1998
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Philip Bredesen
Arnett Bodenhamer
William Harbison

Others Present:

Executive Office:

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

Current Planning & Design Division:

Ed Owens, Planning Division Manager
Theresa Carrington, Planner III
Jennifer Regen, Planner III
John Reid, Planner II
Doug Delaney, Planner II
Charles Hiehle, Planning Technician II

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Cynthia Lehmbeck, Planner III

Advance Planning & Design:

John Boyle, Planning Division Manager

Others Present:

Jim Armstrong, Public Works

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced the caption for Proposal No. 108-79-G should reflect 16 single-family lots rather than 17 lots.

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the agenda with the modification and the addendum item for mapping contracts.

ANNOUNCEMENT OF DEFERRED ITEMS

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

98Z-071U	Deferred two weeks, by applicant.
98Z072U	Deferred two weeks, by applicant.
199-83-U	Final Plat Deferred two weeks, by applicant.
98S-150U	Deferred two weeks, by applicant.
98M-044U	Deferred two weeks by applicant.

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

APPROVAL OF MINUTES

Mr. Lawson moved and Ms. Warren seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of April 16, 1998.

RECOGNITION OF COUNCILMEMBERS

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

ADOPTION OF CONSENT AGENDA

Chairman Smith requested Zone Change Proposal No. 98Z-067U be removed from the consent agenda.

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

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-060U

Map 117-10, Parcels 95 (.4 acres),
96 (.4 acres) and 97 (.36 acres)
Subarea 10 (1994)
District 25 (Kleinfelter)

A request to change from R10 to OR20 District property at 2411, 2413 and 2415 Crestmoor Road, opposite Bedford Avenue (1.16 acres), requested by William Wilson, appellant, for William J. Wilson, III, Valerie L. Wilson, Elaine C. Beard and Nell M. Haggard, owners.

Resolution No. 98-247

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-060U is **APPROVED (6-0)**:

The OR20 zoning is consistent with the Subarea 10 Plan's Regional Activity Center (RAC) policy (encompassing the Green Hills Mall) and provides for a transition to the low density single-family area to the north. The OR20 zoning is also consistent with the predominant zoning pattern (to the east) along Crestmoor Road."

Zone Change Proposal No. 98Z-061U

Map 71-14, Part of Parcel 25
Subarea 3 (1992)
District 2 (Black)

A request to change from RS5 to CS District a portion of property located at 1216 Brick Church Pike, approximately 200 feet north of Fern Avenue (1.18 acres), requested by Cole Calligan, appellant, for I.M.F.M., Inc., owner.

Resolution No. 98-248

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-061U is **APPROVED (6-0)**:

The front portion of this property falls within Commercial Arterial Existing (CAE) policy along Brick Church Pike within the Subarea 3 Plan. The location and depth of the proposed CS zoning is consistent with this policy and the proposed Subarea 3 design plan, which identifies Bessie Avenue as the boundary between the commercial uses along Brick Church Pike and the adjacent residential neighborhood."

Zone Change Proposal No. 98Z-062U

Map 69, Parcel 76
Subarea 3 (1992)
District 1 (Patton)

A request to change from AR2a to IWD District (4.31 acres) and RS15 to AR2a Districts (8.35 acres), property along the eastern margin of Stewarts Lane, immediately south of the Nashville/Ashland City Railroad (12.66 acres), requested by Dyke Tatum, appellant, for H. H. Chitwood et al, trustees.

Resolution No. 98-249

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-062U is **APPROVED (6-0)**:

The IWD district will implement the Subarea 3 Plan’s Industrial (IND) policy along Stewarts Lane and the AR2a district will implement the Natural Conservation (NC) policy along Whites Creek by protecting the integrity of that floodplain. The environmental provisions of the Zoning Regulations for both zoning districts will implement the NC policy by minimizing disturbance of the Whites Creek drainage basin.”

Zone Change Proposal No. 98Z-063U
Council Bill No. O98-1152
Map 92-7, Parcels 167-169, 176, 177,
181-183, 185 and 410-418
Subarea 8 (1995)
District 21 (McCallister)

A council bill requesting to change from RM40 and OR20 to RS3.75 District property located on the south side of Britt Place between 21st Avenue North and 19th Avenue North, and at 809, 811½, and 811 19th Avenue North (2.88 acres), requested by Joseph B. Cain for M.D.H.A., The Resource Foundation, Inc., and various owners.

Resolution No. 98-250

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-063U is **APPROVED (6-0)**:

The RS3.75 district will implement the Subarea 8 Plan’s Mixed Use (MU) policy for this area, which calls for a diversity of residential, convenience retail, recreational, community facility, and business uses. The RS3.75 district will conserve and continue the established single-family development pattern in the area.”

Zone Change Proposal No. 98Z-064G
Map 173, Parcel 35
Subarea 12 (1997)
District 31 (Alexander)

A request to change from AR2a to RS10 District property at 14690 Old Hickory Boulevard, located on the north margin of Old Hickory Boulevard (2.02 acres), requested by Charles N. Armstrong, appellant/owner.

Resolution No. 98-251

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-064G is **APPROVED (6-0)**:

This property falls within the Subarea 12 Plan’s Residential Low Medium (RLM) density policy calling for up to 4 units per acre. The RS10 district is consistent with this policy and the Planning Commission’s recent approval of RS10 zoning on parcel 181 which is adjacent to this property.”

Zone Change Proposal No. 98Z-068U
Council Bill No. O98-1173
Map 105-4, Parcels 168-175 (1.1 acres),
and Parcels 157-164 (.78 acres)
Subarea 11 (1993)
District 19 (Sloss)

A council bill requesting to change from IWD to RM40 District properties located at 1227, 1233, 1235, 1243, 1245, 1247 and 1249 Lewis Street, between North Hill and Garden Streets (1.1 acres), and from R6 to RM40 District properties located at 138, 140, 1242, 1244, 1246, 1248, 1252 and 1256 Thomas Street, between North Hill and Garden Streets (.78 acres), for a total of 1.88 acres, requested by Carrie Marlow, The Marlow Company, appellant, for various owners.

Resolution No. 98-252

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-068U is **APPROVED (6-0)**:

The properties fall at the boundary of CMC (commercial mixed concentration) and Residential Medium (RM) policy west of Lewis Street. CMC policy calls for residential (9 units or more per acre), retail, and office uses while the RM policy calls for densities between 4 to 9 units per acre. The Subarea 11 Plan envisions large-scale, affordable multi-family developments to revitalize this general area which MDHA has designated as an Enterprise Zone. It is appropriate to apply CMC policy to this property and RM40 zoning in order to provide the kind of development opportunities needed for reinvestment in this area."

Zone Change Proposal No. 98Z-070G
Map 180, Parcel 24
Subarea 12 (1997)
District 31 (Alexander)

A request to change from AR2a to RS10 District property located at 6522 Holt Road, on the north margin of Holt Road, approximately 2,200 feet east of Redmond Lane (4.26 acres), requested by Mike Anderson, Anderson-Delk and Associates, appellant, for Mary S. Rice, owner.

Resolution No. 98-253

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-070G is **APPROVED (6-0)**:

The RS10 district implements the Subarea 12 Plan's Residential Low Medium (RLM) policy, calling for up to 4 units per acre, and is consistent with the single-family development pattern of the area."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 98-73-G
Cone Oil Company (Hickory Hills Commercial PUD)
Map 40, Parcel 208
Subarea 2 (1995)
District 10 (Garrett)

A request to revise the approved final site development plan for a portion of the Commercial (General) Planned Unit Development District abutting the northwest margin of Hickory Hills Boulevard and Westcap Road (1.72 acres), classified OR20, to permit the development of a 3,600 square foot convenience market and restaurant, requested by Walter Davidson and Associates, for Cone Oil Company, owner.

Resolution No. 98-254

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98-73-G is given **CONDITIONAL APPROVAL OF REVISION TO FINAL (6-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. This approval is contingent upon the Metropolitan Department of Public Works receiving an acceptable off site detention plan. No grading or building permits shall be issued until the detention plan has been approved by Public Works.”

Proposal No. 108-79-G
 Hickory Hills Ridge
 Map 42, Parcels 19, 29 and Part of Parcel 30
 Map 42-6, Parcel 14
 Subarea 4 (1993)
 District 3 (Nollner)

A request for final approval for Phase One of the Residential Planned Unit Development District abutting the east margin of Interstate 65, approximately 200 feet south of Nesbitt Lane (7.95 acres), classified R10, to permit the development of 16 single-family lots, requested by Barge, Waggoner, Sumner and Cannon, for Jerry Harlan, owner. (Deferred from meeting of 4/16/98).

Resolution No. 98-255

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 108-79-G is given **CONDITIONAL FINAL APPROVAL FOR PHASE ONE (6-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Providing the staff of the Metropolitan Planning Commission with revised plans to adjust lots 4, 5, 6, 7, 8 and 9 totally out of the detention area.
3. The recording of a boundary and final subdivision plat with the posting of all required bonds. Designation of lot number 46 as a critical lot on the final plat.”

Proposal No. 46-83-U
 Metropolitan Airport Center
 Map 108-1, Part of Parcels 81 and 83
 Subarea 14 (1996)
 District 14 (Stanley)

A request to revise the final site development plan for a portion of the Commercial (General) Planned Unit Development District abutting the south margin of Elm Hill Pike and the east margin of Donelson Pike (1.74 acres), classified CS, to permit an additional 22 parking spaces, requested by Waste Water Engineers, Inc., for MAC PRO, LLC, owner. (Also requesting final plat approval).

Resolution No. 98-256

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 46-83-U is given **CONDITIONAL FINAL APPROVAL FOR A PORTION; FINAL PLAT APPROVAL (6-0)**. The following condition applies:

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

Proposal No. 199-83-U
 Cobblestone Corner, Phase I

Map 61, Part of Parcel 75
Subarea 5 (1994)
District 4 (Majors)

A request for final approval for Phase I of the Residential Planned Unit Development District abutting the east margin of Ellington Parkway and the north margin of Ben Allen Road (8.11 acres), classified RM9, to permit the development of 96 multi-family units, requested by Ragan-Smith and Associates, Inc., for The Heritage Construction Company, Inc., owner.

Resolution No. 98-257

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 199-83-U is given **CONDITIONAL FINAL APPROVAL FOR PHASE I; DEFER FINAL PLAT FOR TWO WEEKS (6-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering sections of the Metropolitan Department of Public Works.
2. Receipt and approval of revised plans which demonstrate a connection to Lemont Drive with this first phase.
3. Recording of the final plat and the posting of all required bonds.”

Proposal No. 269-84-G
Tulip Grove PUD
Map 75-4, Parcel 246
Subarea 14 (1996)
District 11 (Wooden)

A request to revise the approved preliminary master plan of the Commercial (General) Planned Unit Development District located at the southwest quadrant of Lebanon Pike and Tulip Grove Road (6.09 acres), classified R10, to permit the development of two retail buildings with 13,905 square feet and 8,312 square feet, requested by Dale and Associates, for Metropolitan Airport Central, LP, owners.

Resolution No. 98-258

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 269-84-G is given **CONDITIONAL PRELIMINARY APPROVAL (6-0)**. The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering sections of the Metropolitan Department of Public Works.
2. Written confirmation of approval from FEMA of the plan to reclassify the floodway and floodplain across the site.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 98S-136G
Heron Walk, Phase 2, Section 4
Map 52-8, Part of Parcel 196
Subarea 4 (1993)
District 9 (Dillard)

A request for final plat approval to create 64 lots abutting both margins of Shawnee Road, west of Cheyenne Boulevard (12.9 acres), classified within the RS10 Residential Planned Unit Development District, requested by Allen Earps, owner/developer, MEC, Inc., surveyor.

Resolution No. 98-259

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-136G, is **APPROVED SUBJECT TO A BOND OF \$308,000.00 (6-0).”**

Subdivision No. 98S-140G
October Woods, Section 1 (Commercial Tract)
Map 183, Part of Parcel 4
Subarea 12 (1997)
District 31 (Alexander)

A request for final plat approval to subdivide one parcel into two lots abutting the northwest corner of October Woods Drive and Old Hickory Boulevard (3.52 acres), classified within the CS District, requested by October Woods L.P., owner/developer, Anderson-Delk and Associates, surveyor.

Resolution No. 98-260

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-140G, is **APPROVED SUBJECT TO A BOND OF \$33,000.00 (6-0).”**

Request for Bond Extension:

Subdivision No. 103-79-G
Riverfront Shopping Center, Section 2, Lot 3
Riverfront Development, Ltd., Partnership, principal

Located abutting the southwest margin of Robinson Road, opposite Martingdale Drive.

Resolution No. 98-261

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 109-79-G, Bond No. 94BD-062, Riverfront Shopping Center, Section 2, Lot 3, in the amount of \$5,000 to 4/30/99.”

Subdivision No. 18-86-P
River Trace, Phase 1, Sections 4 and 5
Hicks-Cain Partnership, principal

Located abutting the east margin of Lock Two Road and the north terminus of River Bend Drive.

Resolution No. 98-262

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 18-86-P, Bond No. 97BD-021, River Trace, Phase 1, Sections 4 & 5, in the amount of \$262,100 to 5/1/99 subject to submittal of an amendment to the present

Letter of Credit by **5/30/98** which extends its expiration date to 11/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**

Subdivision No. 68-87-P
Northside Station (Kroger)
Kroger Company, principal

Located abutting the east margin of Clarksville Pike, opposite Fairview Drive.

Resolution No. 98-263

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 68-87-P, Bond No. 94BD-103, Northside Station (Kroger) in the amount of \$45,000 to 4/30/99 subject to submittal of a letter from the National Fire Insurance Company of Hartford by **5/30/98** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 96S-204U
Smith Subdivision, Resubdivision of Lot 1
A. O. Hibler, principal

Located abutting the northeast corner of Emery Drive and Donelson Pike.

Resolution No. 98-264

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 96S-204U, Bond No. 97BD-094, Smith Subd., Resubd. of Lot 1, in the amount of \$17,500 to 4/1/99 subject to submittal of an amendment to the present Letter of Credit by **5/30/98** which extends its expiration date to 10/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Request for Bond Release:

Subdivision No. 70-85-P
Somerset, Phase 4
Phillips Builders, Inc., principal

Located abutting the northwest margin of Mt. View Road, approximately 90 feet northwest of Huntingboro Trail.

Resolution No. 98-265

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for release of a performance bond for Subdivision No. 70-85-P, Bond No. 95BD-024, Somerset, Phase 4 in the amount of \$12,300."

MANDATORY REFERRALS:

Proposal No. 98M-047U

Doubletree Hotel Banner Encroachment
Map 93-2-3, Parcel 189
Subarea 9 (1997)
District 19 (Sloss)

A mandatory referral from the Department of Public Works proposing the construction of a 4'4" by 40' banner over the sidewalk on the south margin of Deaderick Street, approximately 16 feet west of Fourth Avenue North, requested by Thomas Rosselot for Doubletree Hotel, proprietor.

Resolution No. 98-266

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-047U.

Proposal No. 98M-048U
Property Conveyance near Brunswick Drive
Map 60-16, Parcel 120
Subarea 5 (1994)
District 5 (Harrison)

A mandatory referral from the Department of Public Property Administration authorizing the conveyance of Parcel 120 on Map 60-16 to adjoining property owners.

Resolution No. 98-267

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-048U."

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 97Z-110U
Council Bill No. O97-1094
Map 95-4, Parcels 32 (1.08 acres), 33 (.61 acres)
34 (1.01 acres), 35 (.51 acres) and 36 (.55 acres)
Subarea 14 (1996)
District 15 (Dale)

A council bill to change from R20 to ON District properties located at 208, 212, 222, 224 and 226 McGavock Pike, on the west margin of McGavock Pike, approximately 200 feet south of Lebanon Pike (3.76 acres), requested by Alex Smith, appellant, for Roy Flowers, HJL L.P., Ladonna and Rayburn Yarborough, Alexander D. Smith, and Will A. Strasser et ux, owners.

Ms. Regen stated this involved property the Commission had looked at before. Staff is recommending disapproval of this application. It is currently a Council Bill which been amended from CS to ON and referred back to the Commission. Previously the Commission had looked at these properties for commercial services in December of last year and had recommended disapproval as contrary to the General Plan because the rezoning would place CS zoning off of the main commercial corridor which is oriented towards Lebanon Pike. Staff does not feel commercial or office uses were intended by the Subarea 14 Plan to extend down McGavock Pike. One of the issues is that there is a residential policy that has been applied

in one area and a commercial policy that has been applied along Lebanon Pike. If the commission applied an office or commercial zoning to one side of McGavock, there is a likelihood of the other side placing pressure for office and commercial zoning and that was never intended by the subarea plan. There are a number of properties in the area that have already been rezoned for office or have been contemplated for office and commercial zoning, and those properties have not been developed. Before more commercial properties are added to this general commercial area those properties should be used.

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

Resolution No. 98-268

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-110U is **DISAPPROVED** as contrary to the General Plan (6-0):

The Subarea 14 Plan recognizes Crossfield Drive as the boundary between Commercial Arterial Existing (CAE) policy around the McGavock/Lebanon Pike intersection and the Residential Low Medium (RLM) in which these properties are located. Rezoning these properties to ON would allow office development to encroach too far into this established residential neighborhood and would set the stage for additional rezonings along the east margin of McGavock Pike. The Subarea 14 Plan provides sufficient growth opportunities for office activities to the north of Lebanon Pike, between Fairway Drive and McGavock Pike and along Park Drive."

Zone Change Proposal No. 98Z-065G
Council Bill No. O98-1158
Map 22, Parcel 95
Subarea 1 (1997)
District 1 (Patton)

A council bill requesting to change from OR20, RS40, CN and AR2a to CL (5.26 acres) and RS10 (2.36 acres) Districts property located at 7140 Whites Creek Pike, north of Old Clarksville Pike (7.62 acres), requested by Joelton First Baptist Church, appellant/owner.

Ms. Regen stated staff was recommending approval. The church is wanting to rezone this property in order to build a new sanctuary and they need to rezone the property to meet the floor area ratio and the impervious surface ratio.

Mr. Browning stated he would like to write the motion that this Commission would be supportive of either the RS10 on the back or the existing AR2a.

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

Resolution No. 98-269

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-065G is **APPROVED** (6-0):

The property falls within two Subarea 1 policies: Retail Concentration Community (RCC) and Natural Conservation (NC). The CL zoning is consistent as to its location and depth with the RCC policy which calls for community scale retail along Whites Creek Pike and its intersection with Union Hill Road. The RS10 district as well as the existing AR2a district implement NC policy to the east, which calls for the protection of the steep hillsides and floodplains in the area by restricting densities to a maximum of 4 dwelling units per acre."

Zone Change Proposal No. 98Z-066G

Council Bill No. 098-1172
Map 43-14, Part of Parcel 52
Subarea 4 (1993)
District 9 (Dillard)

A council bill requesting to change from RS5 to RM20 District a portion of property located on Old Hickory Boulevard (unnumbered) and abutting the northeast corner of Lena Belle Drive and East Maple Street (2.35 acres), requested by Jeff Barnes et ux, appellants, for Mary Catherine Diskin, owner.

Ms. Regen stated this was a council bill going to public hearing on May 7, 1998. Staff is recommending disapproval of the request because the density is too high for the area. The surrounding properties are all apartments and townhomes that have developed at about 14 units per acre. It would be more appropriate to rezone this property to RM15 which would be more consistent with the surrounding development pattern.

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

Resolution No. 98-270

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-066G is **DISAPPROVED (6-0)**:

The property falls within the Subarea 4 Plan's Residential Medium High (RMH) policy calling for 9 to 20 dwelling units per acre. While the RM20 is within the density range of RMH policy, it is not consistent with the predominate multi-family densities in the area which average 14 units per acre. RM15 zoning is more consistent with the area's multi-family development pattern and would be appropriate for this property and for the remaining vacant land in this RMH policy."

Zone Change Proposal No. 98Z-067U

Council Bill No. 098-1174
Map 116-3, Parcel 5
Subarea 7 (1994)
District 34 (Fentress)

A council bill requesting to change from CS to MUL District property located at 4500 Harding Pike, at the northwest corner of White Bridge Road and Harding Pike (10.57 acres), requested by Leon May, appellant, for BMP, L.L.C., owner.

Ms. Regen stated this proposal was to rezone the shopping center from Commercial Services to Mixed Use Limited. The MUL provides for a higher floor area ratio and provides for residential uses. This is a council bill and is going to the public hearing Thursday, May 7th. Staff is recommending approval of this request. The MUL zoning implements the Subarea 7 Plan, which is for mixed uses in this area. This area is developed with office uses at the various intersections and there are also some multi-family developments. That has all happened on a parcel by parcel basis. The intent with the mixed use policy was to integrate all those uses on one site, and the MUL zoning really provides that opportunity.

Ms. Ann Kelly spoke in opposition to this proposal and expressed concerns regarding traffic and asked the Commission not to approve the zone change.

Chairman Smith asked where Metro stood with the traffic study that was done approximately a year ago.

Mr. Owens stated the study was in limbo because the state had taken no action to address the problem.

Ms. Warren stated she was concerned with increasing the floor area ratio. Looking at and knowing that property and anything that would be added like a residential unit would require taking parking or redoing some of the amenities or taking some of the amenities away in that area and that would be making a bigger bottle neck.

Ms. Regen stated that one of the advantages of having a mixed use policy is that the concept reduces trips because people can live, work and shop on one site. Another advantage of intensifying the development in that area is that it lends itself to better traffic improvements and mass transit. You need to have a certain density before those options are viable, and one option with the mixed use policy in that area is that that would make mass transit more readily an option.

Mr. Owens stated the long term mass transit corridors in this community are probably going to be along the major rail lines. If this city is ever going to get serious about mass transit and light rail this is one corridor, either through bus service along Harding Road corridor or ultimately light rail. You have to create mass before that can economically happen. There are 4 mixed use districts in the new zoning code and they range in intensity; of the 4 this is the second least intensive. This is not an excessive floor area ratio they are asking for. In fact, the MUL floor area ratio of 1.0 is the same as it was before January 1 under the old CS zoning.

Councilmember Charles Fentress was present and stated he wanted to find out what the MUL permitted at the Belle Meade Shopping Plaza.

Mr. Owens stated it is a district that is intended to allow shopping opportunities, those that are already there, office activities and most importantly residential, multi-family.

Councilmember Fentress asked what the developer was proposing putting there.

Mr. Owens stated staff presumed they wanted to put some multi-family on the site. That would be the only practical benefit to them to go to this district because the CS already permits the restaurants, the retail and the offices.

Mr. Manier asked if they could build office on top of the existing structure.

Mr. Owens stated that is a possibility under the current as well as the proposed zoning.

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

Resolution No. 98-271

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-067U is **APPROVED (6-0)**:

The MUL district is consistent with the Subarea 10 Plan's Mixed Use (MU) policy around the Harding Pike/White Bridge Road intersection, calling for a mixture of retail, residential, and office uses. While MUL zoning will not alleviate the existing traffic congestion at this intersection, it has the potential to lessen the additional traffic impacts from future development by promoting more pedestrian traffic through an integration of residential, retail, and office uses on one site."

Zone Change Proposal No. 98Z-073G
Council Bill No. 098-1162
Map 142, Parcel 23
Subarea 6 (1996)
District 23 (Crafton)

A council bill requesting to change from R40 to RM20 District property located at 6962 Highway 70 South, 1,800 feet east of Old Hickory Boulevard (5.77 acres), requested by James L. Putnam, appellant/owner.

Ms. Regen stated staff was recommending disapproval of this proposal because staff feels the RM20 zoning that is being proposed is too intense for the Natural Conservation policy this property falls within. Almost 70% of this property is encumbered by slopes of 30% or more. This proposed density is not consistent with the idea of trying to protect the steeper slopes. Ms. Regen stated the lower density zonings generally applied in this area allowed larger properties with steep slopes, like this one, to cluster units on the usable portions of the property.

She pointed out that an adjacent property which did have RM20 zoning received that zoning over the Planning Commission's negative recommendation, and based upon testimony that property is predominantly flat and could accommodate a higher density. While the Planning Commission disagreed with that logic on the adjacent property, it certainly rejects that allegation on the property in question because of the presence of steep slopes on the majority of the site under consideration.

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

Resolution No. 98-272

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-073G is **DISAPPROVED** as contrary to the **General Plan (6-0)**:

This property falls within the Subarea 6 Plan's Natural Conservation (NC) policy, calling for hillside protection in this area by restricting multi-family development to an overall density of between 4 and 6 units per acre. With the RM20 district's permitted density of 20 dwelling units per acre, it would significantly exceed the densities envisioned by the NC policy. The RM6 district, permitting up to 6 units per acre, would be more consistent with NC policy and the zoning pattern in the surrounding area."

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 97S-454U (Public Hearing)
Wellington Square, Resubdivision of Lot 2
Map 85-11, Parcel 108
Subarea 14 (1996)
District 14 (Stanley)

A request for preliminary approval to subdivide one lot into eight lots abutting the northwest margin of Lebanon Pike, approximately 1,300 feet southwest of Danyacrest Drive (2.55 acres), classified within the RS10 District, requested by James D. and Polly A. Carter, owners/developers, SEC, Inc., surveyor.

Ms. Carrington stated staff was recommending approval. This is a preliminary plat request for 8. It was originally filed in November of 1997 and was indefinitely deferred so the applicant could work with the Tennessee Department of Transportation to modify the median cut, and that has now been approved. There were drainage concerns and an off site pond has been created. Public Works has assured staff they will review the design at the final plat stage and they believe the drainage can be worked out so it will not have a negative impact on any adjacent properties. Staff has also received word from Water Services that the expired sewer availability letter has now been reinstated. Staff has received a letter from an owner on Genree and they have indicated an objection to extending Myrick Drive to Lebanon Pike.

Councilmember Stanley stated he had had a number of calls from area residents that had received fliers over the past couple of week stating that there could be extension of any number of roads from Stanford Estates through the Lebanon Road properties to intersect with Lebanon Pike. He told the residents that had called that is not going to happen. The streets in Stanford Estates would not offer any additional access onto Lebanon Pike and also there are over 600 automobiles forced onto those streets by a private educational facility at the back part of the subdivision. The traffic situation is too intense to allow for any extension of any of those streets.

The key issue is the parcel along Lebanon Pike. It is one of 15 parcels that front Lebanon Pike and is also one of the lowest lying, if not the lowest lying, parcel in this area. Lebanon Pike is at least 70 to 80 feet higher than the back part of this property, which will be developed. As mentioned earlier there is a water detention pond on the back of the property that is no longer in use. The key issue is drainage and a lot of these drainage problems have evolved because there was not consideration given to drainage regarding what type of drainage new developments would place on existing developments. He said he did not want Metro to endorse the development of a new subdivision that is just going to increase drainage difficulties.

Mr. Mike Hughes, the site engineering consultant, spoke in favor of the project and stated he had worked diligently with Metro Public Works and planning staff to make sure the subdivision would be an asset to the community and would not adversely affect surrounding neighbors and asked for approval from the Commission.

Ms. Kate Smith, area resident, spoke in opposition to the proposal and expressed concerns regarding drainage and traffic.

Chairman Smith stated that this proposal does fit with the General Plan in terms of the size of the lots and this Commission relies on Public Works to come back after their engineer has said how much they are going to add to the problem. This Commission cannot expect this developer to remedy all the problems that exist but asked that they not contribute to those problems. He asked staff to notify the area residents present at the meeting when this proposal came back for final approval.

Mr. Lawson stated Metro had some sufficient safeguards before the final is granted.

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

Resolution No. 98-273

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-454U, is **APPROVED (6-0)**.

With this approval, the Commission instructed its staff to re-notify adjacent property owners of any application for final plat approval.”

Subdivision No. 98S-046G (Public Hearing)
Sequoia Village Subdivision
Map 43-1, Parcels 85, 87, 96, 107, 108, 109 and
Part of Parcel 143
Subarea 4 (1993)
District 9 (Dillard)

A request for preliminary approval for 58 lots abutting the northeast corner of Shannon Avenue and Pierce Road (14.55 acres), classified within the RS7.5 District, requested by Charles Rhoten, owner/developer, Burns Consulting, surveyor. (Deferred from meetings of 4/2/98 and 4/16/98).

Ms. Carrington stated staff was recommending approval. Shannon Avenue is partially constructed at the western end and eastern end. This application will extend Shannon all the way to connect those two pieces. This application was on the two previous agendas and was deferred at the request of the applicant in order to work out some design issues with staff. Those issues have been worked out. Staff has received a third letter from Councilmember Dillard requesting deferral so that he will have time to meet with the applicant.

Mr. Charlie Rhoten spoke in favor of the proposal and stated he had met with Councilmember Dillard and was not aware of any problems. He stated he was going to extend a sidewalk all the way from Sarver Avenue so the kids can walk to school without walking in the street.

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

Resolution No. 98-274

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-046G, is **APPROVED (6-0).”**

Subdivision No. 98S-127G (Public Hearing)
Maxwell Road Estates
Map 176, Parcel 27
Subarea 13 (1996)
District 29 (Holloway)

A request for preliminary approval for 51 lots abutting the south margin of Maxwell Road, approximately 1,150 feet east of LaVergne-Couchville Pike (15.3 acres), classified within the RS10 District, requested by Butler Developers, LLC, optionee, MEC, Inc., surveyor. (Deferred from meeting of 4/16/98).

Ms. Carrington stated staff was recommending approval. This proposal was also deferred from a previous meeting so street design and drainage issues could be resolved with Public Works.

Mr. Paul Weatherford, representing Butler Development, spoke in favor of the project.

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

Resolution No. 98-275

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-127G, is **APPROVED (6-0).”**

Subdivision No. 98S-134G (Public Hearing)
Cleveland Hall
Map 64, Parcels 106, 107 and 108
Subarea 14 (1996)
District 11 (Wooden)

A request for preliminary approval for 173 lots abutting the west margin of Old Hickory Boulevard, between Hadleys Bend Boulevard and Nashville and Eastern Railroad (99.12 acres), classified within the RS15 District, requested by Cleveland Hall, LLC, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Ms. Carrington stated this applicant will be requesting an indefinite deferral after the public hearing in order to give him more time to update the 10 year old traffic study in this case.

Chairman Smith asked if anyone was present to speak at the public hearing.

No one was present to speak at the public hearing.

Mr. Lawson moved and Ms. Warren seconded the motion, which carried unanimously, to leave the public hearing open and defer this matter indefinitely.

Subdivision No. 98S-151G (Public Hearing)

Holt Valley

Map 172, Parcels 129, 136 and 157

Map 180, Parcels 14, 26, 28, 45, 100 and 127

Subarea 12 (1997)

District 31 (Alexander)

A request for preliminary plat approval for 164 lots abutting the north margin of Holt Road and the southwest margin of Nolensville Pike (64.1 acres), classified within the RS10 District, requested by Radnor Development Corporation, owner/developer, Anderson-Delk and Associates, surveyor.

Ms. Carrington stated staff was recommending conditional approval subject to the addition of a note on the plat that the open space will meet the Zoning Ordinance for each phase of the development. In this case it is a request for a cluster lot subdivision and they have provided notations that they will meet the minimum lot size requirements both for the lots as a whole and are also meeting the perimeter lot requirement. They have also indicated that the difference between the regular 10,000 square foot lot and the size of the lots proposed will be provided in open space. In this case there are two existing houses on the property. They are proposing that those be located on lots that exceed the 3 times the minimum lot size, which will require approval of a variance by the Commission to the Subdivision Regulations. In this case staff supports the variance and 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. 98-276

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-151G, is **APPROVED WITH A CONDITION AND A VARIANCE TO SECTION 2-4.2D. OF THE SUBDIVISION REGULATIONS AND THE FOLLOWING CONDITION (6-0):**

A note shall be added to the plat indicating that each phase or section of the development will provide adequate open space in accordance with Section 3.8D of the Zoning Ordinance.”

Councilmember Garrett arrived at this point in the agenda.

Final Plats:

Subdivision No. 98S-133U

Rohney and Linda Boyd

Map 61-15, Parcels 231 and 232

Subarea 5 (1994)

District 8 (Hart)

A request to consolidate one lot and a portion of two other lots into one lot abutting the southeast margin of Gallatin Pike, Approximately 145 feet southwest of Norvel Avenue (.48 acres), classified within the CL District, requested by Rohney and Linda Boyd, owners/developers, Daniels and Associates, Inc., surveyor.

Ms. Carrington stated that in this case staff was recommending disapproval. This is a request to consolidate one lot on Gallatin Pike with pieces of two lots, one to the north and one to the south. Staff's research shows that the properties within this block originally were platted as seven lots. Since it was platted, parcels have been created from pieces of those lots, and these parcels have been sold to different owners.

Ms. Carrington stated the request asks the Commission to establish by plat the parcel which exists today and is made up of one original lot and pieces of two other lots. The difficulty is that process would not account for the pieces of the original lots which would be left over from this replatting process. Staff stated the solution would be to ensure the remaining pieces were properly replatted with legitimate lots.

Chairman Smith asked if staff had asked them to do that.

Ms. Carrington stated yes.

Mr. Greg Daniels, surveyor representing the owners, stated this property was presently being used as a car dealership. There are no codes violations or any other problems that he is aware of. The owner would like to build an accessory structure onto what is now parcel 232. That is the whole reason for bringing this about. They can get a building permit for that parcel by itself as it stands but the Codes Department suggested that it would be better to combine two parcels into one instead of having a new entrance off of Gallatin Road.

Chairman Smith stated he didn't think the Commission had any real problem with the owner's intent. The problem is with what Metro Legal has to say about property lines and replatting. It is a technical issue.

Mr. Manier asked if the Commission had the right to require the replatting of all seven when this action affects only three. Why should he have to clean up the problem from 40 or 50 years ago. He should only have to correct the three effected lots.

Mr. Owens stated the effect of the Commission's approval would be to invalidate the previous platted approval of both lots on either side. So by the Commission's action they would be knowingly voiding or invalidating two previously platted lots and the Legal Department is advising the Commission should not knowingly place 2 adjacent lots under a cloud.

Mr. Daniels stated the plat says that it only voids, vacates and supercedes that portion of lot 3 and lot 5 that is affected. It doesn't void the whole lot.

Mr. Browning stated the Legal Department advises that while you may put that note on the plat that is your intent, it does void the remaining portion of those lots. You cannot have a portion of a lot that remains outside of this replatting process. If the Commission is of a mind to disapprove this, staff would like to take a look at the point Mr. Manier raised as to whether it should involve 3 or 7lots.

Ms. Nielson asked if the Commission could defer this until the next meeting.

Mr. Trent Dorris stated the reason they were trying to combine the two lots is because of the buffer zone. It is a car lot and across Gallatin Road the frontage is needed to sell the cars, and if it is kept in two separate lots there will have to landscaping all the way across in front of the car lot where you can't see the cars.

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

REDEVELOPMENT PLANS:

Proposal No. 98M-045U

Arts Center Redevelopment Plan
Maps 93-9, 10, and 14, Various Parcels
Subarea 9 (1997)
District 19 (Sloss)

A request to adopt the Arts Center Redevelopment Plan for the area bounded by Broadway, Ninth Avenue South, Demonbreun Street, Seventh Avenue South, Lea Avenue, Eighth Avenue South, and the CSX railroad for the purposes of improving blighted conditions and instituting land use controls.

Proposal No. 98M-046U

Map 93-6-1, Parcels 61 and 67
Map 93-6-3, Parcel 6
Subarea 9 (1997)
District 19 (Sloss)

A request to approve Amendment No. 5 to the Capitol Mall Redevelopment Plan for the purposes of changing the land use designation for the block containing the vacant Church Street Centre mall and permitting the acquisition of the two additional parcels within this block to accommodate construction of the new downtown library.

Ms. Lehmbeck stated these redevelopment plans were by the request of the Metropolitan Development and Housing Agency. The first request is to approve the establishment of the Art Center Redevelopment Plan and the second request is to amend the Capital Mall Redevelopment Plan. She stated staff is recommending approval of both of these based on their consistency with the Subarea 9 Plan 1997 Update.

These redevelopment plans are adjacent to one another. The proposed Art Center Redevelopment Plan would apply to a 38 acre area and it is bounded by Broadway, 9th Avenue South, Demonbreun, 7th Avenue South, Lea Avenue to 8th and back up the railroad gulch to Broadway. The intent of this redevelopment plan is to facilitate the conversion of the post office to a visual arts center and to provide for development that is compatible with and supportive of the arts center and that would eliminate some of the blighted conditions in the area. The proposed redevelopment area is divided into 2 general land use districts. Mixed use arts with the post office and then mixed use south of Demonbreun Street. The mixed use arts district permits a mixture of residential, commercial and civic uses and the mixed use district permits a few additional non residential uses and some conditional uses. Both of the land use districts are compatible with the Subarea 9 Master Plan policies that are replicable to the redevelopment area. The subarea plan also, quite specifically, supports the development of the Visual Arts Center in the post office building. The redevelopment plan designates all properties in the area for potential acquisition and funding for plan implementation will come from tax increment financing, private funds and state and local sources.

The Capital Mall Redevelopment Plan covers much of the downtown area. The proposed amendment effects only tracts 63A which contains the former Church Street Center Mall, Morton's Steak House and the Watkins Building. The purpose of this amendment is to facilitate the development of the proposed downtown library. This amendment would authorize MDHA to acquire all of tract 63A. They are currently authorized to acquire a portion of this tract. The regulations and controls for that tract would be changed to accommodate the library. This amendment is consistent with the Subarea 9 Master Plan 1997 Update, which is supportive of the development of a public library on this site, although it is not the only site the plan considers appropriate.

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

Resolution No.98-277

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 98M-046U and that Proposal No. 98M-045U is given **CONDITIONAL APPROVAL**. The following condition applies:

All actions taken under the Arts Center Redevelopment Plan shall be consistent with the previously approved concept for the Franklin Street Corridor.

MANDATORY REFERRALS:

Proposal No. 98M-042U
Blue Hills Court
Map 84-15
Map 95-3
Subarea 14 (1996)
District 15 (Dale)

A proposal to close a segment of Blue Hills Court between Revere Place and its southern terminus, requested by Scott A. Craig and Carolyn Urquhart, adjacent property owners. (Easements are to be retained).

Ms. Regen stated the request by the petitioners was to close an unbuilt portion of Blue Hills Court. Staff is recommending disapproval to close this and retain the easements because parcel 125 and adjacent parcel 172 have not signed on in agreement for the closure of the unbuilt segment, and Council Rules require that all abutting property owners sign the petition.

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

Resolution No. 98-278

"BE IT RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES (7-0)** Proposal No. 98M-042U:

The Commission disapproved this proposed closure since all of the abutting property owners signatures were not obtained on the petition. The Metro Council requires all signatures be provided on the application."

ADDENDUM:

Approve the GIS mapping data license agreement form and authorize the Executive Director to execute these license agreements authorized by Metropolitan Ordinance O97-797 on behalf of the Commission.

Mr. Browning explained this would enable Metro to sell its mapping to vendors and allow the Executive Director, on the Commission's behalf, to approve the contracts as needed.

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

Resolution No.98-279

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the GIS mapping data license agreement form and authorize the Executive Director to execute these license agreements authorized by Metropolitan Ordinance O97-797 on behalf of the Commission.

OTHER BUSINESS:

- 1 MPO Contract with Gresham, Smith, and Partners for a Local and Regional Trip Reduction Ordinances (TRO) Study for the City of Franklin.

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

Resolution No. 98-280

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the MPO Contract with Gresham, Smith and Partner for a Local and Regional Trip Reduction Ordinance (TRO) Study for the City of Franklin.

2. Donelson Pike and I-40 traffic and land use analysis.

This item was deferred for two weeks.

3. Summer Intern Contract for Michael J. Skipper.

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

Resolution No. 98-281

“BE IT RESOLVED by the Metropolitan Planning Commission, that it approves the Summer Intern Contract for Michael J. Skipper for the term of May 1, 1998 through August 31, 1998.

4. Consider setting a public hearing for May 28, 1998 for amending the Subarea 14 Plan to extend commercial or industrial policy eastward along Lebanon Road to Mill Creek.

Mr. Browning announced staff had received a request from Councilmember Roy Dale to look at the area along Lebanon Road to Mill Creek for consideration of amending the Subarea 14 Plan to extend commercial or industrial policy. He asked the Commission to set the public hearing date for May 28, 1998.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to set the Subarea 14 Plan amendment public hearing date for May 28, 1998.

5. Legislative Update.

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

PLATS PROCESSED ADMINISTRATIVELY:

April 16, 1998 through April 29, 1998

- 98S-022U Townhomes of FREDERICKSBURG, Phase 1, Section 4, 1st Revision**
Revises phase number
- 98S-121G The GATEWAY of HERMITAGE, Lots 2 and 3**
Interior lot line reconfigured
- 98S-135U TAIGAN'S COURT, Resubdivision of Lot 15**
One lot into two lots
- 98S-139U BEACON ROW CONDOMINIUMS**
Condominium plat
- 98S-159U MULHOLLAND (PUD Boundary Plat)**
PUD Boundary Plat

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 2:45 p.m.

Chairman

Secretary

Minute Approval:
This 14th day of May, 1998