

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: July 23, 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
Marilyn Warren

Absent:

Mayor Philip Bredesen
William Harbison
Douglas Small
Stephen Smith

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
Doug Delaney, Planner II
John Reid, Planner II
Jeff Stuncard, Planner I
James Russ, Planning Technician I

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Cynthia Lehmbeck, Planner III
Debbie Frank, Planner I

Advance Planning & Design:

John Boyle, Planning Division Manager
Michael Calleja, Planner III

Others Present:

Jim Armstrong, Public Works
Leslie Shechter, Legal Department

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

- 97Z-122G Deferred two weeks, by applicant.
- 98Z-125U Deferred two weeks, by applicant.
- 62-85-P Deferred two weeks, by applicant.
- 80-87-P Deferred two weeks, by applicant.
- 97P-030G Deferred indefinitely, by applicant.
- 98S-024U Deferred indefinitely, by applicant.
- 98S-111G Deferred two weeks, by applicant.
- 89S-123G Deferred two weeks, by applicant.
- 98S-214U Deferred two weeks, by applicant.
- 98S-228G Deferred two weeks, by applicant.
- 28-87-P Deferred two weeks, by applicant.

Mr. Owens advised the Commission that a request had been made from Mr. George Barrett asking the Commission to defer Mandatory Referral Proposal No. 98M-071G, but the Commission is obligated to act on this proposal within thirty days; otherwise it is deemed approved. The thirty days will expire before the next Commission meeting. This request is not by the applicant and staff would like to present the case to the Commission.

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to defer the items listed above, but not including 98M-071G.

APPROVAL OF MINUTES

Ms. Nielson moved and Mr. Lawson seconded the motion, which unanimously passed to approve the minutes of the regular meeting of July 9, 1998 .

RECOGNITION OF COUNCILMEMBERS

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

ADOPTION OF CONSENT AGENDA

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

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-121U

Map 96-9, Parcel 95
Subarea 14 (1996)
District 15 (Dale)

A request to change from R10 to CL District property located at 414 Donelson Pike, on the southwest corner of Donelson Pike and Lakeland Drive (.94 acres), requested by George Dean, appellant, for Mallie Miller, owner.

Resolution No. 98-524

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-121U is **APPROVED (6-0)**:

This property falls within the Subarea 14 Plan's Commercial Mixed Concentration (CMC) policy calling for a mixture of residential uses between 4 and 20 units per acre and small-scale service uses between Elm Hill Pike and Lebanon Pike. The CL district is consistent with this policy."

Zone Change Proposal No. 98Z-123G

Map 173, Parcels 79 (20.89 acres), 81 (28.24 acres),
and 185 (2.02 acres),
Subarea 12 (1997)
District 31 (Alexander)

A request to change from AR2a to RS10 District properties located at 945 Barnes Road and Barnes Road (unnumbered), requested by Gresham, Smith and Partners, appellant, for John Wesley Owens et al and Raymond A. Claxton et ux, owners.

Resolution No. 98-525

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-123G is **APPROVED (6-0)**:

This property falls within the Subarea 12 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre in this developing area of the county. The RS10 district is consistent with this policy and the emerging development pattern in the area."

Zone Change Proposal No. 98Z-124G

Map 175, Parcel 75
Subarea 13 (1996)
District 29 (Holloway)

A request to change from AR2a to RM20 (8.81 acres) and from AR2a to R8 (14.65 acres) Districts property located at 4130 Murfreesboro Pike, approximately 300 feet north of and opposite Hurricane Creek Road (23.46 acres), requested by Site Engineering Consultants, Inc., appellant, for E. Cordell Lawrence et ux, owners.

Resolution No. 98-526

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-124G is **APPROVED (6-0)**:

This property falls within the Subarea 13 Plan's Residential Medium High (RMH) policy along Murfreesboro Pike calling for 9 to 20 units per acre to the TVA line. The R8 and RM20 districts are consistent with this policy."

Zone Change Proposal No. 98Z-127G

Map 172, Parcels 46 (1.84 acres), 47 (1.3 acres),
54 (1.47 acres), 55 (1.47 acres), 56 (1.47 acres),
57 (1.47 acres) and 58 (5 acres)
Subarea 12 (1997)
District 31 (Alexander)

A request to change from AR2a to RS15 District properties located at 5927 Mt. Pisgah Road and Mt. Pisgah Road (unnumbered), approximately 400 feet east of Edmonson Pike (14.52 acres), requested by Batson and Associates, appellant, for Steve E. Dodson, Edward C. Schoenberger, III, John H. Taylor et ux, and Nuel Jordan et al, owners.

Resolution No. 98-527

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-127G is **APPROVED (6-0)**:

These properties fall within the Subarea 12 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre. The RS15 district is consistent with this policy and the zoning pattern emerging in this area within the Mt. Pisgah loop."

Zone Change Proposal No. 98Z-128U

Map 162, Parcel 178
Subarea 12 (1997)
District 31 (Alexander)

A request to change from AR2a to CL District property located on Old Hickory Boulevard (unnumbered), approximately 200 feet east of Cedarwood Drive (.29 acres), requested by Dale and Associates, appellant, for KS Realty LLC, owners.

Resolution No. 98-528

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-128U is **APPROVED (6-0)**:

This property falls within the Subarea 12 Plan's unmapped commercial policy around the Old Hickory Boulevard/Bell Road intersection calling for a maximum of 100,000 square feet of commercial development. While this existing node already exceeds the maximum amount of square feet called for by the policy, since this property lies within the nodes core, it is appropriate to rezone it to the CL District."

Zone Change Proposal No. 98Z-130G

Map 173, Parcels 54 (5.87 acres), 60 (47.74 acres),
61 (6.97 acres) and 74 (59.82 acres)
Subarea 12 (1997)
District 31 (Alexander)

A request to change from AR2a to RS10 District properties located at Barnes Road (unnumbered) and 6360 Harber Road, approximately 2,800 feet east of Nolensville Pike (120.4 acres), requested by Littlejohn Engineering Associates, Inc., appellant, for Ray Randolph, trustee, and Ruth Randolph, owner.

Resolution No. 98-529

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-130G is **APPROVED (6-0)**:

This property falls within the Subarea 12 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre in this developing area of the county. The RS10 district is consistent with this policy and the emerging development pattern in the area."

Zone Change Proposal No. 98Z-131G
Map 173, Parcel 83
Subarea 12 (1997)
District 31 (Alexander)

A request to change from AR2a to RS10 District property located at 14345 Old Hickory Boulevard, approximately 600 feet south of Barnes Road (58.47 acres), requested by Littlejohn Engineering Associates, Inc., appellant, for E.M. Baker, owner.

Resolution No. 98-530

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-131G is **APPROVED (6-0)**:

This property falls within the Subarea 12 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre in this developing area of the county. The RS10 district is consistent with this policy and the emerging development pattern in the area."

Zone Change Proposal No. 98Z-132G
Map 173, Parcel 101
Subarea 12 (1997)
District 31 (Alexander)

A request to change from AR2a to RS10 District property located at 1000 Barnes Road, approximately 2,900 feet east of Nolensville Pike (10.37 acres), requested by Littlejohn Engineering Associates, appellant, for Church of God of Prophecy, trustees.

Resolution No. 98-531

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-132G is **APPROVED (6-0)**:

This property falls within the Subarea 12 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre in this developing area of the county. The RS10 district is consistent with this policy and the emerging development pattern in the area."

Zone Change Proposal No. 98Z-134G
Map 164, Parcels 40 (80.73 acres) and 174 (128.01 acres)
Map 175, Parcel 21 (30.23 acres)
Subarea 13 (1996)
District 29 (Holloway)

A request to change from CS, R15, RS15, and AR2a Districts to CA (111 acres) and RS7.5 (128 acres) Districts properties located on Rt. 2 Murfreesboro Pike and 12786 Old Hickory Boulevard, approximately 2,400 feet south of Pin Hook Road (239 acres), requested by Barge, Waggoner, Sumner, and Cannon, appellant, for Belz-McDowell properties, owners.

Resolution No. 98-532

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-134G is **APPROVED (6-0)**:

These properties fall at the boundary between the Subarea 13 Plan's Commercial Mixed Concentration (CMC) policy (calling for office, commercial, and higher density residential uses) around the Old Hickory Boulevard/Murfreesboro Pike node and Residential Medium (RM) (4 to 9 units per acre) and Residential Medium High (RMH) (9 to 20 units per acre) policy to the southwest.

The CA district is consistent with CMC policy within this emerging entertainment node which will be traversed by the Southeast Arterial in the future. The RS7.5 district is consistent with the predominant single-family development/zoning pattern emerging to the north."

Zone Change Proposal No. 98Z-135G
Map 182, Part of Parcels 130 and 158, and
Parcels 100-108, 123 and 144-165
Map 183, Part of Parcel 173 and Parcels 1-99,
109-122, 124-143, 166 and 167
Subarea 12 (1997)
District 31 (Alexander)

A request to change from CS and RM15 to R10 District properties located on the north margin of October Woods Drive, approximately 300 feet west of Old Hickory Boulevard (182.2 acres), requested by Anderson-Delk and Associates, appellant, for Paul Johnson, owner.

Resolution No. 98-533

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-135G is **APPROVED (6-0)**:

These properties never developed with multi-family uses as anticipated by the Subarea 12 Plan. The R10 district is more consistent with the predominant single-family development pattern encompassed within the Residential Planned Unit Development and the zoning pattern to the west."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 62-72-G
Hobson Center
Map 164, Parcel 173 and Part of
Parcels 40, 174, 201 and 253
Subarea 12 (1997)
District 29 (Holloway)

A request to cancel the Commercial (General) Planned Unit Development District abutting all four quadrants of Murfreesboro Pike and Hobson Pike (96.9 acres), classified AR2a and CS and proposed for CA, originally approved to permit the development of 951,700 square feet of office, retail, restaurant and

medical uses, requested by Barge, Waggoner, Sumner and Cannon, for Belz Enterprises and GBF Development, LLC, owners. (See also Zone Change Proposal No. 98Z-134U, page 6).

Resolution No. 98-534

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 62-72-G is given **APPROVAL OF CANCELLATION REQUIRING COUNCIL CONCURRENCE (6-0)**”

Proposal No. 209-72-G
Cedar Square Shopping Center
Map 162, Parcel 186
Subarea 12 (1997)
District 31 (Alexander)

A request to cancel a Commercial (General) Planned Unit Development District abutting the south margin of Old Hickory Boulevard and the east margin of Cedarmont Drive (1.75 acres), classified CL, requested by Dale and Associates, for Haywood Ltd, owner.

Resolution No. 98-535

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 209-72-G is given **APPROVAL OF CANCELLATION REQUIRING COUNCIL CONCURRENCE (6-0)**”

Proposal No. 177-74-U
Century City West
Map 107, Parcel 158
Subarea 14 (1996)
District 15 (Dale)

A request for final approval for a portion of the Commercial (General) Planned Unit Development District abutting the west margin of Century Boulevard and the east margin of Ermac Drive (9.56 acres), classified R8 and ORI, to permit the development of a 156,774 square foot office building, requested by Ragan-Smith Associates, Inc., for Duke Construction, L.P., owner.

Resolution No. 98-536

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 177-74-U is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (6-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The posting of a bond in the amount of \$20,000 dollars for off site road improvements to Century Boulevard as required by the Metropolitan Department of Public Works.”

Proposal No. 125-78-U
Steak “N Shake at Target
Map 163, Part of Parcel 272
Subarea 12 (1997)
District 31 (Alexander)

A request to revise the preliminary site development plan and for final approval for a portion of the Commercial (General) Planned Unit Development District abutting the southern terminus of Target Drive, located at the southwest quadrant of I-24 and Bell Road (.847 acres), classified SCR, to permit the

development of a 3,880 square foot restaurant, requested by CEI Engineers, for Dayton Hudson Corporation, owner.

Resolution No. 98-537

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 125-78-U is given **CONDITIONAL APPROVAL OF A REVISION TO PRELIMINARY AND FINAL FOR A PHASE (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. 123-83-G
Starwood Properties Five (Hickory Woods)
Map 149, Parcel 48
Subarea 13 (1996)
District 28 (Hall)

A request to revise a portion of the approved preliminary site development plan of the Residential Planned Unit Development District abutting the eastern terminus of Pebble Creek Drive and the western terminus of Rice Road (57.19 acres), classified R10, to permit the development of 54 single-family lots, 62 townhomes and 276 apartment units, to replace the 392 apartment units on the approved plan, requested by Wamble and Associates, PLLC, for Schatten Properties, owner.

Resolution No. 98-538

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 123-83-G is given **CONDITIONAL APPROVAL OF A REVISION TO PRELIMINARY (6-0)**. The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat and the posting of bonds as may be required for any necessary public improvements with any final approval.”

Proposal No. 66-86-P
Airlane Office Complex
Map 95, Parcels 15, 16 and 17
Subarea 14 (1996)
District 15 (Dale)

A request to revise the approved final site development plan of the Commercial (General) Planned Unit Development District abutting the south margin of Elm Hill Pike and the east margin of Air Lane Drive (4.12 acres), classified ON, to permit the development of a 44,000 square foot office building, requested by The Mathews Company, for Airlane Complex Partners, owners.

Resolution No. 98-539

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 66-86-P 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. The recording of a final subdivision plat to combine the three parcels.”

Proposal No. 94P-017G
 October Woods
 Map 183, Part of Parcel 173
 Subarea 12 (1997)
 District 31 (Alexander)

A request to amend the approved preliminary master plan of the Residential Planned Unit Development District abutting the north margin of October Woods Drive, approximately 300 feet west of Old Hickory Boulevard, to add 0.4 acres and three single-family lots, classified CS and proposed for R10, requested by Anderson-Delk and Associates, Inc., for Paul E. Johnson, owner.

Resolution No. 98-540

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-017G is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE (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. Approval by the Metropolitan Council.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 98S-107U
 J. C. Smith Jr. Subdivision, Phase 2
 Map 49, Part of Parcel 137
 Subarea 3 (1998)
 District 1 (Patton)

A request for final plat approval to create eight lots abutting the east terminus of Buena Vista Court, approximately 176 feet east of Buena Vista Pike (3.54 acres), classified within the RS15 District, requested by Volunteer Investments, Inc., owner/developer, Land Surveying and Consulting, surveyor.

Resolution No. 98-541

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-107U, is **APPROVED SUBJECT TO A BOND OF \$78,000.00 (6-0)**.”

Subdivision No. 98S-238U
 Elm Hill Industrial Park, Resubdivision
 of Lots 6, 7 and 8
 Map 106-7, Parcels 44, 45 and 46
 Subarea 11 (1993)
 District 15 (Dale)

A request for final plat approval to consolidate three lots into one lot and abandon a 20 foot public drainage easement abutting the northeast corner of Poplar Lane and Poplar Street (2.55 acres), classified within the IR District, requested by R. D. R, L.P., owner/developer, Arrowhead Survey, surveyor.

Resolution No. 98-542

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-238U, is **APPROVED (6-0).”**

Subdivision No. 98S-240U
The Crossings at Hickory Hollow, Phase 3,
Resubdivision of Lot 3
Map 174, Parcel 199
Subarea 13 (1996)
District 29 (Holloway)

A request for final plat approval to subdivide one lot into three lots and open space abutting the northeast margin of Crossings Boulevard, between Old Franklin Road and Crossings Ridge Drive (21.23 acres), classified within the IWD District, requested by American General Realty Investment Corporation, owner/developer, Cherry Land Surveying, surveyor.

Resolution No. 98-543

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-240U, is **APPROVED (6-0).”**

Request for Bond Extension:

Subdivision No. 95S-307U
Anton Place
Regency Group LLC, principal
[Buildout is at 34%]

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

Resolution No. 98-544

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95S-307U, Bond No. 96BD-029, Anton Place, in the amount of \$36,750 to 8/1/99 subject to submittal of an amendment to the present Letter of Credit by **8/23/98** which extends its expiration date to 2/1/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.”**

Subdivision No. 96S-118G
Bridle Path, Section 5
David B. Taylor, principal
[Buildout is at 33%]

Located between Thoroughbred Drive and Palomino Court.

Resolution No. 98-545

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 96S-118G, Bond No. 95BD-076, Bridle Path, Section

5, in the amount of \$20,000 to 8/1/99 subject to submittal of an amendment to the present Letter of Credit by **8/23/98** which extends its expiration date to 2/1/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification..”**

Subdivision No. 96S-350G
Boone Trace, Phase 2
Fox Ridge Homes, Inc., principal
[Buildout is at 62%]

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

Resolution No. 98-546

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 96S-350G, Bond No. 96BD-058, Boone Trace, Phase 2, in the amount of \$190,000 to 12/15/98 subject to submittal of an amendment to the present Letter of Credit by **8/23/98** which extends its expiration date to 6/15/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.”**

Request for Bond Release:

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

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

Resolution No. 98-547

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 78-87-P, Bond No. 95BD-025, Fredericksburg, Phase 6-A in the amount of \$58,600.”

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

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

Resolution No. 98-548

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 78-87-P, Bond No. 95BD-026, Fredericksburg, Phase 6-B in the amount of \$47,800.”

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

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

Resolution No. 98-549

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 96S-099U, Bond No. 95BD-037, Marchetti Company Property in the amount of \$20,000.”

MANDATORY REFERRALS:

Proposal No. 98M-072U
Council Bill O98-1279
James Robertson Parkway Property Transfer
Map 82-15, Parcel 57
Subarea 9 (1997)
District 6 (Beehan)

A council bill authorizing the transfer of 0.33 acres of property at 300 James Robertson Parkway, zoned IR, from the Metropolitan Government of Nashville and Davidson County to the Metropolitan Development and Housing Agency.

Resolution No. 98-550

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-072U.

Proposal No. 98M-073U
Lewis Street/Browns Creek CSO Tunnel
Easement Acquisition
Map 105-4, Parcels 247, 248, 249, 253,
255, 259 and 389
Subarea 11 (1993)
District 19 (Sloss)

A mandatory referral from the Department of Water Services requesting approval for the acquisition of three easements to connect the new Lewis Street CSO Tunnel and the existing Browns Creek CSO Tunnel (Water Services project No. 90-SC-168D).

Resolution No. 98-551

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-073U.

Proposal No. 98M-074G
Council Bill O98-1282
Acceptance of Property located at
1112 Chadwell Drive
Map 51-2, Parcel 7
Subarea 2 (1995)
District 3 (Nollner)

A council bill authorizing the acceptance of 0.59 acres of property located at 1112 Chadwell Drive, zoned RS20, which is being donated to the Metropolitan Government of Nashville and Davidson County for the use and benefit of the Metro Board of Education.

Resolution No. 98-552

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-074G.

Proposal No. 98M-075U
CSX/Charlotte Avenue Easement Acquisition
Map 92-10, Parcel 383
Map 92-11, Parcel 104
Subarea 10 (1994)
District 21 (McCallister)

A mandatory referral from the Department of Water Services requesting approval for the acquisition of easements to relocate a proposed water main near the Charlotte Avenue Bridge and its approaches over the CSX Railroad (CIBP No. 96-SG-0005).

Resolution No. 98-553

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-075U.

Proposal No. 98M-076U
Council Bill O98-1281
Grant of Permanent Easement to TVA
Map 105-12, Parcel 50
Subarea 11 (1993)
District 19 (Sloss)

A council bill authorizing the granting of a permanent easement from the Metropolitan Government of Nashville and Davidson County to the Tennessee Valley Authority to install and maintain underground cables on property that is currently owned by Metro.

Resolution No. 98-554

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-076U.

Proposal No. 98M-077U
Council Bill O98-1278
Transfer of Downtown Fire Hall Property to MDHA
Map 93-6, Parcel 62
Subarea 9 (1997)
District 19 (Sloss)

A council bill authorizing the transfer of 2.55 acres of property at 130 Fourth Avenue South (Fire Hall and Maintenance Facility site), zoned CF, from the Metropolitan Government of Nashville and Davidson County to the Metropolitan Development and Housing Agency for the purpose of redeveloping the site.

Resolution No. 98-556

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-077U.

This concluded the items on the consent agenda.

PUBLIC HEARING: THE SUBAREA 4 PLAN: 1998 UPDATE DRAFT. (DEFERRED FROM MEETING OF 7/9/98):

Mr. Fawcett presented additional information regarding the prospects for office development at the Briarville Road location just north of Briley Parkway. This information had been requested by the Commission at the last meeting when the public hearing on this matter began.

Mr. Fawcett explained the manner in which the Subarea 4 updated draft plan accommodates office development. The Rivergate Activity Center is the primary intended location for any future substantial office demand. He cited the in-progress move of Dollar General and State Insurance to that location as a good fit between what is intended by the plan and what is happening in the marketplace. He noted that the activity center can accommodate any expected office demand over the planning period. For smaller independent office users such as dentists, architects, real estate agents and accountants, the plan expects older commercial areas to accommodate demand. He cited portions of Gallatin Pike and Old Hickory Boulevard as commercially zoned but underutilized areas where such uses should be located, and that there is sufficient vacant land area there to easily accommodate a quarter of a million square feet of office space development.

Mr. Fawcett explained that staff expects the office space around the existing Memorial Hospital complex to become underutilized when the hospital moves to Dickerson Pike, similar to what happened when Donelson Hospital moved to the Summit location in Hermitage. At the old Donelson location only two small medical offices remain. The existing Memorial location has about 130, 000 square feet of office space that will remain when the hospital moves and it will be able to absorb any future office needs at this location.

Mr. Fawcett cited information from the Nashville Office Market Survey reports published quarterly by Centennial, Inc.. Over the period 1985-1997, for multi-tenant multi-story office buildings of at least two stories, the office submarket which includes the Briarville Road location remained the smallest of all submarkets tracked (1/3 the size of the next larger submarket) and had the highest vacancy rate.

Mr. Fawcett concluded by saying that staff see the trend shown by the survey data continuing through the planning period and that a residential policy at this location is a better choice for the plan. Additional residential investment is needed in older suburban locations to help provide more choices for living environments and provide much needed market support to revitalize older commercial areas such as Gallatin Pike and Dickerson Pike.

Councilmember Don Majors stated the Commercial PUD overlay of the Crossroads was approved about 10 years ago and included retail sales centers, office complexes and a major hotel. Since that time the PUD overlay has been removed and the NFL, NHL and Opry Mills arrived in town and all are in easy access of this particular area.

There is still office and commercial policy potential in this area now with the entrance of the new entities in town. The staff recommendation of no office policy is based partially on information on office policy needs throughout the county provided by a local consultant firm, which is also in the business of leases and land options for office development. This could be perceived as a potential conflict of interest through this firm being in a position to pass on information to the staff that would steer office land policy uses to areas of the county where they may or may not have vested interest. In the future perhaps staff should look at employing agencies from out of the county or perhaps even from out of the state.

This area deserves a chance to possibly benefit from the proximity of the new venues arriving here in Nashville. To make that happen the Commission needs to allow some office and commercial to remain in the southern end of Briarville Road before approving this subarea plan.

Councilmember Ron Nollner agreed with Councilmember Majors and stated that he was very concerned with the traffic around Cheron Road because it is close to the interchange. With the new rezoning in the area Traffic and Parking has recommended that the road be moved. He stated he felt it was premature to change the policy in this area at this time.

Councilmember Tim Garrett stated it would be nice to try to revitalize old Old Hickory Boulevard to some extent but is really undesirable because of the new highway and perhaps residential should go back to that area.

Mr. Robert Bentley, Mr. Bill Geyker and Mr. Red Capps spoke in favor of leaving the property around Cheron Road office or commercial.

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

The Commission agreed the Cheron Road/Old Hickory Boulevard area should be studied in more depth regarding the commercial need and availability.

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

Resolution No. 98-555

“WHEREAS, the Metropolitan Planning Commission directed staff to conduct open workshop style meetings to provide the community the opportunity to work with the Commission’s staff on the review and updating of the *Subarea 4 Plan* that was adopted on March 25, 1993; and,

WHEREAS, four meetings were held between April 9 and June 9, 1998 at which community members working in conjunction with the staff of the Metropolitan Planning Commission, did in accordance with county-wide General Plan guidelines, review and update the *Subarea 4 Plan*; and,

WHEREAS, additional efforts were made to obtain public input into the development of this updated plan, including a public hearing before the Metropolitan Planning Commission on July 9, 1998 and continued on July 23, 1998 and,

WHEREAS, the Metropolitan Planning Commission is empowered under state statute and the charter of the Metropolitan Government of Nashville and Davidson County to adopt master or general plans for smaller areas of the county:

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** the *Subarea 4 Plan: 1998 Update* (Subarea Plan); except for the portion immediately north of Briley Parkway and west of Briarville Road which was deferred for further staff study; in accordance with sections

11.504 (e), (j), and 18.02 of the charter of the Metropolitan Government of Nashville and Davidson County as the basis for the Commission's development decisions in that area of the county. The *Subarea 4 Plan: 1998 Update* is also adopted as part of the General Plan."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-098U

Council Bill No. O98-1247

Map 62-1, Parcels 22 (1.14 acres) and 17 (4 acres)

Subarea 14 (1996)

District 15 (Dale)

A council bill requesting to change from R15 to CA District properties located at 2471 Pennington Bend Road and Pennington Bend Road (unnumbered), on the east margin of the Cumberland River (5.14 acres), requested by John A. Hobbs, appellant, for Thomas E. Watts, Jr., trustee, and Orba Maxey, et al, owners. (Re-referred from Metro Council on 7/7/98).

Ms. Regen stated this is a Council bill that was passed on second reading on July 7th and referred back to the Planning Commission by Councilmember Roy Dale to allow the applicant an opportunity to present his position to rezone this property from residential to commercial amusement district. The Commission previously disapproved this item at the June 11th meeting

Mr. John Hobbs, applicant, stated he had owned this property for approximately 15 years and felt it was a good time to develop it. This property gets a lot of noise under it because of the bridge and said he felt a seafood restaurant and a few other businesses would work in that location.

Councilmember Roy Dale stated that before the June meeting, staff had recommended approval of this proposal but apparently one of the neighbors came to the meeting and expressed concerns. In 1991 when the original subarea plan was put together along the riverfront the entire area was indicated to be commercial but during the last phase of the subarea planning process neighbors became upset and the area remained residential. He distributed a map to the Commission of the Music Valley Area Design Plan, stated that it was an appendix of the subarea plan, explained the process he believed should be taken to make the zone change to commercial and pointed out the portion of residential that should stay and be protected.

Chairman Smith asked if the roads were existing on the Music Valley Design Plan.

Councilmember Dale stated they were not and that the map showed a proposed layout of roads. Mr. Hobbs wants to put in a seafood restaurant and some limited docking facilities to allow access from downtown.

Mr. Manier stated it would be more logical to line this proposal up with the CA across the street to create a significant boundary.

Mr. Richard Lawler, Mr. Ted Galloway and Mr. Charles McElroy spoke in opposition to the proposal and expressed concerns regarding the variety of eligible uses if the property is changed to commercial, a domino effect, noise and traffic.

Mr. Lawson stated he had concerns about commercial development along that strip and felt very uncomfortable about the change.

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

Resolution No. 98-557

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-098U is **DISAPPROVED (6-0)**:

These properties fall within the Subarea 14 Plan's Commercial Mixed Concentration (CMC) policy calling for a wide variety of residential, office, and retail uses. These residential properties along the Cumberland River should not transition to commercial uses until other commercial opportunities within this CMC area have been developed."

Zone Change Proposal No. 98Z-117G

Map 33, Part of Parcel 256

Subarea 2 (1995)

District 10 (Garrett)

A request to change from CS to R10 District a portion of property located on the south margin of Campbell Road, approximately 500 feet west of Dickerson Pike (1.63 acres), requested by Joe Wall, applicant, for Joe Wall and Mike Suggs, owners.

Ms. Regen stated staff is recommending approval. This is a request to rezone a portion of property located on Campbell Road from commercial to residential. The policy in the area is calling for residential development and staff feels that by rezoning it to residential that policy will be implemented. The application is also consistent with the policy allowing up to four units per acre. Staff received a letter from Mr. Bill Terry, Planning Director for The City of Goodlettsville, agreeing with staff's position supporting residential zoning but disagrees with the type of residential district. The City of Goodlettsville would prefer a single family RS district as opposed to the R district because of the duplex factor, but the applicant was not willing to amend the application.

Mr. Bill Terry described the surrounding residential area and stated the City of Goodlettsville was interested in protecting that neighborhood. He presented the Commission with a letter from surrounding property owners and from the president of the Echo Hills Homeowners Association in opposition to the proposed zoning.

Councilmember Garrett stated he had not been contacted by either applicant and recommended deferral for two weeks so give the applicants an opportunity to contact him and to talk with the neighbors in the area.

Mr. Lawson stated that Councilmember Garrett had a valid point and that he liked the staff recommendation but given the circumstances he would also be in favor of a deferral.

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

Zone Change Proposal No. 98Z-118U

Map 161-8, Parcels 22 (.89 acres) and 23 (1.01 acres)

Subarea 12 (1997)

District 30 (Hollis)

A request to change from R10 to CL District properties located at 407 and 411 Brewer Drive, approximately 200 feet west of Nolensville Pike (1.9 acres), requested by Jay Pope, Jr., appellant, for Pope Family L.P., owner.

Ms. Regen stated staff is recommending disapproval of this request to change two residential parcels to commercial at Nolensville Pike and Brewer Drive. These parcels currently have single family homes on them and the CL district is for a variety of commercial and retail uses. The applicant is the Tusculum Lanes Bowling Alley which is in the process of expanding their current operations and adding amusement features

to the bowling alley. The two properties on the application were acquired in 1996 and they have been zoned residential since 1974.

Staff recommends disapproval of this request because there was a rezoning request of parcel 9, which is currently vacant, from residential to commercial and office. The front portion of the property was to be commercial with office on the back portion. The Commission determined at that time that a vacant piece of property should not be rezoned with commercial extending all the way back and that the furthest extent of commercial off of Nolensville Pike should line up with the boundary of the bowling alley. Also, if the bowling alley should cease its operations and go elsewhere then there would be CL zoning on the two properties which clearly fall in the residential area.

Mr. Jay Pope, applicant, stated the Pope family has owned these two properties for the past 2 years but that his parents had owned the properties for 25 years. The bowling center was built in 1965 to offer the community an alternative form of recreation for the family. The proposal is for space to add 17,000 square feet of non-smoking recreation area. The neighbors have been contacted and pledged support to working out any problems that may arise.

Councilmember Leroy Hollis spoke in favor of the proposal and stated he had reviewed the plans for this venture and that it looked like a good project. He said there would be trees and buffering between the project and the residential neighborhood and that he was also willing to work with the community regarding any problems.

Mr. Kevin Mills, architect, described the technical aspects of the project.

Councilmember Garrett stated that Nolensville Road is highly commercial across the front and straight zoning lines are preferred. However, times have changed and businesses expand and can't go sideways if they don't own the property.

Mr. Lawson stated the desired expansion does not drive land use policy. Many cases have been heard by this Commission and they all have well defined reasons to expand into residential areas but may not be in the best interest of the planning policy. This is a definite intrusion into a residential area and will not be beneficial.

Chairman Smith stated this family has owned this property for 25 years so they would have expansion property. He said he felt all the traffic should come out on Nolensville Road but that he was in favor of the project because they are going back into their own property they have owned for so long for that purpose.

Mr. Manier asked if there was a way the traffic could be made to go to Nolensville Road.

Mr. Owens stated that from a planning standpoint when dealing with a major arterial street it is not always best to put the driveways on that arterial. That is where conflicts occur and you lose efficiency and may have to add more lanes to the arterial. Access points should be controlled to major arterials and do that in such a way you are not undermining the land uses on the side street.

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

Resolution No. 98-558

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-118U is **APPROVED (4-2)**:

These properties fall at the boundary of the Subarea 12 Plan's Commercial Arterial Existing (CAE) policy along Nolensville Pike and Residential Low Medium (RLM) policy to the west. Given the orientation of these properties across the street from a day care center on Brewer Drive and adjacent

to commercially zoned properties along Nolensville Pike, expanding commercial zoning to include these properties represents a minor boundary adjustment. No more commercial zoning should be permitted west of the day care center into the single-family residential area.”

Zone Change Proposal No. 98Z-119G

Map 101, Parcel 115 (26.7 acres)

Map 102, Parcel 49 (4 acres)

Subarea 6 (1996)

District 23 (Crafton)

A request to change from R40 to CL District properties located at 5811 River Road and River Road (unnumbered), approximately 1,600 feet west of Charlotte Pike (30.7 acres), requested by Jim Smith, appellant, for Nellie Mae Smith Freels, owner.

Ms. Regen stated staff was recommending disapproval as contrary to the General Plan. Currently there is a single family home on the property and the request is to go from R40, which permits one unit per acre, to commercial (CL). The surrounding area includes vacant land, the quarry operation and the Harpeth Valley Utility District.

During the Subarea 6 Plan Update in 1996 the Commission looked extensively at this area and determined that this area should be reserved and used for residential uses in the future despite the current operations occurring nearby. The Commission also determined the TVA line was the appropriate boundary between the commercial area focused along Charlotte Pike and residential to the west. There is an existing piece of commercial property next to the subject property and it was rezoned in 1993 prior to the subarea plan update but has remained vacant for those 5 years.

Chairman Smith stated he was not sure what would be best for a piece of property that is next to a rock quarry.

Mr. Manier stated there is a condominium complex next door to the Vulcan operation on Old Hickory Boulevard that was well protected by a berm and landscaping. The topography to the right of the property, outbound on River Road, is very steep and adjoins the Harpeth Valley Utility site and the left side of the road is also relatively rugged. Whatever residential is built would be clustered; the property is not fully usable for commercial uses. This also somewhat violates a nodal concept because there is more unutilized land there other than the Walmart development.

Chairman Smith asked how Mr. Manier would feel about a heavier residential use than R40.

Mr. Manier said he thought that was very appropriate.

Ms. Regen stated this property also falls within a natural conservation policy and that policy is not looking for commercial uses. It is looking for agricultural or low density residential.

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

Resolution No. 98-559

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-119G is **DISAPPROVED (6-0) as contrary to the General Plan:**

These properties fall within the Subarea 6 Plan’s Natural Conservation (NC) policy calling for low intensity residential development (up to 4 units per acre) .The CL district is inconsistent with this policy and would compromise the integrity of the NC policy in this area. Commercial zoning is appropriate east of the TVA line along Charlotte Pike.”

Zone Change Proposal No. 98Z-120U

Map 51-10, Parcels 9 (4.85 acres), 10 (4.49 acres),
68 (3 acres), 69 (1.83 acres), 75 (.46 acres),
76 (.46 acres) and 77 (2.03 acres)
Subarea 4 (1993)
District 3 (Nollner)

A request to change from R10 and RS20 to RM6 District properties located at 100, 1524, 1528 and 1534 Saunders Avenue, and 302 Walton Lane, on the northeast corner of Lewis Road and Walton Lane (17.12 acres), requested by James Gary Wynn, appellant, for Genell M. Wynn et al, and Richard M. Ferguson et ux, owners.

Proposal No. 92P-009G

Wynnford Heights
Map 51-10, Parcels 68 and 69
Map 51-11, Parcels 75, 76 and 77
Map 51-14, Parcels 9 and 10
Subarea 4 (1993)
District 3 (Nollner)

A request to cancel this unbuilt Residential Planned Unit Development District abutting the north margin of Walton Lane, between Lewis Road and Saunders Avenue (16.2 acres), classified R10 and RS20 and proposed for RM6, originally proposed for 55 single-family lots, requested by James Gary Wynn, applicant/owner.

Ms. Regen stated staff was recommending approval of this proposal to rezone property from single family residential to multi-family residential. The applicant has also requested to cancel the existing residential PUD on the property. Surrounding uses include multi-family to the west, single-family homes to the north, east and south. Staff feels the proposal for the RM6 zoning is within the boundaries of surrounding policies.

Some concerns have been expressed regarding access to Saunders Avenue. The current PUD approved for the property has an access point off Saunders and the traffic engineer will have the ability to approve access for the multi-family development when it is submitted to the Codes Department.

Chairman Smith stated this was a request to cancel a residential PUD and change two zones to RM6.

Councilmember Nollner stated he had a procedural problem, that he had met with the applicant, and they both agreed the frontage along Saunders should not be included in the rezoning request.

There are condominiums on each side and the applicant wants to put condos on the back but the front portion along Saunders is to remain R20. This zone change may be allowed based on the premise that the road will come out at a good location on. The developer said he is willing to consider a different, more desirable location.

Ms. Regen stated the application staff received from the developer indicated he wanted to rezone everything to RM6.

Councilmember Nollner stated that was not his understanding.

Chairman Smith stated that perhaps there should be a two week deferral so the developer, Councilmember Nollner and staff could discuss the situation.

Councilmember Nollner asked if a two week deferral would hurt anything.

The developer stated he would prefer a decision today and that his application called for the front to remain R20.

Ms. Nielson stated that the application staff received was not based on that.

Councilmember Garrett stated to get everything correct and if the Councilmember would agree to sign a late bill, a deferral would be best and the application could still go to public hearing on schedule.

Mr. Garrett moved and Mr. Manier seconded the motion, which carried unanimously, to defer this matter for two weeks.

Zone Change Proposal No. 98Z-126G

Map 142, Parcels 13 (.85 acres), 15.01 (1 acre),
16.01 (3 acres), 16.02 (.98 acres) and 175 (1 acre)
Subarea 6 (1996)
District 23 (Crafton)

A request to change from RS15 to RM20 District properties located on the north margin of Highway 70 South (unnumbered), approximately 900 feet west of Hicks Road (6.83 acres), requested by William Hostettler, appellant, for Paul W. Gaddes et ux, Dorothy H. Gaddes, Morris Levine, and Robert E. Robeson et ux, owners.

Ms. Regen stated staff was recommending disapproval of this request. The Commission looked at this property earlier this year. This is a request to rezone property on the north margin of Highway 70 South from RS15 to RM20. The Commission disapproved a request on the property next door to go from RM20 to RM40 and recommended disapproval contrary to the General Plan, finding all the immediate properties fell within a residential medium density policy.

Councilmember Crafton contacted staff and indicated he did support the RM20 zoning.

Chairman Smith asked why this would not be good for RM20 zoning. It is on a major thoroughfare and has RM20 next to it and does not affect the neighborhoods in the back.

Ms. Regen stated that RM9 is the preferred zoning as it is already established along the north margin of Highway 70 South and west of Hicks Road, is consistent with the Subarea 6 Plan's Residential Medium High policy, and the southern side of Highway 70 South should be developed at a higher intensity of zoning because it falls between two major arterials.

Mr. Owens stated the policy is for 9 to 20 units per acre and the Commission must choose what is appropriate in that range. The north side is already developed at 9 units per acre. When the Commission considered the adjacent zone change it was disapproved and recommended to Council that it should be RM9 to match the established density on the north side. The Commission has taken a position that 9 is the appropriate zoning and now the next piece of property is coming in asking for a change and staff is trying to reaffirm the Commission's earlier decision that there is a difference between the north side of the road and the south side of the road based upon previous development patterns.

Ms. Warren asked why the property was RM20.

Mr. Owens stated Council overrode the Commission recommendation.

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

Resolution No. 98-560

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-126G is **DISAPPROVED (6-0)**:

This property falls within the Subarea 6 Plan's Residential Medium High (RMH) density policy around the north and southwest margins of the Hicks Road/Highway 70 intersection calling for densities between 9 and 20 units per acre. While the RM20 district falls within this density range, it would adversely impact the adjacent single-family subdivision to the west. The RM20 district is more appropriate across the street where properties are bounded by two major arterial streets, commercial zoning, and other multi-family developments. The RM9 district is the preferred zoning as it is already established along the north margin of Highway 70S and is a better transition to the adjacent single-family subdivision."

Zone Change Proposal No. 98Z-133U

Map 149-3, Parcels 68 (.27 acres), 69 (1.37 acres),
and Part of Parcel 67 (.08 acres),
Subarea 13 (1996)
District 28 (Hall)

A request to change from R10 and R8 Districts to CS District properties located at 2500 Murfreesboro Pike and 2517 Edge-O-Lake Drive and Edge-O-Lake (unnumbered), on the southeast margin of Murfreesboro Pike and Edge-O-Lake Drive (1.72 acres), requested by Littlejohn Engineering Associates, Inc., appellant, for Allen R. Morse and Deral L. Morse, owners.

Ms. Regen stated staff is recommending disapproval This is a request to rezone property from R10 and RS to CS. The subarea plan intends for this area, on the eastern side of Murfreesboro Road, to remain residential. Allowing commercial zoning to gain a foothold at this location could adversely impact the established residential neighborhood.

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

Resolution No. 98-561

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-133U is **DISAPPROVED (6-0)**:

This property falls within the Subarea 13 Plan's Residential Medium (RM) policy calling for 4 to 9 units per acre. While there are commercial uses across the street, the Subarea 13 Plan intends for this area to remain residential. Allowing commercial zoning to gain a foothold at this location could adversely impact the established residential neighborhood. The existing R10 district or the RM4 district would be preferred in this area along the frontage of Murfreesboro Pike."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 94P-009U

Southwood Park (formerly Music City Café)
Map 160, Parcels 54, 56 and 223

Subarea 12 (1997)
District 32 (Jenkins)

A request to amend the preliminary master plan of the Commercial (General) Planned Unit Development District abutting the north margin of Old Hickory Boulevard and the north and east margins of Franklin Pike Circle (15.6 acres), classified CL and OR20, to permit the addition of 5.2 acres of land to the PUD and permit the development of a 200,000 square foot office building, 12,000 square feet in two (2) restaurant sites, and 154,000 square feet in two (2) hotel sites, requested by Ragan-Smith Associates, Inc., Sunrise Creek Development, LLC., owner.

Mr. Delaney stated that in 1984 this PUD was proposed on approximately 10.43 acres for a 31,000 square foot food service and group assembly facility. That was approved by this Commission but was disapproved at Council and was eventually overturned by the Chancery Court.

What is being requested today is to amend that original PUD by adding both land area, square footage and additional uses. The applicant is proposing to add approximately 5.2 acres of land and 334,000 square feet of additional uses. The total would be 366,000 square feet in an office building, two restaurant sites and two hotel sites with a total of a 91% increase in the total square footage.

The only issues are with the traffic circulation and road pattern. The Traffic Engineer has expressed concerns with the design of the proposed main entrance on Franklin Pike Circle. The applicant has presented two new concepts and the Traffic Engineer has approved one of the plans. Mr. Delaney stated staff was recommending approval.

Mr. Randy Caldwell was present to answer any questions the Commission might have.

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

Resolution No. 98-562

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-009U is given **CONDITIONAL PRELIMINARY APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE (6-0)**. The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering sections of the Department of Public Works.
2. Submittal and approval of revised plans which increase the throat distance to 75 feet between the proposed access road and Franklin Pike Circle.
3. Implementation of the recommendations of the submitted Traffic Impact Study. If the recommended improvements are to be phased with the development, the applicant shall submit a phasing plan to be reviewed and approved by the Traffic Engineer along with any final submittal.
4. Submittal and approval of revised plans which show a 60 foot public road right-of-way, to be built to commercial standard, as the through connection of Franklin Pike Circle.”

Proposal No. 98P-004G
Brandywine Harbour
Map 54, Parcel 1
Subarea 14 (1996)
District 11 (Wooden)

A request to grant preliminary approval for a new Planned Unit Development District abutting the northwest quadrant of Rising Sun Terrace and Willow Bough Lane (16.91 acres), classified RS30, to permit the development of 24 single-family lots, requested by Dale and Associates, for H. Eugene Brown, Jr., owner.

Mr. Delaney stated this is a new PUD to permit the development of 24 single-family lots. This property is bound between an existing single-family development and Old Hickory Lake. The proposal is for a gated community with a minimum lot size of 15,000 square feet. The surrounding property has already been developed without stub streets so the applicant is proposing a 2,120 foot long cul-de-sac to provide access to the proposed lots. Staff feels a variance is justified because there is no other way to get access to the property.

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

Resolution No. 98-563

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98P-004G is given **CONDITIONAL PRELIMINARY APPROVAL WITH A VARIANCE FOR MAXIMUM CUL-DE-SAC LENGTH (6-0)**. The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a boundary plat.
3. The posting of bonds as may be required for any necessary public improvements prior to the issuance of any building permits.
4. Each lot to have its own private grinder pump system.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 98S-128G (Public Hearing)
Rockwood Estates (Revision)
Map 86, Parcel 102
Subarea 14 (1996)
District 12 (Ponder)

A request for preliminary approval for 26 lots located approximately 65 feet north of Rockwood Drive and approximately 450 feet northwest of Tulip Grove Road (5.93 acres), classified within the RS7.5 District, requested by Universal Builders, owner/developer, MEC, Inc., surveyor. (Deferred from meeting of 7/9/98).

Ms. Carrington stated the applicant has submitted a request for a two week deferral and staff supports that request.

No one was present to speak at the public hearing.

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

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 and Associates, Inc., surveyor. (Deferred from meeting of 7/9/98).

Ms. Carrington stated staff was recommending conditional approval, subject to the right turn lane off Old Hickory Boulevard being provided at the beginning of the development.

This request is for the creation of 173 single family lots. At the last meeting there was a request for a variance to the length of a dead end street because there was only one entrance off of Old Hickory Boulevard. At the Commission's request they are now providing for a stub street to the north and to the west should the golf course adjacent on the west ever develop with public streets.

Ms. Allison Garrett, Ragan-Smith and Associates, spoke in favor of the project and stated she was present to answer any question the Commission might have.

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

Resolution No. 98-564

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-134G, is **APPROVED WITH A CONDITION THAT THE RIGHT-TURN LANE ON OLD HICKORY BOULEVARD WILL BE PROVIDED AT THE BEGINNING OF THE DEVELOPMENT (6-0).”**

Subdivision No. 98S-209U (Public Hearing)
Patio Villa Addition
Map 108, Parcel 211
Subarea 14 (1996)
District 14 (Stanley)

A request for preliminary approval for 10 lots abutting the north margin of Elm Hill Pike, approximately 200 feet west of Patio Drive (4.65 acres), classified within the R10 District, requested by Harold Reeves, trustee, owner/developer, MEC, Inc., surveyor.

Ms. Carrington stated the applicant has requested a two week deferral and staff supports the request.

No one was present to speak at the public hearing.

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

Final Plats:

Subdivision No. 98S-217A
Jocelyn Manor, Second Revision, Lot 1
Map 116-13-D, Parcel 1
Subarea 7 (1994)

District 24 (Johns)

A request to amend the rear setback line from 60 feet to 48 feet on a lot abutting the southeast margin of Cargile Lane and the west margin of Sedberry Road (.41 acres), classified within the RS20 District, requested by Stanley J. and Jeanette W. Rabold, owners/developers. (Deferred from meeting of 7/9/98).

Ms. Carrington stated staff was recommending disapproval. This lot is in a PUD and the application is to amend the rear setback line from 60 feet to 48 feet. At the last meeting the Commission requested the applicant contact the homeowners association and get a recommendation on the setback issue. The applicant was unable to do that because they will not take a stand on the setback but they have approved the design of the addition. There are other alternatives on the front of the house and the applicant said he had considered enclosing the garage. The side yard setbacks are 35 feet and staff would be more supportive of an addition on the side.

Councilmember Garrett stated Council looked at a PUD as being a way the community of the people in the PUD can determine what goes on within that PUD. He said as long as this does not disturb the residents within the PUD he would be in favor of this type change.

Chairman Smith stated he was unclear by the letter from the homeowners association.

Ms. Carrington stated the letter says they approve the addition in terms of the architecture and that they approve the setbacks as long as it meets Codes and Planning Commission approval. Mr. Rabold did contact the homeowners association after the last meeting to see if he could get an approval in writing from them but they were not willing to take a position.

Ms. Warren stated the homeowners association has not come out and said they absolutely oppose it but they want to abide by the setback originally presented by the PUD.

Ms. Nielson stated they did have other options without disrupting the PUD restrictions.

Mr. Stanley Rabold stated he had talked to the homeowners association and they approved the building site and architectural plans but said that the setback decision was up to the Commission.

Chairman Smith stated that perhaps the Commission should write them a letter explaining exactly what the letter needed to say.

Councilmember Garrett stated the homeowners association was leaving the decision in the hands of the Commission and the Commission would like to know what their architectural board felt about setting the variance because once that variance is set, the Commission would have the tendency to do it again for someone else.

Mr. Manier stated that there is an established 60 foot setback and it should remain. This is not the homeowners prerogative to change the setback and this Commission is to maintain the standards.

Mr. Owens stated that when this PUD was conceived there were no constituents in the PUD itself; it was just a manor house. The PUD was designed to reflect this average 60 foot setback to protect the surrounding property owners. Staff's opinion is that the Commission needs to be giving equal deference to protecting the perimeter instead of focusing too much on what the internal homeowners think.

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

Resolution No. 98-565

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-217A, is **DISAPPROVED (6-0)**.

The Planning Commission was concerned that the proposed setback amendment would set a precedent on Sedberry Road. You may wish to contact the Codes Department regarding options such as converting the garage or adding on to the front of the house. If you wish to add on to the north side, that would also require a setback amendment which would require the same Planning Commission approval process.”

Request for Bond Extension:

Subdivision No. 95S-309U
Foster Business Park
Foster Business Park, G.P.
[Buildout is at 100%]

Located abutting the south terminus of Cleveland Avenue between Polk Avenue and Foster Avenue.

Ms. Carrington stated staff is recommending the Commission disapprove this request for an extension and authorize collection of the performance bond in the amount of \$28,800 unless the developer corrects the present cul-de-sac in compliance with Metro Public Works specifications and completes the sewer project requirement or has the same exempted by Metro Water Services with a revised final plat to be recorded by December 15, 1998.

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

Resolution No. 98-566

“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. 95S-309U, Bond No. 95BD-089, Foster Business Park, in the amount of \$28,800 unless the developer: (1) corrects the present cul-de-sac in compliance with Metro Public Works specifications; and (2) completes the sewer project requirement or has same exempted by Metro Water & Sewer. The final plat must be re-recorded by the developer if an exemption is approved. The deadline for compliance is 12/15/98.”

Subdivision No. 96S-342U
Keystone Farms
Keystone Partners, Inc., principal
[Buildout is at 100%]

Located abutting the east margin of Edmonson Pike, approximately 440 feet south of Huntington Parkway.

Ms. Carrington stated staff was recommending disapproval of this request for extension and asking for authorization for collection of the performance bond in the amount of \$5,000 unless final paving is completed by October 23, 1998.

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

Resolution No. 98-567

“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. 96S-342U, Bond No. 97BD-040, Keystone Farms, in the amount of \$5,000 unless final paving is complete by 10/23/98.”

MANDATORY REFERRALS:

Proposal No. 98M-071G
Harpeth Valley Utilities District
Wastewater Improvements
Map 101, Parcels 50, 51 and 51.1
Subarea 6 (1996)
District 23 (Crafton)
Map 102, Parcels 1, 2, 3, 4 and 76
Subarea 3 (1998)
District 1 (Patton)

A mandatory referral from the Harpeth Valley Utilities District to review the development of a wastewater treatment plant and supporting facilities on property it owns in Bells Bend, fronting on Old Hickory Boulevard and bounded by the Cumberland River to the south. The district is also making improvements at its existing site on River Road.

Mr. Calleja stated this is a mandatory referral from the Harpeth Valley Utility District for construction of a new water plant and staff is recommending approval. The plant that is being proposed on 400 acres. To the north is Old Hickory Boulevard, to the south is the Cumberland River and to the west is an 808 acre site owned by Metro that was proposed for a solid waste facility at one time.

Part of the property is in natural conservation policy. Natural conservation is usually within the 100 year flood plain and is to remain in a natural state. The rest of the property, which includes where the utility will be, is interim-non-urban policy. This is considered a holding category for property that will eventually urbanize. Public services are permitted within the interim-nonurban policy.

The Greenways Commission is proposing a greenway to go around the entire Bell's Bend area and have already gained permission from Metro for putting the greenway in through the Metro property and will be working with Harpeth Valley Utilities in the near future to extend the greenway through their property. They have also indicated there would be no problem having a wastewater treatment plant near the greenway.

The proposed Old Hickory Boulevard Extension and bridge over the Cumberland River has been planned but has not been programmed for construction. A preferred alignment has been identified west of the utility. This request by Harpeth Valley will not interfere with the bridge or road construction.

Chairman Smith asked about the legal aspects and the request for deferral.

Mr. Browning stated he had spoken with Mr. George Barrett, attorney for area residents, and he had asked for a deferral and had indicated he would be out of town during this meeting. This mandatory was submitted to this Commission on June 24th, 1998 and by state and local law the Commission has 30 days to comment. If no action is taken within that 30 day period it is considered to be approved. The comment period will end this week and will not allow the Commission to defer this matter to the next Commission meeting.

Chairman Smith asked if this were deferred would it go through as an approval.

Mr. Browning stated that was correct and that he had contacted Mr. Barrett on two occasions to transmit that information to him but was unsuccessful in reaching him.

Mr. Lawson asked what was the implication of the Commission's decision if the Harpeth Valley Utility District as a district can overturn any decision made that is not within keeping with their policy.

Ms. Shechter asked if Mr. Lawson was asking what is the impact of the Commission's decision on the law suit that is pending.

Mr. Lawson said he was asking what the value of the Commission's decision is when in fact the Harpeth Valley Utility District, through its board or governing body, can overrule the Commission's advice, should the utility district disagree.

Ms. Shechter stated little to none. The state enabling statute contemplates distinction between planning and zoning and the way it is structured, any public improvement has to be considered by the Planning Commission for conformance with the General Plan once the plan is adopted. That is separate and distinct from how it is zoned and whether it has to comply with the Zoning Ordinance, which is the subject matter of the law suit. Whatever the Commission does is a recommendation to the utility board and they can overturn the disapproval.

Mr. George Dean spoke in favor of the project and stated the Commission's mandatory referral powers extends to Metro as well. The Commission makes a referral to Council, then Council votes it up or down; the effect is exactly the same. The mandatory referral process is an advisory roll.

Harpeth Valley is not a private company; it is a public utility and an entity of the State. This is a \$25,000,000 wastewater treatment plant that is proposed in a very undeveloped area of the county. Obviously a wastewater treatment plant has to be located along the Cumberland River and this is virtually the only acceptable spot that meets all requirements. This facility will also be to the benefit of the Metropolitan government because it will take 10,000,000 gallons per day of wastewater, which is currently being shipped to Metro's plant, out of Metro plants. This will be treated by Harpeth Valley and will give Metro another 10,000,000 per day of treatment capacity, which will reduce the amount of wastewater being directly piped into the Cumberland River during times of high rainfall when Metro facilities cannot handle it. Over the last 10 months there have been approximately 100,000,000 gallons of untreated sewage sent directly into the Cumberland River primarily during times of peak rainfall because Metro plants cannot handle it all. This project does meet the restrictions of the General Plan and will be extremely beneficial for Metro.

Mr. Bryan Lewis, attorney representing the citizens of Bell's Bend, spoke in opposition to the proposal and stated that approximately one year ago Harpeth Valley Utility District filed an action in Chancery Court for declaratory judgement as to whether they could place their proposed wastewater treatment plant in the Bell's Bend Area. After this suit was filed by HVUD, the Metropolitan government and the citizens of Bell's Bend intervened in the suit and took the position that the zoning laws of the Metropolitan government are superior to a utility district. The Metropolitan government says this wastewater treatment plant cannot go in this area because it is not zoned for it and the utility district says it can because they are a utility district not subject to the zoning. That has been the core of the lawsuit.

The Chancery Court of Davidson County, on a summary judgement motion, (there has not been a trial yet) ruled that the zoning laws of the Metropolitan government were supreme over a utility district; therefore, the utility district could not place the wastewater treatment facility in the area. The Harpeth Valley Utility District promptly appealed to the Court of Civil Appeal and the decision was reversed. At this time both the Metro government and the residents of Bell's Bend have applied for application to have this heard before the Tennessee Supreme Court. The Metropolitan government and the citizens of Bell's Bend have consistently taken a position against a wastewater treatment facility being in this area.

This proposed treatment plant will be a nuisance to the community, will cause depreciation of property values. There will be no infrastructure improvements and will cause health hazards. He asked the Commission to disapprove the project.

Mr. Barry Sulkins, area resident and environmentalist, spoke in opposition to the proposal and explained the hazards of a wastewater treatment plant in this area.

Chairman Smith asked why Metro would file a lawsuit on the side of the citizens and not Harpeth Valley when Harpeth Valley stated Metro endorses them in their best efforts to help them get this treatment plant.

Ms. Schecter asked if Chairman Smith meant why is Metro litigating with Harpeth Valley when we have entered into a contract agreeing to cooperate with them. Our agreement to cooperate did not include an express waiver of the applicability of codes, including the Zoning Code. Our agreement was to work and cooperate with them but never intended, in that agreement, to indicate that we waived or would not insist that as Metro has to comply with our own rules and regulations and code requirements that so would Harpeth Valley in the construction of their facility. We are litigating the matter because we believe it is a matter of some significance that another municipal entity, which Harpeth Valley clearly is, has the right to come in and locate a facility without complying with our Zoning Code or for that matter any other code and that is why we are litigating the matter.

Mr. Manier asked if this is an appropriate utilization under the current AR2a or equivalent zoning.

Ms. Shechter stated the Zoning Ordinance contemplates or allows a wastewater treatment facility to be located in AR2a zoned area. However, it also requires approval by the Metropolitan Council and then by the Board of Zoning Appeals as a special exception use. So it must comply with the general and specific standards that would apply to other special exception uses.

Mr. Owens agreed with Ms. Shechter and reminded the Commission that was not in front of them today based upon zoning. It is in front of the Commission for a recommendation for compliance or inconsistency with the General Plan. It is not a zoning decision. The zoning decision is made by the Board of Zoning Appeals if Metro prevails in its lawsuit.

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

Resolution No. 98-568

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (4-2)** Proposal No. 98M-071G.

OTHER BUSINESS:

1. Annual Progress Reports for the Hope Gardens, Nations/Urbandale, and Highland Heights Neighborhoods.

This item was deferred until August 6, 1998.

2. Fiscal Year 1999 Operating Budget.

This item was deferred until August 6, 1998.

3. Economic Development Functional Plan.

This item was deferred until August 6, 1998.

4. Legislative Update.

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

PLATS PROCESSED ADMINISTRATIVELY:

July 9, 1998 through July 22, 1998

- | | |
|-----------------|---|
| 98S-099U | CKM PROPERTIES
One lot into two lots |
| 98S-245U | TOWNHOMES of HICKORY HOLLOW, Condominium Plat
Establishes a horizontal property regime |
| 98S-246G | WEXFORD DOWNS, Section 1 Revision of Lot 105
Removing a temporary access easement |
| 98S-250G | GARRETT HILL
Platted a deeded parcel |
| 98S-252G | NASHVILLE/MUSIC CITY LAND FUND, L .P. SUBDIVISION
Right-of-way dedication |
| 98S-261U | BRIGHTON CLOSE, Phase 2, Units 128, 129 and 130
Creates 3 units in a horizontal property regime |

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:50 p.m.

Chairman

Secretary

Minute Approval:

This 6th day of August, 1998