

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

Date: September 3, 1998  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

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

**Absent:**

Mayor Philip Bredesen  
James Lawson  
Pat Tatum

**Others Present:**

**Executive Office:**

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

**Current Planning & Design Division:**

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  
Kim McDonough, Planner III  
Robert Eadler, Planner II  
Jennifer Higgs, Planner II  
Debbie Frank, Planner I

**Advance Planning & Research:**

John Boyle, Planning Division Manager  
April Alperin, Planner I

**Others Present:**

Jim Armstrong, Public Works  
Nicole Rodrigue, Legal Department

Chairman Smith called the meeting to order.

**ADOPTION OF AGENDA**

Ms. Carrington announced Planned Unit Development Proposal No. 62-85-P was not requesting final plat approval and that statement should be removed from the agenda; Subdivision No. 98S-273U should have the council district changed to District 1, Councilmember Patton; and Mandatory Referral Proposal No. 98M-088U should be changed to read Lease of Property rather than Sale of Property.

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

**ANNOUNCEMENT OF DEFERRED ITEMS**

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

98Z-148U	Deferred two weeks, by applicant.
98S-290G	Deferred indefinitely, by applicant.
98S-294U	Deferred two weeks, by applicant.
98S-297U	Deferred two weeks, by applicant.

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

**APPROVAL OF MINUTES**

Ms. Nielson moved and Ms. Warren seconded the motion, which unanimously passed to approve the minutes of the regular meeting of August 20, 1998.

**RECOGNITION OF COUNCILMEMBERS**

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

**ADOPTION OF CONSENT AGENDA**

Ms. Nielson moved and Ms. Warren seconded the motion, which unanimously carried, with Chairman Smith abstaining on item 98M-091U (A. J. Smith and Company Fiber Optic Cable), to approve the following items on the consent agenda:

**ZONE CHANGE PROPOSALS:**

**Zone Change Proposal No. 98Z-151G**

Map 176, Parcels 34 (1.92 acres),  
39 (1.1 acres) and 40 (4.63 acres)  
Subarea 13 (1996)  
District 29 (Holloway)

A request to change from RS10 to AR2a District property located at 4287 Maxwell Road and Maxwell Road (unnumbered), approximately 50 feet east of and opposite Peppertree Drive (7.65 acres), requested by Cheryl G. Roberson, appellant, for Cheryl G. Roberson and J. D. Rockett, III, owners.

**Resolution No. 98-673**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-151G is **APPROVED (7-0)**:

**The AR2a district is compatible with the area's existing development pattern."**

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 103-79-G**

Riverfront Shopping Center (Dollar General)  
Map 53, Parcel 38  
Subarea 14 (1996)  
District 11 (Wooden)

A request to revise the approved final site development plan for a portion of the Commercial (General) Planned Unit Development District abutting the southwest margin of State Route 45, opposite Martingale Drive (1 acre), classified R10, to permit the development of a 10,000 square foot retail building, requested by James N. Gray Company, for Riverfront Development Limited Partnership, owner.

**Resolution No. 98-674**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 103-79-G is given **CONDITIONAL FINAL APPROVAL (7-0)**:

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

**Proposal No. 46-83-U**

Metropolitan Airport Center  
Map 108, Parcels 36 and 37  
Subarea 14 (1996)  
District 14 (Stanley)

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 south margin of Elm Hill Pike and

the north margin of Royal Parkway (6.36 acres), classified CS, to permit 80,675 square feet in two office buildings, requested by Ragan-Smith Associates, Inc., for Duke Construction, owners.

**Resolution No. 98-675**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 46-83-U is given **APPROVAL OF REVISION TO PRELIMINARY AND CONDITIONAL FINAL FOR A PHASE (7-0):**

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat.”

**Proposal No. 62-85-P**  
Brentwood Highlands (formerly  
Nolensville Road Residential PUD)  
Map 172, Part of Parcel 79  
Subarea 12 (1997)  
District 31 (Alexander)

A request for final approval for a portion of the Residential Planned Unit Development District abutting the west margin of Nolensville Pike and the north margin of Celebration Way (41.0 acres), classified R10, to permit the development of 124 single-family lots, requested by Barge, Waggoner, Sumner and Cannon, for Crosland Patton and Smith, LLC, owners. (Deferred from meetings of 7/23/98, 8/6/98 and 8/20/98).

**Resolution No. 98-676**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 62-85-P is given **CONDITIONAL FINAL APPROVAL; FINAL PLAT WAS DEFERRED INDEFINITELY AT THE AUGUST 20, 1998 MEETING (7-0):**

1. Written confirmation of final approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
2. Recording of a final plat and the posting of a performance bond for any necessary infrastructure improvements.”

**Proposal No. 91P-006U**  
Thompson Station  
Map 147-7, Parcel 107  
Map 147-11, Parcels 31, 140 and 141  
Subarea 12 (1997)  
District 26 (Arriola)

A request to revise a portion of the approved preliminary site development plan of the Commercial (General) Planned Unit Development District abutting the west margin of Nolensville Pike, and the north margin of Cotton Lane (3.44 acres), classified CL, to permit the development of a 21,000 square foot office building, requested by Dale and Associates, for Thompson-Fleming Partners, owner. (Deferred from meeting of 8/20/98).

**Resolution No. 98-677**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 91P-006U is given **CONDITIONAL APPROVAL AS A REVISION TO THE PRELIMINARY MASTER PLAN (7-0):**

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

**SUBDIVISIONS:**

**Final Plats:**

**Subdivision No. 98S-204U**

Haywood Development, Revised Reserve Parcel B  
Map 148, Parcel 175  
Subarea 13 (1996)  
District 28 (Hall)

A request for final plat approval to subdivide one reserve parcel into two lots abutting the west margin of Bakertown Road, approximately 335 feet north of Haywood Lane (17.99 acres), classified within the CS District, requested by Third National Bank, owner/developer, Cherry Land Surveying, surveyor. (Deferred from meetings of 8/6/98 and 8/20/98).

**Resolution No. 98-678**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-204U, is **APPROVED SUBJECT TO THE REQUIRED RIGHT-OF-WAY DEDICATION BEING SHOWN ON A REVISED PLAT (7-0).**”

**Subdivision No. 98S-293U**

Katherine Baker Subdivision  
Map 130-1, Parcels 96, 97, 189 and 190  
Subarea 7 (1994)  
District 34 (Fentress)

A request for final approval to reconfigure four parcels into four lots abutting the southeast corner of Harding Place and Highway 100 (2.34 acres), classified within the CS District, requested by Kathrine H. Baker, owner/developer, IDE Associates, Inc., surveyor.

**Resolution No. 98-679**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-293U, is **APPROVED (7-0).**”

**Subdivision No. 98S-295U**

Embassy Suites  
Map 92-16, Parcels 202 and 203  
Subarea 10 (1994)  
District 19 (Sloss)

A request for final plat approval to consolidate two lots into one lot abutting the southeast margin of Broadway, approximately 98 feet northeast of 19th Avenue South (1.25 acres), classified within the CF District, requested by Lineberry Properties, Inc., and J. D. Etherly, owners/developers, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

**Resolution No. 98-680**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-295U, is **APPROVED SUBJECT TO A BOND OF \$50,000.00 (7-0).”**

**Request for Bond Extension:**

**Subdivision No. 98-73-G**  
Hickory Hills, Section 8  
Hickory Hills, Ltd., L.P., principal  
[Buildout is at 6%]

Located abutting the corner of Old Hickory Boulevard and Hickory Hills Boulevard.

**Resolution No. 98-681**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98-73-G, Bond No. 96BD-047, Hickory Hills, Section 8, in the amount of \$53,000 to 8/1/99 subject to submittal of an amendment to the present Letter of Credit by **10/3/98** 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. 163-73-G**  
Bellevue Shopping Center, Phase 2  
Service Merchandise Company, Inc., principal  
[Buildout is at 0%]

Located abutting the south margin of the Memphis-Bristol Highway, approximately 1,000 feet west of Sawyer Brown Road.

**Resolution No. 98-682**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 163-73-G, Bond No. 91BD-001, Bellevue Shopping Center, Phase 2 in the amount of \$65,000 to 9/30/99.”

**Subdivision No. 86-658-U**  
Weldon B. White, Jr., Subdivision  
Weldon B. White, Jr., trustee, principal  
[Buildout is at 50%]

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

**Resolution No. 98-683**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 86-658-U, Bond No. 86BD-003, Weldon B. White, Jr., Subdivision in the amount of \$8,400 to 10/1/99 subject to submittal of a letter from the Reliance Insurance Company by **10/3/98** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.”**

**Subdivision No. 96S-249G**  
Meadow Woods, Section 1  
Sanders & McCrary, Joint Venture, principal  
[Buildout is at 29%]

Located between Old Hickory Boulevard and Pin Hook Road, approximately 1,875 feet west of Lavergne Couchville Pike.

**Resolution No. 98-684**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 96S-249G, Bond No. 97BD-080, Meadow Woods, Phase 1, in the amount of \$817,150 to 5/31/99 subject to submittal of an amendment to the present Letter of Credit by **10/3/98** which extends its expiration date to 11/30/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 96S-267G**  
Alan Estates  
A. H. Johnson Company, LLC, principal  
[Buildout is at 0%]

Located abutting the south margin of Tyler Lane between Eva Drive and Andrew Jackson Parkway.

**Resolution No. 98-685**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 96S-267G, Bond No. 97BD-031, Alan Estates in the amount of \$8,100 to 7/15/99 subject to submittal of a letter from the National Grange Mutual Insurance Company by **10/3/98** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Request for Bond Release:**

**Subdivision No. 91P-007G**  
Sunset Oaks, Section 3  
B & P Developments, Inc., principal

Located abutting the east margin of Tulip Grove Lane, opposite Sunset Way.

**Resolution No. 98-686**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 91P-007G, Bond No. 96BD-032, Sunset Oaks, Section 3 in the amount of \$33,000.”

**Subdivision No. 96S-224G**  
Summit Run, Phase 1  
Summit Run, LLC, principal

Located abutting the north margin of Old Lebanon Dirt Road and the southeast margin of Chandler Road.

**Resolution No. 98-687**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 96S-224G, Bond No. 97BD-025, Summit Run, Phase 1 in the amount of \$33,500.”

**Request for Bond Extension and Replacement:**

**Subdivision No. 41-85-P**  
Cedar Crest, Phase 2  
Joe Gower, principal  
(Buildout is at 65%)

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

**Resolution No. 98-688**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for replacement and extension of a performance bond for Subdivision No. 41-85-P, Bond No. 95BD-042, Cedar Crest, Phase 2 to 11/1/98 in the amount of \$30,000, subject to submittal of appropriate security and execution of a replacement bond by **10/3/98**. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**MANDATORY REFERRALS:**

**Proposal No. 98M-087U**  
206 Capitol Boulevard  
Map 93-6-1, Parcel 11  
Subarea 9 (1997)  
District 19 (Sloss)

A request for an aerial encroachment to allow the installation of nine (9) stationary awnings projecting 10'3" over the public right-of-way approximately 9'1" above the sidewalk at 206 Capitol Boulevard for 206 Capitol LLC.

**Resolution No. 98-689**

“BE IT RESOLVED by the Metropolitan Planning commission that it **APPROVES** (7-0) Proposal No. 98M-087U.”

**Proposal No. 98M-088U**  
Centennial Park Property Lease  
Map 92-14, Part of Parcel 76  
Subarea 10 (1994)  
District 21 (McCallister)

A request from the Public Property Administrator to approve the sale of 0.10 acres of property (zoned RM20), located at the corner of Park Plaza and 25<sup>th</sup> Avenue North, from the Metropolitan Government of Nashville and Davidson County to the State of Tennessee.

**Resolution No. 98-690**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** (7-0) Proposal No. 98M-088U.

**Proposal No. 98M-089U**  
Ocala Drive Easement Acquisition  
Map 161, Parcels 141, 190, 192, 193 and 205  
Subarea 12 (1997)  
District 21 (Hollis)



A mandatory referral from the Department of Water Services requesting approval for the acquisition of easements to accommodate water and sewer line improvements on both sides of Ocala Drive, located just west of Nolensville Road and north of Old Hickory Boulevard.

**Resolution No. 98-691**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 98M-089U.

**Proposal No. 98M-090G**  
Tulip Grove Road Closure  
Map 75, Parcels 98 and 99  
Map 76, Parcels 1 and 2  
Subarea 14 (1996)  
District 11 (Wooden)

A request to close a portion of Old Tulip Grove Road, north of Chandler Road, since this portion of Tulip Grove Road was realigned, requested by Larry W. Powell, an adjacent property owner. (Easements are to be abandoned).

**Resolution No. 98-692**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 98M-090G.

**Proposal No. 98M-091U**  
A. J. Smith and Company Fiber Optic Cable  
Map 92-10, Parcel 58  
Map 92-14, Parcel 92  
Subarea 7 (1994)  
District 21 (McCallister)

A request to locate a fiber optic cable across Charlotte Pike between two N.E.S. poles at an elevation of 22 feet above ground, located between 31<sup>st</sup> Avenue North and Interstate 440, requested by Gilbert N. Smith, for A. J. Smith and Company.

**Resolution No. 98-693**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0-1)** Proposal No. 98M-091U.

**Proposal No. 98M-092U**  
Council Bill No. 1355  
Cane Ridge Road Easement Relocation  
Map 163, Parcel 273  
Subarea 12 (1997)  
District 31 (Alexander)

A council bill authorizing the abandonment of an existing drainage easement and the acceptance of a relocated permanent easement in Cloverleaf Estates located east of Cane Ridge Road and southwest of Interstate 24.

**Resolution No. 98-694**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 98M-092U.

**Proposal No. 98M-093G**

Council Bill No. O98-1362

Greer Road Emergency Communications Tower

Map 17, Parcel 320

Subarea 2 (1995)

District 10 (Garrett)

A council bill authorizing an agreement between the Metropolitan Government of Nashville-Davidson County and property owners Steve and Elaine Minton for the lease of and access to premises at 2583 Greer Road for the construction of an Emergency Communications Tower.

**Resolution No. 98-695**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 98M-093G.

**Proposal No. 98M-094G**

Council Bill No. O98-1363

Old Charlotte Pike Emergency Communications Tower

Map 113, Parcel 10

Subarea 6 (1996)

District 23 (Crafton)

A council bill authorizing an agreement between the Metropolitan Government of Nashville-Davidson County and South Central Communications Corporation for the lease of and access to premises at 8072 Old Charlotte Pike for the construction of an Emergency Communications Tower.

**Resolution No. 98-696**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 98M-094G.

This concluded the items on the consent agenda.

**ZONE CHANGE PROPOSALS:**

**Zone Change Proposal No. 98Z-078U**

Council Bill No. O98-1233

Map 94-15, Parcels 10 (.52 acres),  
11 (.52 acres) and 12 (.69 acres)  
Map 106-3, Parcels 1 (.75 acres), 2 (.75 acres),  
5 (.52 acres), 5.01 (.34 acres) and 6 (.59 acres)  
Subarea 14 (1996)  
District 15 (Dale)

A council bill to change from RS7.5 to ON District, property located at 400, 402, 406, 408, 410, 422 and 424 Spence Lane (4.68 acres), requested by Maxie Patton, III of Maxie Patton Real Estate, appellant for Edward M. Lusky et ux, Noble W. Brown et ux, James R. Cannon, Maxie O. Patton, Thomas B. Shockley et ux, James W. Johnson et ux and Floyd Duncan et ux, owners.

Ms. Regen stated the Commission approved this property for commercial zoning on April 14, 1998. The request is to take this property from Residential to Office rather than Commercial. In April the Commission approved commercial zoning but there was opposition from the neighborhood. Councilmember Dale amended the bill at Council to ON District zoning. That is now the request and staff is recommending approval.

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

**Resolution No. 98-697**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-078U is **APPROVED (7-0)**:

**These properties fall within the Subarea 14 Plan's Industrial (IND) policy calling for a gradual transition of this established residential area to a variety of manufacturing, warehousing, and distribution uses. The ON district is a step forward in achieving the goals of IND policy since it would move this area closer to non-residential uses while still allowing the existing single-family homes as permitted uses. To ultimately achieve the Subarea 14 Plan's IND policy, more intense commercial or industrial zoning along Spence Lane will be necessary in the future."**

**Zone Change Proposal No. 98Z-145G**  
Map 114, Parcels 254 (29.87 acres)  
and 265 (7.82 acres)  
Subarea 6 (1996)  
District 23 (Crafton)

A request to change from R40 to AR2a District property located at 7691 Charlotte Pike and Charlotte Pike (unnumbered), approximately 2,600 feet west of Forest Valley Drive (37.69 acres), requested by Tina R. and Tommy Scott, appellants, for Tina R. Scott, owner.

Ms. Regen stated staff was recommending disapproval of this request to change Residentially zoned property to Agricultural. The subarea plan intent is for this area to develop with single family lots at more density than an Agricultural zoning would permit. Staff is recommending disapproval because the R40 zoning is appropriate.

The applicant is asking for this rezoning in order to raise animals for his personal use. This use is permitted in the R40 zoning district, so there is no need for a zone change. There may be, in the future, some interest in going to a Commercial Agricultural operation on this property. Since this area is becoming urbanized, staff does not feel allowing an agricultural commercial business on this property is appropriate.

Chairman Smith asked what a commercial agricultural use is.

Ms. Regen stated it would be raising of livestock for profit instead of for personal use.

Councilmember Garrett stated that sometimes this kind of rezoning was done in the rural areas to allow trailers.

Chairman Smith stated it did not make any sense for the Commission not to allow someone to go back to a farm.

Ms. Regen stated the point staff is trying to make is that this is an area that is supposed to be urbanized and if there is a farm surrounded by homes there could be conflicts between those sorts of uses.

Chairman Smith stated normally everyone liked that.

Mr. Stephen Smith stated no one would like it if it was a chicken or hog farm.

Mr. Browning stated the problem would be a spot zoning. The policy in the area is very generally applied and encourages subdivision development. If the zoning pattern is spotted it could lead away from the policy.

Mr. Stephen Smith stated that if not changing this zoning to Agricultural would stop the owner from doing something he had been doing there for years it would be different and he asked if this property was R40 before the new Zoning Ordinance was passed.

Ms. Regen stated the zoning was R40 and had not changed.

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

**Resolution No. 98-698**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-145G is **DISAPPROVED (7-0)**:

**This property falls within the Subarea 6 Plan's Natural Conservation (NC) policy calling for protection of the area's steep hillsides by clustering low intensity residential development on the flatter land. While agricultural (AR2a) zoning is consistent with NC policy, it is more appropriate in undeveloped areas of the county. Single-family subdivisions averaging approximately 1 unit per acre are located to the east and south of this property. Therefore, the existing R40 district is the preferred zoning district for this developing area."**

**Zone Change Proposal No. 98Z-149U**

Map 136, Parcel 72

Subarea 13 (1996)

District 29 (Holloway)

A request to change from AR2a to CS District property located at 2811 Smith Springs Road, approximately 1,000 feet west of Anderson Road (2 acres), requested by Robert L. Russell, Jr., appellant, for Robert Russell, owner.

Ms. Regen stated this proposal was a request to go from Agricultural to Commercial. Staff is recommending disapproval because this property falls within a Residential policy calling for 4 to 9 dwelling units per acre. In addition, there is some vacant commercial property across the street within a Planned Unit Development that has not yet developed. Before adding more commercial property staff feels what is there should be used first.

Mr. Robert Russell stated his family owned the two acres proposed for the zone change and wanted to build mini warehouses on the site and asked the Commission to approve the plan.

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

**Resolution No. 98-699**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-149U is **DISAPPROVED (7-0)**:

**This property falls within the Subarea 13 Plan's Residential Medium (RM) policy calling for 4 to 9 units per acre. The CS district is not consistent with this policy since commercial uses are not anticipated in this residential area."**

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 77-87-P**  
Nocturne Forest, Phase 2  
Map 70-3, Parcels 2 and 40  
Subarea 3 (1998)  
District 2 (Black)

A request for final approval for Phase 2 of the Residential Planned Unit Development District abutting the northeast margin of Old Buena Vista, approximately 1,200 feet north of West Trinity Lane (12.97 acres), classified RS15, to permit the development of 22 single-family lots, requested by Ragan-Smith Associates, Inc., for Chateau Associates, Ltd, owners.

Mr. Delaney stated that in order to make the connection to the adjoining phase of the subdivision and due to steep topography the engineer has requested a variance from the design speed requirement of the Subdivision Regulations. This is a local road which requires a 30 MPH design speed and the applicant and Public Works have agreed the design speed should be 26 MPH. Both Public Works and staff are in favor of that design speed variance and are recommending approval.

Ms. Nielson moved and Ms. Warren seconded the motion, which carried unanimously, to approved the following resolution:

**Resolution No. 98-700**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 77-87-P is given **CONDITIONAL FINAL APPROVAL WITH A VARIANCE TO SECTION 2-6.2.1 J. OF THE SUBDIVISION REGULATIONS FOR MINIMUM DESIGN SPEED (7-0)**:

1. Written confirmation of final approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
2. Recording of a final plat and the posting of a performance bond for any necessary infrastructure improvements."

**SUBDIVISIONS:**

**Preliminary Plats:**

**Subdivision No. 98S-269U (Public Hearing)**

Maplewood Heights Second Subdivision,  
Resubdivision of Lots 184, 185 and 186  
Map 61-10, Parcel 34, 35 and 36  
Subarea 5 (1994)  
District 4 (Majors)

A request for preliminary approval to subdivide three lots into four lots abutting the east margin of Hudson Avenue, approximately 560 feet south of Virginia Avenue (1.72 acres), classified within the RS15 District, requested by Bob Thomas & Doug Hensley, optionees, James L. Terry, surveyor. (Deferred from meeting of 8/20/98).

Ms. Carrington stated staff is recommending disapproval. In this case the proposed lots meet the comparability requirements in the Subdivision Regulations for lot area but do not meet the requirements for lot frontage comparability. They lack 18 feet of having enough frontage to have a fourth lot.

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

**Resolution No. 98-701**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-269U, is **DISAPPROVED (6-0).”**

**Final Plats:**

**Subdivision No. 98S-129U**

Baldwin Arbor  
Map 131-1, Parcel 20  
Subarea 10 (1994)  
District 34 (Fentress)

A request for final plat approval to create nine lots abutting the north margin of Hobbs Road, approximately 147 feet west of Legend Hall Drive (2.81 acres), classified within the RS10 District, requested by Hobbs, LLC, owner/developer, Walter Davidson and Associates, surveyor.

Ms. Carrington stated staff is recommending conditional approval subject to posting of a bond for extension of public utilities and construction of roadways. This preliminary plat was approved in April of this year. It is for 9 lots on the north margin of Hobbs Road. This was the first cluster lot development and this final plat does match the approved preliminary plat.

Mr. Phillip Turner, adjacent property owner, expressed concerns regarding drainage. He stated other neighbors who had similar problems had received help from the contractor in correcting those problems but he did not know if the problems were solved satisfactorily.

Councilmember Garrett asked if he had been able to contact the contractor and discuss his problems with him.

Mr. Turner stated he had gone over to the site three times and asked for someone to contact him but not one had done so.

Ms. Nielson asked if the Commission would be in line to defer this and ask that staff take a look specifically at this problem and notify the contractor.

Chairman Smith stated he did not see Mr. Davidson, the contractor, in the audience and that he felt a deferral or denial would be the right approach.

Mr. Jim Armstrong, Public Works, stated he had not been to the site since the work had been started. The plan shows a grade difference and there is supposed to be a ditch at the top of that grade difference to take all the water away and none should be coming across to adjacent properties.

Councilmember Garrett asked if there was a way the Commission could request the staff to contact the developers and ask them contact Mr. Turner.

Chairman Smith stated that when the Commission deferred this the developer would probably contact staff and Mr. Turner.

Mr. Turner stated he was reassured there would not be one drop of water that would come over on other property from the construction.

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

**Subdivision No. 98S-214U**  
West Lawn Subdivision, Lot 331 (1st Revision)  
Map 103-8, Parcel 163  
Subarea 7 (1994)  
District 24 (Johns)

A request for final plat approval to subdivide one lot into two lots abutting the south margin of West Lawn Drive, approximately 152 feet west of West Lawn Place (1.08 acres), classified within the RS7.5 District, requested by John S. and Thressa M. Fields, owners/developers, Bruce Rainey and Associates, surveyor.

Ms. Carrington stated staff is recommending approval with variances to the maximum lot size and lot depth to width requirements in the Subdivision Regulations. This is a request to subdivide one residential lot into two lots on West Lawn Drive. The lots proposed are 23,000 square feet each and the maximum size under the Subdivision Regulations would be 22,500 square feet. They also exceed the 4 to 1 depth to width ratio. In this case they happen to abut a railroad and the established lot pattern in the area is comparable to the lots that are proposed. Because of the railroad staff is not expecting any further subdivision in this area and are recommending approval of the variances.

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

**Resolution No. 98-702**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-214U, is **APPROVED WITH VARIANCES TO SECTIONS 2-4.2D AND 2-4.2E OF THE SUBDIVISION REGULATIONS (6-0).”**

**Subdivision No. 98S-273U**  
Wrightwood Estates, Section 1, Revised Lot 7  
Map 59-9, Parcel 190  
Subarea 3 (1998)  
District 1 (Patton)

A request for final plat approval to abandon a cul-de-sac and utility anchor easement abutting the west terminus of Fairmeade Drive, approximately 797 feet southwest of Boyd Drive (21.05 acres), classified

within the RS10 District, requested by John K. and Norma J. Wright, owners/developers, Dale and Associates, Inc., surveyor. (Deferred from meeting of 8/20/98).

**Request for Bond Release:**

**Subdivision No. 88S-433U**  
Wrightwood Estates, Section 1, Revised  
John K. Wright, principal  
[Buildout is at 60%]

Located abutting the east terminus of Fairmeade Court, approximately 252 feet east of Fairmeade Court. (Deferred from meeting of 8/20/98).

Ms. Carrington stated staff is recommending disapproval. This was on the Commission's last agenda and is a request to abandon a cul-de-sac and a utility anchor easement. Ms. Carrington explained that the property in question is one parcel containing one house. However, a plan of subdivision was given preliminary approval in 1989 to subdivide this property into several lots. The lots would front on either of two cul-de-sacs. One cul-de-sac has been constructed. The subdivider is asking permission to delete the requirement to build the second cul-de-sac and is asking that the performance bond for its construction be released.

Staff is recommending disapproval because the street in question is a dead end street in excess of 300 feet in length and thus is required to have a cul-de-sac by the Subdivision Regulations. This construction was bonded in 1990 and staff sees no change in circumstances to warrant removal of the cul-de-sac. Staff stated that the original plan of subdivision is still valid and would permit the subdivider to create additional lots at the end of this street.

Mr. John Wright stated he bought this 34 acre parcel of land 10 years ago to construct a home. After he constructed his home he decided not to build additional homes on the cul-de-sac. If he is required to build the cul-de-sac now it will come within 75 feet of the existing house. He said he had spoken to all the neighbors and none of them want the cul-de-sac. The only reason the cul-de-sac is on the plan is because he was going to build on the lots. If the cul-de-sac is built more people will come and dump trash in the area or abandon cars.

Chairman Smith stated the Subdivision Regulations require that cul-de-sac for safety equipment to turn around.

Mr. Wright stated he understood that. That subdivision was not developed and the previous developer should have put that cul-de-sac there.

Councilmember Garrett stated he knew where this property was and that if a cul-de-sac is put in it will only draw people there to hang out.

Ms. Warren stated she could see why people would dump in the area and if it were a cul-de-sac it would look more finished and perhaps that would not happen.

Mr. Browning stated this subdivision is laid out to accommodate a cul-de-sac and the Commission must be aware this is a matter of convenience. It is not that it cannot be done. It is the matter that this gentleman prefers not to do it. Under today's Subdivision Regulations they are required to actually build a temporary cul-de-sac. Mr. Wright is saying that when Fairmeade Drive was brought up to his property line it just ended where it does now. Under today's regulations, that subdivider would have been required to install a temporary cul-de-sac. There is only the one house there so maybe there are some physical constraints but the Commission still has to anticipate the possibility that other houses could be built around the cul-de-sac.



Mr. Small asked if the cul-de-sac was included in the subdivision when it was first proposed..

Mr. Wright stated both ends of the street were abruptly ended when he purchased the property.

Mr. Small asked when the plat was presented initially to develop this area did Mr. Wright not agree to put in the cul-de-sac.

Mr. Wright stated he did agree to put in the cul-de-sac because at that time he wanted to put additional lots in the back.

Ms. Warren stated this cul-de-sac was planned when the house was put in so technically the gentleman knew the cul-de-sac was supposed to be in there when he placed his house in that position knowing he could be required to build a cul-de-sac.

Mr. Wright stated his house was placed before the subdivision plat was approved.

Councilmember Garrett moved and Mr. Stephen Smith seconded the motion to approve the abandonment and to release the bond.

The motion to revise the plat to abandon the cul-de-sac and to release the bond failed with Councilmember Garrett and Mr. Stephen Smith voting in favor and Chairman Smith, Ms. Warren, Mr. Manier, Ms. Nielson and Mr. Small voting in opposition.

**Subdivision No. 98S-289A**

Arlington Green, Phase 1, Lot 23

Map 142-16-B, Parcel 23

Subarea 6 (1996)

District 35 (Lineweaver)

A request to amend the front setback line from 40 feet to 30 feet on a lot abutting the east margin of Cabot Place, approximately 66 feet north of Andover Way (.27 acres), classified within the RS20 Residential Planned Unit Development District, requested by Murali Tummuru and Usha R. Kurre, owners/developers, John Kohl and Company, surveyor.

Ms. Carrington stated staff was recommending disapproval. This is a request to amend a front setback from 40 feet to 30 feet on a single family lot. This is in a Residential Planned Unit Development District. The plat was recorded in 1987 and established 40 foot setbacks around the cul-de-sac. The house that is on the lot was finished in July 1996 and it encroaches 10 feet into the setback. Staff has checked with Codes and all of their information indicated a 40 foot setback when the permit was issued. They indicate the engineer probably certified the footings as 40 feet and Codes never questioned it.

In this case there is plenty of room to the rear and staff does not see any property hardship or anything to justify an amendment to the setback.

Chairman Smith asked if the house was already there.

Ms. Carrington stated it was.

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

**Resolution No. 98-704**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-289A is **APPROVED (7-0).”**

**Subdivision No. 98S-291A**  
Rolling River Estates, Section 1, Lot 35  
Map 155-3-A, Parcel 40  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to amend the side yard setback line from 30 feet to 15 feet on a lot abutting the north margin of Poplar Creek Road, approximately 448 feet west of Somerset Place (.90 acres), classified within the RS20 Residential Planned Unit Development District, requested by Steven L. and Sandra G. Ivey, owners/developers.

Ms. Carrington stated staff is recommending disapproval. This is a request to amend a side setback from 30 feet to 15 feet on a single family lot on Poplar Creek Road in a Planned Unit Development District. This plat was recorded in 1975. The lot in question is on the boundary of the plat and it was required to have a 30 foot side setback. In this case an addition to the house is proposed. The house was built back in the corner of the lot and there is plenty of room elsewhere within the building envelope for an addition.

Councilmember Vic Lineweaver stated the owner wants to build a bedroom and there is an easement on one side of the house and that is why the owner chose to build on the other side.

Councilmember Garrett asked what the easement is.

Mr. Steven Ivey stated it is the sewer easement.

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

**Resolution No. 98-705**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-291A, is **APPROVED (7-0).**”

**Request for Bond Extension:**

**Subdivision No. 88P-046G**  
Poplar Ridge, Section 5  
Karl E. Haury, Jr., principal  
[Buildout is at 100%]

Located on both margins of Poplar Ridge Drive, approximately 80 feet southeast of Poplar Ridge Court.

Ms. Carrington stated staff is recommending disapproval of this request for an extension and authorization for collection of the performance bond unless final paving, drainage corrections and sidewalks are completed by November 15, 1998.

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

**Resolution No. 98-706**

“**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. 88P-046G, Bond No.

97BD-044, Poplar Ridge, Section 5, in the amount of \$20,000 unless final paving, drainage corrections and sidewalks are complete by 11/15/98.

**Subdivision No. 93S-343G**  
McCrorry Heights  
Buddy Dunn Contractors, principal  
[Buildout is at 80%]

Located abutting the northeast margin of McCrorry Lane and the west terminus of Greenvale Drive.

Ms. Carrington stated staff is recommending disapproval of this request for an extension and authorization for collection of the performance bond unless final paving and sidewalks and the restoration of a disturbed blue line stream area completed by November 15, 1998.

Ms. Nielson moved and Ms. Warren seconded the motion, which carried unanimously, to approved the following resolution:

**Resolution No. 98-707**

“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. 93S-343G, Bond No. 94BD-006, McCrorry Heights, in the amount of \$62,183 unless final paving and sidewalks and the restoration of a disturbed blue line stream are complete by 11/15/98.

**Subdivision No. 94P-021G**  
Hanover Park of Sheffield  
Phillips Builders, Inc., principal  
[Buildout is at 90%]

Located abutting the west margin of Somerset Place and the north terminus of River Fork Drive.

Ms. Carrington stated staff is recommending disapproval of this request for an extension and authorization for collection of the performance bond unless final ditch stabilization is completed by November 15, 1998.

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

**Resolution No. 98-708**

“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. 94P-021G, Bond No. 96BD-010, Hanover Park of Sheffield, in the amount of \$36,520 unless final ditch stabilization is complete by 10/15/98.”

**Subdivision No. 94S-295U**  
Ashford Crossing, Section 1  
Phillips Builders, Inc., principal  
[Buildout is at 100%]

Located on the south margin of Mt. View Road, approximately 200 feet northeast of Old Franklin Road.

Ms. Carrington stated staff is recommending disapproval of this request for an extension and authorization for collection of the performance bond unless final paving is completed by November 30, 1998.

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

**Resolution No. 98-709**

“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. 94S-295U, Bond No. 94BD-087, Asheford Crossing, Section 1 in the amount of \$50,000 unless final paving is complete by 11/30/98.”

Mr. Stephen Smith left at this point in the agenda at 2:30 p.m.

**OTHER BUSINESS:**

1. APR Fund Appropriation.

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

**Resolution No. 98-710**

BE IT RESOLVED by the Metropolitan Planning Commission that it approves the APR Fund Appropriation as follows:

Appropriation Balance - July 1, 1998	\$0.00
Resolution No. 98-710 adopted September 3, 1998	\$250,000.00
Net Appropriation Balance	\$250,000.00

July, August, September 1998 Expenditures - Projected:

Salaries	\$17,814.00	
Central Printing Services	\$1,500.00	
Data Processing Services	\$75.00	
Advertising	\$2,000.00	
Membership/Training	\$400.00	
Consultant's Services	\$141,014.00	
Postage	\$800.00	
Office Supplies	\$0.00	
FICA	\$1,321.32	
Group Health Insurance	\$1,454.76	
Employer's Pension Contribution	\$2,314.02	
Group Life Insurance	\$156.00	
Dental Insurance	\$91.44	(\$168,940.54)
Net Appropriation Balance		\$81,059.46

Revenue in Transit

\$0.00

\$81,059.46

2. Madison Historic Business District Plan consideration and endorsement. (Deferred from meeting of 8/20/98).

Chairman Smith asked Mr. Eadler to point out the restriction and opportunities of a historic district in a business sense.

Mr. Robert Eadler stated this is not a historic district in a zoning sense. The only zoning that is currently in place in the area is base district zoning and most of that is CS.

Chairman Smith asked why it was being call Madison Historic Business District.

Mr. Eadler stated the history pertained to the fact that this is the oldest retail service area serving the Madison community.

Chairman Smith suggested the Commission not confuse people with that term and asked if there was some other term that could be used because the definition was important to the public.

Mr. Eadler stated staff would work on the title. It is always possible that in the future some kind of historic zoning or conservation overlay could be applied. In fact, that is one of the things that needs to be examined and is called for in the plan.

This study area includes from Old Hickory to the north, the CSX Railroad to the west, Madison Square Shopping Center to the South and to the break between commercially zoned and residential property to the east.

The most significant concerns that evolved from the study were general public safety and the issue of crime, the overall adequacy of parking particularly for the commercial uses along Gallatin Road, and the general appearance of development along Gallatin Road.

The plan contains a variety of goals that center around the area's history and also on the provision of services to improve safety. At some point in time commuter rail may be provided along the west edge of the study area, including potentially a station.

This plan is suggesting predominately retail commercial businesses continue to orient and develop along Gallatin Road, a cluster of community services develop around the Taylor-Stratton site and to the edge of the study area, and that the remaining areas, both east and west of the retail corridor develop with a mixture of residential, commercial and office type uses. In the southeast corner there is an area that is sensitive to the adjoining residential development and it is an area that will have to be looked at very carefully from the point of view of development and zoning.

The actions that area called for by the plan, once it is endorsed, fall into a variety of categories. One of them is organizational actions. The plan envisions an oversight committee that will operate on a continuing basis to manage, oversee and encourage activity pursuant to the plan. Another type of action is regulatory. This would be a review of base district zoning and possible changes, and then a review of possible overlay district applications. Also a variety of studies will be needed such as a market study for the area and parking.

Physical improvements fall into two broad categories. One has to do with road improvements such as the extension of Neeley's Bend Road. Other improvements that are being proposed are the police station and the regional library, which are under construction at the Taylor-Stratton site.

The State of Tennessee is going to be doing intersection improvements at Gallatin Road and State Route 45. Staff took the opportunity to explore with them the possibility of getting the decorative sidewalk work done as part of their project that would be envisioned as part of the streetscape plan. They have agreed not only to do that but there was an effort by the community to get TDOT to commit to putting in a decorative crosswalk on Gallatin which has been committed as well.

Chairman Smith stated the Commission needed to endorse this plan and with the exception of the title he was in favor of doing that and asked staff to work on the title and bring it back at the next meeting.

3. Economic Development Functional Plan. Consideration of Adoption. (Deferred from meeting of 8/20/98).

Ms. Alperin stated that two meetings ago staff came to the Commission with the revisions to land use section of the industrial component of the Economic Development Functional Plan and there was some concern as to how things were worded when we talked about excess policy and what that really meant. Staff has now rewritten that section to more precisely state that there may be ample industrial policy, but applied in undesirable places. The study has been rewritten to state that additional industrial policy should be considered in locations desired by industrial users, and this process of allocating additional industrial policy, and eventually industrial zoning, should be carried out in the subarea planning process.

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

**Resolution No. 98-711**

**“Be It Resolved,** by the Metropolitan Planning Commission that it hereby adopts a plan entitled “Economic Development Functional Plan” as a part of the General Plan in accordance with Sections 11.504 (e), (j) and 18.02 of the Charter of the Metropolitan Planning Commission of Nashville Davidson County, Tennessee.”

4. Demonstration of Internet Access to Metro Map Data. (Deferred from meeting of 8/20/98).

Mr. Kim McDonough and Ms. Jennifer Higgs explained and demonstrated the Internet Access to Metro Map Data.

The Commission endorsed the efforts of staff and further endorsed placing the maps on internet access.

Mr. Jerry Fawcett announced staff was about to undertake the Subarea 11 Update process and the first step of that is to set the level of citizen participation. Information has been mailed out about that update so the Commission may get calls regarding that.

5. Legislative Update.

Ms. Carrington provided an update on the current legislative status of items previously considered by the Commission.

**ADJOURNMENT.**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:40 p.m.

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Chairman

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Secretary

Minute Approval:  
This 17<sup>th</sup> day of September, 1998