

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

Date: October 29, 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  
Douglas Small  
Stephen Smith  
Pat Tatum

**Absent:**

Mayor Philip Bredesen  
Marilyn Warren

**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  
John Reid, Planner II  
Robert Leeman, Planner I  
Jeff Stuncard, Planner I  
James Russ, Planning Technician I

**Community Plans Division:**

Jerry Fawcett, Planning Division Manager

**Advance Planning & Research:**

John Boyle, Planning Division Manager  
Michelle Kubant, Planner I  
Josh Rechkemmer, Planning Technician I

**Others Present:**

Jim Armstrong, Public Works  
Nicole Rodrigue, Metro Legal

Chairman Smith called the meeting to order.

**ADOPTION OF AGENDA**

Ms. Carrington announced the following changes to the agenda: Zone Change Proposal No. 98Z-172U should be listed as being in Subarea 10, Zone Change Proposal No. 98Z-173U should be listed as being in Subarea 13 and Subdivision No. 94S-139G is at 100% buildout. Since the Commission mail out all work has been completed and this item should be moved under Request for Bond Release.

Mr. Browning announced there is a text amendment that should have been on this agenda involving Day Care Centers.

Chairman Smith stated the Commission would include that item under the Recognition of Councilmembers.

Mr. Lawson moved and Mr. Stephen Smith seconded the motion, which unanimously passed, to approve the agenda as amended.

**ANNOUNCEMENT OF DEFERRED ITEMS**

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

- 98Z-148U       Deferred indefinitely, by applicant.
- 97P-031U       Deferred two weeks, by applicant.
- 98S-024U       Deferred two weeks, by applicant.
- 98S-354u       Deferred two weeks, by applicant.
- 98S-374G       Deferred two weeks, by applicant.

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

**APPROVAL OF MINUTES**

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed to approve the minutes of the regular meeting of October 15, 1998.

**RECOGNITION OF COUNCILMEMBERS**

Councilmember-at-Large Leo Waters stated the Day Care Text Amendment ordinance was passed on second reading unanimously at Council and there was some feeling there should be some additional discussion before the Commission before final approval. This ordinance was originally requested and approved by the Planning Commission for certain circumstances to allow some flexibility in day care centers in residential areas. Obviously with the new Zoning Ordinance there were concerns about numbers of children that would be allowed in those day care centers. The state allows up to 125 and the Metro rewrite of the Zoning Ordinance limited the number to 75. In certain circumstances, such as St. Luke’s and Bethlehem Center there were problems because flexibility that had not been allowed, particularly in the

preschool and after school programs. In very few cases there should be over 75 but in certain cases the circumstances would allow that to happen.

Chairman Smith stated the Commission would like to postpone any action until the next meeting to give the Commission and staff time to study the amendment.

Councilmember-at-Large Waters stated he understood that and agreed.

Mr. Doug Anderson, Executive Director of St. Luke's Community House, stated St. Luke's had been in its current location since 1920, and since the late 60's has been providing extensive programs in child care, both for preschool children and school age children. These programs were run in a variety of makeshift facilities. Two and one-half years ago enough money was available to construct a new facility which has been serving around 140 children.

Councilmember Earl Campbell spoke in favor of Zone Change Proposal No. 98Z-170U.

### **ADOPTION OF CONSENT AGENDA**

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

#### **ZONE CHANGE PROPOSALS:**

##### **Zone Change Proposal No. 98Z-171U**

Map 81-6, Parcel 354  
Subarea 8 (1995)  
District 20 (Haddox)

A request to change from R6 to RM40 district property located at 2016 24th Avenue North, approximately 200 feet south of Clarksville Pike (.20 acres), requested by Eric Robertson, appellant, for Eric and Karen Robertson, owners.

##### **Resolution No. 98-830**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No.98Z-171U is **APPROVED (8-0)**:

**This property falls within the Subarea 8 Plan's Commercial Arterial Existing (CAE) policy calling for commercial, office, and higher density residential uses. The RM40 district is consistent with this policy and the emerging zoning pattern along Clarksville Pike to the west. The RM40 district is also appropriate for the remaining properties within the existing CS, CN, and R6 districts between 24<sup>th</sup> Avenue North and 23<sup>rd</sup> Avenue North."**

##### **Zone Change Proposal No. 98Z-173U**

Map161, Parcel 133  
Subarea 13 (1997)  
District 30 (Hollis)

A request to change from R20 to RM9 district property located at 2228 Old Hickory Boulevard, on the northeast margin of Amalie Drive and Old Hickory Boulevard (5.13 acres), requested by Wilson Stevenson, appellant, for George T. Hicks et ux, owners.

**Resolution No. 98-831**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 98Z-173U is **APPROVED (8-0)**:

**This property falls within Subarea 12 Plan’s Residential Medium (RM) density policy calling for 4 to 9 units per acre. The RM9 district is consistent with this policy and is a transition from the higher densities (12-14 units per acre) to the east and south (across Old Hickory Boulevard) to the lower densities of 5 units per acre to the north and west in the Villages of Brentwood.”**

**Zone Change Proposal No. 98Z-174U**  
Council Bill No. O98-1420  
Map 58-16, Parcel 46 (.59 acres)  
Subarea 3 (1998)  
District 2 (Black)

A council bill to rezone from OR20 to MUL district property located at 4037 Clarksville Pike, at the intersection of Cedar Circle/Clarksville Pike (.59 acres), requested by Charles E. Kimbrough, appellant, for Smith Brothers Funeral Home, owner.

**Resolution No. 98-832**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 98Z-174U is **APPROVED (8-0)**:

**This property falls within the Subarea 3 Plan’s Commercial Arterial Existing (CAE) policy calling for commercial, office, and higher density residential uses. The MUL district is consistent with this policy and the zoning pattern to the south.”**

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 122-82-U**  
Grassmere Business Park  
Map 132, Parcel 1  
Subarea 12 (1997)  
District 26 (Arriola)

A request to revise a portion of the approved preliminary site development plan of the Commercial Planned Unit Development District located abutting the northeast margin of Elysian Fields Road and Trousdale Drive (6.13 acres), classified R10, to permit a 75,000 square foot three story office building to replace the approved 76,500 square foot three story office building and for final approval for a portion of the parking area, requested by Barge, Cauthen, for Highwoods Properties, owner.

**Resolution No. 98-833**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 122-82-U is given **APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PORTION OF A PHASE TO PERMIT A PARKING AREA (8-0)**. The following condition applies:

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

**Proposal No. 46-83-P**

Metropolitan Airport Center  
Map 108-1, Parcels 58, 75 and 217  
Subarea 14 (1996)  
District 14 (Stanley)

A request to revise the approved preliminary site development plan of the Commercial (General) Planned Unit Development District located abutting the south margin of Elm Hill Pike and the west margin of Airport Center Drive (9.50 acres), classified CS, to permit the development of two hotels and an office building totaling 203,136 square feet, to replace a 123,473 square foot hotel/office use on the approved plan, requested by Ragan-Smith Associates, for Duke Construction, owner.

**Resolution No. 98-834**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 46-83-P is given **CONDITIONAL APPROVAL OF A REVISION TO PRELIMINARY FOR A PHASE (8-0)**. The following condition applies:

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

**Proposal No. 69-83-G**  
Santa Fe Cantina  
Map 75, Parcel 178  
Subarea 14 (1996)  
District 12 (Ponder)

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 Old Hickory Boulevard, approximately 1,100 feet south of Lebanon Pike (2.79 acres), classified SCR, to replace the approved 11,000 square foot retail use with a 7,600 square foot restaurant and a 3,400 square foot office use and for final approval of the 7,600 square foot restaurant, requested by James and Associates, for Santa Fe Partners, Inc., owner. (Deferred from meeting of 10/15/98).

**Resolution No. 98-835**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 69-83-G is given **APPROVAL OF REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE (8-0)**. The following conditions apply:

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

**Proposal No. 68-87-P**  
Northside Station (New Bordeaux Library)  
Map 69, Part of Parcel 37  
Subarea 3 (1998)  
District 2 (Black)

A request to revise a portion of the Commercial (General) Planned Unit Development District located abutting the east margin of Clarksville Pike opposite Fairview Drive (3.23 acres), classified CL and SCN, to

permit the development of a 21,118 square foot public library to replace three out parcels with a combined total of 24,473 square feet of retail/restaurant uses, requested by PBS & J Inc., for Metro Development and Housing Agency, owners.

**Resolution No. 98-836**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 68-87-P is given **CONDITIONAL APPROVAL (8-0)**. The following condition applies:

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

**SUBDIVISIONS:**

**Final Plats:**

**Subdivision No. 98S-353G**

Charles U. Coggins, Resubdivision of Lots 1 and 2  
Map 51-8, Parcel 32 and 219  
Subarea 4 (1998)  
District 3 (Nollner)

A request for final plat approval to reconfigure two lots abutting the southwest corner of Due West Avenue and Gallatin Pike (4.17 acres), classified within the CS District, requested by James H. and Judy L. Benson, owners/developers, King Engineers, LLC, surveyor.

**Resolution No. 98-837**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-353G, is **APPROVED SUBJECT TO A BOND OF \$10,000.00 (8-0)**.”

**Subdivision No. 98S-361U**

Sterling Oaks, Phase 1  
Map 172, Parcel 230  
Subarea 12 (1997)  
District 32 (Jenkins)

A request for final plat approval to create 40 lots abutting the north margin of Cloverland Drive, approximately 915 feet west of Edmondson Pike (14.68 acres), classified within the RS20 Residential Planned Unit Development District, requested by Pulte Homes of Tennessee, LLC, owner/developer, Bledsoe Engineering, surveyor.

**Resolution No. 98-838**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-361U, is **APPROVED SUBJECT TO A BOND OF \$496,500.00 (8-0)**.”

**Subdivision No. 98S-364U**

Rosewood Heights, Section 11, Resubdivision  
of Lots 32-34 and 40-50  
Map 83-8, Parcel 27

Subarea 5 (1994)  
District 7 (Campbell)

A request for final plat approval to consolidate 14 lots into one lot abutting the northwest corner of Crescent Hill Road and Preston Drive (6.63 acres), classified within the R10 District, requested by Davidson County Board of Education, owner/developer, Volunteer Surveying, surveyor.

**Resolution No. 98-839**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-364U, is **APPROVED (8-0).”**

**Subdivision No. 98S-366G**  
Due West Subdivision, Lots 3-7 Revision (ZLD)  
Map 51-5, Parcels 22-26 and 29-33  
Subarea 2 (1995)  
District 3 (Nollner)

A request for final plat approval to reconfigure ten lots abutting the southeast margin of Channing Drive, approximately 150 feet south of Old Due West Avenue (1.32 acres), classified within the R10 District, requested by David R. and Chandra H. Pounders and J. C. Kyle, owners/developers, John Kohl and Company, surveyor.

**Resolution No. 98-840**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-366G, **APPROVED (8-0).”**

**Subdivision No. 98S-368U**  
Drake’s Run Subdivision, Section 1  
Map 58, Part of Parcels 70 and 71  
Subarea 3 (1998)  
District 1 (Patton)

A request for final plat approval to create 15 lots abutting the west margin of Drakes Branch Road, approximately 406 feet north of Kings Lane (8.77 acres), classified within the RS15 District, requested by Howard and Company Realtors, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

**Resolution No. 98-841**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-368U, **APPROVED SUBJECT TO A BOND OF \$246,500.00 (8-0).”**

**Subdivision No. 98S-369U**  
The Gulch, Tract 7  
Map 93-9, Parcel 307  
Map 93-14, Parcel 1  
Subarea 9 (1997)  
District 19 (Sloss)

A request for final plat approval to consolidate 26 lots into one lot abutting the north margin of 11th Avenue Industrial Boulevard and the west margin of Gleaves Street (7.85 acres), classified within the CF District, requested by CSX Real Property, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

**Resolution No. 98-842**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-369U, is **APPROVED (8-0).**”

**Subdivision No. 98S-372G**  
Jackson’s Grove, Phase 2  
Map 86, Part of Parcel 108  
Subarea 14 (1996)  
District 12 (Ponder)

A request for final plat approval to create 13 lots abutting the southeast terminus of Jackson's Place, approximately 85 feet southeast of Lili Lane (3.1 acres), classified within the RS15 Residential Planned Unit Development District, requested by Consolidated Realty Services, Inc., owner/developer, Dale and Associates, surveyor.

**Resolution No. 98-843**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-372G, **APPROVED SUBJECT TO A BOND OF \$42,000.00 (8-0).**”

**Request for Bond Extension:**

**Subdivision No. 89S-187U**  
Perimeter Place, Section 6  
Larry M. Vaden, principal  
(Buildout is at 0%)

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

**Resolution No. 98-844**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 89S-187U, Bond No. 89BD-012, Perimeter Place, Section 6 in the amount of \$7,800 to 10/20/99.”

**Subdivision No. 90S-021U**  
MetroCenter, Tracts 15A and 15B  
MetroCenter Properties, principal  
(Buildout is at 0%)

Located abutting the east side of Athens Way, between Great Circle Road and French Landing.

**Resolution No. 98-845**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 90S-021U, Bond No. 90BD-016, MetroCenter, Tract 15A & 15B, in the amount of \$30,000 to 9/15/99 subject to submittal of an amendment to the present Letter of Credit by **11/29/98** which extends its expiration date to 3/15/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 97S-320G**  
Asheford Crossing, Section 3

Phillips Builders, Inc., principal  
(Buildout is at 15%)

Located abutting both margins of Murphywood Crossing and both margins of Monroe Crossing.

**Resolution No. 98-846**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-320G, Bond No. 96BD-056, Asheford Crossing, Section 3 in the amount of \$100,000 to 10/30/99 subject to submittal of a letter from the Frontier Insurance Company by **11/29/98** 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. 93P-008G**  
Chandler Grove  
Brent A. Campbell, co-principal  
Charles V. Duncan, co-principal

Located abutting the south margin of Chandler Road, approximately 2,410 feet east of Tulip Grove Road.

**Resolution No. 98-847**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 93P-008G, Bond No. 94BD-082, Chandler Grove in the amount of \$35,000.”

**Subdivision No. 95S-367G**  
Chase Pointe, Section 1  
Jean Spain, principal

Located abutting the west margin of Union Hill Road, approximately 1,088 feet north of Clay Lick Road.

**Resolution No. 98-848**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 95S-367G, Bond No. 95BD-096, Chase Pointe, Section 1 in the amount of \$10,000.”

**Subdivision No. 94S-139G**  
Bayview, Section 1  
Bayview Venture, principal  
(Buildout is at +75%)

Located abutting the west margin of Bell Road, approximately 1,000 feet north of Old Smith Springs Road.

**Resolution No. 98-849**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release, rather than collection of a performance bond for Subdivision No. 94S-139G, Bond No. 96BD-039, Bayview, Section 1 in the amount of \$108,000.”

**MANDATORY REFERRALS:**

**Proposal No. 98M-103U**  
South 20th Street Name Change  
Map 83-10  
Subarea 5 (1994)  
District 6 (Beehan)

A request by the Director of Public Works to change the Official Metro Street and Alley Acceptance and Maintenance Map by renaming South 20th Street between Holly Street and Oakhill Drive to "Oakhill Drive" in order to reduce confusion of emergency personnel responding to 911 calls.

**Resolution No. 98-850**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 98M-103U.

**Proposal No. 98M-106U**  
Old Harding Pike  
Map 116-13, Parcels 160 and 161  
Subarea 7 (1994)  
District 34 (Fentress)

A request to close an unused section of Old Harding Pike between Post Road and the CSX Railroad, requested by John S. Phipps Sr., appellant, for John S. Phipps Sr., Martha Phipps et al, owners of abutting properties. (Portion of easements to be abandoned and portion to be retained).

**Resolution No. 98-851**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES WITH CONDITIONS (8-0)** Proposal No. 98M-106U:

**Approval of this street closure is subject to retaining the 10 foot N.E.S. easement within this unused section of Old Harding Pike and the Metro Water & Sewer Services sewer easement with all other easements being abandoned."**

**Proposal No. 98M-109U**  
1630 Douglas Avenue  
Map 83-2, Parcel 180  
Subarea 5 (1994)  
District 6 (Beehan)

A request to permit an existing deck constructed in 1983 to encroach 3' 2" by 45' into Alley 1014, requested by Darrel Lyle Construction for Paul W. Smith et ux, owners.

**Resolution No. 98-852**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 98M-109U.

**Proposal No. 98M-110U**

Goodwill Industries; 1015 Herman Street  
Map 93-1, Parcels 1 and 2  
Map 92-4, Parcel 327  
Subarea 8 (1995)  
District 20 (Haddox)

A request to locate a fiber optic cable beginning at property known as 905 9th Avenue North, crossing Herman Street, running parallel to 10th Avenue North for approximately 250 feet, and crossing 10th Avenue North between five N.E.S. poles at an elevation of at least 18' above ground, requested by David Lifsey for Goodwill Industries of Middle Tennessee.

**Resolution No. 98-853**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 98M-110U.

**Proposal No. 98M-112U**  
Surplus Property Sale - 1006 and 1008 Buchanan Street  
Map 81-7, Parcels 520 and 521  
Subarea 8 (1995)  
District 20 (Haddox)

A request from the Public Property Administrator to approve the sale of certain properties, zoned CS, owned by the Metropolitan Government of Nashville and Davidson County and located at 1006 and 1008 Buchanan Street.

**Resolution No. 98-854**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98M-112U, located at 1006 and 1008 Buchanan Street Map 81-7, Parcels 520 and , is recommended to be declared surplus and sold."

**Proposal No. 98M-113U**  
Littlejohn Engineering; 21st Avenue South  
Map 104-12, Parcels 68 and 91  
Subarea 10 (1994)  
District 0

A request to install a fiber optic cable onto six NES poles running from the back of an existing building at 2004 21st Avenue South, north on Alley 921, west on Portland Avenue and crossing 21st Avenue South and then north on Alley 815, terminating at the rear property line of 1935 21st Avenue South, requested by Littlejohn Engineering, appellant for 1935 Partners, owners.

**Resolution No. 98-855**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 98M-113U.

This concluded the items on the consent agenda.

**ZONE CHANGE PROPOSALS:**

**Zone Change Proposal No. 98Z-170U**

Council Bill No. O98-1419

Map 72-6, Parcels 213 (.47 acres) and 214 (.16 acres)

Subarea 5 (1994)

District 7 (Campbell)

A council bill to rezone from CL to CS district properties located at 1063 and 1067 East Trinity Lane, approximately 600 feet west of Gallatin Pike (.63 acres), requested by Kenneth D. Flatt, appellant/owner.

Ms. Regen stated staff is recommending disapproval of the rezoning to CS because the existing CL zoning is the more appropriate zoning district in this location and is more compatible with surrounding zoning districts. This area has a few parcels that are OR20 but is largely CL zoning. She stated the area was zoned CS prior to January, 1998. However, when the new zoning ordinance became effective, the CL district was most compatible with the kinds of land uses in the area. Though continuation of CS zoning was possible, it was a conscious decision by the Council to zone the area CL for the future.

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

**Resolution No. 98-856**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-170U is **DISAPPROVED (8-0)**:

**This property falls within the Subarea 5 Plan's Commercial Arterial Existing (CAE) policy along this stretch of East Trinity Lane calling for office and higher density residential uses which are compatible with the surrounding residential uses to the north. The heavier commercial uses permitted within the CS district are more appropriate along Gallatin Pike where there is a predominance of existing CS zoning. Allowing CS at this location may encourage, and certainly would help justify, additional CS rezoning requests along East Trinity Lane as well. The existing CL zoning or the OR20 or MUL district would be more appropriate since those districts permit commercial uses which are more compatible with the surrounding residential uses."**

**Zone Change Proposal No. 98Z-172U**

Map 116-3, Parcels 89 (.23 acres), 90 (.23 acres), 91 (.23 acres), 106 (.29 acres), 107 (.46 acres), 108 (.34 acres), 109 (.34 acres) and 110 (.23 acres)

Subarea 10 (1994)

District 34 (Fentress)

A request to change from R10 to OR20 district certain properties located at 111, 113, 115 Kenner Avenue and 110, 112, 114, 116, and 118 Woodmont Boulevard, approximately 300 feet southeast of Harding Pike (2.35 acres), requested by Jerald V. Peiser, appellant, for Wilson S. Manning et ux, owners.

Ms. Regen stated staff is recommending disapproval as contrary to the General Plan. This request is to rezone property along Woodmont Boulevard from residential R10 to OR20. The Subarea 10 concept plan, which was adopted in 1994, calls for office and residential uses along Woodmont Boulevard paralleling Ridgfield and preservation of the existing housing stock. The proposal is to go to OR20, which would allow office uses, which are not allowed in the residential policy that applies to these properties. It also allows for 20 dwelling units per acre and that exceeds the density of residential policy in this area. The applicant wants to build an assisted living facility on this property which requires the OR20 zoning.

Chairman Smith asked if the Commission should take the same approach to anything in that area that is higher than R10.

Ms. Regen stated it should be if multi-family is introduced because the intent is to conserve the existing homes.

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

**Resolution No. 98-857**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 98Z-172U is **DISAPPROVED (8-0) as contrary to the General Plan:**

**These properties fall within the Subarea 10 Plan's Residential Medium (RM) density policy calling for the conservation of the existing homes along Woodmont and Kenner Avenues and a maximum density of 9 units per acre. The OR20 district is inconsistent with this policy since it would permit office uses and new residential development at up to 20 units per acre, both of which run counter to the RM policy's objectives. The subarea plan intends for mixed uses such as those permitted within the OR20 district to locate west of Ridgefield and along Harding Pike. The existing R10 district is the preferred zoning district since it is consistent with the predominant 10,000 square foot lot sizes in the area."**

**Zone Change Proposal No. 98Z-175G**

Council Bill No. O98-1412

Map 181, Parcel 26

Subarea 12 (1997)

District 31 (Alexander)

A council bill to rezone from RS10 to R40 district property located at 14307 Old Hickory Boulevard, approximately 2,200 feet south of Barnes Road (2.64 acres), requested by William Brittain, appellant, for W. K. Brittain et ux, owners.

Ms. Regen stated there had been a number of rezonings in the Mill Creek area for RS10 zoning. This an area of the county in Subarea 12 developing at approximately 4 units per acre.

Staff is recommending disapproval because the RS10 zoning district is the appropriate district to achieve the density that is consistent with the General Plan. The requested R40 zoning would encourage a much lower density residential pattern.

Mr. Browning stated this applicant wanted to rezone this property to R40 because they wanted only two lots. Each of them would be an acre or larger. If this is zoned R10 an acre would obviously be more than three times as large as the R10 is supposed to be. Staff suggested that the applicant leave the RS10 zoning in tact, and identify building envelopes which would accommodate four lots and building sites for the future. The applicant has refused to cooperate in this manner.

Mr. Stephen Smith stated that perhaps one of the houses they wanted to build was too big to fit on one of the 4 lots.

Mr. Browning stated it probably was not. There is one house there already and it is to one side of what would be one lot. This existing house would meet all the criteria staff suggested. The problem is the applicant insists on locating the second structure in a manner inconsistent with eventual development of four lots.

Mr. Stephen Smith asked if sewer was available.

Mr. Browning stated it is because there is a dense subdivision adjacent to it.

Councilmember Garrett stated the applicant's desire to locate the house in the middle of the lot did not seem like a problem to him.

Chairman Smith stated this is a point perhaps only a planner would appreciate. When staff anticipates what this county is going to look for 20 years or more, we feel the obligation to anticipate subdivision. It may seem reasonable to have everybody have acre lots but it is not. It is not going to be that way 20, 30 or 40 years from now. Staff tried to work with the property owner to anticipate that development pattern 20 years from now and still get him as close to what he wants to do as possible.

Mr. Stephen Smith stated the tax payer that has run the sewer and the roads and build the schools to accommodate the needs of the area can't be done on one acre lots. You can't afford sanitary sewers on one acre lots and the tax payer has already paid for that and the only way it has a chance is to have more density.

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

**Resolution No. 98-858**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 98Z-175G is **DISAPPROVED (8-0)**:

**This property falls within the Subarea 12 Plan's Residential Low Medium (RLM) density policy calling for 2 to 4 units per acre. The R40 district is inconsistent with this policy since it permits densities which fall below the density range of RLM policy. The R40 district is also not consistent with the emerging single-family development pattern in this area of 4 units per acre. The RS10 district will allow the applicant to subdivide this property in a manner which would allow the construction of the desired two single-family homes while at the same time accomplishing the long range goals of the RLM policy for this area of 4 units per acre."**

**Zone Change Proposal No. 98Z-178U**

Map 150, Parcels 95 (3.3 acres), 96 (9 acres)  
and 192 (3.3 acres)  
Subarea 13 (1996)  
District 29 (Holloway)

A request to change from AR2a to R8 district properties located at 3276 Hamilton Church Road and Hamilton Church Road (unnumbered), on the western terminus of Forest Breeze Drive (15.6 acres), requested by Wamble and Associates, appellant, for Barbara Grace Grogan et al, Fred J. Ramsey, Jr. and Dessie R. Ramsey, owners.

**Proposal No. 79-87-P**

Calumet  
Map 150, Part of Parcels 95, 96 and 192  
Subarea 13 (1996)  
District 29 (Holloway)

A request to amend the existing Residential Planned Unit Development District located abutting the north margin of Hamilton Church Road and the western terminus of Forest Breeze Drive, to permit the addition of 11.30 acres and 50 single-family lots, classified AR2a and proposed for R8, requested by Wamble and Associates, for James T. McLean, Sr., owner.

Ms. Regen stated staff is recommending approval of the Zone Change and disapproval of the Planned Unit Development. Staff is recommending approval of the R8 zoning because it provides a good transition between a Planned Unit Development to the west and the subdivision to the east. The R8 will provide for 4.62 units per acre, which is higher than the subarea plan is calling for at 4 units per acre but will still serve as a very good transition.

Staff is recommending disapproval of the PUD because of the layout of the collector road. When the original PUD came in there was a layout of a collector road along the west margin of the property which was agreed to by the developer and made a condition of the project for final construction plans. He also bonded and placed in an escrow account one-half of the construction cost for that project.

The applicant is now proposing a new street plan placing the collector road down the middle of the property which would consist of lots fronting on both sides of the road with multiple driveways. Staff feels the original street design was a better design for the collector road.

Mr. Danny Wamble stated there are not technical issues but only the road design and road location issue. The developer has agreed to dedicate the land and build the road but in doing that he needs to be able to use the road in his development so there is a benefit to the development and a benefit to the one who is giving the land and paying for the construction of the road. This is just an issue of design preference.

Chairman Smith stated it looked to him the major difference was not in the east - west center of the property but whether it comes all the way through to Hamilton Church. In the old street plan it was designed to come all the way through and function as a collector and the new plan is not showing that.

Mr. Stephen Smith asked if he was drawing the road on somebody else's property just to show how it could be.

Mr. Wamble stated that was correct and he was also showing an anticipated possible lot pattern for the future on someone else's land also. That is part of the planning process. It is something that staff asked be done at that time which was totally appropriate.

Chairman Smith asked why the dog leg was put onto the collector street rather than bringing it down and letting it cul-de-sac and eventually go straight to Hamilton Church.

Mr. Wamble stated the dog leg was there to connect the road back in to the location that was approved in the previous PUD for the intersection of Hamilton Church Pike.

Mr. Jim McLean, developer of the adjacent property, stated the road does connect into Hamilton Church Pike because that has been approved in Section 9 in the adjacent development, which is the next phase of development. The reason the road has been laid out in the current pattern is because it would not be economically feasible to build two roads and get less lots.

Chairman Smith asked Ms. Regen if she know about the connection Mr. McLean was referring to and asked her if his analysis was correct.

Ms. Regen stated it was correct. With the original collector road that was shown on the old street plan, there was even more efficiency because there was not going to be access as it aligned along the west margin from lots that were to be created on the collector. They actually came in from behind because there was access from another street.

Mr. Browning stated the new plan would double load the collector with small, narrow lots and more driveways.

Mr. Stephen Smith stated it was not economically feasible for the owners to build two roads and unless the adjacent property owner is interested in it no roads will be built.

Mr. Manier stated this was a physical problem involving the shape of the plan and from a practical standpoint the new alternative is an improvement. The Commission had not pre-cleared this joint driveways could stipulated to mitigate the arterial impact.

Chairman Smith asked Mr. Browning what could be done about double drives.

Mr. Browning stated staff could work with the driveway situation and may suggest watching the number of lots allowed and with shared driveways there would be fewer interruptions. However, Mr. Browning informed the Commission that the developer was aware from the very beginning that the piece of property in question might eventually be incorporated into the PUD design, and indicated in the very beginning that a lot pattern and street network would be proposed which would avoid fronting lots on the collector.

Mr. Browning further said that had the staff known the ploy was going to be used to move the road to the right to double load it, the staff would have approached this PUD totally differently and would have suggested maintaining larger lots and lower density.

Chairman Smith stated so staff probably would not have gone to an R8 and probably would have kept it as an R10 like the rest of the subdivision. Mr. Browning agreed.

Mr. Browning stated staff would not have approved the PUD that's already approved if we had known the concept was going to be changed and move the road from where it is now. The engineering has actually been done on the road where it is now. Staff thought we had a concept that we were all agreed to and were developing toward that concept and it has been totally changed.

Chairman Smith asked Mr. McLean why he wanted to go to an R8 instead of staying with the R10.

Mr. McLean stated there was no R10 around there.

Chairman Smith asked if there would be a problem going back and looking at an R10 zoning.

Mr. Wamble stated that would not have any bearing on the issue. The issue is not the zone district. It is the design of the street.

Chairman Smith stated he understood that but staff's opposition of the street design is the number of driveways. R10 would have fewer driveways than R8.

Mr. Wamble stated no because there is more density in the R10 district than what is being proposed with this design.

Mr. Browning stated the truth is that by the Zoning Ordinance the R8 would allow a higher density. What we have is a problem with the intensity of development if the collector is lost.

Mr. Wamble stated he was not sure he agreed with that and that he would have to study it. The PUD regulations used to be driven by the zone district and would give the minimum lot size permitted in each district. Now the PUD regulations will allow interjection of buffer yards and different zone districts and are not bound by minimum lot sizes from the base zone district.

Chairman Smith asked if a two week deferral would help.

Mr. Wamble stated a deferral would help do that study but we would probably be back with the same issue and the same problem because the issue is really not the zone district. The zoning is being recommended for approval by staff. The issue is the driveways and that is going to be the same issue regardless of the zone district.

Mr. Browning stated staff is recommending that the whole thing not be approved under the concept. If the Commission is of a mind to approve the concept with the collector in the middle of the development staff is not going to recommend the density and the number of lots proposed. Staff is recommending disapproval of the PUD.

Mr. Wamble stated he understood that but thought staff was recommending approval of the zoning.

Mr. Browning stated staff is recommending approval of the zoning so long as the collector stays where it was.

Mr. Stephen Smith stated that if the Commission approved the zoning he was not sure you could get the number of units the zoning would allow unless there is a street down the middle.

Mr. Fred Ramsey, Jr., and Ms. Dessie Ramsey, property owners, spoke in favor of the proposal and asked for approval.

Mr. Wamble asked the Commission to approve the proposal as submitted and added he would be willing to work with staff and the Commission on the design.

Mr. Stephen Smith moved and Ms. Tatum seconded the motion to approve the zone change and the PUD.

Mr. Manier stated he felt the Commission should take the two weeks and see if the situation could be improved before a decision is made.

Ms. Nielson and Mr. Lawson stated they would also like to see a deferral.

Mr. Stephen Smith withdrew his motion and Ms. Tatum withdrew her second.

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

## **SUBDIVISIONS:**

### **Preliminary Plats:**

**Subdivision No. 98S-363U (Public Hearing)**  
Hibbitts Road Estates  
Map 95-12, Parcels 182 and 237  
Subarea 14 (1996)  
District 15 (Dale)

A request for preliminary approval for six lots abutting the northeast margin of Hibbitts Road, approximately 400 feet southeast of Airwood Drive (4.54 acres), classified within the R10 District, requested by Woodwind LLC and EBM Investments, Inc., owners/developers, MEC, Inc., surveyor.

Ms. Carrington stated staff is recommending conditional approval subject to a note on the plat requiring soundproofing in structures, approval of the Public Works Department and with variances to the maximum lot size and lot depth to width ratio in the Subdivision Regulations. This is a request for 6 lots at the end of Hibbitts Road and this area does fall under the noise contours of the airport. It is a 65 DBA day/night sound level. This is an area staff would not normally encourage residential uses; however, this is an infill situation in an established residential area and it is clear a non-residential use would not be appropriate. The airport planning staff was contacted and it was their recommendation to add a note to the plat that additional sound insulation would be required. Staff does not want to encourage a large number of units so a variance to the maximum lot size and depth to width ratio may be justified in this case.

Mr. Jerry Gaw, area resident, spoke opposition to the proposal and expressed concerns regarding blasting, structural damage, drainage, safety and traffic.

Chairman Smith explained this is a preliminary plat and does not require a zone change so it might be a matter of right as to what they can do with it as long as they don't cause additional hardships.

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

**Resolution No. 98-859**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-363U, is **APPROVED WITH CONDITIONS INCLUDING NOTIFICATION OF PROPERTY OWNERS WHEN FINAL PLAT IS FILED, AND VARIANCES TO SECTION 2-4.2D AND SECTION 2-4.2E OF THE SUBDIVISION REGULATIONS (8-0).”**

**Subdivision No. 98S-371U (Public Hearing)**

Adler Subdivision  
Map 69, Parcel 59  
Subarea 3 (1998)  
District 1 (Patton)

A request for preliminary approval for 13 lots abutting the south margin of Ashland City Highway, opposite Drakes Branch Road (5.1 acres), classified within the RS15 District, requested by Robert Adler, owner/developer, Dale and Associates, surveyor

Ms. Carrington stated that in this case the applicant is requesting a two week deferral. Staff concurs.

Mr. John H. Watkins, area resident, expressed concerns regarding the number of lots on such a small acreage and the kind of homes to be built.

Chairman Smith suggested Mr. Watkins ask Councilmember Patton to arrange a meeting with the developer and the neighborhood.

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-293U**

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

A request for final plat approval to eliminate the 14 foot future right-of-way reservation and the 15 foot N.E.S. easement on lots abutting the southeast corner of Harding Place and Highway 100 (2.34 acres), classified within the CS District, requested by Katherine H. Baker, owner/developer, IDE Associates, Inc., surveyor.

Ms. Carrington stated staff is recommending approval of the removal of the right-of-way reservation but disapproval of the removal of the NES easements. This plat was on the Commission's agenda for September 3<sup>rd</sup> and involves 4 lots on the corner of Harding Place and Highway 100. At that time there was a 14 foot right-of-way reservation. The property owner is now aware that measurements for setbacks are determined from the reservation line and that interferes with their building plans. For this reason the petitioner wishes to remove that right-of-way reservation. Harding Road is a state road and staff has checked with TDOT to see if they have any improvement plans for this area of Harding Road. They have indicated they do not.

NES has informed staff there is a pole in one of these locations and they need all the easements that were approved on the September 3<sup>rd</sup> plat. Therefore, staff is not recommending approval of the removal of easements.

Public Works is requesting that the right-of-way reservation remain on the plat. Staff stated requiring right-of-way reservation or dedication made more sense when there was new or intensified development planned for the property. Staff pointed out this property is already essentially fully developed out.

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

**Resolution No. 98-860**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-293U, **APPROVED REMOVAL OF RIGHT-OF-WAY RESERVATION AND DISAPPROVED REMOVAL OF N.E.S. EASEMENTS (6-0).”**

**Subdivision No. 98S-373U**  
Whites Creek Subdivision  
Map 49, Parcel 200  
Subarea 3 (1998)  
District 1 (Patton)

A request for final plat approval to create seven lots abutting the east margin of Whites Creek Pike, approximately 150 feet north of Buena Vista Pike (10.1 acres), classified within the R15 District, requested by William H. Thompson, owner/developer, Crawford Land Surveyors, surveyor.

Ms. Carrington stated staff is recommending this item be deferred for two weeks. This is a request to create 7 lots on Whites Creek Pike. Several of the lots exceed the lot width to depth ratio and the maximum lot size in the Subdivision Regulations. However, there is floodplain on these lots and that is basis for justification of a variance. In this case the applicant has not submitted their revisions. There were some changes that Public Works was requesting to their floodplain notations, and at the time the staff report was written it was expected those revisions would be forthcoming. Since they have not been provided, Public Works is requesting that it be deferred until they have the revised plans.

Mr. William Thompson stated he had called staff earlier in the day and was told this item would be approved subject to getting the floodplain information for Public Works. At 11:30 he received a call from staff and was told this needed to be deferred two weeks. Mr. Thompson stated it amounts to drawing a floodplain line and that he did not see any reason to defer this item. He asked the Commission to vote in favor of the proposal.

Chairman Smith explained the Commission did not like to approve anything without the approval from Public Works.

Mr. Thompson stated he would agree to a two week deferral.

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

Councilmember Garrett and Commissioner Stephen Smith left at 3:00, at this point in the agenda.

**Request for Bond Release:**

**Subdivision No. 312-84-G**  
Poplar Creek Estates, Phase 4  
Poplar Creek Development Corporation, principal  
(Buildout is at 97%)

Located abutting the western terminus of Autumnwood Drive.

Ms. Carrington reminded the Commission that if they chose to release this bond there are some associated variances to the sidewalk and curb and gutter requirements in the Subdivision Regulations that should be approved at the same time.

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

**Resolution No. 98-861**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 312-84-G, Bond No. 96BD-019, Poplar Creek Estates, Phase 4 in the amount of \$35,000 and variances to sidewalks and curb and gutter requirements in the Subdivision Regulations.”

**Subdivision No. 74-87-P**  
Peninsula, Phase 2  
Jerry Butler Construction, Inc., principal

Located abutting both margins of Peninsula Park Landing and both margins of Bay Overlook Drive.

Ms. Carrington stated staff is recommending approval of the request for release of a performance bond. The bond covers roads, drainage and water and sewer. All work is complete but the reason this was not on the consent agenda is because staff has heard from a neighbor in this area who is here today to speak.

Mr. Drew Taylor, Peninsula resident, showed the Commission pictures of his drainage problems and explained his situation.

Chairman Smith asked Mr. Jim Armstrong of Public Works to recheck the subdivision and report back to the Commission and staff.

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

**Consideration of Bond Collection:**

**Subdivision No. 18-84-U**  
Addition to Village of Abbeywood

MerTech Realty, L.P., principal  
(Buildout is at 90%)

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

Ms. Carrington stated staff is recommending the Commission authorize collection of the performance bond in the amount of \$5,665.00 because the developer has not secured required authorization from Water Services to release the bond.

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

**Resolution No. 98-862**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **AUTHORIZES** the collection of a performance bond for Subdivision No. 18-84-U, Bond No. 95BD-002, Addition to Village of Abbeywood in the amount of \$5,000 if all work is not complete by 12/28/98.”

**OTHER BUSINESS:**

1. Development Monitoring Presentation.

Ms. Kubant presented the staff’s development monitoring system using the geographic information system mapping capabilities. She explained GIS is a very powerful tool that allows us to combine all of our data sources into one system. By doing so, we are able to look at land use development in conjunction with information on community facilities. This combination provides a picture of how growth is affecting service provision.

To illustrate this tool she selected a pilot area, Subarea 12, which has been a rapidly growing part of Davidson County. Ms. Kubant illustrated how growth followed the extension of utilities, particularly sewer trunk lines, and how development could be observed going from the rezoning of land, to the proposal of subdivisions or planned unit developments to the construction of homes. From this point, the pressure for urban services, like fire halls, schools, roads, etc., could be observed through overcrowded classrooms and clogged roads.

Ms. Kubant stated that when fully developed, the development monitoring system would be useful in projecting not only the direction of growth but the speed with which it likely would occur. This tool would help the government plan for needed urban services by budgeting improvements in the capital budget.

**Conclusions**

1. There is a lot of development potential in this area. There are almost 4000 lots and units in some stage of development.
2. Annually, we are seeing almost 400 permits issued. If the permitting continues at this rate, we can expect to see these developments built out in about six years.
3. With these new developments come new residents, and these new residents will expect services. Metro is going to have to anticipate allocating its resources to provide for them. We know that we already have infrastructure issues that need to be addressed in the developed portion of this subarea. We cannot serve both existing development and the new “leapfrog development” in a cost effective manner.

2. Legislative Update.

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

**PLATS PROCESSED ADMINISTRATIVELY**

October 15, 1998 through October 28, 1998

- 97S-420U FIDDLERS CORNER, Section 1, Resubdivision of Lots 1 and 6**  
Minor revision of interior lot lines of two platted lots
- 98S-212U The PARK at HILLSIDE, First Revision**  
Corrects dimensions of alley
- 98S-346G POPLAR WOOD, Section 1 and 2, Revision Lots 41 and 42**  
Minor lot line shift
- 98S-347G POPLAR WOOD, Section 2, Revision Lots 39 and 40**  
Creates public access easement between two lots
- 98S-350G ROBBINS SUBDIVISION**  
Two parcels into two lots
- 98S-356U BAYVIEW, Section 3, Revision Lots 47 and 48**  
Changes drainage easement to public utility and drainage easement
- 98S-375G SEVENTH DAY ADVENTIST**  
Minor interior lot line shift

**ADJOURNMENT:**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:00 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Minute Approval:  
This 12<sup>th</sup> day of November, 1998