

**MINUTES  
OF THE  
METROPOLITAN PLANNING COMMISSION**

Date: November 12, 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  
Marilyn Warren

**Absent:**

Mayor Philip Bredesen  
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  
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  
Debbie Frank, Planner I

**Advance Planning & Research:**

John Boyle, Planning Division Manager

**Others Present:**

Jim Armstrong, Public Works  
Nicole Rodrigue, Legal Department

Chairman Smith called the meeting to order.

**ADOPTION OF AGENDA**

Ms. Carrington announced the Request for Bond Release on Subdivision No. 312-84-G had been withdrawn by the applicant.

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

**ANNOUNCEMENT OF DEFERRED ITEMS**

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

- 103-79-G           Deferred two weeks, by applicant.
- 97P-031U         Deferred two weeks, by applicant.
- 98S-024U         Deferred two weeks, by applicant.
- 98S-352G         Deferred two weeks, by applicant.
- 98S-374G         Deferred two weeks, by applicant.
- 98S-378U         Deferred indefinitely, by applicant.
- 98S-382U         Deferred two weeks, by applicant.
- 98S-393U         Deferred two weeks, by applicant.
- 98S-394U         Deferred two weeks, by applicant.
- 98M-114U         Deferred two weeks, by applicant.
- 98M-118U         Deferred indefinitely, by applicant.

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

**APPROVAL OF MINUTES**

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed to approve the minutes of the regular meeting of October 29, 1998.

**RECOGNITION OF COUNCILMEMBERS**

Councilmember Bruce Stanley spoke in opposition to Bond Extension 107-81G and asked the Commission to defer this matter until he had an opportunity to meet with the neighborhood and developer regarding the setbacks.

Chairman Smith explained the bond extension in question was for improvements and did not have anything to do with the setbacks and sidewalks.

Councilmember Vic Lineweaver stated Subdivision No. 98S-390G, Traceside, Section 10, is on the consent agenda, which is fine, and that he is not opposed to the development but that he wanted the Commission to know it was next to an airfield and that could be a dangerous situation.

**ADOPTION OF CONSENT AGENDA**

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

**ZONE CHANGE PROPOSALS:**

**Zone Change Proposal No. 98Z-179G**  
Map 12, Part of Parcel 204  
Subarea 2 (1995)  
District 10 (Garrett)

A request to change from IR to AR2a district a portion of property located at 1120 Springfield Highway, approximately 800 feet east of Williamson Road (2 acres), requested by Jack Davis Jr. and Terry F. Davis, appellants/owners.

**Resolution No. 98-863**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-179G is **APPROVED (8-0)**:

**This property falls within the Subarea 2 Plan’s Residential Low Medium (RLM) density policy calling for up to 4 units per acre. The AR2a district is an incremental step forward in achieving this policy. The edge of parcel 204 will provide a solid zoning boundary since this entire property will have a uniform zoning pattern.”**

**Zone Change Proposal No. 98Z-180G**  
Map 142, Parcel 15  
Subarea 6 (1996)  
District 23 (Crafton)

A request to change from RS15 to RM9 district property located at 7308 Highway 70 South, approximately 1000 feet east of Cross Timbers Drive (1.01 acres), requested by William Hostettler, appellant, for Eugene Blake et ux, owners.

**Resolution No. 98-864**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-180G is **APPROVED (8-0)**:

**This property falls within the Subarea 6 Plan’s Residential Medium High (RMH) density policy calling for 9 to 20 units per acre. The RM9 district is consistent with this policy and the emerging zoning pattern along the north margin of Highway 70S and west of Hicks Road. A hill further to the west provides a natural zoning boundary between the RMH policy and the low density single-family subdivision.”**

**Zone Change Proposal No. 98Z-181U**  
Map 60-13, Parcels 35 (.15 acres), 36 (.17 acres),

208 (.17 acres), 55 (.19 acres) and 56 (.2 acres)  
Subarea 3 (1998)  
District 2 (Black)

A request to change from R8 to IWD district properties located at 418 Haynie Avenue, Haynie Avenue (unnumbered) and 435 and 437 Woodfolk Avenue, approximately 700 feet west of Brick Church Pike (.88 acres), requested by Regina S. Knight and Charles Knight, appellants/owners.

**Resolution No. 98-865**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-181U is **APPROVED (8-0)**:

**These properties fall within the Subarea 3 Plan's Industrial (IND) policy calling for manufacturing, wholesaling, and distribution uses. The IWD district is consistent with this policy and the industrial zoning pattern to the north and the south."**

**Zone Change Proposal No. 98Z-182U**  
Map 81, Parcel 36  
Subarea 8 (1998)  
District 21 (McCallister)

A request to change from R6 to RM15 district property located at 2400 West Heiman Street, on the west margin of the Nashville-Ashland City Railroad (6.61 acres), requested by the Ernann Corporation, appellant, for Cheatham County Rail Authority, owner.

**Resolution No. 98-866**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-182U is **APPROVED (8-0)**:

**This property falls within the Subarea 8 Plan's Residential Medium High (RMH) density policy calling for 9 to 20 units per acre. The RM15 district is consistent with this policy and the area's multi-family development pattern."**

**Zone Change Proposal No. 98Z-184G**  
Map 63, Part of Parcels 184 (12.2 acres),  
Part of 185 (13.4 acres), Parcel 199 (5.8 acres)  
and 200 (5.25 acres)  
Subarea 14 (1996)  
District 11 (Wooden)

A request to change from R15 and R8 to RM4 district properties located at 185 and 186 Jones Lane, Old Hickory Boulevard (unnumbered), and South Street (unnumbered), on the eastern margin of the Cumberland River and the western terminus of South Fork Boulevard (36.65 acres), requested by Bill Lockwood, appellant, for William E. Jones et ux and Linkscorp Hermitage, LLC, owners.

**Resolution No. 98-867**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-184G is **APPROVED (8-0)**:

**These properties fall within the Subarea 14 Plan's Residential Low Medium (RLM) density policy calling for up to 4 units per acre. The RM4 district is consistent with this policy. These properties are the last remaining vacant properties in the area which are both within and outside of the floodplain,**

**adjacent to two multi-family developments, and have access off of Southfork Boulevard, a road which has no single-family homes facing it. These unique characteristics encourage the clustering of multi-family units outside of the floodplain and near another multi-family development.”**

**Zone Change Proposal No. 98Z-186U**  
Map 72-15, Part of Parcel 232 (1.5 acres)  
Subarea 5 (1994)  
District 7 (Campbell)

A request to change from R6 to RM6 district a portion of property located on the south margin of Cahal Avenue opposite Burns Avenue and Pennington Avenue (1.5 acres), requested by William C. Rhangos, appellant, for Bridgewood Park Limited Partnership, owner.

**Resolution No. 98-868**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-186U is **APPROVED (8-0)**:

**This property falls within the Subarea 5 Plan’s Residential Medium (RM) density policy calling for 4 to 9 units per acre. The RM6 district is consistent with this policy and the emerging zoning pattern in this area.”**

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 163-73-G**  
Bellevue Shopping Center  
Map 142, Parcel 216 and Part of Parcel 215  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to revise a portion of the approved site development plan and for final approval for a phase of the Commercial (General) Planned Unit Development located abutting the south margin of Memphis-Bristol Highway, 1,200 feet west of Sawyer Brown Road, classified SCR (.911 acres), to permit the development of a 3,880 square foot restaurant, requested by CEI Engineering, for Steak N Shake, owners.

**Resolution No. 98-869**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 163-73-G is given **APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE (8-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Recording of a revised final subdivision plat showing adjustments to parcels 215 and 216, as shown on the final site plan, prior to issuance of a final U & O.”

**Proposal No. 28-87-P**  
Boone Trace, Phase IV  
Map 126, Parcel 65  
Subarea 6 (1996)  
District 23 (Crafton)

A request to revise a portion of the approved site development plan for final approval for Phase IV of the Residential Planned Unit Development District located abutting the north margin of Newsom Station Road, east of McCrory Lane (14.06 acres), classified RS20, to permit the development of 44 single-family lots, requested by Barge, Waggoner, Sumner and Cannon, for Fox Ridge Homes, Inc., owners.

**Resolution No. 98-870**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-87-P is given **APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE (8-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat, as well as the posting of bonds as may be required for any necessary public improvement prior to the issuance of any building permits.”

**SUBDIVISIONS:**

**Final Plats:**

**Subdivision No. 96S-222U**  
Stonegate  
Map 160, Parcel 17  
Subarea 12 (1997)  
District 32 (Jenkins)

A request for final plat approval to create 20 lots abutting the east margin of Franklin Pike Circle, approximately 400 feet south of Hill Road (10.45 acres), classified within the R40 Residential Planned Unit Development District, requested by Advantage Builders, Inc., owner/developer, Bledsoe Engineering, surveyor.

**Resolution No. 98-871**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 96S-222U, is **APPROVED SUBJECT TO A BOND OF \$234,000 (8-0)**.”

**Subdivision No. 98S-195G**  
Windchase, Phase 2  
Map 98, Parcel 138  
Subarea 14 (1996)  
District 12 (Ponder)

A request for final plat approval to create six lots abutting the west margin of John Hager Road and the east margin of New Hope Road (2.93 acres), classified within the R15 District, requested by French River Development Company, LLC, owner/developer, Walter Davidson and Associates, surveyor.

**Resolution No. 98-872**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-195G, is **APPROVED SUBJECT TO A BOND OF \$13,000 (8-0)**.”

**Subdivision No. 98S-268U**  
Acklen Place

Map 104-5, Parcel 63  
Subarea 10 (1994)  
District 24 (Johns)

A request for final plat approval to subdivide one lot into three lots abutting the northwest margin of Acklen Park Drive, opposite Hillsdale Avenue (.41 acres), classified within the R6 District, requested by Robert E. Baker, owner/developer, C. Michael Moran, surveyor.

**Resolution No. 98-873**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-268U, is **APPROVED (8-0).”**

**Subdivision No. 98S-351U**  
Jocelyn Hills, Section 1  
Map 129-2, Parcel 45  
Map 129-6, Parcels 50, 51, 57 and  
Part of Parcels 10 and 11  
Subarea 7 (1994)  
District 23 (Crafton)

A request for final plat approval to create eight lots abutting the northwest margin of Clearbrook Drive and the northeast margin of Baskin Drive (20.44 acres), classified within the RS40 District, requested by Allen Cargile, owner/developer, Turner Engineering Company, surveyor.

**Resolution No. 98-874**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-351U, is **APPROVED SUBJECT TO A BOND OF \$110,000 (8-0).”**

**Subdivision No. 98S-354U**  
Brittany Park, Phase 2  
Map 162, Parcel 171  
Subarea 12 (1997)  
District 31 (Alexander)

A request for final plat approval to create 40 lots abutting the north terminus of Brittany Park Drive, north of Bell Road (7.81 acres), classified within the RM15 Residential Planned Unit Development District, requested by Carlton Enterprises, Inc., owner/developer, Thomas, Miller and Partners, surveyor. (Deferred from meeting of 10/29/98).

**Resolution No. 98-875**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-354U, is **APPROVED SUBJECT TO A BOND OF \$259,500.00 (8-0).”**

**Subdivision No. 98S-362G**  
Jacob’s Valley, Section 2  
Map 20, Part of Parcel 4  
Subarea 1 (1997)  
District 1 (Patton)

A request for final plat approval to create six lots abutting the south terminus of Jacob's Valley Road, approximately 600 feet south of Old Clarksville Pike (15.52 acres), classified within the AR2a District, requested by Smith, Pyron and Pyron, owner/developer, MEC, Inc., surveyor.

**Resolution No. 98-876**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-362G, is **APPROVED SUBJECT TO A BOND OF \$73,000.00 (8-0).”**

**Subdivision No. 98S-390G**  
Traceside, Section 10  
Map 155, Parcel 138 and 241  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request for final plat approval to create 72 lots abutting the southwest terminus of Traceway Drive and the northeast terminus of Traceside Drive (27.29 acres), classified within the RS20 Residential Planned Unit Development District, requested by Centex Real Estate Corporation, owner/developer, Ragan-Smith Associates, Inc., surveyor.

**Resolution No. 98-877**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-390G, is **APPROVED SUBJECT TO A BOND OF \$788,807.00 (8-0).”**

**Request for Bond Extension:**

**Subdivision No. 107-81-G**  
Villages of Larchwood, Phase 2, Section 2  
Phil Hill, principal  
(Buildout is at 49%)

Located abutting both margins of Fitzpatrick Road, approximately 60 feet west of Kennington North and South.

**Resolution No. 98-878**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 107-81-G, Bond No. 91BD-013, Villages of Larchwood, Phase 2, Section 2 in the amount of \$36,000 to 7/1/99 subject to submittal of a letter from the RLI Insurance Company by **12/12/98** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.”**

**Subdivision No. 82-84-G**  
Greer Meadows at Cedar Creek, Section 2  
Odell Binkley, principal  
(Buildout is at 0%)

Located abutting both margins of Greer Station Drive, approximately 240 feet northwest of Scott’s Creek Parkway.

**Resolution No. 98-879**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 82-84-G, Bond No. 98BD-011, Greer Meadows at

Cedar Creek, Section 2 in the amount of \$48,000 to 10/15/99 subject to submittal of a letter from the RLI Insurance Company by **12/12/98** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 86-625-G**  
Whites Creek Commercial Center  
Nathan T. Wall, principal  
(Buildout is at 0%)

Located abutting the southwest corner of Old Hickory Boulevard and I-24.

**Resolution No. 98-880**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 86-625-G, Bond No. 87BD-021, Whites Creek Commercial Center (Wall) in the amount of \$12,400 to 9/15/99 subject to submittal of an amendment to the present Letter of Credit by **12/12/98** 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. 64-87-P**  
Covington Place  
Melvin G. George, principal  
(Buildout is at 22%)

Located abutting the northeast margin of Idlewild Avenue, opposite Rothwood Avenue.

**Resolution No. 98-881**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 64-87-P, Bond No. 97BD-065, Covington Place in the amount of \$21,975 to 11/15/99 subject to submittal of an amendment to the present Letter of Credit by **12/12/98** which extends its expiration date to 5/15/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 78-87-P**  
Townhomes of Fredericksburg, Phase 2 Section 5  
Radnor Homes, Inc., principal  
(Buildout is at 16%)

Located abutting the east margin of Fredericksburg Way West, south of Old Hickory Boulevard.

**Resolution No. 98-882**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 78-87-P, Bond No. 97BD-066, Townhomes of Fredericksburg, Phase 2, Section 5 in the amount of \$66,000 to 11/15/99 subject to submittal of a letter from the Frontier Insurance Company by **12/12/98** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 97S-429G**  
Templegate, Section 3  
Jones Land Company LLC, principal  
(Buildout is at 0%)

Located abutting the southeast terminus of Templegate Drive, south terminus of Meadow View Drive.

**Resolution No. 98-883**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-429G, Bond No. 98BD-024, Templegate, Section 3, in the amount of \$464,585 to 11/15/99 subject to submittal of an amendment to the present Letter of Credit by **12/12/98** which extends its expiration date to 5/15/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 98S-144U**  
Lamberth Subdivision  
Steve Lamberth, principal  
(Buildout is at 0%)

Located at the northwest corner of Hillhurst Drive and Dickerson Pike.

**Resolution No. 98-884**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-144U, Bond No. 98BD-061, Lamberth Subdivision in the amount of \$12,000 to 1/12/99 subject to submittal of an amendment to the present Letter of Credit by **12/12/98** which extends its expiration date to 7/12/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Subdivision No. 98S-148G**  
October Woods, Section 1 (Commercial Tract)  
October Woods, L.P., principal  
(Buildout is at 0%)

Located abutting the northwest corner of October Woods Drive and Old Hickory Boulevard.

**Resolution No. 98-885**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-148G, Bond No. 98BD-041, October Woods, Section 1 (Commercial Tract) in the amount of \$33,000 to 11/15/99 subject to submittal of an amendment to the present Letter of Credit by **12/12/98** which extends its expiration date to 5/15/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Request for Bond Release:**

**Subdivision No. 89-86-P**  
Brittany Park, Phase 1-A  
Carlton Enterprises, Inc., principal

Located abutting the north margin of Bell Road, approximately 1,270 west of Blue Hole Road.

**Resolution No. 98-886**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 89-86-P, Bond No. 95BD-066, Brittany Park, Phase 1-A in the amount of \$36,000.”

**Subdivision No. 28-87-P**  
Boone Trace, Phase 1  
Westinghouse Electric Corporation, principal

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

**Resolution No. 98-887**

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the request for release of a performance bond for Subdivision No. 28-87-P, Bond No. 87BD-032, Boone Trace, Phase 1 in the amount of \$50,000.”

**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. (Deferred from meeting of 10/29/98).

**Resolution No. 98-888**

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the request for release of a performance bond for Subdivision No. 74-87-P, Bond No. 97BD-006, Peninsula, Phase 2 in the amount of \$109,250. The Letter of Credit securing this bond expires 12/1/98.”

**Subdivision No. 93S-343G**  
McCrory Heights  
Buddy Dunn Contractors, principal

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

**Resolution No. 98-889**

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the request for release of a performance bond for Subdivision No. 93S-343G, Bond No. 94BD-006, McCrory Heights in the amount of \$62,183.”

**Subdivision No. 94P-008U**  
Keystone Farms  
Keystone Partners, Inc., principal

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

**Resolution No. 98-890**

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the request for release of a performance bond for Subdivision No. 94P-008U, Bond No. 97BD-040, Keystone Farms in the amount of \$5,000.”

**MANDATORY REFERRALS:**

**Proposal No. 98M-115U**  
Vanderbilt University  
Map 104-3, Parcels 247 and 249  
Subarea 10 (1994)  
District 18 (Clifton)

A request to install a fiber optic cable onto NES poles running from 115 28th Avenue South crossing 28th Avenue South and terminating at 126 28th Avenue South, requested by Vanderbilt University, appellant/owner.

**Resolution No. 98-891**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 98M-115U.

**Proposal No. 98M-116U**  
Vanderbilt University  
Map 104-3, Parcel 232  
Map 104-7, Parcel 530  
Subarea 10 (1994)  
District 18 (Clifton)

A request to install a fiber optic cable onto NES poles running from 24th Avenue South (unnumbered) crossing Highland Avenue and terminating at 2405 Garland Avenue, requested by Vanderbilt University, appellant/owner.

**Resolution No. 98-892**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 98M-116U.

**Proposal No. 98M-117U**  
Property Acquisition - 1612 Fourth Avenue North  
Map 82-5, Parcel 105  
Subarea 8 (1995)  
District 20 (Haddox)

A resolution authorizing the Director of Public Property to exercise an option to purchase 0.2 acres of property, located at 1612 Fourth Avenue North, on behalf of and for the Metropolitan Action Commission.

**Resolution No. 98-893**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 98M-117U.

This concluded the items on the consent agenda.

**PUBLIC HEARING: SUBAREA 12 PLAN: 1996 UPDATE AMENDMENT.**

Ms. Frank stated this is a public hearing to consider amending the Subarea 12 Plan. The amendment request is to change the land use policy along the north side of Old Hickory Boulevard opposite Cloverland Drive from Residential-Medium High density policy to Office Concentration policy. The Trousdale Drive and Old Hickory Boulevard connection is an extension of Trousdale Drive that is included on the Major Street Plan. Trousdale Drive is a collector street. The purpose of collector streets is to collect traffic from local streets and move that traffic to major streets. Collector streets must connect to major streets in order to serve its purpose. If collector streets do not connect to major streets, they serve no purpose. Along with this proposed amendment request, there is an associated Commercial PUD on the agenda. The Commercial PUD calls for eliminating the extension of Trousdale Drive to Old Hickory Boulevard. Eliminating that extension would require an amendment to the Major Street Plan. Staff does not support eliminating the extension of this collector street for the reasons previously mentioned.

Staff concludes that either retaining the Residential Medium-High density policy or amending the area to Office Concentration policy is appropriate at this location. Both policy categories meet the locational criteria. The area is located near the I-65 interchange with frontage on Old Hickory Boulevard and is located near employment centers and commercial services. In fact, the location may be more compelling for office development than for multi-family development. This is the only sizable vacant tract of land left in Davidson County that is within the most desirable suburban office market area, the I-65 South corridor. Other development opportunities for this market are in northern Williamson County at Maryland Farms and Cool Springs. Office Concentration policy at this location would enable Davidson County to increase its share of this market.

If the Commission chooses to amend the plan to Office Concentration policy, staff strongly recommends retaining the Trousdale Drive extension as included in the Major Street Plan. Staff does not support removing the Trousdale Drive extension from the Major Street Plan. Trousdale Drive extends northward to Harding Place. The completion of the Trousdale Drive extension would link numerous local streets to Old Hickory Boulevard, providing residents with immediate access to I-65. If the Trousdale Drive extension is removed from the Major Street Plan, a new collector street would have to be determined for this area, and the only readily apparent alternative would be Hearthstone Lane. Hearthstone Lane was never intended as a collector street. It does not meet the right-of-way standard for a collector street, and it does not align with another major street at Old Hickory Boulevard. The Trousdale Drive extension is a collector street and aligns with Cloverland Drive at Old Hickory Boulevard. Cloverland Drive is a collector street serving the area south of Old Hickory Boulevard.

The Commission may recall that this area was heavily debated during the Subarea 12 Plan update public hearing. The community adamantly opposed the Residential-Medium High density policy and pointed to the impact multi-family development would have on traffic and schools. An analysis conducted by staff found that both office and multi-family development would impact public facilities in this general area. Traffic congestion and overcrowded schools are problems in this part of Subarea 12. The analysis showed that office development would have a greater impact on traffic than would multi-family development, whereas, multi-family development would have a greater impact on schools than office development. In fact, office development would have no impact on schools. The Commission has to decide if the merits of providing additional office development opportunity in this part of Davidson County, coupled with less of an impact on schools outweigh the additional traffic an office development would generate in this area.

Again, staff concludes that either retaining the Residential Medium-High density policy or amending the plan to Office Concentration policy with the retention of the Trousdale Drive extension would be appropriate for this site.

Mr. Charles Cornelius spoke in favor of the plan amendment and stated Old Hickory Boulevard, Franklin Road, Edmondson Pike and Nolensville Road had all been widened in that immediate area. Trousdale drive, as a major collector street, is serving its purpose now. The Intersection of Trousdale and Harding Place is within ¼ mile of I-65 and ½ mile of Franklin Road, which is 5 lanes at that intersection. He stated

the community did not want the road to go through and asked the Commission to approve this change without the extension of Trousdale Drive.

Mr. Tom White asked the Commission to consider this amendment, Zone Change 98Z-176U and PUD No. 98P-007U together. With respect to the plan amendment the staff has reported either RMH or OC are appropriate land use policies. In fact staff concurs the office concentration may be more appropriate with no demand on schools. He stated the rezoning to office zoning is clearly recommended by the staff subject to the amendment and finally the PUD. Finally, Mr. White stated staff recommended favorably on the PUD subject to Trousdale being shown through the site to Old Hickory Boulevard.

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

Mr. Browning stated the land use change is appropriate and the zone change would be appropriate if the land use plan is amended. The PUD does not call for the extension of Trousdale and is therefore in violation of the Comprehensive Plan. Staff had made the point that a higher density residential zoning was appropriate in this area because the property is at the intersection of a major arterial, Old Hickory Boulevard, and a proposed collector, the extension of Trousdale. It was partially on that basis that staff indicated that a higher density residential zoning was appropriate and even discussed that this property could accommodate non-residential uses. The site is appropriate for higher density because of the intersection with Trousdale. If the Major Street Plan is amended to remove the Trousdale extension it would have some effect on the long term land use in the area.

Mr. Manier stated east to west access is very limited between Edmondson Pike and Franklin Road so there is a need for the proposed Trousdale collector.

Ms. Warren stated Edmondson Pike and Franklin Road have all been improved but by putting office use and higher density residential in this location will add more impact to that area. Additionally, greater traffic is being generated in Williamson, which increases the demand for more road capacity.

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

**Resolution No. 98-894**

“WHEREAS, the Metropolitan Planning Commission adopted the *Subarea 12 Plan: 1996 Update* on May 5, 1997; and

WHEREAS, Chapter 3 Section 3.42 C on Page 50 of this plan contains a Residential Medium-High density land use policy for Area 5J which calls for multi-family development; and

WHEREAS, Chapter 3 Section 3.42 C on Page 51 of the plan contains an Office Concentration land use policy for Area 6A which calls for office and office related development; and

WHEREAS, a public hearing was held on November 12, 1998 to consider the merits of changing the land use policy category from Residential Medium-High density (Area 5J) to Office Concentration and including this area within the adjacent Office Concentration policy (Area 6A); and

WHEREAS, the Metropolitan Planning Commission finds that this change in land use policy is warranted so as to provide additional opportunities for office and office related uses along Old Hickory Boulevard;

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** Amendment No.1 to the *Subarea 12 Plan: 1996 Update* as set forth in “Attachment A” to this resolution and incorporates this amendment into the *Subarea 12 Plan: 1996 Update*.”

**AMENDMENT NO. 1 TO THE SUBAREA 12 PLAN: 1996 UPDATE**

The *Subarea 12 Plan: 1996 Update* is amended as follows:

- a) by changing the text for Area 3E, on pages 46-47 of Chapter 3, Section 3.42 C.1 to read, "...to the west by Franklin Pike, OC policy (Area 6A) and RMH policy (Area 5E) and to the east by Sevenmile Park, RM policy and Edmondson Pike."
- b) by changing the text of the first sentence in the first paragraph of the first column on page 49 of Chapter 3, Section 3.42 C.1 to read, "RMH policy applies to 9 areas identified as 5A-5I on the Land Use Policy Plan."
- c) by deleting the text for Area 5J, on page 50 of Chapter 3, Section 3.42 C.1.
- d) by replacing the first sentence of Area 6A, on page 51 of Chapter 3, Section 3.42 C.1 with the following:

"OC policy applies to the area bounded by Franklin Pike to the west, Old Hickory Boulevard to the south, Kelly Road and RLM policy (Area 3A) to the north and RLM policy (Area 3A) to the east."
- e) by changing the Land Use Policy Plan identified as Figure 3-1 and Figure 3.2 to reflect the area changed from RMH policy to OC policy so as to correctly illustrate Amendment No. 1 (see attached Exhibit A).

**ZONE CHANGE PROPOSALS:**

**Zone Change Proposal No. 98Z-008T**  
Council Bill No. O98-1321

A council bill to amend various sections of the Zoning Regulations regarding convenience centers, kennels, large day care centers, automotive service uses, and the definitions of floodwater and floodplain, sponsored by Councilmember Leo Waters.

Ms. Regen stated this Council Bill has been referred back to the Commission and is the bill Councilmember Leo Waters addressed the Commission about at the last meeting regarding allowing larger day care centers in R and RS districts, but to require that they be a part of an existing institutional use. Staff has developed an amendment to allow large day cares, for over 75 children, to be permitted in the R and RS districts but that they would be subject to being a part of an existing institutional use and be a part of the principal structure on that site.

Ms. Nielson asked if a new day care could be added to an existing institutional use.

Ms. Regen stated that it could; it would not have to be an existing program.

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

**Resolution No. 98-895**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-008T is **APPROVED (8-0) with the proposed amendment to large day care centers (over 75 children):**

**Text Amendments 98Z-010T**  
Council Number: O98-1323

A council bill to amend various sections of the Zoning Regulations by reducing the size and type of landscape buffer yards required between different land uses, and establishing the design and configuration of parking area landscaping, sponsored by Councilman Ronnie Steine.

Ms. Regen stated this text amendment had also been referred back to the Commission from Council because Councilmember Steine has requested staff to work with the Codes Department in simplifying the landscape table.

Ms. Regen showed a slide of the new landscape buffer yard table and explained how it worked.

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

**Resolution No. 98-896**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-010T is **APPROVED (8-0) with the proposed amendments:**

**Zone Change Proposal No. 98Z-176U**  
Map 160, Parcels 44 (15.91 acres), 46  
(15.24 acres), 47 (1.96 acres),  
213 (5.49 acres) and 214 (1.9 acres)  
Subarea 12 (1997)  
District 32 (Jenkins)

A request to change from R40 to OR40 district properties located at 694 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), at the southern terminus of Trousdale Drive (40.5 acres), requested by Ragan-Smith Associates, Inc., appellant, for James W. Granbery, trustee, et al, and Charles G. Cornelius et al, and Charles Lee Cornelius et al, owners.

Ms. Regen stated OR40 would for office and multi-family residential at 40 dwelling units per acre. Since the Commission has approved the OC policy amendment, staff is recommending approval of the zone change.

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

**Resolution No. 98-897**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-176U is **APPROVED (8-0):**

**This property falls within the Subarea 12 Plan's Office Concentration (OC) policy calling for a wide range of office and office support uses. The OR40 district is consistent with this policy and is appropriate along this stretch of Old Hickory Boulevard which already serves a variety of office uses near the I-65 interchange."**

**Zone Change Proposal No. 98Z-177U**  
Map 162, Parcel 183  
Subarea 12 (1997)  
District 31 (Alexander)

A request to change from AR2a to CS district property located at 1461 Bell Road, approximately 1,800 feet east of Brookview Estates Drive (2 acres), requested by Jacqueline Evans, appellant, for Jacqueline Evans-Garnes, appellant, for Jacqueline and Phillip Evans, owners.

Ms. Regen stated staff is recommending disapproval of this request as contrary to the General Plan since it is a spot zone. The policy along Bell Road in this area is to have this area develop with an RMH density, which would be up to 20 dwelling units per acre. Ms. Regen reminded the commission that the land use policy is residential and does not allow for commercial uses. The adjacent property has commercial zoning on it at the present time. That proposal came before the Commission earlier this year and the Commission recommended disapproval as contrary to the General Plan, again citing this was inconsistent with the residential policy.

Ms. Penny Harrington, attorney representing the owner, showed the Commission a video of the property and explained the problems the property had in being next to commercial and along a busy arterial.

Ms. Jacqueline Jackson, owner, stated the property next to hers that had been spot zoned devalued her property and asked the Commission to approve the zone change.

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried with Mr. Small in opposition, to approve the following resolution:

**Resolution No. 98-898**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-177U is **DISAPPROVED (8-0)** as contrary to the General Plan:

**This property falls within the Subarea 12 Plan's Residential Medium High (RMH) density policy which permits between 9 and 20 units per acre. As a residential policy, RMH does not permit commercial uses. Allowing CS at this location would encourage, and certainly would help justify, additional CS rezoning requests along Bell Road leading to a commercial strip development pattern."**

**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. (Deferred from meeting of 10/29/98).

**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. (Deferred from meeting of 10/29/98).

Ms. Regen stated this request is to add adjacent property to the existing Calumet PUD and to develop the property with 50 single family homes. The major issue is where the collector road should be located. When the Commission approved an amendment to the Calumet PUD they endorsed the alignment of the collector road along the west margin of the property. There were conditions placed on the project requiring the developer to submit construction plans as well as to submit, in an escrow account \$62,000, which

represented about 50% of the cost for the construction of the new collector road. That collector road agreement was signed by the developer on March 10, 1998.

Staff met with the developer and staff came up with a subdivision design with the collector road in the original position along the west margin of the property with four cul-de-sacs and 42 lots, which would save in road construction costs. The developer feels this plan will not work and is still asking for approval for the collector road with 35 to 40 driveways.

Staff is recommending disapproval of that proposal as well as a disapproval of the zoning because the zoning goes with the PUD design in this case. Staff reminded the commission that locating single family residential uses along a collector became the biggest obstacle to continuing the street as a collector.

Mr. Danny Wamble stated the majority of the collector streets in Metro Government have driveways on them. This is something that is allowed in the regulations; staff's opposition to access from the collector is just design preference. What the staff is recommending is the best design but it is not the preferable design.

Ms. Dessie Ramsey and Mr. Fred Ramsey, Jr. spoke in favor of the proposal and stated they needed to sell the property because it would be a dead piece of property if the proposal did not pass.

Mr. Jim McLean stated he had made a firm agreement as to where the road would be located but that was done on someone else's property and he did not have the authority to do that.

Mr. Browning stated that was not the point. The point staff is trying to make to the Commission is that it was Mr. McLean's thought that he was going to develop the piece of property that he did have control of. He had designs of eventually getting the proposed piece of property and at that point in time the two parallel streets were his idea. That was how he proposed to have it laid out, and now he is saying it won't work.

Mr. McLean asked if Mr. Browning was saying that the original PUD would not have been approved had he not agreed to the location of the road.

Mr. Browning stated that if he had indicated to the staff that he was going to relocate the collector road and front 30 some lots on it we would have had the same question about the concept then as now.

Councilmember Garrett stated this piece of property was not a part of the original PUD and the Ramsey's have owned this property for 25 or 30 years and if you put two streets through it, it will not be economically feasible to develop it.

Mr. Lawson stated the applicant has been given some choices. They may be less profitable choices, but they certainly show they can be developed according to policies.

Mr. Stephen Smith stated this should not be considered on how the developer can make more money but on whether the property owners can sell their land or not.

Mr. Stephen Smith moved and Councilmember Garrett seconded the motion to approve the zone change and the amended PUD plan to relocate the collector street. The motion failed with Mr. Stephen Smith and Councilmember Garrett voting in favor and Mr. Small, Ms. Warren, Mr. Manier, Ms. Nielson, Chairman Smith and Mr. Lawson voting in opposition.

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

**Resolution No. 98-899**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-178U is **DISAPPROVED (6-2)**:

**Given the collector road's location, and the numerous driveways having direct access to it as shown in the amendment to the Calumet Planned Unit Development (79-87-P), an inadequate street network exists for the proposed R8 density."**

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 79-87-P is given **DISAPPROVAL DUE TO UNDESIRABLE DESIGN OF COLLECTOR STREET (8-0)**:

**Unacceptable and undesirable design of the first segment of the proposed Anderson Road Collector. Proposed plan would double load the collector road which is discouraged by the Subdivision Regulations. The first segment of the collector road should establish a development pattern that is optimal for the ultimate length of the road."**

**Zone Change Proposal No. 98Z-183U**

Map 149-8, Parcel 34

Subarea 13 (1996)

District 29 (Holloway)

A request to change from OR20 to MUN district property located at 2711 Anderson Road, approximately 50 feet east of Bell Road (.88 acres), requested by Charles McCandless, appellant, for Charles S. and Zelda C. McCandless, owners.

Ms. Regen stated the applicant is wanting to put in a beauty shop on this property and staff is recommending disapproval. The Commission looked at this property a year ago and recommended disapproval to Council of the OR20 zoning on it. Commercial uses should be located at the Bell Road Murfreesboro Road intersection. Rezoning this property to MUN would be inconsistent with the General Plan, which is intending for this area to develop with residential uses with approximately 9 to 20 units per acre.

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

**Resolution No. 98-900**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-183U is **DISAPPROVED (8-0)**:

**This property falls within the Subarea 13 Plan's Residential Medium High (RMH) density policy around the Bell Road/Anderson Road intersection calling for 9 to 20 units per acre. The MUN district is inconsistent with this policy since it allows retail and office uses. There are ample commercial opportunities within the Retail Concentration Community (RCC) policy at the Bell Road/Murfreesboro Pike commercial node to the south. Only 40% of the available commercial land within the RCC policy is built. Before commercial zoning is expanded outside of the RCC node, the existing commercial development potential should be maximized."**

**Zone Change Proposal No. 98Z-185U**

Map 72-10, Parcels 24 (.22 acres), 25

(.22 acres), 26 (.22 acres) and 27 (.26 acres)

Subarea 5 (1994)

District 7 (Campbell)

A request to change from R6 to RM20 district properties located at 2902 Davis Avenue and Davis Avenue (unnumbered), approximately 500 feet east of Gallatin Pike (.92 acres), requested by Link Wilson, appellant, for Fam Night and James Andrew Dixon, owners.

Ms. Regen stated this request is to change the zoning from single family/duplex residential to multi-family. Staff is recommending disapproval of this as contrary to the General Plan. Placing an RM20 zoning district on this property would constitute, staff feels, a spot zone. The Subarea 5 Plan is calling for this area to be residential medium density with up to approximately 9 units per acre, but is not looking to remove the existing moderate income housing stock. Staff's concern is that by rezoning this property to multi-family it could destabilize this neighborhood and lead to future multi-family rezoning. The zoning district they are asking for allows 20 units per acre and the policy dictates a maximum of 9 units per acre.

Mr. Michael Burgesette, representing Accessible Space, Inc., spoke in favor of the proposal and stated this would incorporate 17 units of housing for people with physical disabilities and these projects are very low impact projects. This would be a two story structure and these projects are designed to be compatible with other homes and structures in the neighborhood. The majority of residents do not drive so the traffic impact would be less than what could be generated by 6 units being built under the current zoning.

Chairman Smith stated these kind of uses make the decision difficult and that he hoped Mr. Burgesette understood the Commission tried to keep a consistent zoning.

Mr. Browning stated staff's recommendation has nothing to do with the use and under the current policy they could have 8 units.

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

**Resolution No. 98-901**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-185U is **DISAPPROVED (6-2) as contrary to the General Plan:**

**These properties fall within the Subarea 5 Plan's Residential Medium (RM) density policy calling for 4 to 9 units per acre and preservation of the single-family homes and duplexes in the area. Rezoning this property to RM20 would constitute a 'spot zone' since there is no other RM20 district in the area and would exceed RM policy. The RM20 district permits up to 20 units per acre which significantly exceeds the RM policy's maximum of 9 units per acre."**

Councilmember Garrett left at 3:00, at this point in the agenda.

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**Proposal No. 98P-007U**  
Seven Springs  
Map 160, Parcels 44, 46, 47, 213 and 214  
Subarea 12 (1997)  
District 32 (Jenkins)

A request for preliminary approval for a Planned Unit Development District located abutting the north margin of Old Hickory Boulevard opposite Cloverland Drive (42.726 acres), classified R40 and proposed for OR40, to permit the development of 659,000 square feet of office and a 320,000 square foot assisted living and retirement facility, requested by Ragan-Smith Associates, for The Lamoureaux Company, owners.

Ms. Regen stated this PUD request is for office development, 48 assisted living units and 226 independent living units. There is a building in the location where staff is proposing the Trousdale Drive connection to Old Hickory Boulevard. Staff feels there is an ability to provide that connection in this plan by relocating that building on the site plan. Staff is recommending disapproval as contrary to the General Plan because it is proposing not to continue Trousdale Drive through the development. Staff feels collector roads are meant to be continued and not terminated.

Mr. Tom White spoke in favor of the proposal and asked the Commission to be consistent with the motion for the land use amendment and asked this be approved conditioned with the road going through.

Mr. Manier asked if this could be approved without a preliminary plan.

Mr. Browning stated staff would be more comfortable if this was sent as a disapproved plan and indicate to the developer that if he had a an amended plan that showed the road that would be a plan the Commission would consider for approval. Then this could go forward as a disapproved bill and in the meantime an amended plan could be submitted for the Commission's reexamination.

Mr. Tom White stated he would prefer the Commission to disapprove the proposal so it could go forward.

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

**Resolution No. 98-902**

BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98P-007U is given **DISAPPROVAL DUE TO TERMINATION OF TROUSDALE DRIVE (8-0):**

**The Subarea 12 Plan and the Major Street Plan call for the extension of Trousdale Drive to the Old Hickory Boulevard/Cloverland Drive intersection. This plan would cause Trousdale Drive to permanently dead-end and it reserves no right-of-way for the future extension of Trousdale Drive."**

**SUBDIVISIONS:**

**Preliminary Plats:**

**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. (Deferred from meeting of 10/29/98).

Ms. Carrington stated staff is recommending conditional approval subject to approval by Water Services and with a variance to the intersection separation requirements of the Subdivision Regulations. She stated the subdivision regulations require a minimum distance between intersections of 300 feet. However, in this case it is not possible to achieve that much separation. The proponent has redesigned the plan to achieve the greatest separation possible, which is less than 200 feet of separation. Staff is recommending approval with at variance. The Public Works staff feels the 300 foot requirement should be maintained and are not in support of this request.

Mr. Roy Dale, engineer, spoke in favor of the project and stated Mr. Adler had wanted to do an assisted living type project here but that a community meeting was held and the neighborhood was not in favor of that. They expressed a preference for a single family development, so that is what Mr. Adler wants to go forward with.

Mr. John Watkins expressed concerns about the type and size of homes to be built in the.

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

**Resolution No. 98-903**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-371U, is **APPROVED WITH CONDITIONS AND A VARIANCE TO SECTION 2-6.2.1H(2) OF THE SUBDIVISION REGULATIONS; PUBLIC HEARING CLOSED (8-0).”**

**Subdivision No. 98S-384G** (*Public Hearing*)  
Holland Estates  
Map 87, Parcels 51 and 114  
Subarea 14 (1996)  
District 12 (Ponder)

A request for preliminary approval for four lots abutting the east margin of North New Hope Road, opposite Myra Drive (2.5 acres), classified within the RS15 District, requested by Dwight Holland, owner/developer, Daniels and Associates, surveyor.

Ms. Carrington stated staff is recommending approval with variance to the maximum lot size and lot depth to width ratio in the Subdivision Regulations. In this case there are topography problems in this area and staff feels that does justify a variance.

Mr. Gary Daniels, representing the owner, stated he was present to answer any questions the Commission might have.

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

**Resolution No. 98-904**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-384G, is **APPROVED WITH VARIANCES TO SECTIONS 2-4.2D AND 2-4.2E OF THE SUBDIVISION REGULATIONS; PUBLIC HEARING CLOSED (8-0).”**

**Subdivision No. 98S-385G** (*Public Hearing*)  
Opal Estates  
Map 87, Parcels 22 and 24  
Subarea 14 (1996)  
District 12 (Ponder)

A request for preliminary approval for 16 lots abutting the west margin of North New Hope Road, approximately 520 feet south of Myra Drive (8.0 acres), classified within the RS15 District, requested by Dwight Holland, owner/developer, Daniels and Associates, surveyor.

Ms. Carrington stated that in this case the applicant is requesting that after the public hearing that this item be deferred two weeks so they can work with Public Works and Water Services and staff would concur.

No one was present to speak at the public hearing.

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

**Subdivision No. 98S-388U (Public Hearing)**

Timber Valley  
Map 108, Parcel 196  
Map 121, Part of Parcel 185  
Subarea 14 (1996)  
District 13 (French)

A request for preliminary approval for 45 lots abutting the south terminus of Timber Valley Drive, opposite Pleasant View Drive (12.57 acres), classified within the RS7.5 District, requested by Gill Smith, owner/developer, MEC, Inc., surveyor.

Ms. Carrington stated this is another case where the applicant is requesting a deferral for two weeks to work on an issue about the street pattern. They are willing to work with the staff to come up with a better plan.

No one was present to speak at the public hearing.

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

**Final Plats:**

**Subdivision No. 98S-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. (Deferred from meeting of 10/29/98).

Ms. Carrington state staff is recommending disapproval. This was deferred from the last meeting since the Public Works Department had requested additional floodplain information on these lots. That information has never been submitted, so staff cannot recommend approval of this plat as currently proposed.

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

**Resolution No. 98-905**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-373U, is **DISAPPROVED (7-0).”**

**Subdivision No. 98S-380A**  
Brentview Hills, Section 4, Lot 62  
Map 160-4, Parcel 49  
Subarea 12 (1997)  
District 32 (Jenkins)

A request to amend the front setback line from 50 feet to 35 feet and the side setback line from 55 feet to 35 feet on a lot abutting the southeast corner of Eatherly Drive and Pritchett Drive (.69 acres), classified within the R20 District, requested by Teresa Meadows, owner/developer.

Ms. Carrington stated staff is recommending disapproval. This final plat would amend front setbacks on Pritchett Drive and Eatherly Drive. The required setbacks currently are 50 feet on Pritchett Drive and 55 feet on Eatherly. The petitioner is requesting to amend both setbacks to 35 feet. In this case they did get a building permit for an addition to the house on Eatherly. Codes realized after the permit was issued that there was a setback encroachment and they issued a stop work order. On the other side of the house they are framing a garage and no building permits were obtained for that structure. The setbacks on this lot were amended in 1963 and are actually less than the setbacks of the lots of the adjacent homes. Ms. Carrington stated staff recommended disapproval and sees no hardship or reason to grant any further amendment to the setbacks. A copy of a petition has been distributed to the Commission from area neighbors.

Mr. Stephen Smith stated this was a bad situation if a permit was issued in error, work had begun and then a stop work order was issued. If Codes had waited a couple of more weeks the work could have been completed. It seems that Codes could be sued.

Ms. Nicole Rodrigue, Metro Legal Department, stated an administrative error of a permit being issued does not give someone the right to build in violation of the law. There is case law when a person has done enough construction to have some vested rights in the permit. A permit is not a contractual relationship and that is the important distinction.

Ms. Theresa Meadows, property owner, stated this is a hardship because she is a single parent, that she did have permits on everything.

Chairman Smith stated he had a letter from 19 or 20 homeowners around this property asking the Commission not to approve this because it ruins their view and does not match their setbacks.

Ms. Warren suggested a compromise might be to take down the carport and let the building addition stand because the addition is what she has the permit on.

Mr. Tom Clayton and Ms. Phyllis Brannon spoke in opposition to the addition and stated it looked completely out of place. He expressed concerns regarding the setbacks, their view and property values.

Mr. Tim Parker stated he was present the day the inspector came out and inspected the footing and he measured off of both streets and construction continued from that point on for the master bedroom.

Mr. Manier moved and Mr. Stephen Smith seconded the motion, which carried unanimously to defer this matter for two weeks to give the applicant and neighbors an opportunity to reach a compromise.

**Subdivision No. 98S-387U**  
Seven Hills, Section 4, Resubdivision of Lot 1  
Map 131-7, Parcel 96  
Subarea 10 (1994)  
District 33 (Turner)

A request for final plat approval to subdivide one lot into two lots abutting the southeast corner of Lone Oak Circle and Shy's Hill Road (1.09 acres), classified within the R20 District, requested by W. Michael Routh, owner/developer, The Cummings Group, Inc., surveyor.

Ms. Carrington stated staff is recommending disapproval. These lots met comparability until the lines were revised to make both lots similar in size and now both lots do not meet comparability. One lot is 61%, the other one is 59% of the average lot size and the Subdivision Regulations require they be 75% of the average lot size. Therefore, staff is recommending disapproval. Staff has received 14 letters from people in the immediate area who are in favor of the resubdivision. If the Commission chooses to approve this, it should be with at variance to comparability.

Mr. Frank Horton and Mr. Michael Routh spoke in favor of the proposal and stated all the neighbors were in favor of the plan.

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

**Resolution No. 98-906**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-387U, is **APPROVED WITH A VARIANCE TO SECTION 2-4.7 OF THE SUBDIVISION REGULATIONS (7-0).”**

**MANDATORY REFERRALS:**

**Proposal No. 98M-119G**  
Council Bill No. O98-1443  
Forrest Oaks Drive Closure  
Map 155  
Subarea 6 (1996)  
District 35 (Lineweaver)

A council bill to close a portion of Forrest Oaks Drive from the southern edge of High Forest Court to the terminus of Forrest Oaks Drive, sponsored by Councilmember Vic Lineweaver. (Easements are to be retained).

Ms. Regen stated the Commission approved a zone change for RS20 zoning on this piece of property several months ago. That rezoning has not been approved. The councilmember has not forwarded that through the Council and it is still on second reading. The reasoning for holding up the zoning is that he is looking to close two streets. Staff is recommending disapproval of this closure because it will land lock parcel 74.

Councilmember Vic Lineweaver spoke in favor of the closure and stated he had a neighborhood meeting regarding the zoning. The property would not be landlocked and there are severe topographic problems in the area.

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

**Resolution No. 98-907**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that it **DISAPPROVES (7-0)** Proposal No. 98M-119G:

**The closure of this road would landlock parcel 74 (see sketch) which is part of the Allen's Green Planned Unit Development (PUD). In approving the preliminary PUD, the Council endorsed a future plan of subdivision for parcel 74 with 11 single-family lots and a street connection to Forrest Oaks Drive. Without a connection to Forrest Oaks Drive, this portion of the Allen's Green subdivision cannot be built as approved. In addition, closing this road is premature since the future residential development of parcels 59, 60 and 61 to the south (the Herndon family property), if combined in the future after they are rezoned to RS20 (O98-1311), may necessitate a connection to Forrest Oaks Drive."**

**Proposal No. 98M-120G  
Council Bill No. O98-1444  
Collins Road Closure  
Map 155  
Subarea 6 (1996)  
District 35 (Lineweaver)**

A council bill to close a portion of Collins Road from its western terminus to a point 600 feet east towards Old Harding Pike, sponsored by Councilmember Vic Lineweaver. (Easements are to be retained).

Ms. Regen stated closing this portion of Collins Road would land lock up to 12 parcels. The Legal Department has investigated this and informed staff if the Commission were to land lock those parcels it would basically be a taking. Their appraised values at the present time are equal to approximately \$1,000,000 so staff is recommending disapproval.

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

**Resolution No. 98-908**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES (7-0)** Proposal No. 98M-120G:

**Closure of Collins Road would landlock 12 parcels (57.01, 57.02, 57.03, 57.04, 57.05, 59, 61, 93, 96, 209, 266, and 270); see sketch. If this closure were approved, the owners of these parcels would have no access to their property.**

**In addition with no subdivision plat submitted for the Herndon properties (since the RS20 rezoning has not been approved by Council), prematurely closing Collins Road could adversely affect future plat approval by the Planning Commission. Access is a major factor considered when approving residential subdivisions. Without maintaining all possible points of ingress/egress at this time, the closure of Collins Road and Forrest Oaks Drive, could result in the following:**

- **One ingress/egress for nearly 400 homes that could be built on the land to the north if the rezoning is approved (the Herndon family property - parcels 59, 60 and 61 are combined in the future).**
- **A single access point for that many residences can create a public safety concern. Emergency vehicles would have longer response times to get to these homes since they would be coming from the east. And if an emergency event blocked the entrance of the subdivision, serious safety problems could result.**
- **Requiring all future residents to use McCrory Lane would result in them making a 2 mile trip (in each direction) instead of ½ mile trip using Collins Road to the heart of the Pasquo community's center (i.e. Amoco gas station, Chaffin's Dinner Barn Theatre, nursery,**

**elementary school, churches, and future Kroger shopping center). Using McCrory Lane would place additional traffic on an already substandard arterial road.”**

**OTHER BUSINESS:**

1. First Quarter FY 1999 Work Program/Budget Status Report.

Mr. Browning stated the First Quarter Work Program/Budget Status Report indicates staff is on schedule except for one aspect of the Work Program which is the corridor analysis. This is an attempt to evaluate planning or analyze land use issues based upon corridors because land use and transportation are so connected. This is a new approach.

Staff has been asked by the Finance Department to reduce our budget by 5% and have worked with Finance and Personnel to accomplish the reduction.

Mr. Browning handed out a list of Major Planning Issues for the Commission to look over and discuss at a future meeting.

**ADJOURNMENT:**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:45 p.m.

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Chairman

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Secretary

Minute Approval:  
This 25<sup>th</sup> day of November, 1998