

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: December 10, 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
Pat Tatum
Marilyn Warren

Absent:

Mayor Philip Bredesen
Stephen Smith

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
Jeff Lawrence, Planner III

Others Present:

Jim Armstrong, Public Works
Nicole Rodrigue, Legal Department

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Ms. Carrington announced changes to the agenda as follows:

98S-427U, Vine Hill Homes Subdivision, withdrawn by the applicant.
98S-433G, Riverfront Shopping Center, Section 8, number of lots revised from two lots to three.

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

98S-352G	Deferred indefinitely, by applicant.
98S-424U	Deferred indefinitely, by applicant.
98S-440U	Deferred two weeks, by applicant.
98M-130U	Deferred two weeks, by applicant.

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

APPROVAL OF MINUTES

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of November 25, 1998

RECOGNITION OF COUNCILMEMBERS

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

ADOPTION OF CONSENT AGENDA

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

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-193G

Council Bill No. O98-1488
Map 175, Part of Parcels 75 (14.41)
and 199 (.44 acres)
Subarea 13 (1996)
District 29 (Holloway)

A council bill to rezone from R8 to RM6 district property located at 4130 Murfreesboro Pike and Murfreesboro Pike (unnumbered), approximately 300 feet north of and opposite Hurricane Creek Road (14.85 acres), requested by Site Engineering Consultants, Inc., appellant, for E. Cordell Lawrence et ux, and The Simeon Baptist Church, owners.

Resolution No. 98-954

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-193G is **APPROVED (8-0)**:

This property falls within the Subarea 13 Plan's Residential Medium (RM) policy calling for 4 to 9 units per acre north of the TVA line. The RM6 district is consistent with this policy. Multi-family uses are appropriate on this property and those to the west which are oriented to Murfreesboro Pike and have similar lot depths as this property."

Zone Change Proposal No. 98Z-195U

Council Bill No. O98-1487
Map 60-3, Parcels 8 (.45 acres) and 8.01 (.06 acres)
Subarea 5 (1994)
District 4 (Majors)

A council bill to rezone from RS10 to CS district properties located at 317 Homestead Road, on the east margin of Interstate 65 (.51 acres), requested by William M. Coats, appellant/owner.

Resolution No. 98-955

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-195U is **APPROVED (8-0)**:

These properties fall within the Subarea 5 Plan's Commercial Mixed Concentration (CMC) policy around the Interstate 65/Dickerson Pike interchange calling for a mixture of commercial, office, and higher density residential uses. The CS district is consistent with this policy and the predominant commercial zoning pattern in this area."

Zone Change Proposal No. 98Z-196U

Map 70-14, Part of Parcel 206 (1.17 acres)
Map 70-15, Parcel 42 (.27 acres) and
Part of Parcel 43 (.5 acres)
Subarea 8 (1995)
District 20 (Haddox)

A request to change from R6 to RM40 district properties located on the south margin of MetroCenter Boulevard (unnumbered), approximately 1,200 feet east of 24th Avenue North (1.94 acres), requested by Gary Vogrin, appellant, for Metropolitan Government and James W. Hickman, owners.

Resolution No. 98-956

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-196U is **APPROVED (8-0)**:

These properties fall within the Subarea 8 Plan's Major Public Open Space (MPOS) policy (major public recreational and open space areas for active and passive use) and Residential Medium (RM) policy (4 to 9 units per acre) extending from MetroCenter Boulevard to the south encompassing a predominantly single-family neighborhood.

While the policy of this general area, including the nearby single-family residential areas, calls for medium density of up to 9 units per acre, this parcel is uniquely located to accommodate higher densities. It has frontage on MetroCenter Boulevard, as well as a median cut, which would provide good driveway access. The surrounding properties are open space and park land, which has the effect of maintaining an overall lower density of development in this area. Ingress to and egress from the site will not affect the nearby single-family neighborhood."

Zone Change Proposal No. 98Z-197U
Map 161, Parcel 135 (1.63 acres), and Part of
Parcels 43 (4.49 acres) and 44 (3.13 acres)
Subarea 12 (1997)
District 32 (Jenkins)

A request to change from OL to RM9 district property located on the south margin of Old Hickory Boulevard, approximately 800 feet west of Edmondson Pike (9.25 acres), requested by Alan Revelette, appellant, for Alan D. and Candace Revelette, owners.

Resolution No. 98-957

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-197U is **APPROVED (8-0)**:

This property falls within the Subarea 12 Plan's Residential Medium (RM) policy calling for 4 to 9 units per acre. The RM9 district is consistent with this policy and the adjacent RM9 zoning pattern. Multi-family uses are appropriate adjacent to the retail shopping center on parcel 259 at the Edmondson Pike/Old Hickory Boulevard intersection."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 155-74-G
Larchwood (Country Inn Suites)
Map 97-13, Parcel 41
Subarea 14 (1996)
District 14 (Stanley)

A request for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the south margin of Percy Priest Drive, 850 feet west of Stewarts Ferry Pike (1.444 acres), classified CL, to permit the development of a 64 unit, 3 story, 38,556 square foot motel, requested by David Carter and Associates, for Jaishree, LLC, owners.

Resolution No. 98-958

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 155-74-G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (8-0)**. **The following condition applies:**

Prior to the issuance of any building permits, written confirmation of final approval of this proposal shall be forwarded to the Planning Commission from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.”

Proposal No. 109-81-G

Rivergate Square - Suburban Lodge
Map 34-2, Parcels 58, 99 and 100
Subarea 4 (1998)
District 10 (Garrett)

A request for a revision to the preliminary master development plan and for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the southeast margin of Gallatin Pike and Shepherd Hills Drive (5.47 acres), classified OR20, to permit a 49,800 square foot, three story, 125 unit extended stay motel, to replace 112,320 square feet of existing retail and proposed office and retail uses, requested by Barge, Cauthen and Associates, for AFCO, Inc., owners. (Also requesting final plat approval).

Resolution No. 98-960

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 109-81-G is given **APPROVAL OF A REVISION TO THE PRELIMINARY PLAN, CONDITIONAL FINAL APPROVAL FOR A PHASE AND APPROVAL OF THE FINAL PLAT SUBJECT TO POSTING OF A BOND OF \$27,000 (8-0). The following conditions apply:**

1. Prior to the issuance of any building permits, written confirmation of final approval of this proposal shall be forwarded to the Planning Commission from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the recording of the final plat, a mandatory referral application shall be submitted and approved by the Metropolitan Council for the abandonment of an existing public sewer easement.
3. Prior to the issuance of any building permits, the final plat shall be recorded upon posting the required bond.

Proposal No. 18-84-U

Burton Hills (Covenant Presbyterian Church)
Map 131-6-A, Parcel 11 and Part of Parcel 26
Subarea 10 (1994)
District 33 (Turner)

A request for final approval for a portion of the Residential Planned Unit Development District located abutting the east margin of Hillsboro Pike and the north margin of Harding Place, classified R15 and R40, to permit the development of a 111,000 square foot, 1,200 seat church facility and to preserve 19.1 acres of open space (30.1 acres), requested by Barge, Cauthen and Associates for Covenant Presbyterian Church, owner. (Deferred from meeting of 11/25/98).

Resolution No. 98-961

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 18-84-U is given **CONDITIONAL FINAL APPROVAL FOR A PORTION OF THE PUD (8-0). The following conditions apply:**

1. Prior to the issuance of any building permits, written confirmation of final approval of this proposal shall be forwarded to the Planning Commission from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, a final subdivision plat shall be recorded.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 98S-241U
Highlands of Brentwood, Phase 1
Map 172, Part of Parcel 79
Subarea 12 (1997)
District 31 (Alexander)

A request for final plat approval for a portion of a Residential Planned Unit Development District abutting the west margin of Nolensville Pike and the north margin of Celebration Way (14.55 acres), classified within the R10 Residential Planned Unit Development District, to permit the development of 40 single-family lots, requested by Barge, Waggoner, Sumner and Cannon, for Almo Properties, owner.

Resolution No. 98-962

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-241U, is **APPROVED SUBJECT TO A BOND OF \$540,500.00 (8-0).”**

Subdivision No. 98S-378U
Metro Airport Center, Phase 6, Section 5
Map 108, Parcel 217
Map 108-1, Parcels 58, 66 and 75
Subarea 14 (1996)
District 14 (Stanley)

A request for final plat approval to consolidate four parcels into three lots abutting the west margin of Airport Center Drive, between Elm Hill Pike and Royal Parkway (9.5 acres), classified within the CS Commercial Planned Unit Development District, requested by M.A.C. Limited, owner/developer, Ragan-Smith-Associates, Inc., surveyor.

Resolution No. 98-963

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-378U, is **APPROVED (8-0).”**

Subdivision No. 98S-415G
Boone Trace at Biltmore, Section 4
Map 126, Part of Parcel 65
Subarea 6 (1996)
District 23 (Crafton)

A request for final plat approval to create 44 lots abutting both margins of Boone Trace and both margins of Settler's Court (15.9 acres), classified within the RS20 Residential Planned Unit Development District,

requested by Fox Ridge Homes, Inc., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. (Deferred from meeting of 11/25/98).

Resolution No. 98-964

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-415G, is **APPROVED SUBJECT TO A BOND OF \$385,815.00 (8-0).”**

Subdivision No. 98S-425U
Cambridge Forest, Section 3
Map 149, Part of Parcel 319
Subarea 13 (1996)
District 28 (Hall)

A request for final plat approval to create 22 lots abutting the southeast terminus of Welshcrest Drive, approximately 80 feet southeast of Edenfield Drive (6.92 acres), classified within the R15 Residential Planned Unit Development District, requested by Double M Partners, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 98-965

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-425U, a request for final plat approval to create 22 lots abutting the southeast terminus of Welshcrest Drive, approximately 80 feet southeast of Edenfield Drive (6.92 acres), classified within the R15 Residential Planned Unit Development District, requested by Double M Partners, owner/developer, Anderson-Delk and Associates, Inc., surveyor, is **APPROVED SUBJECT TO A BOND OF \$98,000.00 (8-0).”**

Subdivision No. 98S-433G
Riverfront Shopping Center, Section 8
Map 53, Parcel 29
Subarea 14 (1996)
District 11 (Wooden)

A request for final plat approval to subdivide one parcel into two lots abutting the southwest margin of Robinson Road, opposite Martingale Drive (16.79 acres), classified within the CS Commercial Planned Unit Development District, requested by Riverfront Development Limited Partnership, owner/developer, Bruce Rainey and Associates, surveyor.

Resolution No. 98-966

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-433G, is **APPROVED (8-0).”**

Request for Bond Extension:

Subdivision No. 95S-398G
New Hope Estates, Phase Two
Raymond D. Lane, Sr., principal
(Buildout is at 65%)

Located abutting the west margin of New Hope Road, approximately 115 feet south of Farmingham Woods Drive.

Resolution No. 98-967

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95S-398G Bond No. 95S-398G, New Hope Estates, Phase 2 in the amount of \$103,500 to 7/1/99 subject to submittal of an amendment to the present Letter of Credit by **1/10/99** which extends its expiration date to 1/1/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Subdivision No. 97S-401U
Vultee Church of Christ Subdivision
Nashville Christian Tower, Inc.
(Buildout is at 0%)

Located abutting the southwest corner of Murfreesboro Pike and Foothill Drive.

Resolution No. 98-968

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-401U, Bond No. 97BD-101, Vultee Church of Christ in the amount of \$42,300 to 5/15/99 subject to submittal of an amendment to the present Letter of Credit by **1/10/99** which extends its expiration date to 11/15/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension and Replacement:

Subdivision No. 45-86-P
Chitwood Downs (a.k.a. Hampton Park)
Fox Ridge Homes, Inc., principal
(Buildout is at 100%)

Located abutting the west side of Old Hickory Boulevard, opposite Second Street.

Resolution No. 98-969

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for replacement and extension of a performance bond for Subdivision No. 45-86-P, Bond No. 89BD-003, Chitwood Downs (a.k.a. Hampton Park) to 12/1/99 in the amount of \$45,000, subject to submittal of appropriate security and execution of a replacement bond by **1/10/99**. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Replacement:

Subdivision No. 97S-193U
Aberdeen Farms, Phase 1
Zaring Homes, Inc., principal
(Buildout is at 57%)

Located abutting the south margin of Oakley Drive, opposite West Fork Court.

Resolution No. 98-970

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for replacement of a performance bond for Subdivision No. 97S-193U, Bond No. 98BD-002, Aberdeen Farms, Phase 1 in the amount of \$159,000, subject to submittal of appropriate security and execution of a replacement bond by **1/10/99. Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Release:

Subdivision No. 94P-026U
Hill Place
H. G. Hill Realty Company, principal

Located abutting both margins of Post Road, between Davidson Road and Farnsworth Drive.

Resolution No. 98-971

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 94P-026U, Bond No. 95BD-031, Hill Place in the amount of \$129,000.”

MANDATORY REFERRALS:

Proposal No. 98M-118U
Crieve Hall Branch Library Property
Acquisition - Edmondson Pike Site
Map 161, Parcels 29 and 30
Subarea 12 (1997)
District 32 (Jenkins)

A request from the Director of Public Property to exercise an option to purchase two parcels of property totaling 6.74 acres (located on Edmondson Pike just north of the intersection with Old Hickory Boulevard) for the construction of a new regional library.

Resolution No. 98-972

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral Proposal No. 98M-118U is **APPROVED (8-0)**.

Proposal No. 98M-125U
Old Donelson Pike
Map 96
Subarea 14 (1996)
District 15 (Dale)

A request from the Director of Public Works to name an old section of Donelson Pike as "Old Donelson Pike" between Old Elm Hill Pike and Nodyne Drive west of Donelson Pike.

Resolution No. 98-973

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral Proposal No. 98M-125U is **APPROVED (8-0)**.

Proposal No. 98M-131U
Beer Sellar Aerial Encroachment
Map 93-2-4, Parcel 15
Subarea 9 (1997)
District 19 (Sloss)

A request to install a sign for The Beer Sellar projecting 6 feet over the sidewalk at 107 Church Street, east of Second Avenue North, requested by Marcia L. Parchment of Joslin & Son Signs for 184 Second Avenue North, L.P., owner.

Resolution No. 98-974

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral Proposal No. 98M-131U is **APPROVED (8-0)**.

Proposal No. 98M-132U
Metro Airport Center Drainage
Easement Abandonment
Map 108, Parcel 36
Subarea 14 (1996)
District 14 (Stanley)

A request to abandon a 10' x 200' drainage easement on property located within the Metro Airport Center, submitted by Jeffrey B. Broughton, ASLA on behalf of Duke Construction, L.P. property owner.

Resolution No. 98-975

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral Proposal No. 98M-132U is **APPROVED (8-0)**.

Proposal No. 98M-133U
St. Edward Catholic Church Sanitary Sewer
Easement Abandonment
Map 119-10, Parcel 21
Subarea 11 (1993)
District 26 (Graves)

A request to abandon a 20' x 160' sanitary sewer easement currently located within property owned by St. Edward Catholic Church on Thompson Lane, submitted by Randy Perry of Barge, Cauthen and Associates, Inc., on behalf of the owner.

Resolution No. 98-976

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral Proposal No. 98M-133U is **APPROVED (8-0)**.

Proposal No. 98M-134G
Acceptance of Property from Dan Maddox
Memorial Trust
Map 141, Parcel 9
Subarea 6 (1996)
District 23 (Crafton)

A request from the Director of the Metro Board of Parks and Recreation to accept the donation of approximately 7 acres of property located at Highway 70 and I-40 to the Metropolitan Government of Nashville and Davidson County from the Dan Maddox Memorial Trust.

Resolution No. 98-977

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral Proposal No. 98M-134G is **APPROVED (8-0)**.

OTHER BUSINESS:

4. A proposal to amend the 1998-99 to 2003-04 Capital Improvements Budget and Program by adding one Metropolitan Transit Authority project.

Resolution No. 98-978

"BE IT RESOLVED by the Metropolitan Planning Commission that it approves a proposal to amend the 1998-99 to 2003-04 Capital Improvements Budget and Program by adding one Metropolitan Transit Authority project as follows:

I.D. No. 98MT002

Sixty Foot Articulated Transit Buses (TN90 x 165, Bus Portion Only) - Replace
Purchase Twelve sixty foot articulated transit buses to replace older vehicles in the fleet

\$480,000	Proposed General Obligation Bonds	FY 1998-99
\$3,840,000	Federal Funds	FY 1998-99
\$480,000	State Funds	FY 1998-99"

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-011T
Council Bill No. O98-1479

A council bill to amend Section 17.04.060 (Definitions) of the Zoning Regulations to calculate the density of an Assisted-Care Living facility based on its square footage instead of dwelling units, sponsored by Councilmember Vic Lineweaver.

Ms. Regen stated this is a text amendment proposing to amend the method by which the number of units permitted within an assisted care living facility is calculated. A unit is considered to be a housing unit without independent kitchen facilities. Ms. Regen stated the number of units permitted by the zoning ordinance is three times the number of single family or multi-family units (traditional units with kitchen

facilities) allowed within the district. Ms. Regen stated this ratio was established when the new zoning ordinance was written and was based upon the experience that the assisted care living units were occupied by single, usually elderly people, who generated less traffic and demand on utilities than more typical single family and multi-family dwellings.

Ms. Regen stated the proposed amendment would establish a floor area ratio, which would determine the square footage permitted within an assisted care living facility. The number of units then would be a function of how many units could be developed within the allotted square footage of the building, based upon the size of each unit.

Ms. Regen informed the Commission that the amendment is intended to solve a specific rezoning problem in Mr. Lineweaver's district. A proponent of an assisted care living facility intends to develop a facility of a certain size (certain number of units). His proposal could be accommodated by rezoning the property to RM6, which would allow 18 assisted care units per acre, using the multiplier of three. The Planning Commission has supported the rezoning from AR2a to RM6 because the property has attributes to support the higher density zoning. However, Mr. Lineweaver is reluctant to support the rezoning. Instead, Mr. Lineweaver has sought a way of allowing the higher number of assisted living units without rezoning the property to RM6

Councilmember Lineweaver stated that when he changed this property to AR2a he was under the impression this applicant would be able to get the amount of units he needed. All 40 of these units will be for Alzheimer's patients. This zoning text change would not only save this project but a historical building that the Nashville Historical Preservation group has been working with on this zoning.

Mr. Small asked why the Commission would want to change the Zoning Ordinance for just one project and what are the longer reaching aspects of making this change as it relates to Assisted Living wherever it might locate itself in Nashville.

Councilmember Lineweaver stated that this would be much easier to use and if the AR2a were for Assisted Living there would be no possibility of boarding houses or apartments.

Ms. Regen stated the RM6 allows the Assisted Living facility but the issue is the density and how it is calculated.

Ms. Warren stated RM6 was appropriate for that specific area density wise. AR2a is nice to have but in that spot it is out of place.

Chairman Smith stated the Commission spent 5 years rewriting the Zoning Ordinance and looking at all the numbers and units and to change everything now to floor area ratio should not be done.

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

Resolution No. 98-979

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-011T is **DISAPPROVED (8-0)**:

This council bill would remove the 'rooming unit' density conversion to dwelling units from the definition of Assisted-Care Living facilities. If approved, the council bill would require the density of all new assisted living facilities in the county to be measured by the structure's square footage (i.e. floor area ratio - FAR). A FAR density standard can result in structures that are larger in terms of bulk and number of residents than other residential structures in that same district. This standard can also result in these facilities being inconsistent with the respective subarea plan's residential policy."

Zone Change Proposal No. 98Z-194U
Council Bill No. O98-1490
Map 104-5, Parcels 132 (.97 acres),
133 (.48 acres) and 134 (.45 acres)
Subarea 7 (1994)
District 24 (Johns)

A council bill to rezone from R6 to RM9 district properties located at 3901, 3903A, and 3905 Murphy Road, approximately 200 feet west of Westlawn Place (1.9 acres), requested by Edwin A. Merrick, appellant, for Gardner, Merrick & Associates, LLC, and A. R. Breece et ux, owners.

Ms. Regen stated staff is recommending disapproval of this rezoning because it is not in keeping with the Subarea 7 Plan. There are a number of single family homes, older homes and duplexes in this area. There is a duplex on one of the properties proposed to be rezoned. The subarea plan policy is not calling for apartments or townhomes in this area but instead is looking to leave the single family homes and retain the existing duplexes. The applicant is requesting to rezone to RM9 because he wants to do 100% duplexes on the property but cannot because of the 25% duplex provision in the Zoning Ordinance. There are 100% duplex projects on Westlawn but staff is not looking to duplicate that elsewhere in this neighborhood. Staff received a letter from Councilmember Johns who favors the rezoning because the applicant was willing to look at deed restrictions on the property, restricting the property to only duplexes and not allow for any apartments. Deed restrictions are not something this Commission, the Council or the Metropolitan government can enforce.

Mr. Keith Rosenblum stated the owner would be willing to stay with single family dwelling or duplex development and do a deed restriction to insure nothing more than a duplex could be built on that property. This property has been in the owner's family since the 1930's and wants to be good friends to the neighborhood and make the property blend in with the surrounding properties. He is not looking for the maximum number of units allowed but somewhere in the neighborhood of 12 or so.

Mr. Small stated that since there were duplexes on one side of this property, one lot already has a duplex on it, single family homes to the east of the property and a railroad behind it, this rezoning is not going to substantially alter this particular location in the subarea plan.

Ms. Regen stated staff looks at zoning and also boundaries. There is a railroad boundary but there is nothing to stop the RM9 zoning from going farther to the east or across the street. There is also no assurance, although the applicant has said he is doing duplexes, that in time the property could exchange hands and someone could come in and do apartments and that is where the subarea plan comes in.

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

Resolution No. 98-980

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-194U is **DISAPPROVED (7-0)**:

These properties fall within the Subarea 7 Plan's Residential Medium (RM) policy calling for conservation of this predominantly single-family and duplex area at the lower end of the RM density range (4 to 6 units per acre). The multi-family uses and the density permitted within the RM9 district are not consistent with this policy."

Zone Change Proposal No. 98Z-198U
Council Bill No. O98-1489
Map 60, Parcels 72 (68.45 acres) and 75 (.33 acres)

Subarea 3 (1998)
District 2 (Black)

A council bill to rezone from RS7.5 to IWD district properties located west of Woodfolk and Haynie Avenues and east of Matthews Drive (68.78 acres), requested by Robert L. Stout, appellant, for Capitol Properties and Ray Cemetery, owners.

Ms. Regen stated that in the Subarea 3 Plan an industrial policy was applied to this area along Brick Church Pike because there is a ridgeline, a topographic feature, which is something used when defining policy boundaries. The applicant is proposing extending the IWD zoning westward across the ridgeline and adjacent to residential development to the west. The policy in the subarea plan shows this area as being part of a residential low medium policy and not appropriate for industrial use. Therefore, staff is recommending disapproval as contrary to the General Plan.

Mr. Robert Stout stated that he had met with Councilmember Black and with the neighborhood and no one in the area has any problem with expanding this property for industrial use. He stated the front (eastern) portion of this tract is zoned industrial, and it is not economically feasible to build houses on this property. He asked the Commission to approve his proposal because industrial use would be the best use for the property.

Chairman Smith pointed out this subarea plan was updated in 1998 and that it would be 5 more years before another update.

Mr. Lawson stated he participated in the subarea planning process for this subarea plan and the community, during the public hearings, was substantially in opposition to additional industrial development in that area.

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

Resolution No. 98-981

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-198U is **DISAPPROVED (8-0)** as contrary to the General Plan:

These properties fall within the Subarea 3 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre. A ridgeline traversing this property serves as an excellent boundary between the industrial policy along Brick Church Pike and the RLM policy to the west. Allowing industrial zoning over the ridgeline would encroach into the RLM policy and would compromise the viability of the single-family homes on Old Matthews Road by permitting industrial traffic to flow through a single-family area. The existing RS7.5 district is the preferred zoning in the area west of the ridgeline since it is the area's dominant residential zoning pattern."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 18-84-U
Burton Hills (Assisted Living)
Map 131-6-A, Part of Parcel 26
Subarea 10 (1994)
District 33 (Turner)

A request to revise the approved site development plan and for final approval for a phase of the Residential Planned Unit Development District located abutting the south margin of Burton Hills Boulevard,

approximately 900 feet east of Hillsboro Pike, classified R15, to permit the development of a 135,000 square foot assisted living/memory impaired facility on 4.5 acres, requested by Barge, Cauthen and Associates for the American Retirement Corporation, owner.

Ms. Regen stated that since the staff report was sent to the Commission staff met with the applicant and was able to resolve a driveway issue. The applicant has now amended the plat and the PUD to show the driveway area as being part of the Assisted Living parcel and staff is now recommending approval of the PUD. Staff is unable to recommend approval of the final plat because there are some technical issues; therefore, the applicant is deferring the plat until the next meeting.

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

Resolution No. 98-982

“BE IT RESOLVED by the Metropolitan Planning Commission that the following Proposal No. 18-84-U is given **APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR A PORTION OF THE PUD; FINAL PLAT DEFERRED AT REQUEST OF THE APPLICANT (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, submittal to the staff of the Metropolitan Planning Commission revised plans which detail and name open space areas; showing Burton Hills Boulevard; showing locations and dimensions of detention ponds; and showing the northwestern driveway as part of the Assisted-Living facility parcel.
2. Prior to the issuance of any building permits, written confirmation of final approval shall be forwarded to the Planning Commission from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
3. Prior to the issuance of any building permits, a final subdivision plat shall be approved and recorded.
4. Upon recording the final plat, a copy of the detention pond agreement between the Metropolitan Government of Nashville-Davidson County and the landowner(s) shall be forwarded to the Metropolitan Planning Commission.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 96S-139G (Public Hearing)

Canton Pass Subdivision
Map 53, Parcel 21
Subarea 4 (1998)
District 9 (Dillard)

A request for preliminary approval for 133 lots abutting the east terminus of Canton Pass, approximately 360 feet east of Cheyenne Boulevard (95.16 acres), classified within the RS15 District, requested by Alvin R. Hawkins, owner/developer, Cherry Land Surveying, surveyor. (Deferred from meeting of 11/25/98).

Ms. Carrington stated the applicant is requesting this item be deferred to the next meeting.

No one was present to speak at the public hearing.

Mr. Lawson moved and Mr. Garrett seconded the motion, which carried unanimously, to leave the public hearing open and defer this matter until the January 7, 1999 meeting.

Subdivision No. 98S-311U (Public Hearing)
Holland-Burr Subdivision
Map 60-16, Parcels 61, 118, 119 and 278
Subarea 5 (1994)
District 4 (Majors)

A request for preliminary and final plat approval for four lots located between Jones Avenue and Brunswick Drive, approximately 535 feet north of Jones View Drive (3.56 acres), classified within the RS10 District, requested by Arthur M. Burr et al, owners/developers, Crawford Land Surveying, surveyor.

Ms. Carrington stated staff is recommending approval with variance to the maximum lot size and depth to width ratio in the Subdivision Regulations. In this case the applicant is providing street frontage to 2 landlocked parcels. There is also floodplain in the rear of the lots, so staff feels the floodplain justifies their request for variances.

Mr. Nick Wargo, area resident, spoke in opposition to the proposal, showed pictures of flooding in the area and expressed concerns regarding drainage and flooding.

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

Chairman Smith asked what improvements Public Works has suggested be made in this area for development.

Mr. Jim Armstrong, Public Works, stated there is no mitigation measures that 4 housing units could supply to correct the flooding problem. The only way Public Works could support a plan to make corrections would to be if there was some sort of individual fees from the area residents with existing problems.

Ms. Nielson asked Mr. Armstrong if these 4 houses would worsen the situation.

Mr. Armstrong stated they would not to any measurable extent.

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

Resolution No. 98-983

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-311U, is **APPROVED WITH VARIANCES TO SECTIONS 2-4.2D AND 2-4.2E OF THE SUBDIVISION REGULATIONS (8-0); PUBLIC HEARING CLOSED.”**

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 17 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. (Deferred from meetings of 11/12/98 and 11/25/98).

Ms. Carrington stated staff is recommending conditional approval subject to approval by the Public Works Department. This item was deferred from the last meeting because the applicant was trying to effect a connection from the proposed road to Allen Court. The applicant has been working with Public Works; because of the arrangement of the land in the area which would require an S curve in the road connection, they are not able to work out the turning radius in a reasonable manner. Therefore, the applicant has proposed a new arrangement that puts 7 lots at the end of Allen Court and 10 lots on the street off of North New Hope. In this case staff is recommending approval.

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

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

Resolution No. 98-984

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-385G, is **APPROVED (8-0); PUBLIC HEARING CLOSED.”**

Subdivision No. 98S-426G (Public Hearing)
Dry Fork Creek Subdivision
Map 48, Parcels 21 and 274
Subarea 3 (1998)
District 1 (Patton)

A request for preliminary and final plat approval for 11 lots abutting the southwest margin of Clarksville Pike and the northeast margin of Dry Fork Road (4.01 acres), classified within the R15 District, requested by James M. and Paul D. Sullivan, owners/developers, Tommy E. Walker, surveyor.

Ms. Carrington stated the applicant is requesting deferral until the January 7, 1999 agenda.

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 until the meeting of January 7, 1999.

Subdivision No. 98S-432G (Public Hearing)
Kendall Springs Subdivision
Map 172, Parcels 46, 47 and 54-58
Subarea 12 (1997)
District 31 (Alexander)

A request for preliminary approval for 32 lots abutting the north margin of Mt. Pisgah Road, approximately 430 feet east of Edmondson Pike (12.76 acres), classified within the RS15 District, requested by Rick Blackburn, owner/developer, S & A Surveying, surveyor.

Ms. Carrington stated this applicant is also requesting deferral until the January 7, 1999 meeting.

Ms. Lyndi Dincoin, an adjoining property owner, expressed concerns regarding water runoff, the surveyor destroying the surrounding property and flagging trees on her property. She asked the Commission to defer this matter to give the neighbors time to have their own property surveyed.

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried unanimously, to leave the public hearing open and defer this matter until the meeting of January 7, 1999.

Subdivision No. 98S-434U (Public Hearing)

Dan Mosley Property
Map 83-3, Parcels 213 and 215
Subarea 5 (1994)
District 7 (Campbell)

A request for preliminary and final plat approval for three lots abutting the north margin of Carter Avenue, approximately 242 feet east of Riverside Drive (2.91 acres), classified within the R10 District, requested by Dan Cathey Mosley, owner/developer, Bruce Rainey and Associates, surveyor.

Ms. Carrington stated staff is recommending disapproval. Two of the proposed parcels are flag shaped, one of them exceeds the maximum lot size of 30,000 square feet and two of them exceed the minimum lot depth to width ratio. In this case staff had talked to the applicants about doing a future plan of subdivision, which they did submit and it showed a street going back with lots running off of it. Staff has reviewed the future plan and looked at the area as a whole and feel this is probably not an area where a future plan is appropriate. What they should submit is an actual plat which does have the streets and lots and complies with the Subdivision Regulations.

Mr. Feller Brown, representing the owner, stated he had been constantly working with the planners for the past three months and thought everything was in order until he was contacted at the 11th hour and told a plat needed to be submitted.

Mr. Browning stated the basic problem is that this subdivision is requesting several variances. All of those variance would be solved by redesigning the subdivision. It would require some street construction and if that were done there would be more lots and the lots would fit the R10 zoning and would be somewhat consistent with the development pattern in the area.

Councilmember Garrett asked Mr. Brown if deferring this until January 7, 1999 would be a problem for him and his client. He recommended that to Mr. Brown to give himself and staff time to get together and resolve the problems.

Mr. Brown asked the Commission to defer this item.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to leave the public hearing open and defer this matter until January 7, 1999.

Final Plats:

Subdivision No. 98S-418G

High Ridge, Phase 1
Map 159, Part of Parcels 49, 50 and 51
Subarea 10 (1994)
District 33 (Turner)

A request for final plat approval to create four lots abutting the east margin of Granny White Pike, approximately 660 feet south of Camelot Road (4.2 acres), classified within the R40 District, requested by High Ridge, LLC, owner/developer, Arrowhead Survey., surveyor. (Deferred from meeting of 11/25/98).

Ms. Carrington stated staff is recommending disapproval. This is a part of a 34 lot subdivision that was approved in 1995. A final plat for the entire subdivision was approved in 1996 subject to a bond for \$936,000. Staff has met with the applicant since the last meeting and he indicated the reasons for requesting a first phase of four lots are financial. He does not want to post the \$936,000 bond. Staff talked to the applicant about phasing and there was a misunderstanding and he has now brought a phasing plan to

the meeting today that staff has not yet seen. He did discuss doing the first 4 lots as Phase one, bring in the next 7 as Phase 2 and the rest of the subdivision as Phase 3.

Mr. Rodney Wise presented his proposal to the Commission, stated the rain had created a mud slide in two areas because of coluvium soil which had thrown the project behind and the burden of the bond was the reason he wanted to split the subdivision into phases.

Mr. Browning stated it would be more appropriate to have the phasing of the development on paper before the Commission voted to approve the project.

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried unanimously, to defer this matter until January 7, 1999.

Subdivision No. 98S-436G
Waggoner Property
Map 32, Parcels 178 and 179
Subarea 2 (1995)
District 10 (Garrett)

A request for final plat approval to record two parcels as two lots abutting the northeast margin of Hunters Lane, approximately 1,150 feet north of Dalemere Drive (4.0 acres), classified within the R20 District, requested by Dixie Lee Waggoner, owner/developer, Burns Consulting, surveyor.

Ms. Carrington stated staff is recommending conditional approval subject to approval by Public Works and with variances to maximum lot size and lot depth to width ratio in the Subdivision Regulations. There is no sewer in this area, and because the septic disposal system requires a larger lot size staff believes the variances are justified.

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

Resolution No. 98-985

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-436G, is **APPROVED WITH VARIANCES TO SECTIONS 2-4.2D AND 2-4.2E OF THE SUBDIVISION REGULATIONS (8-0).”**

Request for Bond Extension:

Subdivision No. 41-85-P
Cedar Crest, Phase 2
Joe Gower, principal
(Buildout is at 76%)

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

Ms. Carrington stated staff is recommending disapproval of this request for an extension and authorization for collection of the performance bond unless all work is completed by June 1, 1999.

Councilmember Eric Crafton stated that Mr. Gower has been working with Public Works along with the Planning Staff and has identified some problems that may take a little extra time due to weather complications. He asked the Commission to approve this extension as staff recommended.

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

Resolution No. 98-986

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and authorizes collection of a performance bond for Subdivision No. 41-85-P, Bond No. 95BD-042, Cedar Crest, Phase 2 in the amount of \$30,000 unless all work is completed by 6/1/99.”

Subdivision No. 102-86-P

Riverside, Phase 1

Rochford Realty and Construction Company, Inc., principal
(Buildout is at 100%)

Located abutting the southwest corner of Old Harding Pike and Morton Mill Road.

Ms. Carrington stated staff is recommending disapproval of this request for the extension of the performance bond. The Commission may recall this bond covers the construction of New Morton Mill Road. There was a separate agreement made last summer between Public Works, the Planning Director and Rochford Realty. In that agreement they established a 5 month period to complete all of the necessary improvements, which included closing Old Morton Mill Road, doing a temporary bypass and constructing the New Morton Mill Road. They finished the first 3 months portion of that agreement but have not completed the work required to be done in the fourth and fifth month. Their security is good until June 9, 1999. At this time staff is asking for disapproval of the request for an extension. If construction is not finished in a timely fashion this item should be brought back before the Commission for further action.

Councilmember Vic Lineweaver, Mr. Tom Corley and Mr. Don Kuzo expressed concern regarding the road not being completed, the road conditions, speeding, traffic and safety and asked the Commission to approve the staff recommendation.

Mr. Walter Davidson stated he had spoken with Mr. Rochford and his plans are to move ahead as fast as possible. The closing of Old Morton Mill Road was delayed because of NES lines, telephone lines, gas lines and the sewer main that had to be relocated.

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

Resolution No. 98-987

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension of a performance bond for Subdivision No. 102-86-P, Bond No. 87BD-016, Riverside, Phase 1 in the amount of \$250,000.

Consideration of Bond Collection:

Subdivision No. 88P-046G

Poplar Ridge, Section 5

Karl Haury, Jr., principal

Located abutting the north margins of Poplar Ridge Drive along the east and west margins of Dove Valley Drive.

Ms. Carrington stated staff is recommending approval of collection of the performance bond in the amount of \$20,000 unless Public Works submits a letter accepting and verifying completion of road improvements by December 15, 1998. In this case the letter of credit expires January 2, 1999.

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

Resolution No. 98-988

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the collection of a performance bond for Subdivision No. 88P-046G, Bond No. 97BD-044, Poplar Ridge, Section 5 in the amount of \$20,000 unless Public Works submits a letter of acceptance verifying completion of road improvements by 12/15/98.”

OTHER BUSINESS:

1. Subarea 3 Plan amendment request.

3. Set January 21, 1999 as public hearing to consider amendment of the Subarea 10 Plan to add Urban Design Overlay District goals and objectives in the Hillsboro Village and Music Row areas.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to set the public hearing date for January 21, 1999, for the Subarea 3 Plan amendment and to consider an amendment of the Subarea 10 Plan to add Urban Design Overlay District goals and objectives in the Hillsboro Village and Music Row areas.

2. Employment contract for Theresa Carrington.

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

Resolution No. 98-989

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the employment contract for Theresa Carrington from December 16, 1998 through December 15, 1999.

5. Legislative Update.

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

PLATS PROCESSED ADMINISTRATIVELY

November 25, 1998 through December 9, 1998

96S-401G POPLAR CREEK ESTATES, Phase 5, Section A, First Revision

Removes minimum finished floor elevation from one lot

98S-200U DEVINCENZI'S SUBDIVISION, Resubdivision of Lot 153
Subdivides one lot into two lots

98S-272U METROCENTER, Resubdivision of Lot 9C
Subdivides one platted lot into two lots

98S-296U COCKRILL BEND INDUSTRIAL COMPLEX, Section 11
Subdivides one platted lot into two lots

98S-416G GOODMAN'S TWO LOT SUBDIVISION
Subdivides one parcel into two lots

98S-419G BOONE TRACE at BILTMORE, Section 3,
Revision to Lots 243 and 244
Amends the rear setback line on two lots

98S-444U D. SMITH PROPERTY
Subdivides one parcel into two lot

ADJOURNMENT:

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

Chairman

Secretary

Minute Approval:
This 7th day of January, 1999