

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: February 6, 1997
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith, Chairman
Arnett Bodenhamer
Councilmember Stewart Clifton
William Harbison
Janet Jernigan
James Lawson
William Manier
Ann Nielson

Absent:

Mayor Philip Bredesen
Stephen Smith

Others Present:

Executive Office:

Jeff Browning, Executive Director and Secretary
Carolyn Perry, Secretary II

Current Planning and Design Division:

Edward Owens, Planning Division Manager
Shawn Henry, Planner III
John Reid, Planner II
Doug Delaney, Planner I
Charles Hiehle, Planning Technician II

Community Plans Division

Jerry Fawcett, Planning Division Manager

Others Present:

Rachel Allen, Legal Department
Jim Armstrong, Public Works
Mark Macy, Public Works
Sonny West, Codes Administration

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

- 97Z-019G Two week deferral, requested by applicant.
- 45-86-P Two week deferral, requested by applicant.
- 97S-035G Two week deferral, requested by applicant.

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

APPROVAL OF MINUTES

Mr. Manier moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the meeting of January 23, 1997.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver asked the Commission to approve modifications to the Subdivision Regulations to eliminate the requirement for sidewalks.

ADOPTION OF CONSENT AGENDA

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

APPEAL CASES:

Appeal Case No. 96B-39U
 Map 119-4, Parcel 6
 Subarea 11 (1993)
 District 16 (Graves)

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030, to construct a 1,000 square foot single-story detached garage in the R15 District, on property abutting the north margin of Winpole Drive, approximately 500 feet east of Lawndale Drive (0.70 acres), requested by Douglas L. Smith, appellant/owner.

Resolution No. 97-97

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-39U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 97Z-018U
Map 95-15, Part of Parcel 7
Subarea 14 (1996)
District 15 (Dale)

A request to change from RM8 District to CS District on a portion of property abutting the northwest corner of Old Elm Hill Pike and McGavock Pike (.40 acres), requested by Boyd Adams, for Wade White, owner.

Resolution No. 97-98

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-018U is **APPROVED**:

This immediate area along Elm Hill Pike is classified within "commercial arterial existing" policy (calling for an appropriate mixture of retail, office, and multi-family uses) by the adopted Subarea 14 Plan. The CS district will implement this policy, and in this case will continue to fill out the CS zoning pattern between Elm Hill Pike and Old Elm Hill Pike."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 93P-019G
Lakeridge, Phase Three
Map 109, Part of Parcel 226
Subarea 14 (1996)
District 13 (French)

A request for final approval for Phase Three of the Residential Planned Unit Development District (11.31 acres), classified R10, located abutting the west margin of Bell Road, opposite Lincoya Bay Drive, to permit the development of 19 single-family lots, requested by Resource Development Company, Inc., for B & P Developments, Inc., owners. (Also requesting final plat approval).

Resolution No. 97-99

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93P-019G is given **CONDITIONAL FINAL APPROVAL OF PHASE THREE; FINAL PLAT APPROVAL SUBJECT TO POSTING A BOND IN THE AMOUNT OF \$265,000.00**. The following conditions apply:

1. Written confirmation of final approval of the revised plans from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Submittal and approval of revised plans detailing the necessary sidewalks and modified drainage plans for Phase Three.
3. Prior to issuance of building permits for Lot 18, a site plan shall be submitted for review and approval by Metropolitan Department of Public Works.

4. Recording of the final subdivision plat for Section Three, upon the posting of a bond in the amount of \$265,000 for all road improvements as required by the Metropolitan Department of Public Works and all water and sewer line extensions as required by the Metropolitan Department of Water Services.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 97S-034U
MetroCenter, Section 16, Lot 37V
Map 70-10, Parcel 16
Subarea 8 (1994)
District 20 (Haddox)

A request to record one parcel as one lot abutting the south margin of Mainstream Drive, approximately 2,205 feet west of Great Circle Road (1.55 acres), classified within the CG District, requested by MetroCenter Holdings, Inc., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 97-100

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final Plan of Subdivision No. 97S-034U, is granted **APPROVAL**.”

Subdivision No. 97S-041U
Green Hills Commons
Map 117-10, Parcels 121 and 135
Map 117-14, Parcels 50 and 159
Subarea 10 (1994)
District 25 (Kleinfelter)

A request to reconfigure four parcels into two lots abutting the southeast corner of Crestmoor Road and Cleghorn Avenue (7.73 acres), classified within the CS District, requested by Green Hills Commons, owner/developer, I. D. E. Associates, Inc., surveyor.

Resolution No. 97-101

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final Plan of Subdivision No. 97S-041U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$85,000.00**.”

Request for Bond Extension:

Subdivision No. 158-77-G
Willow Pointe Apartments
Willow Pointe Partnership, co-principal
National Construction, L.L.C., co-principal

Located abutting the northwest corner of Bell Road and Hickory Hollow Terrace.

Resolution No. 97-102

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 158-77-G, Bond No. 94BD-111, Willow Pointe Apartments, in the amount of \$7,640 until May 1, 1997, as requested, said approval being contingent upon submittal of a letter by **March 6, 1997** from Frontier Insurance Company agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 103-79-G

Riverfront Shopping Center, Section Two, Lot 3
Riverfront Development, L.P., principal

Located abutting the southwest margin of Robinson Road, opposite Martingdale Drive.

Resolution No. 97-103

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 103-79-G, Bond No. 94BD-062, Riverfront Shopping Center, Section Two, Lot 3, in the amount of \$5,000 until May 1, 1997, as requested."

Subdivision No. 206-83-G

Chelsea Village Addition, Section Three
Butler Development, L.L.C., principal

Located abutting both margins of Oak Forest Drive, approximately 150 feet east of Split Oak Drive.

Resolution No. 97-104

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 206-83-G, Bond No. 95BD-009, Chelsea Village Addition, Section Three, in the amount of \$26,000 until April 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **March 6, 1997** and extending the expiration date to October 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 55-85-P

The Summit, Section One
GBT Investments, principal

Located between Old Hickory Boulevard and Stonebrook Drive.

Resolution No. 97-105

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 55-85-P, Bond No. 87BD-018, The Summit, Phase One, in the amount of \$11,600 until May 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **February 15, 1997** and extending the expiration date to November 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 55-85-P

The Summit, Section Two
GBT Investments, principal

Located abutting the west side of Stonebrook Drive, opposite Fox Ridge Drive.

Resolution No. 97-106

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 55-85-P, Bond No. 87BD-019, The Summit, Phase Two, in the amount of \$70,700 until May 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **February 15, 1997** and extending the expiration date to November 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 85-85-P
Brentwood Commons, Section Revision
American General Life and Accident Insurance
Company, principal

Located abutting the north margin of Old Hickory Boulevard, approximately 800 feet east of Franklin Pike Circle.

Resolution No. 97-107

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 85-85-P, Bond No. 95BD-056, Brentwood Commons, 2nd Revision, in the amount of \$13,500 until May 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **February 15, 1997** and extending the expiration date to November 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

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

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

Resolution No. 97-108

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 28-87-P, Bond No. 87BD-032, Boone Trace, Phase One, in the amount of \$125,000 until May 1, 1997, as requested, said approval being contingent upon submittal of a letter by **March 6, 1997** from Safeco Insurance Company of America agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 40-87-P
Peninsula Pointe, Phase One
Butler Development, L.L.C., principal

Located abutting the north margin of Smith Springs Road, approximately 1,268 feet east of Waterford Way.

Resolution No. 97-109

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 40-87-P, Bond No. 95BD-105, Peninsula Pointe, Phase One, in the amount of \$111,000 until June 1, 1998, as requested, said approval being contingent upon posting an amended letter of credit by **February 15, 1997** and extending the expiration date to December 1,

1998. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

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

Located abutting the north margin of Cloverland Drive, approximately 85 feet east of Fredericksburg Way.

Resolution No. 97-110

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 78-87-P, Bond No. 93BD-079, Fredericksburg, Section Three, in the amount of \$5,000 until May 1, 1997, as requested, said approval being contingent upon submittal of a letter by **March 6, 1997** from Frontier Insurance Company agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

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

Located abutting both margins of Fredericksburg Way East and both margins of Culpepper Court.

Resolution No. 97-111

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 78-87-P, Bond No. 95BD-003, Fredericksburg, Section Five-A, in the amount of \$46,000 until May 1, 1997, as requested, said approval being contingent upon submittal of a letter by **March 6, 1997** from Frontier Insurance Company agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

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

Located abutting both margins of Fredericksburg Way East and both margins of New Market Place.

Resolution No. 97-112

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 78-87-P, Bond No. 95BD-004, Fredericksburg, Section Five-B, in the amount of \$36,000 until May 1, 1997, as requested, said approval being contingent upon submittal of a letter by **March 6, 1997** from Frontier Insurance Company agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 84-87-P
Crossings at Hickory Hollow, Section One
American General Realty Investment, principal

Located abutting the northeast margin of I-24 and Franklin Pike.

Resolution No. 97-113

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 84-87-P, Bond No. 90BD-007, Crossings at Hickory Hollow, Section One in the amount of \$83,750 until May 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **March 6, 1997** and extending the expiration date to November 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 84-87-P
Crossings at Hickory Hollow, Section Two
American General Realty Investment, principal

Located abutting the northeast margin of Crossing Boulevard, approximately 1,277 feet northeast of Old Franklin Road.

Resolution No. 97-114

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 84-87-P, Bond No. 90BD-008, Crossings at Hickory Hollow, Section Two in the amount of \$125,250 until May 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **March 6, 1997** and extending the expiration date to November 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 84-87-P
Crossings at Hickory Hollow, Section One,
Resubdivision of Lot One
Hickory Hollow Associates, principal

Located abutting the south margin of Mt. View Parkway, between Hickory Hollow Parkway and Crossings Boulevard.

Resolution No. 97-115

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 84-87-P, Bond No. 93BD-067, Crossings at Hickory Hollow, Section One, Resub. of Lot 1, in the amount of \$22,500 until May 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **March 6, 1997** and extending the expiration date to November 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 84-87-P
Crossings at Hickory Hollow (U.S. Post Office)
Hickory Downs Development, Inc., principal

Located abutting the northeast margin of Crossings Boulevard, south of Crossings Circle.

Resolution No. 97-116

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 84-87-P, Bond No. 95BD-073, Crossings at Hickory Hollow, (U. S. Post Office) in the amount of \$20,000 until May 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **March 6, 1997** and extending the expiration date to November 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 88P-067G
Brandywine Pointe, Phase Eleven, Section One
Brandywine Pointe Partners, L.P., principal

Located abutting the north margin of Shute Lane and both margins of Rachels Way.

Resolution No. 97-117

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 88P-067G, Bond No. 96BD-007, Brandywine Pointe, Phase Eleven, Section One, in the amount of \$29,200 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **March 6, 1997** and extending the expiration date to December 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 90P-008G
Chandler Grove
Brent A. Campbell, co-principal
Charles V. Duncan, co-principal

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

Resolution No. 97-118

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 90P-008G, Bond No. 94BD-082, Chandler Grove, in the amount of \$51,000 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **March 6, 1997** and extending the expiration date to December 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 92P-010G
Ottershaw Subdivision
Ottershaw Development Company, Inc., principal

Located abutting the east margin of Granny White Pike, approximately 1,546 feet north of Old Hickory Boulevard.

Resolution No. 97-119

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 92P-010G, Bond No. 93BD-040, Ottershaw Subdivision, in the amount of \$58,000 until May 1, 1997, as requested, said approval being contingent upon submittal of a letter by **March 6, 1997** from Reliance Insurance Company agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 93P-011G
Holt Woods, Section Four
Hurley-Y, L.P., principal

Located abutting the east margin of Holt Road, approximately 1,061 feet north of Holt Road.

Resolution No. 97-120

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 93P-011G, Bond No. 95BD-013, Holt Woods, Section Four, in the amount of \$8,000 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **March 6, 1997** and extending the expiration date to December 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 93P-011G
Holt Woods, Section Five
Hurley-Y, L.P., principal

Located abutting the east margin of Holt Hills Road, approximately 1,061 feet north of Holt Road.

Resolution No. 97-121

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 93P-011G, Bond No. 95BD-014, Holt Woods, Section Five, in the amount of \$33,750 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **March 6, 1997** and extending the expiration date to December 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 93P-021G
Holt Woods, Section Six
Hurley-Y, L.P., principal

Located abutting the west margin of Holt Hills Road, approximately 1,061 feet west of Holt Road.

Resolution No. 97-122

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 93P-021G, Bond No. 95BD-015, Holt Woods, Section Six, in the amount of \$46,000 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **March 6, 1997** and extending the expiration date to December 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 93P-011G
Holt Woods, Section Seven
Hurley-Y, L.P., principal

Located abutting the west margin of Holt Hills Road, approximately 80 feet north of Crosswind Drive.

Resolution No. 97-123

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 93P-011G, Bond No. 95BD-055, Holt Woods, Section Seven, in the amount of \$12,000 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **February 15, 1997** and extending the expiration date to December 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 94S-295U
Ashford Crossing, Section One

Phillips Builders, Inc., principal

Located abutting the southeast margin of Mt. View Road, approximately 200 feet northeast of Old Franklin Road.

Resolution No. 97-124

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 94S-295U, Bond No. 94BD-087, Ashford Crossing, Section One, in the amount of \$125,600 until June 1, 1997, as requested, said approval being contingent upon submittal of a letter by **March 6, 1997** from Frontier Insurance Company agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 94S-388G
J & G Subdivision
Bill Sudekum, co-principal
Gerlie Richard, co-principal

Located abutting the west margin of Dickerson Road, approximately 300 feet south of Mulberry Downs.

Resolution No. 97-125

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 94S-388G, Bond No. 94BD-107, J & G Subdivision, in the amount of \$24,000 until May 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **February 15, 1997** and extending the expiration date to November 1, 1997. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 95P-003U
Forge Ridge PUD Boundary
Dewey Pedigo, Jr., principal

Located abutting the north margin of Franklin Limestone Road, approximately 460 feet west of Rice Road.

Resolution No. 97-126

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 95P-003U, Bond No. 95BD-093, Forge Ridge PUD Boundary, in the amount of \$15,610 until May 1, 1997, as requested."

Subdivision No. 95S-068U
Revco Subdivision
KHK, Inc., principal

Located abutting the northwest corner of Kings Lane and Clarksville Pike.

Resolution No. 97-127

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 95S-068U, Bond No. 95BD-022, Revco Subdivision, in the amount of \$21,000 until May 1, 1997, as requested, said approval being contingent upon submittal of a letter by **March 6, 1997** from the Continental Insurance Company agreeing to the extension.

Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 95S-398G
New Hope Estates, Phase Two
Raymond D. Lane, Sr., principal

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

Resolution No. 97-128

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 95S-398G, Bond No. 95BD-087, New Hope Estates, Phase Two, in the amount of \$103,500 until October 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **February 15, 1997** and extending the expiration date to April 1, 1998. **Failure of principal to provide amended security documents shall be grounds for collection without further notification."**

Request for Bond Release:

Subdivision No. 9-87-P
River Plantation, Section Ten, Phase Two-C
Haury & Smith Contractors, Inc., principal

Located approximately 250 feet west of Sawyer Brown Road, approximately 915 feet south of General George Patton Road.

Resolution No. 97-129

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 9-87-P, Bond No. 96BD-014, River Plantation, Section, Phase Two-C, in the amount of \$22,900, as requested."

Subdivision No. 84-87-P
Crossings at Hickory Hollow, Tract 6
South Creek Properties, co-principal
T. W. Frierson Contractors, Inc.

Located abutting the southwest corner of Mt. View Road and Old Franklin Road.

Resolution No. 97-130

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 84-87-P, Bond No. 95BD-094, Crossings at Hickory Hollow, Tract 6, in the amount of \$15,000, as requested."

Subdivision No. 87-50-U
Bell Forge Village, Section Five
Phillips Builders, Inc., principal

Located abutting both sides of Bell Forge Parkway, approximately 550 feet north of Mt. View Road.

Resolution No. 97-131

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 87-50-U, Bond No. 87BD-001, Bell Forge Village, Section Five, in the amount of \$17,000, as requested."

Subdivision No. 88P-056G
Mulberry Downs, Phase One-B
Phillips Builders, Inc., principal

Located abutting the west terminus of Mulberry Downs, approximately 92 feet west of Cranapple Cove.

Resolution No. 97-132

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 88P-056G, Bond No. 94BD-019, Mulberry Downs, Phase One-B, in the amount of \$34,500, as requested."

Subdivision No. 88P-067G
Brandywine Pointe, Phase Twelve, Section Two
Brandywine Pointe Partners, L.P., principal

Located abutting the north margin of Shute Lane, approximately 200 feet east of Brandywine Pointe Boulevard.

Resolution No. 97-133

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 88P-067G, Bond No. 94BD-080, Brandywine Pointe, Phase Twelve, Section Two, in the amount of \$6,000, as requested."

Subdivision No. 88S-207G
Northgate Business Park
Northgate Business Park Associates, principal

Located abutting the east side of Myatt Drive, approximately 280 feet north of Myatt Boulevard.

Resolution No. 97-134

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 88S-207G, Bond No. 89BD-009, Northgate Business Park, in the amount of \$7,500, as requested."

Subdivision No. 93P-016G
Traceside, Section Two
Centex Real Estate Corporation, principal

Located abutting the southwest terminus of Timber Gap Drive and the northeast terminus of Traceway Drive.

Resolution No. 97-135

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 93P-016G, Bond No. 95BD-026, Traceside, Section Two, in the amount of \$56,500, as requested."

Subdivision No. 95S-025G
Wheeler Property
Roadway Express, Inc.

Located abutting the east margin of Knight Drive, approximately 975 feet south of Brook Manor Drive.

Resolution No. 97-136

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 95S-025G, Bond No. 95BD-027, Wheeler Property, in the amount of \$118,000, as requested."

Subdivision No. 95S-081U
Tosha's Court, Section Three
A. J. Johnson, principal

Located abutting both margins of Tosha's Court, approximately 158 feet south of Stokers Lane.

Resolution No. 97-137

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 95S-081U, Bond No. 95BD-025, Tosha's Court, Section Three, in the amount of \$5,000, as requested."

Subdivision No. 95S-085U
Four-Forty Center, Phase Two, Lot 1
Joseph V. Russell and Associates, principal

Located abutting the north margin of Melrose Avenue, approximately 497 feet east of Eugenia Avenue.

Resolution No. 97-138

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 95S-085U, Bond No. 95BD-035, Four-Forty Center, Phase Two, Lot 1, in the amount of \$45,000, as requested."

MANDATORY REFERRALS:

Proposal No. 97M-015U
(Resolution R97-0557)
Purchase of Property in the Ewing Creek Area
Map 60-1; Parcels 178, 179, 180, 181, 183, 184, 185
186, 187, 188, 189, 193, 194, 195, 196 and 197
Subarea 3 (1992)
District 3 (Nollner)

A resolution authorizing the Public Property Administrator to purchase parcels which are subject to frequent flooding by Ewing Creek. (Deferred from meeting of 01/23/97).

Resolution No. 97-139

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-015U.

Proposal No. 97M-019U

Alley 104 Closure
Maps 93-5-2 and 93-6-1
Subarea 9 (1991)
District 19 (Sloss)

A proposal to close Alley No. 104 (Formerly Alley No. 106 1/2) between Polk Alley and Seventh Avenue North, requested by Tony Giarratana, for adjacent property owners. (Easements are to be retained).

Resolution No. 97-140

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-019U.

Proposal No. 97M-020U

Sale of Property on Normandy Circle
Map 104-1, Parcel 434
Subarea 7 (1994)
District 24 (Johns)

A mandatory referral from the Public Property Administrator to approve the sale of property located on Normandy Circle.

Resolution No. 97-141

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-020U.

This concludes the items on the consent agenda

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 97Z-001T

Council Bill No. O97-620

A council bill to amend Section 17.120.040 so as to increase the membership of the Historic Zoning Commission from seven members to nine members.

Mr. Reid stated this text amendment was being proposed as an important step to getting the Historic Overlay District along Second Avenue in place. One of the two additional members would be required to be a property owner along Second Avenue and the other member would be required to be a business owner

also on Second Avenue. The Historic Zoning Commission supports this text amendment noting that state law allows a maximum of nine members to be on this commission and staff is recommending approval.

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

Resolution No. 97-142

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-001T is **APPROVED**:

The Historic Zoning Commission supports this text amendment to increase the number of board members from 7 to 9, noting that State law allows up to 9 members to serve on this type of Commission."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 88P-062U (*Public Hearing*)
Crossroads PUD
Map 51, Part of Parcel 58
Subarea 5 (1994)
District 4 (Majors)

A request to cancel a portion of the Commercial (General) Planned Unit Development District (.86 acres), classified R10, located abutting the north margin of Briley Parkway and the west margin of Briarville Road, requested by Harris A. Gilbert, for Charles Gilbert, Jr., owner.

Mr. Delaney reminded the Commission of a recent request to cancel a portion of this PUD at the entrance. The Commission disapproved that request in October of 1996, and, despite that recommendation, it was approved by Council. The portion that was canceled was the main entrance and that cancellation now compromises the viability of the overall PUD. With this new cancellation request and loss of the entrance, staff is recommending approval of cancellation of the entire PUD.

Chairman Smith asked how many property owners were involved in this PUD and if they had all been notified.

Mr. Delaney stated there were approximately thirty different property owners and they had all been notified, and on that public hearing notice staff also placed a highlighted note that the Commission may consider cancellation of the entire PUD at this meeting.

No one was present to speak at the public hearing.

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

Resolution No. 97-143

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-062U is **DISAPPROVED FOR CANCELLATION FOR A PORTION OF THE PUD; APPROVAL IS RECOMMENDED FOR CANCELLATION OF THE ENTIRE PUD.**

Proposal No. 97P-009U
Hillmont Drive PUD
Map 117-11, Parcel 78

Subarea 10 (1994)
District 25 (Kleinfelter)

A request to grant preliminary approval for a Reduced Site Size Residential Planned Unit Development District, abutting the north margin of Hillmont Drive, 700 feet northeast of Glen Echo Road (.944 acres), classified R10, to permit the development of two single-family lots, requested by Dale and Associates, for Monte and Martie Turner, owners.

Mr. Delaney reminded the Commission that in October of 1995 there was a proposed resubdivision of this lot into two lots that was disapproved because it failed lot frontage comparability. A rehearing request by the applicant in February 1996 was also denied by the Commission, upholding the decision to use comparability for the basis of that disapproval. The same issues of neighborhood compatibility are still relevant today with this small area PUD proposal.

This proposal does not meet the stated purpose and intent of an infill PUD by allowing development of a vacant parcel of land in a manner that is consistent with basically developed surroundings. In fact, staff pointed out the property already is developed consistent with the Subarea 10 Plan. The proposed infill PUD would promote a development inconsistent with the residential low policy that exists today. An additional dwelling on this property would not, in the opinion of the staff, promote any more of a harmonious relationship with the adjacent property than would have resulted from the 1995 subdivision that was disapproved. For these reasons staff is recommending disapproval of this proposal. Staff has received a letter in opposition to this proposal from the property owners located diagonally across the street from this proposal.

Roy Dale, project engineer, spoke in favor of this PUD and stated that for the reasons staff had recommended disapproval, actually could be reasons for approval. He stated nearby are duplexes and comparable densities, and that his client had the right to build an attached structure which would be more inconsistent with the surrounding neighborhood.

Mr. Harbison stated he felt the subdivision proposal from over a year ago was inconsistent with the neighborhood and this is not consistent.

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

Resolution No. 97-144

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-009U is **DISAPPROVED**:

The Commission determined that the introduction of an additional residential structure through the infill PUD development process compromises, rather than enhances, the established development pattern and character of the immediate area.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 97S-032G (Public Hearing)
Hutchins Subdivision
Map 52-7, Parcel 9
Subarea 4 (1993)
District 9 (Dillard)

A request to subdivide one parcel into two lots abutting the west margin of Center Street, approximately 988 feet north of Neeleys Bend Road (.52 acres), classified within the R10 District, requested by Mike Hutchins, owner/developer, Land Surveying, Inc., surveyor. (Also requesting final plat approval).

Mr. Henry stated a home on this lot was previously removed in anticipation of this subdivision. There have been recent re-developments in this area. Directly across the street there were three or four zone lot divisions approved several years ago. The Subarea 4 Plan encourages redevelopment and resubdivision in this area and this property is properly zoned in accordance with the land use policy for the creation of these two lots which measure 50 feet by 224 feet. Staff is recommending approval of this preliminary plan of subdivision with a variance in the 4 to 1 provision. There is very little ability to meet the 4 to 1 provision because there is a drainage ditch that precludes a better subdivision pattern.

Councilmember Dillard stated he was in support of this proposal, had not had any complaints and that he felt the owner had done the proper work on this development.

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

Resolution No. 97-145

“BE IT RESOLVED by the Metropolitan Planning Commission that the Preliminary Plan of Subdivision No. 97S-032G, is granted **APPROVAL with a variance to the minimum lot depth-to-width (4:1) ratio (Subdivision Regulation 2-4.2.E).**”

Subdivision No. 97S-043G (Public Hearing)

Wilson Heights Subdivision
Map 53, Parcel 19
Subarea 4 (1993)
District 9 (Dillard)

A request for preliminary approval for 190 lots abutting the northeast terminus of East Cedar Lane and the northwest terminus of Pawnee Trail (91.22 acres), classified within the R15 District, requested by R and R Builders, Inc., owner/developer, Walter Davidson and Associates, surveyor.

Mr. Henry stated this property was currently owned by the Tennessee Christian Medical Center. This is essentially an infill development proposal in its relationship to surrounding property such as the Kimbolton Subdivision, the Canton Pass Subdivision and the Cumberland River. There was a neighborhood meeting held and the Commission needs to be aware that the center of opposition seems to involve storm water drainage, road connections to the Kimbolton Subdivision, concern over the 25% duplex provision and the minimum house size. Mr. Henry stated the subdivider has met the technical requirements, and staff is recommending approval. However, Mr. Henry stated the traffic engineer has requested a turn lane in Neeleys Bend Road at its intersection with Cheyenne Drive. However, the planning staff points out that the need for this turn lane is not supported by the traffic analysis, and it would be difficult to document this feature is the responsibility of this developer. Staff also pointed out that the plan calls for accommodating drainage by redirecting the runoff through the subdivision to the Cumberland River. This plan should reduce the amount of runoff on adjacent properties.

Mr. George Dean, attorney, spoke in favor of this proposal and addressed schools and traffic.

Mr. Robin Bittner, Mr. Barry Jones, Ms. Kay Mitchell, Mr. Andrew Barris, Mr. Don Spain, Mr. Michael Dowell, Ms. Gail Wilson and Mr. Jim Wilson spoke in opposition to this proposal and expressed their concerns regarding traffic, inadequate schools, invasion and disruption of their surrounding planned community, comparability of the homes, landscaping, common grounds, insurance liability, fire and police

protection, flooding and drainage problems, lack of sidewalks and a cemetery on the proposed subdivision site.

Councilmember Dillard stated that if he had been approached by the developer on the front end of this proposal, perhaps there would not be so many and concerns expressed by the community and he also expressed concerns regarding schools, police protection, fire protection, infrastructure, traffic and the number of variances asked for by the applicant. He asked the storm water drainage problems, water and sewer problems and traffic problems go back to the Metro departments for them to re-evaluate. He said he could not support this proposal and stated he hoped the Commission would move for disapproval.

Chairman Smith explained to Councilmember Dillard that complete engineering would not ordinarily be done at the preliminary level, but would be forthcoming prior to granting final approval.

Councilmember Dillard asked the Commission to disapprove or to defer the matter in order for himself and the community to get with the developer and discuss options.

Mr. Bodenhamer moved and Councilmember Clifton seconded the motion to close the public hearing.

Councilmember Clifton stated he would like to have more answers regarding cost for off site infrastructure improvements, the large number of variances on this one project, and environmental issues, which may require a one meeting deferral.

Mr. Manier stated that if this were deferred, it would be appropriate to leave the public hearing open.

Mr. Bodenhamer withdrew his motion and Councilmember Clifton withdrew his second to close the public hearing.

Councilmember Clifton asked Mr. Henry about the cemetery on the proposed site.

Mr. Henry stated the proposed subdivision had incorporated this cemetery into a lot. State law controls any disturbance to any cemetery. There is no proposal on this preliminary plan of subdivision to do anything with that cemetery.

Councilmember Clifton stated he felt like staff had been comfortable with this proposal for some time but there are some specific combinations of factors to ask for a deferral.

Mr. Manier stated most of the requirements had been met that the Subdivision Regulations require. There are concerns about certain aspects of this case but legally those requirements have been met but the number of variances are very concerning.

Mr. Harbison stated to the audience that the Commission could not force development of this property as a planned development.

Mr. Lawson moved and Councilmember Clifton seconded the motion, which carried unanimously, to defer this matter for one meeting.

Final Plats:

Subdivision No. 97S-037G
Somerset Farms, Phase 2, Section 4
Map 141, Part of Parcel 15
Subarea 6 (1996)
District 35 (Lineweaver)

A request to create 17 lots abutting both margins of Somerset Farms Circle, approximately 192 feet south of Autumn Court (3.3 acres), classified within the R10 Residential Planned Unit Development District, requested by Somerset Farms, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Henry stated staff did not have the bond on this proposal from Harpeth Valley Utility District prior to meeting time but had not received it and staff is recommending approval of this plat.

Councilmember Clifton was absent during this presentation and vote.

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

Resolution No. 97-146

“BE IT RESOLVED by the Metropolitan Planning Commission that the Final Plan of Subdivision No. 97S-037G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$465,000.00.”**

Subdivision No. 97S-038U

Trevecca Nazarene University

(Boundary and Subdivision Plat)

Map 105-4, Parcels 327-330, 347, 348, 359,
360, 375, 386 and 391

Map 105-8, Parcels 3, 7, 139 and 140

Map 106-1, Parcels 81, 83, 84, 101-104 and 106

Map 106-5, Parcels 2-5, 7-9, 11, 14 and 16

Subarea 11 (1993)

District 19 (Sloss)

A request to consolidate 33 parcels into six lots abutting the south margin of Murfreesboro Pike, opposite Expressway Park Drive (71.59 acres), classified within the MRO and CG Districts, requested by Trevecca Nazarene College Endowment, Inc., owner/developer, Crawford Land Surveyors, surveyor.

Mr. Henry stated that approximately twenty minutes prior to today’s meeting time the final piece of information was submitted which was necessary for staff to recommend approval. The Council approval to close these streets was contingent upon the requirement of a cul-de-sac and staff has now received the bond on this and is now recommending approval. There has also been a landscape agreement and maintenance agreement between the Department of Public Works and the university regarding the entrance way off of Murfreesboro Road which will be maintained for public access.

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

Resolution No. 97-147

“BE IT RESOLVED by the Metropolitan Planning Commission that the Final Plan of Subdivision No. 97S-038U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$35,000.00 with a variance in minimum street frontage for parcel 335 on map 105-4.”**

Request for Bond Release:

Subdivision No. 301-84-G
Corcoran/Maddox Property
Dan Maddox Trust, principal

Located abutting the south margin of Highway 70S, approximately 340 feet southeast of Hooten Hows Road.

Mr. Henry stated this was the location of the Regal Cinemas which was passed in March of 1994 as a revision, subject to the installation of a traffic light by the developer. The Traffic Engineer stated that present traffic counts do not warrant installation of the traffic signal. The developer is now requesting the Commission to either release him from the obligation of installing this traffic light entirely or to give him authorization to install the traffic signal, which only the Traffic and Parking Commission can decide. There is now a new Councilmember in the district who was invited by the Traffic and Parking Commission to approach them on the issue of whether or not to go ahead and install the light. That Councilmember has not shown up at those meetings and the official action the Traffic and Parking Commission has taken thus far is to defer that matter indefinitely.

Mr. Harbison stated there was no point in requiring a bond indefinitely for something that is not going to happen.

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

Resolution No. 97-148

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 301-84-G, Bond No. 94BD-002, Corcoran/Maddox Property, in the amount of \$43,000, as requested."

Councilmember Clifton left at 3:55, at this point in the agenda.

OTHER BUSINESS:

1 Council Resolution SR96-526 requesting the Metropolitan Planning Commission to consider modification of the Subdivision Regulations to remove the requirement that new subdivisions be required to construct sidewalks in residential subdivisions, sponsored by Councilmember Vic Lineweaver.

Mr. Henry stated the council's action to request removal of the sidewalk requirement is prompted by complaints from some residents of subdivisions. He stated these residents sometimes are unaware that sidewalks will be installed, and find that the sidewalks are closer to their house than expected. Further, construction sometimes is poorly executed, resulting in a low quality sidewalk.

Mr. Henry reminded the commission that the advantages of sidewalks were debated thoroughly when this requirement was put into the subdivision regulations in 1991. Staff continues to believe sidewalks serve a public purpose. Further staff believes the current problems do not result from sidewalks' being a bad idea as much as their being poorly installed.

Planning staff has met with the Department of Public Works and Codes Administration and discussed how installation and inspection improvements can be made. Some improvements could be to show the sidewalk area on final plats, a residential driveway ramp permit has been suggested and it would also help to have better communication between developers, contractors, real estate agents, home buyers and government officials.

Councilmember Clifton stated this was a very unusual resolution. He said he had never seen a memorializing resolution changed or defeated in his ten years on the Council. The Rules Committee of the Council was unwilling to go along with Councilmember Lineweaver's resolution, which basically originally said - to ask the Planning Commission to revert their requirement. Council totally modified their resolution, with Councilmember Lineweaver's agreement, to ask the Planning Commission to consider a modification, to re-look at it. He said he had also received a letter from Councilmember Nollner endorsing the current Subdivision Regulations.

Mr. Harbison stated he was the Commission's representative on the Traffic and Pedestrian Safety Task Force and that committee has urged the Planning Commission in their strongest terms to stand their ground of this decision.

Mr. Owens stated there were a few bond cases that were being extended because there were sidewalk problems. These were some of the cases where the developers had to take out the incorrectly installed sidewalks and re-install them properly. The purpose of extending the bond was to keep the developers obligated.

Mr. Sonny West Codes Administration would be happy to help any way they could and could even require a driveway ramp permit to insure proper grading.

Mr. Harbison suggested reexamining the bond reduction standards to ensure adequate funds are retained to guarantee satisfactory sidewalk installation.

Chairman Smith stated a lot of neighborhoods did not want sidewalks because they were not told about them from the beginning. He asked Mr. Henry to explain the subdivision requirements, including any grandfathering provisions.

Mr. Henry stated that in 1991 this Planning Commission adopted, with the cooperation of Public Works, new street design standards. With those new street design standards, the requirement was made for sidewalks. The grandfathering provisions adopted at that time allowed certain subdivisions that had already reached 20% of their lots recorded by plat to be exempt from the sidewalk requirements. As of January 1, 1995, every subdivision in the county had to meet the new street standard design including the installation of sidewalks.

Mr. Mark Macy stated that the Department of Public Works agreed with the comments made by the Planning Commission and that incorrectly installed sidewalks should be required to be torn out and replaced correctly. This will cause a lot of concern with the community developers and Public Works does appreciate the Commission's support because there is a lot of resistance from builders to install sidewalks correctly.

Mr. Manier stated perhaps the Commission should hold the entire bond until the sidewalks are in and not just graded.

Mr. Browning stated the Commission could simply direct the staff not to allow the bond reduction except under certain circumstances. The current policy is bond reduction is through an administrative process and no changes will have to be made.

Mr. Manier moved and Mr. Lawson seconded the motion, which carried unanimously, to leave the Subdivision Regulations as they are currently written and approve the following resolution:

Resolution No. 97-149

Council Resolution SR96-526 Pertaining to Sidewalks in Subdivisions

In adopting the sidewalk requirement in 1991, the Planning Commission recognized the community-wide importance of a good pedestrian system that improves safety for school children, mass transit riders, and others. It is recognized, however, that implementing the sidewalk requirement has not been an easy task.

The Public Works Department and the Planning Commission believe that the sidewalk standards of the subdivision regulations serve an important public purpose and should be retained. The problems associated with effectively implementing the sidewalk standards do not suggest that sidewalks are a bad idea, but rather indicate there has been poor implementation of their installation. Better communication among developers, contractors, real estate agents, home buyers and government officials is necessary to insure that everyone involved is aware of pending sidewalk installation.

The majority of the problems has been directly related to postponing sidewalk construction and not insuring that sidewalk construction is an integral component of the roadway design and construction process. New home owners have complained that they were never informed by the seller or seller's agent that a sidewalk was planned for their street. Some residents establish their lawns and landscaping in the area reserved for the sidewalk. When the sidewalk is finally installed, prior to acceptance of the street by Metro Public Works, this landscaping is often destroyed. Other home owners have complained about the quality of the installation.

While the approved grading plans require that the entire right-of-way, including the location for sidewalks, will be graded in the early stages of subdivision development, experience indicates that the areas reserved for sidewalks are re-graded, sometimes drastically, as the lot is prepared for the house. Further, as driveways are installed, additional grading is done to accomplish the desired grade from street to garage, generally with no regard to accommodate a sidewalk. In many instances the driveway is steeper than permitted and consequently the slope is intolerable for sidewalk usage. All these concerns are legitimate.

The Planning Department and Public Works have already addressed some of the sidewalk installation problems by emphasizing the proposed location and design of sidewalks on the preliminary PUD and preliminary subdivision plans. In addition, Public Works inspects the grading for the entire right-of-way and refers any proposed changes in sidewalk location to the planning commission for review. Public Works does not accept a new street unless sidewalks are finished when final paving is authorized (after 75% of the homes are built). Finally, as of January 1, 1997, Public Works no longer permits roll-over curbs and instead requires the barrier-type curb with a standard driveway ramp designed for sidewalk connection.

Some additional steps could be taken to alleviate problems with sidewalk installation:

- The Planning Commission will require that final plats depict the location of sidewalks.
- The Departments of Public Works and Codes Administration should insure that lots are graded and driveway ramps are constructed in compliance with the adopted street design specifications.
- Additional funding should be requested of the Metro Council to hire additional inspectors.

The problems experienced thus far can be remedied by implementing the solutions noted above.

2. Set a public hearing date for consideration of an amendment to the Subdivision Regulations by deleting all references to the "Urban Planning Area" and substituting in place thereof language consistent with the General Plan for Nashville/Davidson County.

Mr. Browning stated this public hearing would primarily re-define the boundaries of the urbanized area and the non-urbanized area. The current boundaries have been in place since 1964 and some areas need changes and further staff is suggesting a change in procedure and to equate the non-urban area with the

areas that are by policy to be conservation and not urban. That will require a public hearing and staff is asking the Commission to set it for March 6, 1997.

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to approve the "Urban Planning Area" public hearing for March 6, 1997.

3. Legislative Update.

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

ADJOURNMENT:

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

Chairman

Secretary

Minute approval:
This 6th day of March 1997