

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: May 29, 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
William Manier
Ann Nielson
Stephen Smith

Absent:

Mayor Phil Bredesen
James Lawson

Others Present:

Executive Office:

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

Current Planning and Design:

Shawn Henry, Planner III
John Reid, Planner II
Doug Delaney, Planner I
Jeff Stuncard, Planner I
Jimmy Alexander, Planning Technician II

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Advance Planning & Research Division:

Jackie Blue, Planner I

Others Present:

Wesley Weeks, Legal Department
Jim Armstrong, Public Works

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Ms. Nielson moved and Mr. Harbison 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:

97B-090U	Deferred indefinitely, by Codes Administration.
97Z-052U	Deferred two weeks, by applicant.
103-79-G	Deferred two weeks, by applicant.
31-86-P	Deferred two weeks, by applicant.
6-87-P	Deferred two weeks, by applicant.
78-87-P	Deferred indefinitely, by applicant.
96P-007G	Deferred two weeks, by applicant.
96P-016G	Deferred two weeks, by applicant.
97S-172U	Deferred two weeks, by applicant.
97S-193U	Deferred two weeks, by applicant.

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

APPROVAL OF MINUTES

Mr. Bodenhamer moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of May 15, 1997.

RECOGNITION OF COUNCILMEMBERS

Councilmember David Kleinfelter stated he was present to speak regarding the David Lipscomb Master Plan and would wait for that presentation. He also acknowledged PUD Proposal 31-86-P, Subdivision No. 97S-172U and Subdivision No. 97S-184U, but stated he had no position on these matters.

ADOPTION OF CONSENT AGENDA

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

APPEAL CASES:

Appeal Case No. 97B-102U
Map 94-6, Parcel 9
Subarea 11 (1993)

District 15 (Dale)

A request for a conditional use permit under the provisions of Section 17.124.390 (Asphaltic Cement Plants) and Section 17.124.350 (Floodplain) as required by Section 17.124.030 to construct a new batching facility within the IR District, on property abutting the north margin of Visco Drive (13.82 acres), requested by Ingram Industries, appellant/owner.

Resolution No. 97-395

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 97B-102U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 97B-103U

Map 94-6, Parcel 9
Subarea 11 (1993)
District 15 (Dale)

A request for a conditional use permit under the provisions of Section 17.124.350 (Floodplain) as required by Section 17.124.030 to construct an office building in the IR District, on property abutting the north margin of Visco Drive (13.82 acres), requested by Ingram Industries, appellant/owner.

Resolution No. 97-396

BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 97B-103U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 97Z-053U

Map 105-8, Parcels 119 and 120
Subarea 11 (1993)
District 19 (Sloss)

A request to change from OP District to CG District certain property abutting the south margin of Factory Street, approximately 100 feet west of Donelson Street (.34 acres), requested by John Rodgers, appellant, for Richard Perkerson, owner.

Resolution No. 97-397

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-053U is **APPROVED**:

This property falls within an industrial area surrounding Trevecca Nazarene University, and is within industrial policy in the Subarea 11 Plan. The CG district will continue to fill out the established CG zoning pattern in this area."

Zone Change Proposal No. 97Z-055U
Map 102-13, Parcel 4.01
Subarea 6 (1996)
District 23 (Crafton)

A request to change from R40 District to CS District certain property abutting the south margin of Charlotte Pike, approximately 1,100 feet south of River Road (8.94 acres), requested by Jim McLeod and Thomas Baker, appellants, for Warren and Ruby Sexton, owners.

Resolution No. 97-398

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-055U is **APPROVED**:

This property falls within Commercial Mixed Concentration policy (calling for major concentrations of mixed commercial and office development) in the Subarea 6 Plan. The CS District will implement this policy, and will continue the CS zoning pattern to the east."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS;

Proposal No. 18-84-U
Burton Hills, Phase 4
Map 131-6-A, Parcel 17
Subarea 10 (1994)
District 33 (Turner)

A request to revise the approved preliminary site development plan for Phase 4 of the Commercial (General) Planned Unit Development District abutting the northeast margin of Hillsboro Pike and Seven Hills Boulevard (4.28 acres), classified R15, to permit the development of a 137,989 square foot office building, requested by Gresham, Smith and Partners, for Cornerstone Suburban Office, L.P., owner.

Resolution No. 97-399

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 18-84-U is given **CONDITIONAL APPROVAL OF REVISION TO PRELIMINARY FOR PHASE 4**. The following condition applies:

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

Proposal No. 94P-012U
Fairfield Communities, Phase 4
Map 62, Part of Parcel 142
Subarea 14 (1996)

District 15 (Dale)

A request for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the east margin of Pennington Bend Road, approximately 1,400 feet north of McGavock Pike (5.04 acres), classified AR2a, to permit the development of 96 time share units, requested by Littlejohn Engineering Associates, Inc., for Fairfield Communities, Inc., owner.

Resolution No. 97-400

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-012U is given **CONDITIONAL FINAL APPROVAL FOR PHASE 4**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Receipt and approval of a revised grading plan for Phase 4.
3. The recording of a final subdivision plat upon the posting of a bond for all necessary 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.”

Proposal No. 96P-017G
Indian Creek Estates, Section 2
Map 181, Part of Parcel 100
Subarea 12 (1997)
District 31 (Alexander)

A request for final approval for a portion of the Residential Planned Unit Development District abutting the south margin of Old Hickory Boulevard, approximately 500 feet east of Culbertson Road (71.55 acres), classified R20, to permit the development of 50 single-family lots, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Eugene Collins, owner.

Resolution No. 97-401

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-017G is given **CONDITIONAL FINAL APPROVAL FOR SECTION 2**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of the final subdivision plat upon the posting of a bond in the amount of \$658,050 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-063U
Scottish Inns Property
Map 163, Parcel 199
Subarea 12 (1997)

District 31 (Alexander)

A request to subdivide one lot into two lots abutting the north margin of Bell Road, approximately 380 feet west of Cane Ridge Road (1.57 acres), classified within the Commercial Planned Unit Development District, requested by Suman Patel, owner/developer, Burns Consulting, Inc., surveyor.

Resolution No. 97-402

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-063U, is granted **APPROVAL.**”

Subdivision No. 97S-156G

Walden Woods, Section 1

Subarea 14 (1996)

District 12 (Ponder)

A request to create 28 lots abutting the east margin of Tulip Grove Road, approximately 500 feet south of Chandler Road (9.36 acres), classified within the Residential Planned Unit Development District, requested by Lynn Wallace, owner/developer, Dale and Associates, Inc., surveyor. (Deferred from meetings of 5/1/97 and 5/15/97).

Resolution No. 97-403

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-156G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$407,200.00.**”

Subdivision No. 97S-177G

Atkins Acres

Map 41, Parcels 33, 34, 138 and 158

Subarea 2 (1995)

District 3 (Nollner)

A request to reconfigure three lots abutting the southwest margin of Brick Church Pike, approximately 1,020 feet southeast of Creek Trail Drive (25.16 acres), classified within the R20 District, requested by Mark and Terri Atkins and Charles D. Ryan, et ux, owners/developers, Crawford Land Surveyors, surveyor.

Resolution No. 97-404

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-177G, is granted **APPROVAL.**”

Subdivision No. 97S-184U

Maplehurst, Block M, Resubdivision of Lots 35 and 36

Map 117-12, Parcel 162

Map 117-16, Parcel 28

Subarea 10 (1994)

District 25 (Kleinfelter)

A request to subdivide two lots into three lots abutting the northeast corner of Grandview Drive and Belmont Boulevard (.68 acres), classified within the R10 District, requested by O. H. and Dorothy B. Mason and Vassar Star Michell, trustee, owners/developers, Campbell McRae and Associates, surveyor.

Resolution No. 97-405

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-184U, is granted **APPROVAL.**”

Subdivision No. 97S-186G
Marlin Meadows, Section 1
Map 42-4, Part of Parcel 43
Subarea 4 (1993)
District 3 (Nollner)

A request to create five lots abutting the south margin of Highland Circle, approximately 800 feet northwest of Campbell Road (2.5 acres), classified within the R20 District, requested by Charles Rhoten, owner/developer,

Resolution No. 97-406

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-186G, is granted **APPROVAL.**”

Subdivision No. 97S-194U
Canby Court Subdivision
Map 92-7, Parcels 178, 179, 181 and 385
Subarea 8 (1994)
District 21 (McCallister)

A request to subdivide four parcels into six lots abutting the south margin of Britt Place, approximately 324 feet east of 21st Avenue North (1.02 acres), classified within the RM6 District, requested by Metropolitan Development and Housing Agency, owner/developer, Thornton and Associates, Inc., surveyor.

Resolution No. 97-407

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-194U, is granted **APPROVAL.**”

Subdivision No. 97S-198U
Priest Lake Investments, Revision 1
Map 149, Parcels 342, 344 and 345
Subarea 13 (1997)
District 29 (Holloway)

A request to reconfigure four lots abutting the southwest margin of Murfreesboro Pike and the north margin of Forest View Drive (13.6 acres), classified within the CG District, requested by Doyle R. Monday, owner/developer, Jenkins and Jenkins Land Surveying, surveyor.

Resolution No. 97-408

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-198U, is granted **APPROVAL.**”

Request for Bond Extension:

Subdivision No. 206-83-G

Chelsea Village Addition, Section Three
Butler Development, LLC, principal

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

Resolution No. 97-409

"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 September 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **6/29/97** and extending the expiration date to March 1, 1998. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 206-83-G

Chelsea Village Addition, Section Four
Butler Development, LLC, principal

Located abutting both margins of Split Oak Trail, approximately 105 feet south of Oak Forest Drive.

Resolution No. 97-410

"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-099, Chelsea Village Addition, Section Four, in the amount of \$17,000 until September 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **6/29/97** and extending the expiration date to March 1, 1998. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 18-84-U

Village of Cherry Glen, Phase One
Cherry Glen Partners, L.P., principal

Located abutting the south margin of Seven Hills Boulevard, south terminus of Cumberland Place.

Resolution No. 97-411

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 18-84-U, Bond No. 95BD-088, Village of Cherry Glen, Phase One, in the amount of \$24,800 until November 15, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **June 29, 1997** and extending the expiration date to May 15, 1998. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 85-85-P

Brentwood Commons, Second 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. 97-412

"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, Second Revision, in the amount of \$13,500 until October 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **June 29, 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.**"

Subdivision No. 31-86-P
Whitworth, Phase Three, Section Two
Clements-Bartosh Interests, LLC, principal

Located abutting the northwest corner of Woodlawn Drive and Compton Road.

Resolution No. 97-413

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 31-86-P, Bond No. 94BD-094, Whitworth, Phase Three, Section Two, in the amount of \$22,500 until June 1, 1998, as requested, said approval being contingent upon posting an amended letter of credit by **June 29, 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. 31-86-P
Whitworth, Phase Three, Section Three
Clements-Bartosh Interests, LLC, principal

Located abutting the northwest corner of Woodlawn Drive and Compton Road.

Resolution No. 97-414

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 31-86-P, Bond No. 94BD-095, Whitworth, Phase Three, Section Three, in the amount of \$21,500 until June 1, 1998, as requested, said approval being contingent upon posting an amended letter of credit by **June 29, 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. 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. 97-415

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 28-87-P, Bond No. 87BD-032, Boone Trace, Phase One, in the amount of \$55,200 until October 1, 1997, as requested, said approval being contingent upon submittal of a letter by **June 29, 1997** from the 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. 78-87-P
Fredericksburg, Phase Six-A
Radnor Homes, Inc., principal

Located abutting the north margin of Cloverland Drive, approximately 90 feet west of Fredericksburg Way.

Resolution No. 97-416

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 78-87-P, Bond No. 95BD-025, Fredericksburg, Phase Six-A, in the amount of \$58,600 until October 15, 1997, as requested, said approval being contingent upon submittal of a letter by **June 29, 1997** from the 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 Six-B
Radnor Homes, Inc., principal

Located abutting the north margin of Cloverland Drive, approximately 90 feet west of Fredericksburg Way.

Resolution No. 97-417

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 78-87-P, Bond No. 95BD-026, Fredericksburg, Phase Six-B, in the amount of \$47,800 until October 15, 1997, as requested, said approval being contingent upon submittal of a letter by **June 29, 1997** from the 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 South, 0 feet northwest of Old Franklin Pike.

Resolution No. 97-418

"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 \$57,750 until May 1, 1998, as requested, said approval being contingent upon posting an amended letter of credit by **June 29, 1997** and extending the expiration date to November 1, 1998. **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 Crossings Boulevard, approximately 1,277 feet northeast of Franklin Road.

Resolution No. 97-419

"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 \$50,000 until May 1, 1998, as requested, said approval being contingent upon posting an amended letter of credit by **June 29, 1997** and extending the expiration date to November 1, 1998. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 88P-067G
Brandywine Pointe, Phase Nine
Brandywine Pointe Partners, principal

Located abutting both margins of Shannon Place, approximately 130 feet east of Brandywine Pointe Boulevard.

Resolution No. 97-420

"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-004, Brandywine Pointe, Phase Nine, in the amount of \$22,000 until November 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **June 29, 1997** and extending the expiration date to May 5, 1998. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

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

Located abutting both margins of Rachel's Way, approximately 130 feet south of Shannon Place.

Resolution No. 97-421

"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-017, Brandywine Pointe, Phase Ten, Section One, in the amount of \$4,000 until November 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **June 29, 1997** and extending the expiration date to May 1, 1998. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

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

Located abutting both margins of Rachel's Way, approximately 130 feet south of Shannon Place.

Resolution No. 97-422

"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-033, Brandywine Pointe, Phase Ten, Section Two, in the amount of \$3,000 until November 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **June 29, 1997** and extending the expiration date to May 1, 1998. **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, principal

Located abutting the north margin of Shute Lane and both margins of Rachel's Way.

Resolution No. 97-423

"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 \$14,750 until October 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **June 29, 1997** and extending the expiration date to May 1, 1998. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

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

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

Resolution No. 97-424

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 91P-007G, Bond No. 96BD-032, Sunset Oaks, Section Three, in the amount of \$33,000 until June 1, 1998, as requested, said approval being contingent upon posting an amended letter of credit by **June 29, 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. 93P-005G
Poplarwood, Section One
Jones Custom Homes of Tennessee, Inc., principal

Located abutting the south margin of Poplar Creek Road, approximately 170 feet east of Montcastle.

Resolution No. 97-425

"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-005G, Bond No. 95BD-090, Poplarwood, Section One, in the amount of \$140,100 until March 15, 1998, as requested, said approval being contingent upon posting an amended letter of credit by **June 29, 1997** and extending the expiration date to September 15, 1998. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 93P-005G
Poplarwood, Section Two
Jones Custom Homes of Tennessee, Inc., principal

Located abutting the south margin of Poplar Creek Road, approximately 170 feet east of Montcastle.

Resolution No. 97-426

"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-005G, Bond No. 95BD-091, Poplarwood,

Section Two, in the amount of \$152,039 until June 1, 1998, as requested, said approval being contingent upon posting an amended letter of credit by **June 29, 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. 94P-014U
Williamsburg at Brentwood, Section One
Phillips Builders, Inc., principal

Located abutting the southwest corner of Cloverland Drive and Saddlewood Lane.

Resolution No. 97-427

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 94P-014U, Bond No. 95BD-109, Williamsburg at Brentwood, Section One, in the amount of \$24,750 until July 1, 1997, as requested, said approval being contingent upon submittal of a letter by **June 29, 1997** from the 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-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. 97-428

"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 \$99,670 until July 1, 1997, as requested, said approval being contingent upon submittal of a letter by **June 29, 1997** from the 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. 93S-002G
Birdwell, Phase Two
Joel S. Birdwell, Principal

Located abutting the north margin of Lowes Lane, approximately 558 feet west of Old Dickerson Pike.

Resolution No. 97-429

"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-002G, Bond No. 93BD-037, Birdwell, Phase Two, in the amount of \$5,000 until August 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **June 29, 1997** and extending the expiration date to February 1, 1998. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 96S-041U
Stonebridge
Stone Bridge LLC, principal

Located abutting the south margin of Anderson Road, approximately 175 feet west of Towne Village Road.

Resolution No. 97-430

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 96S-041U, Bond No. 96BD-021, Stonebridge, in the amount of \$71,300 until June 1, 1998, as requested, said approval being contingent upon submittal of a letter by **June 29, 1997** from the RLI Insurance Company agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Request for Bond Extension and Replacement:

Subdivision No. 312-84-G

Poplar Creek Estates, Phase Three-B

Poplar Creek Development Corporation, Principal

Located abutting the northwest terminus of Forest Oaks Drive, approximately 110 feet northwest of Forest Oaks Court North.

Resolution No. 97-431

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension and replacement of the performance bond for Subdivision No. 312-84-G, Bond No. 94BD-048, Poplar Creek Estates, Phase Three-B, in the amount of \$10,000 until September 1, 1997, as requested, said approval being contingent upon submittal of appropriate security and execution of the replacement bond by **June 29, 1997**. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

MANDATORY REFERRALS:

Proposal No. 97M-064U

Kensington Place Aerial Encroachment

Map 104-3

Subarea 10 (1994)

District 18 (Clifton)

A mandatory referral from the Department of Public Works proposing the installation of a private telecommunication cable over the right-of-way of Kensington Place immediately west of 25th Avenue South, requested by Jane Cleveland, for Vanderbilt University, adjacent property owner.

Resolution No. 97-432

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-064U.

Proposal No. 97M-065U

Awning at 208 Third Avenue North

Map 93-2-3

Subarea 9 (1996)

District 19 (Sloss)

A mandatory referral from the Department of Public Works proposing the installation of a 6.9 by 6' by 4' fabric awning over the right-of-way at the front entrance of 208 Third Avenue North, requested by Phyllis Spencer, for 208 Third Avenue North Condominium Association, adjacent property owner.

Resolution No. 97-433

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-065U.

Proposal No. 97M-066U

Bordeaux Landfill Lease Agreement
Map 80, Parcels 35 and 55
Subarea 3 (1992)
District 1 (Patton)

A request from the Department of Public Works authorizing a lease agreement between Metro Government and Nashville NEO L.L.C. et al, to install and operate a methane gas retrieval system and co-generation system facility on the former site of the Bordeaux Landfill.

Resolution No. 97-434

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-066U.

Proposal No. 97M-069U

Amendment to Lease Agreement -
621 Mainstream Drive
Map 80, Parcel 35
Subarea 8 (1994)
District 20 (Haddox)

A resolution approving the second amendment to a lease agreement between the Metropolitan Department of Social Services' Mayor's Employment Training Resources Agency (METRA) and Corners Associates, L.P., for property located at 621 Mainstream Drive.

Resolution No. 97-435

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 97M-069U.

This concluded the items on the consent agenda.

PUBLIC HEARING: AN AMENDMENT TO THE SUBDIVISION REGULATIONS BY REVISING THE DEFINITION OF "SUBDIVISION."

Mr. Henry stated the purpose of this revision is to provide more clarity as to when properties and which properties are required to go through the platting process. The new definition has been crafted with assistance from the Metro Legal Department. Currently there is lack of similarity between the state statute definition of a subdivision, and the definition contained in our local Subdivision Regulations. Given this inconsistency, several Metro departments are taking the position that any request for building permits or

utilities approval must be processed first as a subdivision to plat the property, if that has not already occurred. This staff does not disagree with this procedure, given the inconsistencies in definitions. We take the position that some plat processing may be clarified as not necessary if the definitions are made more clear and consistent.

As further background, on June 13, 1996, this office requested a legal opinion from the legal department asking whether lots of five acres or greater constitutes a “subdivision” where common or shared easements are relied on for utility access and/or vehicular access. The legal department’s response was that such instances of land division “fall within the definition of a subdivision”, citing T.C.A. and several Tennessee Attorney General opinions and appellate court decisions. The current Subdivision Regulations definition of “subdivision” does not recognize that large acreage tracts are exempt from the subdivision regulations under defined and limiting circumstances. Staff will be proposing that the local definition of subdivision be revised to clarify under what circumstances, even if limited, certain developments can be permitted without undergoing the platting process.

No one was present to speak at the public hearing.

Councilmember Clifton stated Councilmember Dillard as well as other councilmembers had some serious concerns with this matter. There was a significant movement at the Council that resulted in some sort of actual legislative actions a year or so ago and that he would prefer more input from Councilmembers and suggested deferral.

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

APPEAL CASES:

Appeal Case No. 97B-020U

Map 117-16, Parcels 163, 54-95, 97-104,

106-135, 139, 140, 142 and 222

Map 131-4, Parcels 1, 2 and 3

Map 131-3, Parcel 140

Subarea 10 (1994)

District 25 (Kleinfelter)

A request for a conditional use permit under the provisions of Section 17.124.190 (Intermediate Impact) as required by Section 17.124.030 to expand a master plan for David Lipscomb University in the R10 District, on property abutting the east and west margins of Granny White Pike and Belmont Boulevard, between Grandview Drive and Shackelford Road (41.92 acres), requested by Al Raby, for David Lipscomb University, owner. (Deferred from meeting of 3/6/97).

Mr. Reid stated staff felt the Master Plan conformed with the objectives of the General Plan, which are to recognize the existence of David Lipscomb University and to provide for reasonable expansion opportunities while respecting the surrounding residential neighborhood. The Traffic Engineer has recently received a revised traffic study which is satisfactory and has determined the parking and circulation plan is approvable. Staff also advises the Board of Zoning Appeals should look at three additional issues: the appropriateness of Kindred Residential Townhomes as a part of the master plan; addendum agreements between the university and the neighborhood and the floor area ratio variance of 38%. Staff recommends the plan is in conformance with the General Plan and also would recommend the Commission advise the BZA the design of the campus is compatible with the surrounding residential neighborhood.

Mr. Al Raby, representing David Lipscomb University, stated the university was seeking a conditional use application before the Board of Zoning Appeals. That does not require a campus Master Plan but it is advantageous to the university and the neighborhood and has been submitted in good faith. Currently the

permitted floor area ratio is .32 and is within 20,000 square feet of meeting that ceiling and has several major projects planned. The university is out of land and is endeavoring to acquire additional lands for expansion and is paying a premium for surrounding properties. He explain the Master Plan in detail and the process followed to reach agreements and compromises with the neighbors on Grandview Drive.

Chairman Smith asked what the Kindred Residential Community consisted of.

Mr. Raby stated there were special considerations and zoning issues for this portion of the plan. The Kindred Residential Community arose from the university employees and has been established to provide housing for the faculty near the campus area. In conjunction with this community the university is proposing the active faculty would live here along with retired faculty and special donors.

Chairman Smith asked if Mr. Raby, Councilmember Kleinfelter and Mr. Russell Willis were expecting the Planning Commission or Codes Department to monitor whether or not someone is eligible to live in this community.

Mr. Raby, Councilmember Kleinfelter and Mr. Wills all stated that was not the intention.

Councilmember Kleinfelter endorsed the Master Plan and stated there had been a neighborhood advisory committee created to oversee future building construction and expansion plans. The committee consists of three residents, three university officials and three neutral members to be decided upon at a later date.

Mr. Russell Willis stated he also endorsed the Master Plan and stated that most of the issues had been worked out but there was still some opposition from several of the area residents.

Ms. Kathy Russ and Mr. Shawn Molini, residents on the southern side of Grandview Drive, expressed concerns regarding the university boundary lines and property values.

Councilmember Clifton asked Wesley Weeks, with Metro Legal, that if the BZA would have authority to place conditions on the Kindred facility use.

Mr. Weeks stated the BZA could place certain conditions on the property and that he would research that issue.

Mr. Browning stated he had talked with the Zoning Administrator regarding that issue because staff had had concerns about the appropriateness of the Kindred type of housing being a part of a university campus plan. For them to actually be approved as a condominium or an apartment complex, they would have to go through the same procedures as any other apartment complex or condominium, which under today's zoning ordinance is a planned unit development.

Councilmember Clifton stated that under the proposed ordinance it would be an actual base zone change and not just part of the institutional.

Mr. Harbison stated it was not unusual to see people reach private agreements such as between the neighborhood and the university regarding the Kindred housing. Generally those private agreements are not items for the Commission to enforce nor the government to enforce. They are enforceable if entered into like any other contract.

Mr. Manier stated that the private agreements were between the parties involved and that the Commission was an administrative body for the framework. As long as the institutional plan, in this instance, meets that framework those side agreements are left with the parties to enforce. The BZA should be cautioned in their endorsement not to involve the whole system in private agreements.

Mr. Steve Smith moved and Mr. Harbison seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 97-436

“BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation on Appeal Case No. 97B-020U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria.”

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 97Z-054U

Map119-5, Parcel 330

Subarea 11 (1993)

District 16 (Graves)

A request to change from R6 District to OP District certain property abutting the south margin of Joyner Avenue, approximately 250 feet east of Nolensville Pike (0.12 acres), requested by Ronnie Haislip, appellant, for Alfred Haislip, owner.

Mr. Reid stated that currently this property was being used for parking which is not in conformance with the residential zoning. Staff is recommending disapproval of this zone change because it is at the boundary between the residential neighborhood and the commercial land uses along Nolensville Pike. The policy in this area is to focus the commercial along Nolensville Pike and to prevent encroachment into the residential area. There is currently an alley that separates the commercial from the residential land uses and staff feels that is a good zoning boundary. Additionally, there is no need for office transition and there is no market for office in this area.

Chairman Smith asked what was the reason the applicant would want that small piece zoned OP.

Mr. Reid stated it was to provide additional parking for the auto repair shop.

Chairman Smith asked if there was a house across the street from the vacant lot.

Mr. Reid stated there was a fire hall directly across the street.

Ms. Nielson asked if it was presently being used for parking.

Mr. Reid stated it was.

Ms. Nielson moved and Mr. Bodenhamer seconded the motion to disapprove.

Mr. Alfred Haislip, owner, stated he had run a family business from that location since 1963. He further stated he did not want permission to build an office building, but only wanted to use the property for commercial parking.

Mr. Reid stated the OP zoning would give him the parking he was requesting.

Chairman Smith explained to Mr. Haislip that there was not a zoning for just parking and that the least dense zoning that would allow parking would be the OP.

Mr. Haislip stated he was not requesting to build anything he just wanted the parking space because it was dangerous to have to park on Nolensville Road.

Mr. Harbison asked if it was correct to say this property was approximately .12 acres.

Mr. Reid stated that was correct.

Ms. Nielson asked what types of businesses could be built if the ownership was to change.

Mr. Browning stated it OP allowed parking, offices and multi-family. He would not be able to get a lot of parking out of this area because of the dimensions of the lot. The zoning ordinance requires a certain buffer and a setback, so on this property there would very little room for parking.

Mr. Steve Smith stated he was sympathetic to the situation. However, very little of this site could be used for parking due to the lot shape and size and the buffer requirements.

Ms. Nielson stated she also understood but that business might not be there forever and when the zoning is changed it opens up a new predicament for whoever might purchase this property.

Mr. Haislip asked if the Commission could give him a conditional use and have the zoning automatically revert back to residential if he were not using it.

Councilmember Clifton stated obviously there could never be a house on this lot.

Mr. Steve Smith stated that was also the way he felt and that a house would not fit on the lot. On the surface this should not happen but under the circumstances the lot is too small to do anything with except parking.

Chairman Smith stated Ms. Nielson moved and Mr. Bodenhamer seconded the motion to disapprove. The motion failed 3 to 5, with Ms. Nielson, Mr. Manier and Mr. Bodenhamer in favor of disapproval and with Mr. Harbison, Ms. Jernigan, Chairman Smith, Steve Smith and Councilmember Clifton in opposition.

Chairman Smith asked for a new motion.

Mr. Harbison moved and Ms. Jernigan seconded the motion to approve, which carried with Ms. Nielson, Mr. Bodenhamer and Mr. Manier in opposition.

Ms. Kay Corchran requested to speak stating she was in opposition and that there were a number of people from the community in the audience.

Chairman Smith stated that it was not a public hearing, but the Commission would hear her comments if she would briefly tell of her opposition.

Ms. Corchran, a member of the community, stated this same property was before the Commission approximately 18 months ago and was disapproved. It was also before the Council and was withdrawn at the last minute when all the members of the community showed up at the Council meeting. Mr. Haislip was disapproved last time and at that point he just wanted to park his extra cars on the property, which currently is happening. Last year he created a building pad with the intent of locating an office on this property. He also told the neighbors that he was going to get the next house to the lot. The community, all along, was opposing going off of Nolensville Road for any kind of commercial venture. He has a history of doing this and getting pieces of property this way if the Commission does not rescind what they just voted on.

Chairman Smith stated the matter would go to public hearing at Council and the Commission passed this proposal with a vote of 5 to 3 and asked if the Commission wished to change their stance.

Mr. Manier moved and Mr. Bodenhamer seconded the motion, which carried with Mr. Harbison and Mr. Steve Smith in opposition, to reconsider the proposal.

Mr. Bodenhamer stated he was empathetic with Mr. Haislip but there was not sufficient property there to do what he wants to do and that he will continue to violate the current zoning.

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

Resolution No. 97-437

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-054U is **DISAPPROVED**:

This property falls at the boundary between “Commercial Arterial Existing” (CAE) policy along Nolensville Pike, and “Residential Low Medium” density policy (up to 4 dwelling units per acre). An alley separates this property (zoned R6) from the adjacent CS zoned property to the west. This alley provides a good demarcation and transition between the established commercial and residential zoning pattern.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 76-82-U (Public Hearing)

Abernethy Property
Map 71-6, Parcel 71
Subarea 3 (1997)
District 2 (Black)

A request to cancel the Commercial (General) Planned Unit Development District abutting the south margin of West Trinity Lane, approximately 330 feet west of Scruggs Lane (1.19 acres), classified CS, requested by Dr. Virginia Abernethy, appellant/owner.

Mr. Delaney stated the applicant wishes to reconfigure this property with the property on West Trinity Lane and that there were no technical issues and staff is recommending approval.

No one was present to speak at the public hearing.

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

Resolution No. 97-438

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 76-82-U is given **APPROVAL REQUIRING COUNCIL CONCURRENCE**. The following condition applies:

Concurrence by the Metropolitan Council.”

Proposal No. 35-86-P

Pine Ridge, Section 4
Map 60-11-A, Part of Parcel 63
Subarea 5 (1994)
District 4 (Majors)

A request to revise a portion of the final site development plan of the Residential Planned Unit Development District abutting the east margin of Longleaf Court, approximately 90 feet north of Pine Ridge Drive, classified R8, to reduce the open space by 220 square feet and add that land area to an existing

residential lot, requested by Henry Matthew Ward, appellant/owner. (Also requesting final plat approval).
LLC, owner. (Also requesting final plat approval).

Mr. Delaney reminded the Commission that back in April this proposal was listed on the agenda as a subdivision in order to reduce the setback on the front and side of this property and was disapproved at that time. Since then, a new survey has been conducted and now only the side setback is the only issue. The applicant is now wanting to shift the property boundary and add 220 square feet and reduce the overall open space. Staff is recommending approval and feels this is an appropriate solution.

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

Resolution No. 97-439

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 35-86-P is given **APPROVAL OF REVISION TO FINAL PUD AND FINAL PLAT APPROVAL.**”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 91S-080G (Public Hearing)

West Meade Properties
Map 142, Parcel 16
Subarea 6 (1996)
District 23 (Crafton)

A request for reapproval to subdivide a parcel into three lots abutting the north margin of Memphis-Bristol Highway, approximately 949 feet west of Hicks Road (2.81 acres), classified within the R15 District, requested by D. E. Ryan, owner/developer, Ken Arnold, surveyor.

Mr. Henry stated this proposal was originally approved in 1991 and has since gained reapprovals. The holdup to accomplishing this subdivision has been the extension of sewer, which is now under construction to serve a multi-family development to the south. Staff recommends approval for a one year extension.

No one was present to speak at the public hearing.

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

Resolution 97-440

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 91S-080G, is granted **APPROVAL of the request for preliminary plat re-approval for one year (Section 3-3.5).**”

Proposal No. 96S-395G (Public Hearing)

Spencer and Atchley Subdivision
Map 64, Parcel 18
Subarea 14 (1996)
District 11 (Wooden)

A request for preliminary approval for seven lots abutting the northeast corner of Shute Lane and Old Hickory Boulevard (6.65 acres), classified within the OG District, requested by Spencer and Atchley, L.L.I.C., owner/developer, Gresham, Smith and Partners, surveyor.

Mr. Henry stated this property had been before the Commission before and the issue at that time was that the developer was proposing direct access to Old Hickory Boulevard which was opposed by the Public Works and TDOT engineers. They have adjusted their proposal and are now proposing a commercial cul-de-sac that comes in from Montchanin Road and are dedicating right-of-way for future improvements. Staff is recommending conditional approval with the reduced right-of-way width of 50 feet for the commercial cal-de-sac and subject to a geotechnical analysis to the satisfaction of Public Works prior to final plat application. The issue is that there was illegal fill material placed on this property over a number of years without a permit from Public Works.

Mr. Tom Martin, representing the owner, stated he was in favor of the proposal. No one else was present to speak.

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

Resolution No. 97-441

“BE IT RESOLVED by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 96S-395G, is granted **CONDITIONAL APPROVAL with reduced commercial right of way width of 50’ and subject to geotechnical analysis to the satisfaction of Public Works prior to Final Plat application.**”

Subdivision No. 97S-080U (Public Hearing)
Hamilton Crossings Business Park
Map 149, Parcels 176, 197 and 313
Subarea 13 (1997)
District 28 (Hall)

A request for preliminary approval for eight lots abutting the northwest corner of Hamilton Church Road and Murfreesboro Pike (37.01 acres), classified within the CS and CG Districts, requested by C.R.T. Hamilton Corporation, owner/developer, Walter Davidson and Associates, surveyor.

Mr. Henry stated this property was previously proposed for a plan of subdivision and are holding true to that plan of subdivision. The issue before was that there was a spite strip running along Hamilton Church Road which prevented the subdivision street from making a connection to Hamilton Church Road which they were previously proposing. They have resubmitted their plan showing they will extend the street as far as they legally can. Staff believes that satisfies the long range transportation concept for this area and are recommending approval.

No one was present to speak at the public hearing.

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

Resolution No. 97-442

“BE IT RESOLVED by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 97S-080U, is granted **APPROVAL.**”

Subdivision No. 97S-127U (Public Hearing)
Jocelyn Hills
Map 129-2, Parcel 45

Map 129-6, Parcels 7, 9-11, 21, 30, 31, 50, 51 and 57
Subarea 7 (1994)
District 23 (Crafton)

A request to create 18 lots abutting both margins of Baskin Drive, approximately 755 feet southeast of Rolling Fork Drive (38.2 acres), classified within the RS40 District, requested by Allen Cargile, owner/developer, Turner Engineering Company, surveyor.

Mr. Henry reminded the Commission this same plan of subdivision was before them and was disapproved. Staff is still recommending disapproval because the proposed lots violate the minimum requirements for lot arrangement. The property is located on a ridge top and there has been no reduction in the number of lots proposed. This was previously disapproved on April 17th due to very steep topography and inadequate plans for grading and drainage.

With this application the developer has submitted additional information dealing with the storm water drainage and has also provided grading details for foundations, driveways and retaining walls for the very critical lots. New information has been submitted regarding the drainage and the proposed construction of the private drive along the ridge top and has been approved by Public Works subject to on site detention and also subject to some off site drainage improvements.

Staff still believes the lots are arranged in such a manner that they are not consistent with the surrounding development. Staff feels the property can be developed in a manner that is consistent and uniform with the character of the surrounding area and has designed such a plan for Mr. Cargile's consideration. Councilmember Crafton could not be present but sent a letter of opposition. Mr. Henry presented the Commission with a plan of subdivision created by staff.

Mr. Mark Jones and Mr. Allen Cargile spoke in favor of the proposal, gave the history of the property, the process they had followed for the subdivision, explained the plans for the subdivision and asked for the Commission's approval.

Mr. Martin Seur, Mr. Ray Ripee, Ms. Leona Marks, Mr. Glen Turner, Mr. Harry Dillon, Mr. Art Hancock, Mr. Stan Couch and Mr. Griff Haber spoke in opposition to the proposal and expressed concerns regarding the steepness of slopes, risk of land slides, erosion, drainage and water run off, the substandard private drive with grades of 25% and public safety.

Ms. Nielson asked which two lots were approved earlier.

Mr. Henry pointed out the lots and stated there had been two plats. One plat for one lot two years ago and then a plat for two lots.

Ms. Nielson asked if the subdivision road was a private drive.

Mr. Henry stated it was a private drive. Baskin Drive cannot be extended because it would not comply with the minimum street standards. This private drive climbs at such a grade that in order to provide this property with any more public street frontage could not be done without waiving the street design standards.

Ms. Nielson asked that, if that land were to be developed according to the reduction of the lots and the sketch staff recommended, would a variance have to be granted for the grades of those roads.

Mr. Henry stated they would not require variances because they were not proposing to extend any public streets. There is no public street roadway construction plans at all. They are picking up all of their legal frontage off of the four cal-de-sacs and that is all they are required to do. They are proposing for this drive to be fifty feet wide and they have provided grading plans for that portion of the private driveway that will be extended along the ridge top and Public Works has approved that.

Mr. Cargile stated the road that goes up to this property is not a 25% grade and never has been. It is slightly under 20% and is an excellent road. Houses can be built on this side of the hill just as easily as they were built where houses exist today. There is a whole neighborhood of houses built exactly the same way as this proposal. A plan was submitted in 1986 for planned unit development of 116 units but now has been changed to the minimum and this proposal meets every requirement. This is only for eighteen units and presently have the right to build seven houses on the slopes down below which are the worst slopes.

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

Ms. Jernigan asked about the lot lines that were discussed when this proposal was presented to the Commission before.

Mr. Henry stated the lot lines were a big issue before at the public hearing. After that public hearing the applicant was advised that some changes would have to be made. In order to get the 18 lots they were proposing they would have to do some serious engineering work and they did that. The issue the staff is concerned about is that the Commission did not like the plan of subdivision as proposed and apparently did not like the lot arrangement.

Mr. Harbison stated Mr. Cargile did have the right to subdivide the property in a manner that meets the subdivision regulations. The issues about drainage and critical lots are important and will be addressed at the final plat stage. At this stage the only decision is whether or not the subdivision layout is approvable.

Ms. Nielson moved and Mr. Steve Smith seconded the motion, which carried unanimously, to defer this matter for two weeks for staff, the engineers and Mr. Cargile to consider the fourteen lot design proposed by staff.

Maplewood Heights, Resubdivision of Lots 179 and 180
Map 61-10, Parcels 29 and 30
Subarea 5 (1994)
District 4 (Majors)

A request to subdivide two lots into three lots abutting the east margin of Hutson Avenue, approximately 1,120 feet north of Ben Allen Road (1.15 acres), classified within the R15 District, requested by Metropolitan Development and Housing Agency, owner/developer, Crawford Land Surveyors, surveyor. (Also requesting final plat approval).

Mr. Henry stated that MDHA is requesting an indefinite deferral of this proposal.

Chairman Smith asked if anyone in the audience was present to speak at the public hearing.

Mr. Joe Cain, with MDHA, requested a deferral.

Mr. Steve Smith moved and Ms. Nielson seconded the motion, which carried unanimously, to defer this matter indefinitely.

Final Plats:

Subdivision No. 97S-125U
Copperfield, Revision of Lot 54
Map 172-1-A, Parcel 54
Subarea 12 (1997)
District 32 (Jenkins)

A request to amend the public utility and drainage easement from 7.5 feet to 5 feet on a lot abutting the west margin of Nickleby Down, approximately 650 feet southeast of Copperfield Way (.13 acres), classified within the R20 Residential Planned Unit Development District, requested by Morris W. Thurman, Sr. and Tom Hudgins, owners/developers, Bledsoe Engineering, surveyor.

Mr. Henry stated the house was built into the easement within the required setback area. The easement is in use by Public Works and they have approved the reduction in that easement width. If the Commission approves this, it will also be a mandatory referral item because the easement is in use by Metro and would have to go to Council for approval. If this is approved, staff would recommend that approval constitute the approval of the mandatory referral as well.

Mr. Dan Bledsoe, representing the builder/developer, stated the plan was prepared accurately but was reversed when it was transferred to the field.

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

Resolution No. 97-443

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-125U, is granted **APPROVAL constituting approval of the Mandatory Referral.**”

Subdivision No. 97S-197G

Northbrook, Phase 1, Resubdivision of Lots 1 and 2
Map 50-6, Parcels 76 and 77
Subarea 2 (1995)
District 4 (Majors)

A request to reconfigure two lots abutting the northeast corner of Northbrook Drive and Brick Church Pike (.62 acres), classified within the R10 District, requested by Buddy Dunn Contractors, L.P., owner/developer, Dale and Associates, Inc., surveyor.

Mr. Henry stated this was another encroachment in a developing subdivision off of Brick Church Pike. When the foundation was poured and inspected the Codes inspector went out and saw a line identifying the property line, made the measurement and denied the issuance of the foundation permit because the foundation failed to meet required setbacks. A week to ten days later the builder called for a second inspection. The inspector found that the lot line had been restaked so that the setbacks were met, and the permit was issued. Staff is unsure what circumstances changed, but advised the Commission that the lot line may have been inaccurately staked intentionally in order to be issued the desired permit.

Mr. Buddy Dunn stated a mistake was made and they pulled off the wrong property line. The lot markers had been knocked down by a bush hog and put back up incorrectly.

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

Resolution No. 97-444

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-197G, is granted **APPROVAL.**”

Subdivision No. 97S-199A

Brandywine Pointe, Phase 6, Section 1, Lot 244
Map 64-3-B, Parcel 90
Subarea 14 (1996)

District 11 (Wooden)

A request to amend rear and side setback lines from 20 feet and 5 feet to 0 feet on a lot abutting the northwest corner of Pointe Place and Safety Harbor Cove (.48 acres), classified within the R20 Residential Planned Unit Development District, requested by Joe L. and Sandra J. Powers, owners/developers.

Mr. Henry stated the property owner is constructing a brick wall that exceeds the eight foot maximum height of a wall or fence in the rear yard or in the side yard. He is asking for an amendment to extend the building envelope to the side and rear property lines. By doing this, the eight foot high restriction on the wall height is removed.

Mr. Henry stated the adjoining property owner complained because his house is under construction within five feet of the property line and the wall. He alleges the higher wall completely obstructs any windows on that side of his house. In response to the complaint, the Department of Codes Administration had issued a citation for that encroachment. Staff recommends disapproval of the setback reduction to accommodate the brick wall because it would set an unwarranted precedent in the subdivision.

Mr. Werrin Hughes, attorney for the owner of the wall, stated the reason for this application is to amend the setbacks for a limited purpose of allowing this fence or wall to be completed and exist there. The wall is approximately 95% complete and Mr. Powers had spent approximately \$50,000 on this wall to date and it was done so with his belief and information given to him that there was no restriction in height in this area. There were extenuating circumstances here that gave rise to the building of this wall and an apparent violation of the eight foot restriction. It was built based on information that was obtained from the city and legal advice that there were no restrictions. There are other walls in the subdivision that appear to be in excess of eight feet also. The wall, if it is approved, would be consistent with other walls in the subdivision. The wall varies from seven feet to fourteen feet.

Ms. Nielson asked who from the city did they talk to, to get this information.

Mr. Hughes said he did not want to misstate what happened but he felt it was a failure of communication. The people of the city did not intend to mislead anyone and perhaps gave correct information. There were two different people on behalf of Mr. Powers who spoke with the people with the city and both concluded from those conversations that there were no restrictions. One of the people that talked to the representatives from the city was Sharon Lacks. She talked to representative from the Planning Commission and Zoning and based upon those conversations she understood there was no height restriction. She got a letter from Mr. Delaney where he confirmed that the PUD did not place different restrictions on height, and the wall was subject to whatever the zoning code prescribed. In light of that she called zoning and mentioned the letter and asked again if there was any zoning problem or restriction on the wall. The answer was no, that it was covered by the PUD.

Mr. Powers' house had already been built and the Mr. Brown next door was in the process of building his house and it appeared there were going to be a number of windows on Mr. Powers' side of that house overlooking his pool and yard. Mr. Powers was concerned about his privacy and as a result planned and began construction on the wall. Mr. Powers had a wrought iron fence around his yard and has torn that down to build the wall. Shortly after beginning that, Mr. Brown came over and said he was sorry if he had caused all the problems and offered to help in some way by accommodating him in his construction. Mr. Powers told him he did not have to change anything and that he could build any house he wanted and just let him build his wall. Some time later Mr. Powers had discussions with the builder and was informed Mr. Brown had no problem and in fact the builder suggested Mr. Powers put matching brick on Mr. Brown's side of the fence that would match Mr. Brown's house and that was done to accommodate Mr. Brown.

During construction, when it was 25% or so complete, Mr. Peters, from Codes, came out and said there was a height restriction and told the builder to stop building the wall. The builder told Mr. Peters they had gotten a letter from Codes and approval from the homeowners association and that there was no height

restriction. Mr. Peters made a phone call and came back and told them they could continue building but two weeks later they received a citation and had to stop building around April 22nd.

Chairman Smith stated it seemed to him like this involved someone who had moved into a PUD and didn't understand the nature of a PUD. When you moved into a small lot subdivision you give up some privacy and suggested a two week deferral and let Mr. Powers discuss the situation with Mr. Brown more and make submittals to the Commission so it can be checked out.

Mr. Hughes submitted the letter from Mr. Delaney, the plan submitted to the homeowners association, and the letters from neighbors in favor of the wall.

Mr. Joe Powers stated he tried to do what was right. He said he went to the homeowners and got permission and approval for the fence, sought legal advice for restrictions, and discussed it with the neighbor who said he had no problems.

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

Request for Bond Extension:

Subdivision No. 177-80-U
Bell Crest, Section Two
MCR Development Corporation, Principal

Located abutting the east margin of Hickory Park Drive, opposite Clubhouse Lane.

Mr. Henry stated this request was to complete sidewalks that should have already been completed. They have got contractors lined up and expect to have the job done by July 1st. Therefore staff recommends disapproval of the request for extension.

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

Resolution No. 97-445

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for an extension of the performance bond for Subdivision No. 177-80-U, Bond No. 95BD-054, Bell Crest, Section Two and requires that all work be completed by **July 1, 1997.** "

Subdivision No. 151-82-G
Somerset Farms, Section Four, Phase One
Somerset Farms, J.V., principal

Located abutting both margins of Somerset Farms Drive and both margins of Roslyn Court.

Mr. Henry stated this was a similar situation concerning streets and sidewalks. They were to be completed by June 1st. They have a contractor lined up. Half of the street is completed. Public Works believes a reasonable amount of time would be September 1st and staff is recommending disapproval for the request for extension and are requiring completion by September 1st.

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

Resolution No. 97-446

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for an extension of the performance bond for Subdivision No. 151-82-G, Bond No. 95BD-084, Somerset Farms, Section Four, Phase One requires that all work be completed by **September 1, 1997.** "

Subdivision No. 89P-019G
Allens Green, Section Two
Zaring Homes, Inc, principal

Located abutting the south margin of Poplar Creek Road, opposite Rolling River Parkway.

The developer has delayed some essential drainage work and now the problems with the drainage is affecting other homes in Section One. There is also paving and sidewalks to be completed and should have been completed by June 1st. Staff is recommending disapproval of this request for extension and require completion by September 1st.

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

Resolution No. 97-447

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for an extension of the performance bond for Subdivision No. 89P-019G, Bond No. 93BD-063, Allens Green, Section Two and requires that all work be completed by **September 1, 1997.** "

Chairman Smith stated this was Ms. Jernigan's last meeting with the Commission and announced a plaque had been presented to Ms. Jernigan in recognition of her four years of service from June 1993 to June 1997 with great appreciation.

Presented to

Janet Jernigan

In recognition of service on the

Metropolitan Planning Commission of Nashville and Davidson County

June 1993 to June 1997

With Great Appreciation of this service is acknowledged by:

Metropolitan Mayor

Commission Chairman

Executive Director

Ann Nielson left at 5:10, at this point in the agenda.

OTHER BUSINESS:

1. Employee contracts for:

Jennifer Regen, Planner III
April Alperin, Planner I
Paige Watson, Planner I
Ladonia Rae Stivers, Intern

Mr. Bodenhamer moved and Mr. Steve Smith seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 97-448

“BE IT RESOLVED” by the Metropolitan Planning Commission, that it approves one year contracts for Jennifer Regen as Planner III, April Alperin as Planner I, Paige Watson as Planner I and Ladonia Rae Stivers for a summer internship.

2. Set June 26, 1997 as the meeting for consideration of the Level of Citizen Participation to be used in updating the Subarea 1 Plan.

The Subarea 1 Plan consideration of the Level of Citizen Participation to be used was set for June 26, 1997.

Mr. Harbison left at 5:15, at this point in the agenda.

3. Newsome Station Road Improvement Study.

Mr. Delaney gave a brief overview of the study and what staff has undertaken to this point.

The area which this study covers is located in the southwestern portion of Davidson County. The area is bounded to the south by Interstate 40, to the west by McCrory Lane and to the north and east by the Harpeth River. There have been informal inquiries concerning additional development in this area (adjacent to the existing Boone Trace development). It was identified that additional development would necessitate additional improvements to the road infrastructure in this area.

Staff identified the boundaries of the site (as I have already described) and then identified the existing physical constraints of the site as well as the existing policy. The majority of the study area is identified as Natural Conservation with a small area of Commercial Mixed Concentration between the existing Newsome Station Road alignment and Interstate 40. Additionally we looked at the surrounding context and the existing road network, as well as identified any future anticipated improvements.

Based on the existing physical constraints (roads, railroads, rivers and topography) of the area and the Subarea policies, staff divided the study area into five smaller sections in order to better determine the potential yield. Based on all of this background information it was calculated that the entire study area of approximately 870 acres could yield a potential of slightly over 1900 residential units (including the 330 single-family homes currently approved for development in the Boone Trace PUD) and approximately 30 acres of commercial development.

Once staff had determined the development potential of this area, staff met with representatives of Public Works and Traffic and Parking to identify the needed roadway improvements (and their associated costs) necessary to support the potential development of the area. There are identified a total of approximately \$3.5 million of improvements, including:

1. Realignment/reconstruction of Newsome Station Road (both commercial and residential standard)
2. Widening of the current railroad underpass
3. New construction of a railroad under/overpass of the L & N Railroad
4. New construction of a bridge spanning the Harpeth River

The last page of the study identifies six scenarios of a potential cost sharing program for the necessary improvements. These six scenarios assume that the existing Boone Trace PUD will not be required to make any additional contributions. Also, some of these scenarios attempt to show how combinations of private and public funding affect the eventual cost per household. Any public share of contribution will have to be determined by the Metro Council.

Aside from distributing copies of this study to members of the Commission, staff has given copies to Councilman Eric Crafton, the Legal Department, Public Works, TDOT and the developer who originally inquired about development in this area.

Staff is not requesting the Commission to approve this Study at this time. We would identify that one of the main decisions to be made (if this program is implemented) is whether or not Metro will participate. If the Commission determines that a public/private cost sharing program is determined to be the best program, Council will have to give their approval and be in agreement with the program as well.

Staff would suggest the Commission establish a specific review period to allow time for comment from those agencies and people who were mentioned earlier have also received copies of the study. At the end of that time period staff would present any comments/feedback received to the Commission.

4. Legislative Update.

Councilmember Clifton provided an update on the current legislative status of items previously considered by the Commission.

5. Contract for T. Jeff Browning, Executive Director.

The Planning Commission and Mr. Browning discussed the administration of the planning department, the work program, meeting the department's objectives, staffing levels, and the process of mentoring and evaluating staff members to ensure they maintain the highest standards and capabilities possible to carry out the work program.

Mr. Bodenhamer moved and Ms. Jernigan seconded the motion, which passed unanimously, to acknowledge acceptable performance by Mr. Browning during the evaluation period. Chairman Smith

stated the Commission was also acknowledging an acceptable rating for the previous evaluation period, which met the requirements to make Mr. Browning eligible for a salary step increment.

PLATS PROCESSED ADMINISTRATIVELY:

May 15, 1997 through May 28, 1997

- 96S-361U TRAILWOOD, Section 7, First Revision**
Revises owners's certificate

- 97S-046U LAKEVIEW HILLS, Section 3, Lot 32**
Re-record, changes section number on mylar

- 97S-141G CURTIS-HUDGENS SUBDIVISION**
One parcel into two lots

- 97S-145G J. H. SMITH & C. C. DRIVER, JR. PROPERTY**
One lot into two lots

- 97S-218G OCTOBER WOODS, Phase 1, Section 3**
Resubdivision of Lots 406 and 407
Shifting lot line

- 97S-219G DOYT & ARLENE MASON PROPERTY**
Platting a deeded parcel

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 6:10 p.m.

Chairman

Secretary

Minute Approval
This 12th day of June, 1997