

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: May 14, 1998
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith, Chairman
Tim Garrett, Councilmember
William Harbison
James Lawson
William Manier
Stephen Smith
Marilyn Warren

Absent:

Mayor Philip Bredesen
Arnett Bodenhamer
Ann Nielson

Others Present:

Executive Office:

Karen P. Nicely, Assistant Executive Director
Carolyn Perry, Secretary II

Current Planning & Design Division:

Ed Owens, Planning Division Manager
Theresa Carrington, Planner III
Jennifer Regen, Planner III
Doug Delaney, Planner II
John Reid, Planner II
Charles Hiehle, Planning Technician II

Community Plans Division:

Cynthia Lehmbeck, Planner III
Chris Hall, Planner I

Advance Planning & Design:

John Boyle, Planning Division Manager
Mike Calleja, Planner III
Jeff Lawrence, Planner III
Michelle Kubant, Planner I

Others Present:

Jim Armstrong, Public Works
Tom Cross, Legal Department

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced Zone Change 98Z-071U and 98Z072U had been withdrawn.

Mr. Lawson moved and Mr. Harbison seconded the motion, which unanimously passed, to approve the agenda with the announced changes.

ANNOUNCEMENT OF DEFERRED ITEMS

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

- 94P-012U Deferred two weeks, by applicant.
- 97P-033U Deferred two weeks, by applicant.
- 98S-146G Deferred indefinitely, by applicant.
- 98S-147G Deferred indefinitely, by applicant.
- 98S-148G Deferred indefinitely, by applicant.

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

APPROVAL OF MINUTES

Mr. Lawson moved and Mr. Manier seconded the motion, which unanimously passed to approve the minutes of the regular meeting of April 30, 1998.

RECOGNITION OF COUNCILMEMBERS

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

ADOPTION OF CONSENT AGENDA

Chairman Smith stated that he was not the owner/developer named under item 98S-163U.

Mr. Lawson asked that Zone Change Proposal No. 98Z-069G be removed from the consent agenda.

Mr. Lawson moved and Mr. Harbison seconded the motion, which unanimously carried with Mr. Stephen Smith abstaining on item 9-87-P, to approve the following items on the consent agenda:

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-074U

Map 148, Parcels 69 (.14 acres) and 70 (.25 acres)
Subarea 13 (1996)
District 28 (Hall)

A request to change from OR20 to IWD District, property located at 3278 Franklin Limestone Road and on the south margin of Franklin Limestone Road (unnumbered) (.39 acres), requested by David Whitson of Daveco Sales, appellant for Orpha D. Griggs and Richard L. Griggs et ux and Richard Griggs et ux, owners.

Resolution No. 98-282

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-074U is **APPROVED (7-0)**:

These properties fall within the Subarea 13 Plan's Industrial (IND) policy along with the remaining area between Antioch Pike, Franklin Limestone Road. The IWD district implements the industrial policy which calls for warehousing, wholesaling, manufacturing, and storage activities."

Zone Change Proposal No. 98Z-075U

Map 161, Parcels 43 (14.62 acres),
44 (8.46 acres) and 135 (1.63 acres)
Subarea 12 (1997)
District 32 (Jenkins)

A request to change from R40 to RM9 and OL Districts, property located at the south margin of Old Hickory Boulevard (unnumbered), 200 feet east of Copperfield Way (24.71 acres), requested by Alan Revelette of Advantage Builders, Inc., appellant for Eugene Williams, Walter Williams et ux and et al, and Robert H. Williams, Jr., owners.

Resolution No. 98-283

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-075U is **APPROVED (7-0)**:

This property falls along the boundary between the Subarea 12 Plan's Retail Concentration Community (RCC) policy along Old Hickory Boulevard, Residential Medium (RM) policy (4 to 9 units per acre) to the south, and Residential Low Medium (RLM) (up to 4 units per acre) west of the TVA easement. The RM9 and OL districts are consistent with the Retail Concentration Community (RCC) and Residential Medium (RM) policies east of the TVA easement. The RM9 zoning provides a residential transition from the western edge of the TVA easement to the Copperfield Subdivision."

Zone Change Proposal No. 98Z-079U

Map 118-15, Parcel 13 (12 acres)
Map 118-16, Part of Parcel 77 (3.87 acres)
Map 132-4, Parcel 2 (6.51 acres) and 3 (5.02 acres)
Subarea 14 (1996)
District 33 (Turner)

A request to change from IR to CS District, a portion of property located at 2995 Sidco Drive, 2700 Powell Avenue, and 3051 and 3025 Armory Drive (27.40 acres), requested by Dan Barge, III of Barge, Cauthen and Associates, appellant for H.G. Hill Realty Company, owner.

Resolution No. 98-284

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-079U is **APPROVED (7-0)**:

This property falls at the boundary between the Subarea 14 Plan's Commercial Mixed Concentration (CMC) policy to the north of Kraft Lane encompassing 100 Oaks Mall, and Industrial (IND) policy to the south. CMC policy calls for a mixture of higher density residential, office, and retail uses, while IND policy calls for a variety of warehousing, manufacturing, and distribution activities. It is appropriate to extend CMC policy and CS zoning to Armory Drive to continue the predominant commercial land use pattern already established by the 100 Oaks Mall."

Zone Change Proposal No. 98Z-080U
Map 71-2, Part of Parcel 6 (3.6 acres)
and Parcel 6.01 (.30 acres)
Subarea 3 (1992)
District 2 (Black)

A request to change from RS7.5 to CL District, a portion of property located at 2420 and a portion of property located at 2422 Brick Church Pike (3.9 acres), requested by Hal B. Clark of Barge, Waggoner, Sumner and Cannon, Inc., appellant for William K. Sandy et ux, owners.

Resolution No. 98-285

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-080U is **APPROVED (7-0)**:

This property falls within the Subarea 3 Plan's Commercial Mixed Concentration (CMC) policy east of the ridgeline around the West Trinity Lane/I-65 interchange, calling for a mixture of higher density residential, commercial, and office uses. The CL zoning is consistent with this policy. The remaining portion of parcel 6 (west of the ridgeline) and zoned RS7.5 can develop in the future as single-family residential with abutting vacant properties on Monticello Drive."

Zone Change Proposal No. 98Z-081G
Map 180, Parcel 112
Subarea 12 (1997)
District 31 (Alexander)

A request to change from AR2a to RS10 District, vacant property located on Holt Road (unnumbered), east of Edmondson Pike (39.66 acres), requested by Mike Anderson of Anderson Delk and Associates, appellant for Beech Hill Properties, LP, owner.

Resolution No. 98-286

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-081G is **APPROVED (7-0)**:

This property falls within the Subarea 12 Plan's Residential Low Medium (RLM) policy, calling for densities up to 4 units per acre. The RS10 district is consistent with this policy and the surrounding single-family development pattern. Access to this landlocked parcel will be through the Stone Creek Park subdivision to the east."

Zone Change Proposal No. 98Z-082U
Map 136, Parcels 79 (6.53 acres) and 156 (13.51 acres)
Subarea 13 (1996)
District 29 (Holloway)

A request to change from AR2a and R10 to RM6 District, property located on Anderson Road (unnumbered) (20.04 acres), requested by Rick Blackburn of McGwen, LLC, appellant for J. B. Bell et ux, Randall Phillips Builders and Phillhall Corporation, owners.

Resolution No. 98-287

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-082U is **APPROVED (7-0)**:

This property falls within the Subarea 13 Plan's Residential Medium (RM) policy, calling for densities between 4 and 9 units per acre. The RM6 district is consistent with this policy and the multi-family development pattern emerging from the north (Watercrest Townhomes) between Old Anderson Road and Smith Springs Road, which averages approximately 6 units per acre."

Zone Change Proposal No. 98Z-085G

Map 176, Parcel 28
Subarea 13 (1996)
District 29 (Holloway)

A request to change from RS10 to AR2a District, property located at 4273 Maxwell Road, east of LaVergne-Couchville Pike (9.25 acres), requested by Michael R. Mayo, appellant for Judith A. Butler, owner.

Resolution No. 98-288

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-085G is **APPROVED (7-0)**:

The AR2a zoning is compatible with the area's existing development pattern."

Zone Change Proposal No. 98Z-087G

Map 51, Parcels 53 (1.08 acres), 54 (.34 acres),
169 (2 acres), 171 (1.44 acres), 55 (1.49 acres)
and 56 (.54 acres)
Subarea 4 (1993)
District 4 (Majors)

A request to change from R10 and RM40 to OR40 Districts, property located at 1318 and 1320 Briarville Road, Briarville Road (unnumbered), Cheron Road (unnumbered) and Shields Lane (unnumbered), east of Worth Street, (6.89 acres), requested by William B. Geiger of Advantage Properties, LLC, appellant for Peak Returns, LTD, Michael Payne et ux, Larry C. Wynns, Frank Goodrich and Contance G. Goodrich, owners.

Resolution No. 98-289

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-087G is **APPROVED (7-0)**:

This property falls within the Subarea 4 Plan's Office Concentration (OC) policy which encourages offices and high-density multi-family development. The OR40 district is consistent with that policy. Future development will need to address traffic safety concerns that exist at the Cheron Road/Briarville Road intersection, including adding another access point to this property further north along Briarville Road."

Zone Change Proposal No. 98Z-088U
Map 81-4, Part of Parcel 226
Subarea 8 (1995)
District 20 (Haddox)

A request to change from CS to OR40 District, a portion of property located on Athens Way (unnumbered), corner of Athens Way and Dominican Drive (3.33 acres), requested by Paul W. Lockwood of Barge, Waggoner, Sumner and Cannon, appellant for MetroCenter Holdings, Inc., owner.

Resolution No. 98-290

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-088U is **APPROVED (7-0)**:

This property falls within the Subarea 8 Plan's Commercial Mixed Concentration (CMC) policy calling for a mixture of high density residential, commercial, office and retail uses. The OR40 district implements that policy."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 94-71-G
Bellevue Mall (Sears)
Map 142, Part of Parcel 1
Subarea 6 (1996)
District 23 (Crafton)

A request for final approval for a portion of the Commercial (General) Planned Unit Development District located abutting the north margin of Highway 70S (Memphis-Bristol Highway) and the west margin of Sawyer Brown Road (10.17 acres), classified SCR, to permit the development of a 110,060 square foot anchor store with an associated 10,580 square foot satellite building, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Bellevue Properties, L.L.C., owners.

Resolution No. 98-291

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94-71-G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (7-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The applicant shall fully screen the building with additional landscaping on top of the existing berm, screen any mechanical systems from view and to prohibit the placement of any signage on the east facing side of the building."

Proposal No. 98-73-G
MPI Label Systems (Hickory Hills Commercial PUD)
Map 41, Parcel 128
Subarea 2 (1995)
District 10 (Garrett)

A request to revise the final site development plan for a portion of the Commercial (General) Planned Unit Development District abutting the north margin of Old Hickory Boulevard and the south margin of Hickory

Hills Court (2.08 acres), classified OR20, to permit the addition of 15,000 square feet to the existing facility, requested by Gingles and Gingles, for MPI Label Systems, owner.

Resolution No. 98-292

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98-73-G is given **CONDITIONAL APPROVAL OF A REVISION TO THE FINAL SITE DEVELOPMENT PLAN (7-0)**. The following condition applies:

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

Proposal No. 103-79-G
Riverfront Shopping Center
Map 53, Part of Parcel 29
Subarea 14 (1996)
District 11 (Wooden)

A request for final grading approval for a portion of the Commercial (General) Planned Unit Development District abutting the southwest margin of Robinson Road, opposite Martingale Drive (3.1 acres), classified R10, to permit final grading only, requested by Waste Water Engineers, Inc., for Riverfront Limited Partnership, owner.

Resolution No. 98-293

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 103-79-G is given **CONDITIONAL FINAL GRADING APPROVAL FOR A PHASE (7-0)**. The following condition applies:

Written confirmation of final grading approval from the Stormwater Management section of the Metropolitan Department of Public Works.”

Proposal No. 107-81-G
Villages of Larchwood
Map 96-16-A, Part of Parcel 141
Subarea 14 (1996)
District 14 (Stanley)

A request to revise a portion of the final site development plan of the Residential Planned Unit Development District abutting the south margin of Interstate 40 and the western terminus of Fitzpatrick Road (1.29 acres), classified R10, to permit the relocation of four condominium units, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Fischer Construction Company, owner.

Resolution No. 98-294

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 107-81-G is given **CONDITIONAL FINAL APPROVAL (7-0)**. The following condition applies:

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

Proposal No. 9-87-P
River Plantation, Section XI
Map 142, Part of Parcel 124

Subarea 6 (1996)
District 35 (Lineweaver)

A request to revise the final site development plan for a phase of the Residential Planned Unit Development District abutting the south margin of Sawyer Brown Road and the west margin of Old Harding Pike (25.48 acres), classified R15, to permit the development of 134 condominium units, requested by Ragan-Smith Associates, Inc., for Haury and Smith Contractors, owner.

Resolution No. 98-295

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 9-87-P is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (6-0-1)**. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
2. Recording of a final plat as well as the posting of bonds as may be required for any necessary public improvements prior to the issuance of any building permits.”

Proposal No. 40-87-P
Penninsula Point, Phase III
Map 151, Parcel 6
Subarea 13 (1996)
District 29 (Holloway)

A request for final approval for Phase III of the Residential Planned Unit Development District abutting the north margin of Smith Springs Road, opposite Percy Priest Lake (3.80 acres), classified R15, to permit the development of 28 single-family lots, requested by Joe C. McConnell, for Jerry Butler, owner.

Resolution No. 98-296

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 40-87-P is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (7-0)**. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
2. Recording of a final plat as well as the posting of bonds as may be required for any necessary public improvements prior to the issuance of any building permits.”

Proposal No. 78-87-P
Fredericksburg Townhomes, Phase 2, Section 6
Map 171, Part of Parcel 89
Subarea 12 (1997)
District 32 (Jenkins)

A request for final approval for a portion of the Residential Planned Unit Development District abutting the south margin of Old Hickory Boulevard, approximately 670 feet east of Cloverland Drive (12.0 acres), classified R20, to permit the development of 40 multi-family units, requested by Anderson-Delk and Associates, Inc., for Radnor Development Corporation, owner.

Resolution No. 98-297

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 78-87-P is given **CONDITIONAL FINAL APPROVAL FOR PHASE 2 (7-0)**. The following condition applies:

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

Proposal No. 79-87-P
Calumet, Phase Eight
Map 150, Part of Parcel 98
Subarea 13 (1996)
District 29 (Holloway)

A request for final approval for Phase Eight of the Residential Planned Unit Development District approximately 675 feet north of Hamilton Church Road, 3,300 feet east of Murfreesboro Pike (1.09 acres), classified RS10, to permit the development of seven single-family lots, requested by Wamble and Associates for McLean Construction Company, owner.

Resolution No. 98-298

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 79-87-P is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (7-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. Recording of a final plat as well as the posting bonds as may be required for any necessary public improvements prior to the issuance of any building permits.
3. Designation of all 7 lots as critical lots on the final plat. All critical lot plans shall be signed and stamped by a certified professional engineer. If upon review of the critical lot plan, the planning commission staff determines that more detailed information is necessary, the applicant shall provide the appropriate information to the staff. The staff may request the assistance of the Department of Public Works for review of the critical lot plan. If it is determined necessary by the Department of Public Works, a grading permit may be required.”

Proposal No. 96P-009U
Walden Woods
Map 75, Parcel 78
Subarea 14 (1996)
District 12 (Ponder)

A request to revise the preliminary master plan of the Residential Planned Unit Development District abutting the east margin of Tulip Grove Road, approximately 500 feet south of Chandler Road (18.6 acres), classified RS15, to permit the development of 63 single-family lots, requested by C. Michael Moran, RLS, for Wallace Realty Development, L.L.C., owner.

Resolution No. 98-299

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-009U is given **CONDITIONAL PRELIMINARY APPROVAL OF A REVISION TO THE MASTER PLAN (7-0)**. The following conditions apply:

Receipt of written confirmation of preliminary approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.”

Proposal No. 97P-040U

Mulholland
Map 160, Parcels 99 and 191
Map 161, Parcel 41
Subarea 12 (1997)
District 32 (Jenkins)

A request for final approval of the Residential Planned Unit Development District abutting the north margin of Old Hickory Boulevard and the southwest margin of Hill Road (56.71 acres), classified R20, to permit the development of 139 single-family lots and 88 townhomes, requested by Anderson-Delk and Associates, Inc., for Vastland Development L.L.C., owner.

Resolution No. 98-300

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-040U is given **CONDITIONAL FINAL APPROVAL (7-0)**. The following conditions apply:

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

SUBDIVISIONS:

Final Plats:

Subdivision No. 98S-052G

Waller’s One Lot Subdivision
Map 29, Parcel 72
Subarea 1 (1997)
District 1 (Patton)

A request for final plat approval to remove the reserve status on a lot abutting the southwest margin of Old Clarksville Pike, opposite Clarksville Pike (1.23 acres), classified within the CS District, requested by Ronald E. and Deborah L. Waller, owners/developers, Frank V. Neeley, surveyor.

Resolution No. 98-301

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-052G, is **APPROVED SUBJECT TO A BOND OF \$18,000.00 (7-0)**.”

Subdivision No. 98S-150U

Hickory Highland Place, Phase 3
Map 163, Parcel 21
Subarea 13 (1996)
District 28 (Hall)

A request to revise the approved preliminary and for final plat approval to create 20 lots abutting the southeast margin of Moss Road and the northeast terminus of Highlander Drive (6.29 acres), classified

within the RS7.5 District, requested by Harding University, Inc., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. (Deferred from meeting of 4/30/98).

Resolution No. 98-302

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-150U, is **APPROVED SUBJECT TO A BOND OF \$226,500.00 (7-0).”**

Subdivision No. 98S-152G
Belle Glen
Map 142, Parcels 46 and 230
Subarea 6 (1996)
District 35 (Lineweaver)

A request for final plat approval to reconfigure two parcels as two lots and abandon a public utility easement abutting the south margin of Memphis-Bristol Highway (70S), approximately 1,061 feet west of Hicks Road (2.23 acres), classified within the RM20 District, requested by Craighead Development, LLC and Bellevue Grace Assembly of God Church, owners/developers, H & H Land Surveying, Inc., surveyor.

Resolution No. 98-303

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-152G, is **APPROVED SUBJECT TO A BOND OF \$40,000.00 (7-0).”**

Subdivision No. 98S-163U
Harborview, Section 2
Map 108, Parcel 233
Subarea 14 (1996)
District 13 (French)

A request for final plat approval to create 33 lots abutting the south terminus of Harbor Hill Place, approximately 140 feet south of Harbor Valley Court (10.5 acres), classified within the R10 Residential Planned Unit Development District, requested by Gil Smith, owner/developer, MEC, Inc., surveyor.

Resolution No. 98-304

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-163U, is **APPROVED SUBJECT TO A BOND OF \$256,000.00 (7-0).”**

Subdivision No. 98S-164G
Bayview, Section 3
Map 136, Part of Parcel 7
Subarea 13 (1996)
District 27 (Sontany)

A request for final plat approval to create 25 lots abutting the west terminus of Bayview Drive, approximately 110 feet west of Harbor Lights Drive (8.97 acres), classified within the R10 District, requested by Bayview Ventures, owner/developer, Cherry Land Surveying, surveyor.

Resolution No. 98-305

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-164G, is **APPROVED SUBJECT TO A BOND OF \$231,500.00 (7-0).”**

Request for Bond Extension:

Subdivision No. 307-84-U
River's Edge, Section 2
Southeastern Building Corporation, principal

Located abutting both margins of River Edge Drive, and both margins of River Walk Drive.

Resolution No. 98-306

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 307-84-U, Bond No. 97BD-092, Rivers Edge, Section 2, in the amount of \$290,000 to 5/1/99 subject to submittal of an amendment to the present Letter of Credit by **6/14/98** which extends its expiration date to 11/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 31-86-P
Whitworth, Phase 3, Section 1
Lake Whitworth, principal

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

Resolution No. 98-307

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 31-86-P, Bond No. 94BD-093, Whitworth, Phase 3, Section 1, in the amount of \$22,000 to 12/15/98 subject to submittal of an amendment to the present Letter of Credit by **6/14/98** which extends its expiration date to 6/15/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 35-86-P
Pine Ridge, Section 4
Matt Ward, principal

Located abutting both margins of Pine Ridge Drive, approximately 140 feet west of Shadetree Court.

Resolution No. 98-308

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 35-86-P, Bond No. 96BD-024, Pine Ridge, Section 4, in the amount of \$67,500 to 6/1/99 subject to submittal of an amendment to the present Letter of Credit by **6/14/98** which extends its expiration date to 12/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 9-87-P
River Plantation, Section 11, Phase 1
Haury & Smith Contractors, Inc, principal

Located abutting the south margin of Sawyer Brown Road, approximately 867 feet northeast of Old Harding Pike.

Resolution No. 98-309

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 9-87-P, Bond No. 97BD-091, River Plantation, Section 11, Phase 1, in the amount of \$135,000 to 4/1/99 subject to submittal of an amendment to the present Letter of Credit by **6/14/98** which extends its expiration date to 10/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**

Subdivision No. 93P-005G

Poplarwood, Section 2

Jones Custom Homes of Tennessee, Inc., principal

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

Resolution No. 98-310

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 93P-005G, Bond No. 95BD-091, Poplarwood, Section 2, in the amount of \$152,039 to 3/15/99 subject to submittal of an amendment to the present Letter of Credit by **6/14/98** which extends its expiration date to 9/15/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 94S-295U

Asheford Crossing, Section 1

Phillips Builders, Inc., principal

Located abutting both margins of Asheford Trace, approximately 130 feet south of Cedar Ash Crossing.

Resolution No. 98-311

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 94S-295U, Bond No. 94BD-047, Asheford Crossing, Section 1 in the amount of \$50,000 to 8/15/98 subject to submittal of a letter from the Frontier Insurance Company by **5/30/98** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 95S-028G

New Hope Estates, Phase 1

Raymond Lane, principal

Located abutting the west margin of New Hope Road, approximately 720 feet south of Farmingham Woods Drive.

Resolution No. 98-312

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 95S-028G, Bond No. 94BD-112, New Hope Estates, Phase 1, in the amount of \$368,000 to 3/15/99 subject to submittal of an amendment to the present Letter of Credit by **6/14/98** which extends its expiration date to 9/15/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 95S-398G

New Hope Estates, Phase 2

Raymond D. Lane, Sr., principal

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

Resolution No. 98-313

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 95S-398G, Bond No. 95BD-087, New Hope Estates, Phase 2, in the amount of \$103,500 to 12/15/98 subject to submittal of an amendment to the present Letter of Credit by **6/14/98** which extends its expiration date to 6/15/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**

Subdivision No. 96S-386G
Minton Subdivision
Intermedia Partners, principal

Located abutting the east margin of Old Dickerson Pike, opposite Lowes Lane.

Resolution No. 98-314

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 96S-386G, Bond No. 97BD-035, Minton Subdivision in the amount of \$1,800 to 5/1/99"

Request for Bond Release:

Subdivision No. 291-84-U
Lakeview Ridge Office Park, Section 2
Highwoods Tennessee Holdings, L.P., principal

Located abutting the north margin of Elm Hill Pike, approximately 80 feet west of Heney Drive.

Resolution No. 98-315

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for release of a performance bond for Subdivision No. 291-84-U, Bond No. 97BD-075, Lakeview Ridge Office Park, Section 2 in the amount of \$60,000."

Subdivision No. 31-86-P
Whitworth Apartments
HSW Associates, L.P., principal

Located abutting the south side of Richardson Avenue and the west side of Sharondale Drive.

Resolution No. 98-316

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 31-86-P, Bond No. 88S-389U, Whitworth Apartments in the amount of \$27,700."

Subdivision No. 88S-066G
Northbrook Subdivision, Phase 1
Roy C. Flowers, principal

Located abutting the east side of Brick Church Pike, approximately 850 feet north of Village Trail.

Resolution No. 98-317

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 88S-066G, Bond No. 89BD-024, Northbrook Subdivision, Phase 1 in the amount of \$6,000.

Subdivision No. 97S-045U
Wright Industries
Wright Industries, Inc., principal

Located abutting the north margin of Elm Hill Pike, approximately 870 feet east of Spence Lane.

Resolution No. 98-318

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 97S-045U, Bond No. 97BD-036, Wright Industries in the amount of \$8,500.

MANDATORY REFERRALS:

Proposal No. 98M-034U
Vernon Avenue, Reservoir Court,
and Alley 653 Closures
Maps 105-5 and 105-6
Subarea 10 (1994)
District 17 (Douglas)

A proposal to close Alley 653 from Hillside Avenue to Alley 655, Vernon Avenue from Hillside to its western terminus, and Reservoir Court, requested by Michael G. Whalen for The Park at Hillside, L.L.C.. (Easements are to be retained).

Resolution No. 98-319

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0) subject to a lot consolidation plat** Proposal No. 98M-034U.

Proposal No. 98M-043U
Alley 1839 Closure
Map 118-8
Subarea 11 (1993)
District 16 (Graves)

A proposal to close a segment of Alley 1839 between Newsome Street and its southern terminus, requested by Jon Newnan, adjacent property owner. (Easements are to be abandoned).

Resolution No. 98-320

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 98M-043U.

Proposal No. 98M-049U

Alley 655 Closure
Map 105-2
Subarea 9 (1997)
District 19 (Sloss)

A proposal to close a portion of Alley 655 between the north property line of Parcel 163 on Map 105-2 and its northern terminus, requested by Karl Peters, for adjacent property owners. (Easements are to be retained).

Resolution No. 98-321

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 98M-049U.

Proposal No. 98M-050U

Council Bill No. O98-1200
Gay Street Closure
Map 93-1
Subarea 9 (1997)
District 20 (Haddox)

A proposal to close Gay Street between Fifth Avenue North and its western terminus, requested by Darlene T. Marsh for Capitol Towers, Ltd., adjacent property owners. (Easements are to be retained).

Resolution No. 98-322

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0) subject to recording a revised plat to maintain required street frontage** Proposal No. 98M-050U:

Proposal No. 98M-051U

Sale of Surplus Property
Map 105-4, Parcel 157
Subarea 11 (1993)
District 19 (Sloss)

A request by the Director of Public Property Administration seeking authorization to sell a 25' x 120' parcel of land located at 1256 Thomas Street, zoned R6, to an adjacent property owner.

Resolution No. 98-323

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 98M-051U.

Proposal No. 98M-052U

Alley 1198 Closure and Easement Abandonment
Map 92-13
Subarea 7 (1994)
District 24 (Johns)

A request by the Metropolitan Board of Public Education to close a segment of Alley No. 1198 between 38th Avenue North and its eastern terminus and to abandon all associated easements; and to abandon all public utility and drainage easements retained in the former right-of-way of a segment of Alley 1198 west of 37th Avenue North which was closed by City of Nashville Council Bill No. 59-372.

Resolution No. 98-324

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 98M-052U.

Proposal No. 98M-053U
Council Bill No. O98-1197
Alley 132 (Hog Alley) Closure
Map 93-10
Subarea 9 (1997)
District 19 (Sloss)

A council bill closing Alley 132 (Hog Alley) between Fourth Avenue South and Fifth Avenue South, requested by Metropolitan Development and Housing Authority. (Easements are to be retained).

Resolution No. 98-325

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0) subject to Council adoption of Council Bill No. O98-1145** Proposal No. 98M-053U.

Proposal No. 98M-054G
Sale of Surplus Property
Map 50, Parcel 53
Subarea 2 (1995)
District 4 (Majors)

A request by the Director of Public Property Administration seeking authorization to sell approximately 1.37 acres of land, zoned RS7.5, located at Dickerson Pike and Doverside Drive, to an adjacent property owner.

Resolution No. 98-326

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-057U.

This concluded the items on the consent agenda.

SUBAREA 10 PLAN AMENDMENT PUBLIC HEARING.

Mr. Hall stated this was a public hearing to consider an amendment to the Subarea 10 Plan.

The amendment would change what will be referred to as the Long Boulevard area, which is a part of the Acklen Park neighborhood, from a policy of Residential Medium-High density to a policy of Residential High density. The area under consideration is a relatively small area containing just under 42 acres of land divided into 147 parcels.

Staff is recommending retention of the existing Residential Medium-High density policy to preserve the distinct character of this urban neighborhood.

When the Subarea 10 Plan was adopted, applying RH policy to the area on one side of Acklen Park Drive and RMH policy to the area on the other side, it was in recognition that the two areas were different in development character and intent and were expected to remain different throughout the planning period. The RH policy area was developed almost entirely with multifamily structures at high densities. In contrast, the RMH policy area had evolved into a stable eclectic mix of housing types including single family residences and duplexes, multifamily conversions of single family structures, townhouses and apartment structures. The urban fabric of this area is comprised of a variety of housing types which work together to create a viable and stable neighborhood in which single family homeowners are able to live in an affordable urban setting and multi-family dwellers can live in a neighborhood environment rather than in apartment complexes, furthering the General Plan goal of providing a diversity of living environments.

The impetus for the request of staff to re-examine the RMH policy area comes from a concern by the Commission that either the development character was already more like the RH policy area than originally thought, or was heading that way. This concern came to light during consideration of a zone change request from RM20 to RM40 during which the applicant pointed out that under the new zoning code that took effect January 1st, the zoning on his property changed from RM8 (which permitted 21.75 dus/acre density) to RM20 (which permits 20 dus/acre density.) The Commission wanted staff to find out how many properties became nonconforming due to this change and how much of the RMH policy area is at variance with the subarea plan.

Mr. Hall pointed out which properties became nonconforming as a result of the new zoning which took effect January 1st and which properties were already nonconforming under the previous zoning. Nine properties became nonconforming to zoning on January 1st and the 13 other properties were already nonconforming under the old zoning code. The great majority of developed properties, conform to the new RM20 zoning. These constitute almost 85 percent of the developed properties with RM20 zoning.

The existing mix of housing illustrates that the RMH policy continues to perform as intended, despite the recent change in zoning. Although development at multifamily densities similar to or higher than 20 dwelling units per acre has been permitted in the area for many decades, the area has maintained a stable mix of housing types, including a preponderance of 1 and 2 family dwellings. Many buildings still look like single family dwellings even though converted to multifamily use. Fully 85% of the properties conform to the density range of RMH policy. The average density of development in the RMH policy area is 10.5 dwelling units per acre, just over half of what is possible under the policy and the existing RM20 zoning.

The Subarea 10 Plan expects a slow growth rate for this area over the planning period and views this area as a source of affordable housing with a distinct character. For the census tract of which this RMH policy area is a part, only 128 additional dwelling units are expected. The building permit activity over the past 8 years corroborates this expectation. Activity has been very light, with only 14 permits issued in the area. Only 1 permit was issued for construction of new residences (6 dwelling units.) A comparison of 1980 and 1990 census information shows a growth of only 31 dwelling units for the census tract, further corroborating the slow growth over an extended period of time. Assessor of Property appraisal information for properties in the RMH policy area shows valuations for all housing types to be moderate, an indication of the area's affordability. The median value of improvements on properties with multifamily and conversion structures is under \$28,000 per dwelling unit.

Staff concludes from this analysis that the intent of the Subarea 10 Plan for this area is best served by retaining the RMH policy. The existing RM20 zoning, which implements this policy, is the best district to maintain the stable mix of affordable housing over the planning period and meet the growth needs of the area. A change to RH policy reflects an intent to initiate major redevelopment of the area and establish an entirely different character. The prospects for growth in this area do not support such an intent. By maintaining the RMH policy, an urban neighborhood would be preserved that offers a source of affordable

housing in close proximity to the major employment centers such as downtown and West End. RMH policy would also continue to support the General Plan goal of providing a diversity of living environments.

Mr. Hall pointed out to the Commission that staff had received 40 letters from neighborhood residents in opposition to this amendment. In addition to concerns about the loss of neighborhood character, residents also cite concerns about increased traffic, noise, and parking problems, declining property values and an increase in poor property maintenance in cases where there are absentee landlords.

Mr. Bill Terry spoke in favor of the proposed amendment and stated that staff's analysis in regards to the existing use of the neighborhood did not conform to what was actually out there. The staff counts 22 parcels but if you go out there, there are 30 parcels of land that are currently used and developed at a density greater than what the current zoning allows. He stated he worked in that neighborhood and drove up and down those streets everyday and has never seen a school bus in the area and that he was not sure there were any children in the area. That neighborhood has changed and is used as a high density use already. Long Boulevard may be one of the widest residential streets in Nashville and traffic would not be an issue.

Monica Terry also spoke in favor of the project and stated this area was primarily a rental neighborhood.

Mr. Anthony Parks, Mr. John Mogan, Ms. Mary Dee French, Ms. Fern Greenbank, Ms. Nancy Landon, Ms. Dorothy Smith, Ms. Susan Feinstein, Ms. Nancy Kirkland and Ms. Margaret Beane spoke in opposition to the proposal and expressed concerns regarding the zoning change, traffic, parking, water runoff, and crime.

Chairman Smith asked Mr. Hall if he could account for the factual differences between what staff had and what Mr. Terry had.

Mr. Hall stated staff had used the Tax Assessor's data. There are 147 parcels in the area. Thirteen percent of the parcels (20 parcels) have multi-family structures on them. Twenty-two are single family conversions. Single family and duplex structures account for 66% of the properties in the area. It is predominately a single and a two family neighborhood.

Mr. Lawson stated the representation from the neighborhood pointed out what staff had so well articulated in its recommendations, which was to maintain policies which are consistent with growth.

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

Councilmember Garrett stated he had heard someone mention that Councilmember McCallister had requested the amendment but that it actually came from the Commission.

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

Resolution No. 98-327

“BE IT RESOLVED by the Metropolitan Planning Commission that the Subarea 10 Land Use Policy for the Long Boulevard Area of Residential Medium High density (RMH) policy should be retained.”

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-056U
Map 60, Parcel 69
Subarea 3 (1992)
District 3 (Nollner)

A request to change from RS7.5 to IR District, vacant property located on the north margin of Ewing Lane and the eastern terminus of Ewingwood Drive (8.45 acres), requested by Jon L. Norris, appellant/owner.

Ms. Regen stated staff was recommending disapproval of this request as contrary to the General Plan because this property falls within a residential policy in the Subarea 3 plan. IR zoning is inconsistent and contrary to that. The property is part of the Golden Valley Subdivision along Briley Parkway. The applicant is requesting this rezoning to install a billboard on the property and contending the property cannot be developed with residential uses. The northern portion is the only portion that falls outside of the flood plain of Ewing Creek and the floodway. The applicant contends that this area and this property is not suitable for residential development because Metro has acquired properties along Ewingdale Drive. That has been done because those homes were built approximately 25 years and actually fall within the floodway. There has been some mention of a possible text amendment to the Zoning Regulations that would permit billboards on residential properties such as this one, due to unique circumstances. In trying to analyze other alternatives for this applicant, staff did an analysis of sites within the county which met the same criteria. They were within a floodplain and within 300 feet of a controlled access highway. That analysis showed over 400 properties that met those circumstances. Staff recommends that this zone change be disapproved as contrary to the General Plan and would not recommend a text amendment for billboards to be permitted with these certain circumstances. There are too many properties that basically meet that criteria and this property is not unique.

Councilmember Ron Nollner spoke in favor of the zone change and stated this was a unique situation and there was a bill at the last Council public hearing, O98-1169, which pertained to the same thing. It was allowing a zone change from R10 to Industrial for the purpose of putting a billboard up on the side of the interstate. The only difference in the two is that this one falls in the subarea plan that calls for that to go Commercial or Industrial at a future date. There will obviously never be residential in that area again.

The applicant is proposing to take an area, whatever is required, with an ingress and egress, and zone that to Industrial and the balance of the property will be deeded to the city for a small park or playground for the children.

Councilmember Garrett stated this subdivision was cut off. In 1983 all of the homes in this area flooded and have flooded since then. This piece of property is just sitting out there and is unused. Even though there are 400 other pieces of property across the county that may fall into that character situation, each of them would have to be looked at individually.

Councilmember Nollner stated that after this item goes through the Commission Don Jones, Tom White and the applicant will get together and deed the remaining 8 acres to Metro. The only thing he wanted to change the zoning on was maybe 100 or 200 square feet.

Mr. Manier stated this could be categorized as a spot zone and could be setting a precedent.

Mr. Lawson stated he had problems with deals like this. There are concessions being made to the advantage of an individual and that individual wants to put a billboard behind a residential subdivision. The city has a responsibility for stormwater management. Corrections for the people should be addressed at the Council level and that doesn't necessarily mean cutting deals through the Planning Commission to obtain land for a right to put up a billboard.

Mr. Harbison agreed with Mr. Lawson and stated he had some very valid concerns.

Mr. Tom Cross, with Metro Legal Department, stated the Commission would be straying from its function if it engages in an analysis of deal making that may go on at a later time. The Commission should stick to their function by analyzing things for consistency with the General Plan.

Ms. Warren stated her concern was that she did not see this area being developed residentially with the flood plain in the area and being along Interstate 24. A greenway would add value to the community but the Commission should not be accepting that in lieu of giving the applicant a piece of property for a billboard.

Chairman Smith said he thought it boiled down to whether the Commission wanted to see the deal or whether or not they wanted to see the Council do it for them. He stated he did not feel this property had any value and the Councilmember was trying to work a win - win deal.

Mr. Tom White asked that the Commission not defer this matter and take action one way or the other. There is no negotiation going on in this matter. When planning staff and the councilmember were first approached, the applicant was clearly told this would be a conditional zoning. Presently there is a problem with crime in the area and residents have been totally supportive.

Mr. Harbison moved and Mr. Lawson seconded the motion, which carried with Councilmember Garrett in opposition, to approve the following resolution:

Resolution No. 98-328

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-056U is **DISAPPROVED (6-1) as contrary to the General Plan:**

This property lies within the Subarea 3 Plan's Residential Medium (RM) policy which permits from 4 to 9 units per acre. Regardless of its actual size and location, placing IR zoning on this property would be a spot zone, violating the General Plan, since industrial zoning does not implement residential policy. Industrial uses, such as those permitted by the IR district, are more appropriate within the Subarea 3 Plan's industrial areas located further west of this neighborhood along Briley Parkway, or on the north side of Briley."

Zone Change Proposal No. 98Z-059G
Map 98, Parcels 132 (3.37 acres),
133 (3.08 acres) and 16 (11.85 acres)
Subarea 14 (1996)
District 12 (Ponder)

A request to change from RS15 to RM4 District, properties located at 161 and 5769 South New Hope Road and South New Hope Road (unnumbered), approximately 500 feet south of Hunters Point Lane (18.3 acres), requested by Garry Batson, appellant for Willie Ruth Boner Chapman, Ewell G. Hagar, and Hilda Hagar Barnes, owners. (Deferred from meeting of 4/16/98).

Ms. Regen stated staff was recommending disapproval of this request to rezone single family residential (RS15) to a multi-family residential (RM4) which would allow 4 units per acre. The issue is the housing type. There is a single family development pattern in the area and one multi-family Planned Unit Development which was approved in 1982. Since that 1982 approval there have been no other multi-family developments approved in the area. Staff feels the current RS15 zoning should remain on this property and multi-family development would be more appropriate toward Old Hickory and I-40 or up to Central Pike.

Councilmember Phil Ponder stated he had mixed emotions regarding this proposal because there was a need in the area for upscale condominiums but was concerned about duplexes going in the area. He said that at this point he was at a neutral position.

Mr. Gary Batson stated there was a high demand in this area for condominiums and that he would like to have a neighborhood meeting and then take this proposal to the public hearing. He said he was also against duplexes and that he would like to restrict this development to condominiums.

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

Resolution No. 98-329

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-059G is **DISAPPROVED (7-0)**:

The property falls within the Subarea 14 Plan’s Residential Low Medium (RLM) policy calling for up to 4 units per acre. While the RM4 is within the density range of RLM policy, it is not consistent with the predominate single-family development pattern which has been emerging in this area over last decade. RS15 zoning is more consistent with this area’s single-family development pattern and would be appropriate for the remaining vacant land in this RLM policy. The subarea plan has provided for multi-family development opportunities along its major arterial streets such as Old Hickory Boulevard and Bell Road to the west, and Central Pike to the north, where good access is provided to commercial uses and transportation networks.”

Zone Change Proposal No. 98Z-069G
Map 44-14, Parcel 143 (5.67 acres)
Subarea 14 (1996)
District 11 (Wooden)

A request to change from R10 to MUN District, property located at 1205 Robinson Road, 1,200 feet south of Industrial Drive (5.67 acres), requested by Lana Robinson, appellant for Edward Gale Robinson et ux, owners.

Ms. Regen stated staff was recommending approval of this request. There is a retail concentration community and commercial policy that applies to both sides of Robinson Road. Staff is recommending approval because the proposed MUN District implements the commercial policy in the area.

Mr. Lawson stated he asked this item to be pulled off the consent agenda because he was concerned about the traffic engineering. When he read the staff report it sounded like someone was hedging their bets on traffic by saying *they believe Robinson Road could sufficiently accommodate commercial traffic.*

Mr. Owens stated Robinson Road could accommodate the traffic.

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

Resolution No. 98-330

"BE IT RESOLVED by the Metropolitan Planning Commission that the Change Proposal No. 98Z-069G is **APPROVED (7-0)**:

This property falls within the Subarea 14 Plan’s Retail Concentration Community (RCC) policy along Robinson Road, calling for community-scale retail activities. This policy encourages new development to be integrated with a mixture of office and medium/medium high density residential uses since much of the retail zoning remains underutilized. MUN zoning is consistent with this RCC policy.”

Zone Change Proposal No. 98Z-076G
Map 182, Parcel 12
Subarea 12 (1997)
District 31 (Alexander)

A request to change from AR2a to RS10 District, property located at 13862 Old Hickory Boulevard (111.10 acres), requested by Lee Davidson of Lose and Associates, Inc., appellant for Claude A. Briley, owner.

Ms. Regen stated staff was recommending disapproval of this request because they felt it was premature to develop this area. This property falls within a residential low-medium policy of the Subarea 12 Plan, which permits up to 4 units per acres. On page 47 of the Subarea 12 Plan, it states that in this area it is supposed to be developed in a contiguous pattern of development and it should be encouraged to promote the efficient delivery of public facilities and services. Development patterns are influenced by infrastructure and infrastructure drives development. One of the things which the applicant and the developer are puzzled over today is why staff would recommend disapproval of the application when the developer is willing to bring a sewer line almost 2 miles to this piece of property and is willing to pay for the full cost of that and has already got a preliminary approval from Metro Water Services on this concept. Not only has Metro Water approved the new concept but is willing to chip in some money to size the sewer for future development and help the developer acquire easements that he may need if necessary. Staff feels developing this area is premature when there are other areas to the west along the Mill Creek corridor. Over the past year the Commission has discussed managing and guiding growth, being proactive rather than reactive and discouraging fragmented development. By allowing scattered residential development to occur, as being suggested in this case, the market will take over and planned growth and managed growth will be pushed aside due to market forces.

Mr. David Lose stated his request was for RS 10 and conformed to the subarea plan. There was no change in the land use policy plan from 1991 to 1996 for this area. Since 1991, the Mill Creek trunk sewer line has been completed and goes all the way to Williamson County. Staff commented in a meeting in October 1996 that in order to decide the level of citizen participation the Planning Commission reviewed 10 key factors or events that had occurred since the original plan was adopted. Of those factors, 4 were identified to have primary importance for consideration in the update. The number one issue was sewer extension along Mill Creek. The original plan recommended that most of the sewer not be constructed until the year after 2000 in a vision that the tributary areas, Indian Creek, would not be developed until services were provided. However, in recognition of development pressure it was decided to extend the sewer prior to that date. In 1993, the Planning Commission amended the plan, providing for early development of the area. On March 6, 1997, at a public hearing on the Subarea 12 Plan, there were few changes since the adoption of the subarea plan in 1991 that required a need to reevaluate the current policy and make a few changes to the original plan. The changes were necessary due to the amendment of the plan in 1993 that allowed the extension of sewers along the completed Mill Creek corridor early in the planning period rather than segmented and late in the planning period. Along Old Hickory Boulevard there is presently in place a 12 inch water line for development.

Indian Creek is a tributary to Mill Creek and it runs west to east. It is over 5,000 feet from the existing Mill Creek line to the client's property, and the client is willing to pay for the extension of that line. This routing follows the general alignment submitted by the Metropolitan Water and Sewer Department.

Councilmember Garrett stated he was not sure where staff was coming from and did not feel development was a domino effect. The Council adopted a policy that said the government is not going to pay to run sewers to a large tract of land just so the developer can develop a piece of property. In this case, as in other cases, when you have a developer that is wanting to run sewer lines you obviously are going to open up other pieces of property that sewer line is going to pass but that benefits those tax payers that are there. Most people are relieved when AR2a changes to RS whatever, because they are scared to death that trailers may put on the property.

Mr. Stephen Smith stated that he supposed that if this property were next door to October Woods it would have been on the consent agenda.

Mr. Owens stated it would have been on the consent agenda.

Mr. Stephen Smith stated that really put the Commission in a tough position and said he thought staff did an excellent job pointing out what the Commission needed to know, but there has also been somebody paying taxes on 110 acres for years who has not had any of the benefits that others have had. If the guy has got the guts to run the sewer, then he would have to be in favor of the proposal.

Ms. Warren stated she felt the Commission had approved other requests with obvious infrastructure problems such as the schools and stormwater problems and that she agreed with Councilmember Garrett on who should say what should be developed and when.

Mr. Manier stated he felt contiguous growth was the most efficient growth. It is in place and can be covered by the same policemen instead of adding another patrol car and may not have to add another school bus. Regardless of what has been done in the past, the Commission is going to have to begin to handle it. This is urban sprawl and everything is getting too far out to operate as a municipality with efficiency. To think a residential subdivision pays its way is an absurdity. No residential subdivision ever paid its way. It doesn't pay for the police, schools and all the other stuff and property tax will not even remotely do that.

Chairman Smith said that when the Commission looked at this area 3 or 4 years ago they realized that Williamson County and Rutherford County already had a huge jump in infrastructure and increases in population and perhaps the Commission did not look at a big enough scale map. The density is already leap-frogging and that makes less sense. Here we have somebody willing to pay for this sewer and that looks like a winner.

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

Resolution No. 98-331

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-076G is **APPROVED (5-2)**:

This property falls within the Subarea 12 Plan's Residential Low Medium (RLM) policy, calling for densities up to 4 units per acre. The RS10 district is consistent with this policy and the single-family land uses in this area. Significant growth is expected in this area over the next several years and necessary infrastructure improvements should be programmed into the Capital Improvements Budget."

Zone Change Proposal No. 98Z-077G

Map 142, Parcel 12 (3.08 acres)
Map 128 Part of Parcel 140 (.17 acres)
Subarea 6 (1996)
District 23 (Crafton)

A request to change from ON to RM9 District, a portion of property located at 8108 and 8118 Sawyer Brown Road, north of Memphis Bristol Highway (3.25 acres), requested by Chris Magill of R. Chris Magill Architects, LLC, appellant for Hazel McNeil and Gary Brown, owners.

Proposal No. 88P-034G and 98P-003G

Bellevue Professional Park and Bellevue Assisted Living
Map 142, Parcels 12 and 349
Map 128, Parcel 140
Subarea 6 (1996)
District 23 (Crafton)

A request to cancel a portion of the existing Commercial (General Planned Unit Development District, (Proposal No. 88P-034G) and to grant preliminary approval for a new Planned Unit Development District

(98P-003G) abutting the east margin of Sawyer Brown Road, approximately 230 feet south of Esterbrook Drive (3.2 acres), classified ON and proposed for RM9 to permit the development of a 76 unit assisted living facility, requested by R. Chris Magill - Architects, for Gaius Hill, authorized agent for Hazel Brown, owner.

Mr. Delaney stated staff was recommending approval of this proposal. There are three separate requests to go with this proposal. There is an existing Commercial Planned Unit Development on Sawyer Brown road that was put in place to act as a transition between the Bellevue Mall and a single family area. The first part of this request is to cancel a portion of the Commercial PUD because an assisted living facility is classified as residential under the Zoning Code and residential uses are not permitted within a Commercial PUD and rezone the same property, which is slightly over 3 acres, to RM9 and then to place a new Residential PUD on top of that.

In April of 1997, there was a similar request to place a 50 unit condominium in this same location. That was approved by the Commission but it ultimately was deferred indefinitely at Council and died on January 1, 1998, as a result of the updated Zoning Code.

The existing Commercial PUD was approved for office and bank facilities and was intended to provide a transition between the intense retail surrounding the mall and single family area. Staff feels that both the Commercial PUD as well as the proposed multi-family can serve as this transition and can serve as a buffer.

Mr. Charlie Warfield, with Brookside Properties, representing the owner of the largest part of the PUD, stated they did not find out anything about this zoning change until 6:00 p.m. the day before. The owner asked him to come and let the Commission know that he was not sure whether he was in favor or in opposition to this change. It is a concern for dramatic change like this to the PUD without the other property owners being consulted, and he asked the Commission to defer action on this request.

Chairman Smith asked what the new Zoning Code did to the notification policy on PUD cancellations.

Mr. Delaney stated there was no notification at the Planning Commission level. All of the notification occurs during the Council public hearing.

Mr. Chris Magill, applicant, stated he was surprised to hear Mr. Warfield's comments. It was certainly not his intent to miss anyone on the notification. There had been a minimum of three neighborhood meetings on this subject. The neighborhood is in agreement on it and have reached some conclusions that are now part of the PUD. He asked the Commission not to defer this matter because he would miss the July public hearing at Council.

Mr. Gaius Hill, real estate agent, stated he had spoken with Mr. Warfield's client at 7:00 p.m. the day before. The owners he spoke to were Drew Gibson and George Johnson (attorney) and Mr. Gibson stated he had not known about this change but did not see any problems.

Mr. Manier stated there was something flawed about the rule when a property owner within the PUD does not know what is happening.

Chairman Smith asked if a two week deferral would interfere with the Council public hearing.

Mr. Delaney stated it would.

Mr. Owens stated the Commission could request that Council refer this matter back to them.

Mr. Stephen Smith stated he would have to stand by Mr. Warfield's request for deferral.

Mr. Owens stated this was the last meeting of the Commission in order for a bill to follow its normal filing process with the Clerk for introduction on June 2nd. Any matter that is on the Commission's agenda on the

28th of May can only make it to the July public hearing if the Councilmember agrees to introduce a late bill on the Council floor.

Councilmember Garrett stated that was standard practice. If the Commission deferred this matter two weeks, it would be allowed as long as the Councilmember was willing to introduce it.

Mr. Gaius Hill stated that if that was the case he had no objection.

Councilmember Garrett moved and Mr. Lawson seconded the motion, which carried unanimously, to defer these matters for two weeks.

Zone Change Proposal No. 98Z-078U

Map 94-15, Parcels 10 (.52 acres), 11 (.52 acres) and 12 (.69 acres)

Map 106-3, Parcels 1 (.75 acres), 2 (.75 acres), 5 (.52 acres), 5.01 (.34 acres) and 6 (.59 acres)

Subarea 11 (1993)

District 15 (Dale)

A request to change from RS7.5 to CS District, property located at 400, 402, 406, 408, 410, 422 and 424 Spence Lane (4.68 acres), requested by Maxie Patton, III of Maxie Patton Real Estate, appellant for Edward M. Lusky et ux, Noble W. Brown et ux, James R. Cannon, Maxie O. Patton, Thomas B. Shockley et ux, James W. Johnson et ux and Floyd Duncan et ux, owners.

Ms. Regen stated this item had been taken off of the consent agenda because staff received a petition and letter from Ms. Ruth Lee and Ms. Alice Dungey along with approximately 60 names of individuals who live in the single family residential development and are opposed to the rezoning.

The property falls within an Industrial Policy in the Subarea 14 Plan. That subarea plan does goes on to say, and recognizes, that the residential uses are supposed to transition from residential to industrial and indicates those along Spence Lane should be the first to transition going from residential to a commercial district such as the CS District, which is what the applicant is requesting today. The proposal is consistent with the subarea plan and staff is recommending approval.

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

Resolution No. 98-332

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-078U is **APPROVED (7-0)**:

This property falls within the Subarea 14 Plan's Industrial (IND) policy, calling for a variety of manufacturing, warehousing, and distribution uses. The CS district is consistent with this policy since it provides for light manufacturing and small warehousing opportunities, and will provide for a gradual transition of this residential area to industrial uses, as envisioned by the Subarea 14 Plan."

Zone Change Proposal No. 98Z-084G

Map 56, Part of Parcel 37

Subarea 3 (1992)

District 1 (Patton)

A request to change from AR2a to CS District, a portion of property located at 5110 Ashland City Highway, corner of Old Hickory Boulevard/Ashland City Highway (1.81 acres), requested by William E. Kantz, Jr., appellant for Perry T. Hamm et ux, owners.

Ms. Regen stated staff was recommending disapproval of this request. The property in question is a large parcel and the request is to rezone a small portion. The property currently has CS on the front portion, which has been there since 1974. The property falls within an Interim Non Urban Policy of the Subarea 3 Plan. The presentation given two weeks ago concluded that this area may not urbanize because of the topography and lack of sewers. The Subarea 3 Plan policy calls for this to remain as local shopping. Since 1974, this CS zoning has been in the area and only one parcel has developed and that is the Parmart Phillips 66 on one corner. This presents to the Commission an opportunity to take this property back to what the subarea plan says it should be, which is neighborhood shopping. To implement that goal the CN or SCN zoning district could be used. Staff does not feel it appropriate to expand commercial services or rezone a small portion of it to SCN. If this property is to be rezoned, the entire portion should be changed to CN or SCN District.

Mr. William Kantz stated he had a contract to purchase the property. This is a corner lot and the question is whether is it for the neighborhood or for the traffic that drives by the area. He agreed that there may not be a large population of people in the area, but at the same time, he was being asked to convert a CS zoning to SCN for the neighborhood.

Ms. Regen explained a portion of the property was already zoned CS and Mr. Kantz wanted to add another portion across the front to the CS zoning.

Mr. Kantz stated that in 1974 this property was zoned commercial and since that time there have been decisions made to widen the road to a 4 lane highway. When the road was widened, it took off approximately 20 to 40 feet from the front. Now the CS zoning is unproportional to the corner. A building could be put on the corner in the CS zoning but it would not look nice for the neighborhood. He said he was going to retain ownership of the rest of the approximately 20 acres and more than likely it will be broken up in 5 acre parcels and build homes on them. This is a highly traveled intersection. The state Department of Transportation says that 9,000 cars travel by this intersection each day and Beaman Park, which is approximately 2 miles away, will add more traffic when it is opened. If a sewer plant is built in Bell's Bend then the traffic estimates will increase to 19,000 vehicles per day. He stated he wanted to build a nice meat and three restaurant in a log house along with a gas station and that would fit nicely in the neighborhood and he needed the depth of the property to make it look good.

Ms. Warren asked if SCN would allow a gas station.

Ms. Regen stated SCN or CN District would allow a gas station. The issue is that is this going to be a commercial intersection for the residents that live in the area, which is what the recently adopted subarea plan calls for, or should the uses be expanded to include uses for travelers. A hotel/motel is allowed in CS. That could be a use put on this property and that does not help with the local shopping. The items that Mr. Kantz is suggesting putting on this property are allowed in the CN and SCN Districts.

Mr. Kantz stated that if he changed to the SCN then he would be limited on the square footage and that is the major reason not to change to that.

Councilmember Garrett read a letter that had been faxed to him by Councilmember Regina Patton stating that she would not support CS in this area and asking the Commission to disapprove the proposal. He also stated he had talked to Councilmember Patton and she had suggested this be deferred two weeks until they could discuss the matter.

Mr. Lawson reminded the Commission that it was with a great deal of community involvement that the subarea plan had just been considered and adopted.

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

Zone Change Proposal No. 98Z-086U

Map 96-13, Parcel 20 (1.94 acres)
Map 96-9, Parcels 95 (.94 acres),
96 (1.95 acres) and 97 (5.57 acres)
Subarea 14 (1996)
District 15 (Dale)

A request to change from R10 to RM20 and CL Districts, property located at 414, 420, 424 Donelson Pike and Donelson Pike (unnumbered), south of Lakeland Drive (10.4 acres), requested by Richard D. Jones of HPT and Associates, appellant for 130 Group, Mallie Miller, Ria and Borth Grasman and Betty and Plant S. Grasman, owners.

Ms. Regen stated staff was recommending disapproval of this request to rezone property from single family and duplex to multi-family residential. The policy in this area of Subarea 14 is a Commercial Arterial Existing Policy which allows for commercial and multi-family uses along Donelson Pike. This proposal for multi-family should be on the Donelson Pike side of this property and not on the western portion near the single family homes. There was a rezoning request in October of 1997, to place CS zoning on this property and at the time staff recommended CS for the front portion and single family for the back portion. Staff makes the same recommendation today.

Mr. George Dean, representing the applicant, stated the subarea plan recognized that ultimately the entire strip of Donelson Pike will go commercial. This rezoning has come back to the Commission and instead of CS on the entire property it has gone down to Commercial Limited and RM20. By developing this altogether, it will minimize impact on the surrounding residential.

Mr. Harbison stated the RM20 portion of this proposal was not consistent with what the subarea plan was calling for.

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

Resolution No. 98-333

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-086U is **DISAPPROVED (7-0)**:

This property falls at the boundary of the Subarea 14 Plan's Commercial Arterial Existing (CAE) policy along Donelson Pike and Residential Low Medium (RLM) policy (up to 4 units per acre) to the west. The RM20 is not consistent with the RLM policy. While a portion of this property falls within CAE policy, which does encourage high-density residential uses, the CAE policy should only be applied to a depth equal to the western edge of parcel # 96, approximately 600 feet. The proposed RM20 district extends beyond that depth into a stable single-family residential area."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 18-84-U

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

A request to amend a portion of the Residential Planned Unit Development District located at the northeast corner of Hillsboro Pike and Harding Place (34.6 acres), classified R10 and R40, to permit the development of a 1,200 seat, 111,000 square foot church and a 120 unit assisted living facility, requested by Barge, Cauthen and Associates, for Covenant Presbyterian Church, owner.

Mr. Delaney stated that this portion of Burton Hills was referred to as Red Bud Hill. In January 1998 there was a more expansive proposal for this site which consisted of the church on top of Red Bud Hill, an office building, which would have expanded the commercial aspect of Burton Hills across to Burton Hills Boulevard, and an assisted living facility. The assisted living facility was removed prior to the January meeting. This request was disapproved in January determining that the original concept of the Burton Hills development had called for maintaining a residential presence along Harding Place. The Commission cited the intention of the original plan would better preserve the site within this area of the PUD. The Commission also cited concerns about the traffic generation that would result from the proposed office building and stormwater runoff.

In the new plan the church is located generally in the same location and the assisted living facility has been relocated from the site along Harding Place to the original site of the townhomes and there is no office component. This plan also maintains an entrance off of Burton Hills interior to the development and also has the same entrance and exit on to Harding Place. This proposal has been reviewed by reviewing departments and meets all the technical requirements. The Commission will need to determine if the proposed changes are appropriate in this location of this PUD.

Councilmember Ron Turner read the following statement:

“When this proposal was first presented before you in January I stated that I could not support it due to the assisted living facility on Harding Place. This was based on conversations that I had had with former Councilmember Tandy Wilson and others, which confirmed that an agreement had been reached between the original developer of Burton Hills and the neighbors, that only single family residences would be constructed along Harding Place to provide a buffer between the neighbors and the interior of Burton Hills. I also stated that if the assisted living facility were re-located then I could support the plan. Like you, I have received a large number of letters and faxes in the last few days in opposition of the plan. In fairness I need to tell you that I have another large stack of letters and faxes in favor of the plan. The assisted living facility, as you just heard, has been relocated and therefore I feel that I cannot in good faith change my position. Therefore, my position is that subject to approval by this Commission and subject to written restrictions including an agreement that only single family residences will be built along Harding Place, I will support the proposal. In January I told you that this was probably the toughest thing I have worked on since being elected in 1995. Things haven’t changed since then. Emotions are very high on both sides of this issue and I look forward to your deliberations.

Thank you.”

Chairman Smith stated that one of the things that was in the Burton Hills file was a letter from April of 1984 to Farris Deep, who was then the Executive Director, and asked Councilmember Turner if he had a copy of that.

Councilmember Turner said he did not.

Chairman Smith stated the letter reported the agreement between the developer and neighborhood had a 10 year limit on it.

Councilmember Turner said this was the first time he had heard about this letter.

Mr. Tom Cummings, III, representing Covenant Presbyterian Church, spoke in favor of the proposal and explained the plan. He also addressed concerns regarding traffic impact in the community, height of the facility and the bell tower being inconsistent with Green Hills norms, drainage and water control and inappropriate land use.

Mr. William Robinson, Mr. David Cole, and Ms. Karen Boering spoke in favor of the proposal.

Mr. Hugh Gray, Mr. Roy Alley, Mr. Martin Weingartner, and Ms. Marilyn Murphy spoke in opposition to the proposal and expressed concerns regarding changing the PUD, the church tower, the size of the development, loss of trees, drainage, property values, and additional commercial development.

Mr. Manier stated this PUD came into being through a negotiating compromise. This was going to be a residential PUD with a core element of offices buildings, it was going to have a certain described density in various designated areas. That is the way it came into being and so out of equity a consensus was reached. This should be re-examined and this PUD should not be changed as long as there is opposition.

Ms. Warren stated she viewed this property as a transition into Green Hills from single family areas. This could be all single family homes and they could take down every tree, but none of them are going to have a 150 foot bell tower.

Mr. Harbison stated he had voted against this proposal because additional office uses were being introduced. A church is a whole different problem, but churches are allowed in residential areas.

Chairman Smith stated he was going to support the proposal because a church could be a positive part of the community.

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

Resolution No. 98-334

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 18-84-U is given **APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE (5-2).**”

Councilmember Garrett left at 4:45, at this point in the agenda.

Proposal No. 57-87-P
Brentwood East Shopping Center
Map 161, Parcel 259
Subarea 12 (1997)
District 32 (Jenkins)

A request to cancel a portion of the Commercial (General) Planned Unit Development District located at the southwest corner of Edmondson Pike and Old Hickory Boulevard (8.60 acres), classified SCC and CN, requested by Littlejohn Engineering Associates, Inc., for Kroger Limited Partnership, owners.

Mr. Delaney stated there were two owners of this PUD. One is the owner of the gas station, which is the only part of this PUD that has been developed and there is the owner of the undeveloped portion. The owner of the undeveloped portion has requested to cancel their portion of the PUD leaving the gas station within a Commercial PUD. Staff is recommending cancellation of the entire PUD because it does not make any sense to leave just the gas station within the Commercial PUD. With the adoption of the new zoning code there is SEC base zoning in this area. It would permit the same type and range of uses permitted within the Commercial PUD. The owner of the gas station is in favor of the cancellation. However, by canceling the portion of the PUD on the gas station, there is a small area of CN on the corner that covers part of the gas station site and CN does not permit gas station type uses. So in addition to staff recommending cancellation of the entire PUD, staff is also recommending the rezoning of the CN portion to SCC to match the rest of the PUD.

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

Resolution No. 98-335

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 57-87-P is given **APPROVAL OF THE CANCELLATION OF THE ENTIRE COMMERCIAL PUD AND THE REZONING OF A PORTION OF THE SITE FROM CN TO SCC, BOTH REQUIRING COUNCIL CONCURRENCE (6-0)**. The following condition applies:

Approval of the cancellation of the entire Commercial PUD and the rezoning by the Metropolitan Council.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 97S-192G (Public Hearing)

Bedford Forrest
Map 181, Parcels 126 and 159
Subarea 12 (1997)
District 31 (Alexander)

A request for preliminary approval for 10 lots approximately 150 feet southwest of Nolensville Pike and approximately 400 feet northwest of Concord Road (9.19 acres), classified within the RS30 District, requested by Forrest H. King, Jr., owner/developer, James E. McAleer, Jr., surveyor.

Ms. Carrington stated staff was recommending conditional approval subject to variance to the maximum length of a dead end street standard in the Subdivision Regulations and Metro Council approval of a service agreement with an outside utility provider. This tract is bounded by the Mill and Owl Creek floodplains, and there is no other way to access it except through Waller Road. Waller Road is ½ mile long, therefore, a variance to the maximum of 750 feet in the Subdivision Regulations would be required. Staff does support that.

No one was present to speak at the public hearing.

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

Resolution No. 98-336

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-192G, is **APPROVED WITH A VARIANCE TO SECTION 2-6.2.2E.(2), SUBJECT TO COUNCIL APPROVAL OF A SERVICE AGREEMENT WITH THE NOLENSVILLE/COLLEGE GROVE UTILITY DISTRICT (7-0)**.”

Subdivision No. 98S-160G (Public Hearing)

Holt Cove
Map 172, Parcel 60
Subarea 12 (1997)
District 31 (Alexander)

A request for preliminary approval for 13 lots abutting the north margin of Mt. Pisgah Road, approximately 2,250 feet east of Edmondson Pike (5.98 acres), classified within the RS15 District, requested by Paul Johnson and Mike Sullivan, owners/developers, Anderson-Delk and Associates, Inc., surveyor.

Ms. Carrington stated staff was recommending approval. This is on the north side of Mt. Pisgah Road. There is a small land locked parcel which is a cemetery and they are providing an access easement to it.

No one was present to speak at the public hearing.

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

Resolution No. 98-337

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-160G, is **APPROVED (6-0).”**

Final Plats:

Subdivision No. 98S-133U
Rohney and Linda Boyd
Map 61-15, Parcels 231 and 232
Subarea 5 (1994)
District 8 (Hart)

A request to consolidate one lot and a portion of two other lots into one lot abutting the southeast margin of Gallatin Pike, approximately 145 feet southwest of Norvel Avenue (.48 acres), classified within the CL District, requested by Rohney and Linda Boyd, owners/developers, Daniels and Associates, Inc., surveyor. (Deferred from meeting of 4/30/98).

Ms. Carrington stated staff was recommending a two week deferral because they want to plat one lot and portions of two other lots. Staff is still in discussions with the Legal Department and the Zoning Administrator to try to develop a policy for dealing with these situations.

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

Subdivision No. 98S-138G
Jacob’s Valley, Section 1
Map 20, Part of Parcel 4
Subarea 1 (1997)
District 1 (Patton)

A request to revise the approved preliminary plan of subdivision and for final plat approval to create six lots abutting the south margin of Old Clarksville Pike, approximately 2,387 feet west of Clarksville Pike (12.7 acres), classified within the AR2a District, requested by Smith, Pyron and Pyron, owner/developer, MEC, Inc., surveyor.

Ms. Carrington stated staff was recommending conditional approval subject to the posting of a bond in the amount of \$211,000 for the extension of public utilities and construction of roadways. This is a revised preliminary plat and a final plat. The Commission approved a preliminary plat for this six lot development on Old Clarksville Pike in June of 1996, with the condition that the streets would be constructed with standard curbs and gutters. This application is asking for a revision to that condition in order to allow a rural standard with shoulders and ditches. Approximately a month ago staff had a meeting with Public

Works to discuss new street standards for the Subdivision Regulations and a rural street standard is something staff wants to encourage in certain situations. This is one of them. This development is close to the Cheatham County line; it is very low density; and there are no curbs and gutters in this area. The drainage can be efficiently accommodated with ditches.

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

Resolution No. 98-338

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-138G, is **APPROVED WITH SHOULDER AND DITCH SECTION SUBJECT TO A BOND OF \$211,000.00 (6-0).”**

Subdivision No. 98S-162U
Cole’s One Lot Subdivision
Map 61-4, Parcel 16
Subarea 5 (1994)
District 8 (Hart)

A request for final plat approval to record one parcel as one lot abutting the north margin of Haysboro Avenue, approximately 160 feet east of Inglewood Court (4.46 acres), classified within the R10 District, requested by Robert E. and D. Ruth Cole, owners/developers, Briggs Engineering Company, Inc., surveyor.

Ms. Carrington stated staff was recommending conditional approval subject to the approval of two variances for the minimum lot frontage and the maximum lot size in the Subdivision Regulations. This property is creating one lot on Haysboro Avenue. It backs up to Briley Parkway, which is a controlled access highway, so there will be no access to Briley. Therefore their access is on Haysboro and they only have 30 feet of frontage. The Subdivision Regulations require 50 feet so it will require a variance and the staff does support it. In this case there is no way they could do a development in this area because of the limited frontage and there is also a sink hole on the property so staff feels creating this as one lot is a legitimate subdivision. It will require a variance to the maximum lot size because it does exceed 30,000 square feet.

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

Resolution No. 98-339

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-162U, is **APPROVED WITH VARIANCES TO SECTIONS 2-4.2A. AND 2-4.2D. OF THE SUBDIVISION REGULATIONS (6-0).”**

Subdivision No. 98S-165G
L. J. Mayes Property
Map 33, Parcel 149
Subarea 2 (1995)
District 10 (Garrett)

A request for final plat approval to subdivide one parcel into two lots abutting the south margin of Lowes Lane, approximately 2,497 feet west of Old Dickerson Pike (7.77 acres), classified within the R20 District, requested by L. J. Mayes et ux, owners/developers, L. Steven Bridges, Jr., surveyor.

Ms. Carrington stated staff was recommending disapproval. The preliminary plan of subdivision was approved January 22, 1998, and since the lots being created are oversized, they did submit a future plan of

subdivision. The only change they are requesting here is to that future plan of subdivision. They are proposing to move the lot lines to the center of the street to insure owners on one side of the street cannot construct it without approval of the other side. Staff believes that would be an impediment to the fulfillment of the future plan of subdivision.

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

Resolution No. 98-340

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-165G, is **DISAPPROVED (6-0)**.

The Commission determined that the common property line should fall along one side of the future street as denoted on the approved preliminary plan of subdivision.”

Subdivision No. 98S-166U
W. H. Dodd’s Subdivision
Map 60-12, Parcel 120
Subarea 5 (1994)
District 4 (Majors)

A request for final plat approval to subdivide one parcel into two lots abutting the south margin of Hart Lane, approximately 597 feet east of Capitol View Avenue (.84 acres), classified within the RS10 District, requested by George M. and Brenda M. Ewin, III, owners/developers, L. Steven Bridges, Jr., surveyor.

Ms. Carrington stated this was a similar situation to the Rohny and Linda Boyd subdivision where there was a piece of a lot and they want to just plat a portion. Staff is recommending deferral until the May 28th agenda.

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

Request for Bond Extension:

Subdivision No. 93P-011G
Holt Woods, Section 11
Hurley-Y, L.P., principal

Located abutting both margins of Bryce Road and both margins of Argo Lane.

Ms. Carrington stated this subdivision was a 75% build out, so staff is recommending disapproval of the extension and that the Commission authorize collection of the performance bond unless the principal completes final paving and sidewalks by August 15, 1998.

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

Resolution No. 98-341

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** request for extension and authorize collection of a performance bond for Subdivision No. 93P-011G, Bond No. 97BD-037, Holt Woods, Section 11, in the amount of \$64,000 unless principal completes final paving and sidewalks by 8/15/98.

Consideration of Bond Collection:

Subdivision No. 205-83-G
Rivergate Place, Resubdivision of Lot 7
Steak n' Shake, principal

Located abutting the northeast margin of Myatt Drive and the northwest margin of Spring Branch Drive.

Ms. Carrington stated build out of this subdivision was at 100% and staff was recommending approval of collection of this performance bond unless all sewer facilities have been corrected, tested and released by August 15, 1998. The water department has discovered a leak and they want to assure that if the applicant has not taken care of it in 90 days they can collect on the bond and perform the work.

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

Resolution No. 98-342

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** collection of a performance bond for Subdivision No. 205-83-G, Bond No. 97BD-045, Rivergate Place, Resubdivision of Lot 7, in the amount of \$12,000 unless all sewer facilities have been corrected, tested and released by 8/15/98."

MANDATORY REFERRALS:

Proposal No. 98M-044U
Unnamed Street
Map 60
Subarea 3 (1992)
District 3 (Nollner)

A proposal to close an unnamed street segment abutting the east margin of Ewingdale Drive, approximately 200 feet south of Richmond Hill Drive, requested by Brenda Mosby Barlow, adjacent property owner. (Easements are to be retained). (Deferred from meeting of 4/30/98).

Ms. Regen stated this was the piece of property the Commission discussed earlier in the meeting regarding the billboard in Subarea 3. There is a property owner adjacent to this piece of property who wants to close an unnamed street segment. Staff is recommending disapproval because this is the only piece of property that is out of the floodway and floodplain that could provide access to this area should it ever be developed for residential use. They also do not have the abutting property owners signatures and that is required by Council on all street closures.

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

Resolution No. 98-343

"BE IT RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES (6-0)** Proposal No. 98M-044U.

This street segment provides the only access to that portion of parcel 69, (at the eastern terminus of this street) which is not encumbered by the floodplains of Ewing Creek and the North Fork of Ewing

Creek. Additionally, the petitioner failed to provide written consent of all of the property owners abutting this proposed closure. This consent is required by the policies of the Metropolitan Council.”

Proposal No. 98M-057U
Bordeaux Branch Public Library Property Acquisition
Map 69, Part of Parcel 37
Subarea 3 (1992)
District 2 (Black)

A resolution authorizing the Director of Public Property to purchase approximately 3.5 acres of real property on which to construct the new Bordeaux Branch of the Metropolitan Public Library.

Mr. Boyle stated this property was located on Clarksville Pike. He pointed out the Kroger Center had been developed in a PUD and is zoned SCN and that this property would be a part of that PUD. Staff is recommending approval for the purchase of the property for the Bordeaux Branch Public Library.

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

Resolution No. 98-344

OTHER BUSINESS:

1. Advance Planning and Research Fund Appropriation.

Ms. Nicely stated staff was requesting the Commission appropriate all the available receipts of \$243,090.80 to cover actual expenditures January through March and projected expenditures to the end of the physical year.

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

Resolution No. 98-345

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the Advance Planning and Research Fund Appropriation as follows:

Appropriation Balance - Dec. 31, 1997	\$93,734.84
Resolution No. 98-344 adopted	<u>\$243,090.84</u>
Net Appropriation Balance	\$336,825.68

Jan, Feb, Mar Expenditures - Actual

Salaries	\$17,477.28
Postage	\$1,389.64
Central Printing	\$0.00
Data Processing Services	\$37.50
Membership/Registration	\$150.00
Advertising	\$2,329.50
Consultant's Services	\$138,501.97
Out of Town Travel	\$0.00

Office Supplies and Stationary	\$245.15	
Computer Software	\$760.00	
FICA	\$1,296.48	
Group Health Insurance	\$1,418.40	
Employer's Pension Contribution	\$1,259.52	
Group Life Insurance	\$156.00	
Dental Insurance	\$91.44	
Data Processing Equipment	\$0.00	(\$165,112.88)
Net Appropriation Balance		\$171,712.80

April, May, June 1998 Expenditures - Projected:

Salaries	\$17,477.28	
Central Printing Services	\$500.00	
Data Processing Services	\$37.50	
Advertising	\$2,000.00	
Membership/Training	\$200.00	
Consultant's Services	\$217,917.44	
Postage	\$800.00	
Office Supplies	\$0.00	
FICA	\$1,296.48	
Group Health Insurance	\$1,418.40	
Employer's Pension Contribution	\$1,259.52	
Group Life Insurance	\$156.00	
Dental Insurance	\$91.44	(\$243,154.06)
Net Appropriation Balance		(\$71,441.26)
Revenue in Transit		\$79,368.01
		\$7,926.75

2. Music Row Coordinating Committee Update.

This item was deferred until the May 28, 1998, meeting.

3. Report from Commissioner James Lawson on Chamber of Commerce intercity visit to Denver, Colorado.

This item was deferred until the May 28, 1998, meeting.

4. Legislative Update.

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

PLATS PROCESSED ADMINISTRATIVELY

April 30, 1998 through May 13, 1998

98S-102G **STONERS BEND BUSINESS PARK, Resubdivision of Lot 5**
Right-of-way expansion

98S-149G **W. C. GIFFORD LANDS, Resubdivision of Lot 8**
Subdivide one lot

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:15 p.m.

Chairman

Secretary

Minute Approval:
This 28th day of May, 1998