

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: June 11, 1998
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith, Chairman
Tim Garrett, Councilmember
James Lawson
William Manier
Ann Nielson
Douglas Small
Stephen Smith
Marilyn Warren

Absent:

Mayor Philip Bredesen
William Harbison

Others Present:

Executive Office:

T. Jeff Browning, 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
Jeff Stuncard, Planner I
Charles Hiehle, Planning Technician II
James Russ, Planning Technician I

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Advance Planning & Design:

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

Others Present:

Jim Armstrong, Public Works
Tom Cross, Legal Department

Chairman Smith called the meeting to order.

Chairman Smith stated this would be Mr. Charles Hiehle's last meeting and that he had been with Metro for 32 years. The Commission recognized Charles for his many years of service and for a job well done.

ADOPTION OF AGENDA

Mr. Owens announced a summer intern contract for Major Nix and the setting of a public hearing for Subarea 4 as addendum items.

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the agenda with the two items added.

ANNOUNCEMENT OF DEFERRED ITEMS

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

98S-190G Deferred two weeks, by applicant.

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

APPROVAL OF MINUTES

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed to approve the minutes of the regular meeting of May 28, 1998.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver spoke in favor of Zone Change Proposal 98Z-006T. He also requested deferral on Bond Release item 89P-019G because of street and drainage problems.

ADOPTION OF CONSENT AGENDA

Zone Change Proposal No. 98Z-098U was removed from the Consent Agenda

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

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-095U

Map 149, Parcel 36
Subarea 13 (1996)
District 28 (Hall)

A request to change from AR2a to R10 District property located at 2382 Una Antioch Pike, approximately 1,400 feet north of Richards Road (1.06 acres), requested by Ginger L. Erskine, appellant/owner.

Resolution No. 98-401

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-095U is **APPROVED (7-0)**:

This property falls within the Subarea 13 Plan's Residential Low Medium (RLM) policy, calling for densities up to 4 units per acre. The R10 district is consistent with this policy and the surrounding zoning pattern."

Zone Change Proposal No. 98Z-097U

Council Bill No. O98-1250
Map 96-13, Parcels 67 (.45 acres) and 68 (.43 acres)
Subarea 14 (1996)
District 15 (Dale)

A council bill requesting to change from R10 to OR20 District property located at 2708 and 2712 Old Elm Hill Pike, approximately 800 feet west of Donelson Pike (.88 acres), requested by Ricky H. Huffines, appellant, for C. K. Hiriyana Gowda et ux and Peter Kaplan, owners.

Resolution No. 98-402

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-097U is **APPROVED (7-0)**:

This property falls within the Subarea 14 Plan's Commercial Mixed Concentration (CMC) policy, calling for a mixture of higher density residential, office, and retail uses. The OR20 district is consistent with this policy and the office zoning pattern emerging along the north margin of Old Elm Hill Pike. Additional road improvements for this stretch of Old Elm Hill Pike should be programmed into the Capital Improvements Budget (CIB) as more OR20 zoning is introduced in this vicinity."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 1-74-G

Shop at Home (Hickory Hollow Mall)
Map 163, Parcels 229 and 378

Subarea 13 (1996)
District 28 (Hall)

A request for final approval of the Commercial (General) Planned Unit Development District abutting the northeast corner of Mt. View Parkway and Hickory Hollow Parkway (11.51 acres), classified SCR and R10, to permit the renovation of the existing 74,125 square foot building for use as a studio and office for the Shop at Home Network and the development of a 40,000 square foot office and bank facility, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Partners/Sath, LLC.

Resolution No. 98-403

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 1-74-G is given **CONDITIONAL FINAL APPROVAL (7-0)**. The following condition applies:

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

Proposal No. 103-79-G
Riverfront Shopping Center
Map 53, Parcel 32
Subarea 14 (1996)
District 11 (Wooden)

A request to revise the approved preliminary master plan for a portion of the Commercial (General) Planned Unit Development District abutting the southwest margin of Robinson Road, opposite Martingale Drive (0.96 acres), classified R10, to permit the development of a 3,500 square foot bank facility, requested by Waste Water Engineers, Inc., for Riverfront Limited Partnership, owner.

Resolution No. 98-404

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 103-79-G is given **CONDITIONAL APPROVAL AS A REVISION TO A PORTION OF THE PRELIMINARY MASTER PLAN (7-0)**. The following condition applies:

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

Proposal No. 203-84-G
Williams Valley
Map 42-12, Parcels 75, 76 and 85
Subarea 4 (1993)
District 3 (Nollner)

A request for final approval of the Residential Planned Unit Development District abutting the north margin of Williams Avenue, approximately 385 feet east of Walker Terrace (6.38 acres), classified R10, to permit the development of 39 single-family lots, requested by Dale and Associates, for Jeff George, owner. (Deferred from meeting of 5/28/98).

Resolution No. 98-405

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 203-84-G is given **CONDITIONAL FINAL APPROVAL (7-0)**. The following conditions apply:

1. Receipt of written confirmation of final approval from the Stormwater Management and Traffic Engineering sections of the Metropolitan Department of Public Works.

2. Receipt and approval of revised plans which exclude any easements from within any building envelopes.
3. Receipt and approval of revised plans which demonstrate a comparable setback along Williams Avenue for Lot 1, with the existing house opposite Williams Valley Court.
4. 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. 16-86-P

Hermitage Market Place (Jiffy Lube)
Map 75, Parcel 171
Subarea 14 (1996)
District 12 (Ponder)

A request for final approval for a portion of the Commercial (General) Planned Unit Development District located abutting the east margin of Old Hickory Boulevard, opposite Juarez Drive (0.59 acres), classified as SCR, to permit the development of a 1,758 square foot oil change facility, requested by Tribble and Richardson, Inc., for Lucor, Inc., owner.

Resolution No. 98-406

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 16-86-P is given **CONDITIONAL APPROVAL OF A REVISION TO FINAL (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. 88P-069U

Brentwood East (formerly Edmondson
Pike Shopping Center)
Map 161, Parcels 84, 84.1 and 84.2
Subarea 12 (1997)
District 31 (Alexander)

A request to revise a portion of the approved preliminary site development plan of the Commercial (General) Planned Unit Development District abutting the southeast margin of Old Hickory Boulevard and Edmondson Pike (8.60 acres), classified SCC, to permit the development of 82,055 square feet of retail, office, restaurant and bank uses, requested by Littlejohn Engineering Associates, Inc., for Williams Salvage Company, owner.

Resolution No. 98-407

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-069U is given **CONDITIONAL APPROVAL OF REVISION TO PRELIMINARY (7-0)**. The following conditions apply:

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

2. The recording of a boundary plat.”

Proposal No. 93P-016G

Traceside, Section 9
Map 169, Parcel 67
Subarea 6 (1996)
District 35 (Lineweaver)

A request for final approval for Section 9 of the Residential Planned Unit Development District abutting the southeast margin of Highway 100 and the east margin of Pasquo Road (11.6 acres), classified RS20, to permit the development of 28 single-family lots, requested by Ragan-Smith Associates, Inc., for Centex Homes, Inc., owner.

Resolution No. 98-408

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93P-016G 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. Receipt and approval of revised plans which demonstrate the following:
 - a. A minimum 20 foot wide strip of open space along the western boundary of the PUD (to the rear of Lots 7 - 13). This open space strip shall be identified as an undisturbed landscape easement. The combination of existing vegetation and new plantings (in currently non-vegetated areas) shall meet the requirements of a Standard C landscape buffer as identified in the Section 17.24 of the zoning code.
 - b. Along the southern edge of the development (to the rear of Lots 1 - 6), a combination of existing vegetation and new plantings (located on berms similar in nature to those proposed on the opposite side of Timer Gap Drive) shall be in place within the open space to provide adequate screening between Union Bridge Road and the rear of these lots.
3. 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. 94P-012U

Fairfield Communities, Phase 5
Map 62, Part of Parcels 37 and 246
Subarea 14 (1996)
District 15 (Dale)

A request for final approval for Phase 5 of the Commercial (General) Planned Unit Development District abutting the east margin of Pennington Bend Road, approximately 154 feet north of McGavock Pike (4.89 acres), classified AR2a, to permit the development of 96 time-share units, requested by Littlejohn Engineering Associates, Inc., for Fairfield Communities, Inc., owner. (Deferred from meetings of 5/14/98 and 5/28/98).

Resolution No. 98-409

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-012U is given **CONDITIONAL FINAL APPROVAL FOR A PHASE(7-0)**. The following conditions apply:

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

Proposal No. 97P-041U
Homestead Village
Map 104-6, Parcels 164-168
Subarea 10 (1994)
District 18 (Clifton)

A request for final approval for the Commercial (General) Planned Unit Development District located between West End Avenue and Orleans Drive (1.68 acres), classified ORI, to permit the development of a 128 unit hotel, requested by Ragan-Smith Associates, Inc., for Homestead Village, owner.

Resolution No. 98-410

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-041U 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. Prior to the issuance of any building permits the applicant shall demonstrate compliance with all of the conditions as listed in Amendment No. 1 to Ordinance No. O98-1103.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 98S-184U
Phipps Subdivision
Map 116-13, Parcels 160, 161 and 162
Subarea 7 (1994)
District 34 (Fentress)

A request for final plat approval to consolidate three parcels into one lot located between Old Harding Pike and CSX Railroad (.20 acres), classified within the CS District, requested by John S. and Martha M. Phipps, Sr., owners/developers, A and A Engineers, Inc., surveyor.

Resolution No. 98-411

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-184U, is **APPROVED (7-0)**.”

Subdivision No. 98S-186U
Chateau Valley, Phase 2
Map 70-3, Part of Parcel 1
Subarea 3 (1992)
District 2 (Black)

A request for final plat approval to create 26 lots abutting the southwest terminus of Chateau Valley Drive and the southwest terminus of Chateau Valley Lane (6.59 acres), classified within the RS15 Residential Planned Unit Development District, requested by Cumberland Builders, Inc., owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 98-412

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-186U, is **APPROVED SUBJECT TO A BOND OF \$159,250.00 (7-0).”**

Subdivision No. 98S-187G
Chesney Glen, Section 4
Map 87, Parcel 185
Subarea 14 (1996)
District 12 (Ponder)

A request for final plat approval to create 44 lots abutting both margins of Glenfalls Drive, approximately 180 feet west of Chesney Glen Drive (11.55 acres), classified within the R15 Residential Planned Unit Development District, requested by Phillips Builders, Inc., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 98-413

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-187G, is **APPROVED SUBJECT TO A BOND OF \$221,000.00 (7-0).”**

Subdivision No. 98S-188U
Mulholland, Section 1
Map 160, Parcels 99 and 191
Map 161, Parcel 41
Subarea 12 (1997)
District 32 (Jenkins)

A request for final plat approval to create 115 lots abutting the north margin of Old Hickory Boulevard and the southwest margin of Hill Road (35.37 acres), classified within the R20 Residential Planned Unit Development District, requested by Vastland Development, LLC, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 98-414

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-188U, is **APPROVED SUBJECT TO A BOND OF \$1,350,000.00 (7-0).”**

Subdivision No. 98S-192U
Peninsula Point, Phase 3, Section 3
Map 137, Parcel 18
Subarea 13 (1996)
District 12 (Ponder)

A request for final plat approval to create 28 lots abutting both margins of Waterford Way, approximately 150 feet west of Millbridge Court (8.22 acres), classified within the RS15 Residential Planned Unit Development District, requested by Butler Development, LLC, owner/developer, MEC, Inc., surveyor.

Resolution No. 98-415

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-192U, is **APPROVED SUBJECT TO A BOND OF \$231,500.00 (7-0).”**

Subdivision No. 98S-193U

Calumet, Phase 8
Map 150, Parcel 98
Subarea 13 (1996)
District 29 (Holloway)

A request for final plat approval to create seven lots abutting the south terminus of Pleasant Colony Drive, approximately 270 feet south of Whirlaway Drive (9.41 acres), classified within the RS10 Residential Planned Unit Development District, requested by James T. McLean, Sr., owner/developer, Wamble and Associates, surveyor.

Resolution No. 98-416

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-193U, is **APPROVED SUBJECT TO A BOND OF \$6,500.00 (6-0).”**

Request for Bond Extension:

Subdivision No. 88P-038G

Long Hunter Chase, Phase 2, Section 1
JCM Development Company, Inc.,

Located abutting the southwest corner of Smith Springs Parkway and Hobson Pike.

Resolution No. 98-417

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 88P-038G, Bond No. 95BD-021, Long Hunter Chase, Phase 2, Section 1 in the amount of \$64,000 to 12/15/98 subject to submittal of a letter from the Frontier Insurance Company by 7/11/98 agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 94P-026U

Hill Place
H. G. Hill Realty Company, principal

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

Resolution No. 98-418

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 94P-026U, Bond No. 95BD-031, Hill Place, in the amount of \$129,000 to 12/1/98."

Subdivision No. 95P-003U

Forge Ridge PUD Boundary
Dewey Pedigo, Jr., trustee, principal

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

Resolution No. 98-419

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95P-003U, Bond No. 95BD-093, Forge Ridge PUD Boundary, in the amount of \$11,000.00 to 5/1/99."

Subdivision No. 95S-326G
Dunaway Woods, Section 2
Mark E. O'Neill, principal

Located abutting the north terminus of Hallows Drive, approximately 285 feet north of Indian Springs Drive.

Resolution No. 98-420

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95S-326G, Bond No. 95BD-101, Dunaway Woods, Section 2, in the amount of \$5,000 to 11/1/98 subject to submittal of an amendment to the present Letter of Credit by **7/11/98** which extends its expiration date to 5/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 97S-038U
Trevecca Nazarene University
Trevecca Nazarene University, principal

Located abutting the south margin of Murfreesboro Pike, opposite Express Parkway Drive.

Resolution No. 98-421

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-038U, Bond No. 97BD-030, Trevecca Nazarene University, in the amount of \$35,000 to 4/1/99."

MANDATORY REFERRALS:

Proposal No. 98M-059U
Fourth Avenue North Church Street
Map 93-6-1, Parcel 99
Subarea 9 (1997)
District 19 (Sloss)

A mandatory referral from the Department of Public Works proposing the installation of six canopies which will extend over the sidewalk at the southeast corner of Fourth Avenue North and Church Street, requested by R. C. Matthews, contractor for Courtyard by Marriott, proprietor.

Resolution No. 98-422

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-059U.

Proposal No. 98M-060U

Alley 597
Map 92-7
Subarea 8 (1995)
District 21 (McCallister)

A request from the Metropolitan Development and Housing Agency to close Alley 597 between Herman Street and Britt Place. (Easements are to be retained).

Resolution No. 98-423

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-060U.

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-006T

Council Bill No. O98-1267

A text amendment changing the two-family structure provisions of the Zoning Code, sponsored by Councilman Tim Garrett.

Mr. Owens stated this was a Council Bill text amendment to reinsert into the new Zoning Ordinance the duplex restrictions of the former ordinance. Prior to 1998 the zoning ordinance allowed duplexes on only twenty-five percent of newly created subdivision lots within the "R" zoning. The zoning ordinance which became effective in 1998 removed this limitation, which had the effect of allowing duplexes on all lots within the "R" districts. Mr. Garrett's bill reinstates the twenty-five percent limitation.

Councilmember Garrett, sponsor of the bill, recapped the history of the duplex provision in the Zoning Code and spoke in favor of the text amendment

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

Resolution No. 98-424

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-006T is **APPROVED (7-0)**:

It is appropriate to limit the number of duplexes within the R6 to R80 zoning districts to twenty-five percent (25%) of the lots within developing subdivisions."

Zone Change Proposal No. 98Z-098U

Council Bill No. O98-1247
Map 62-1, Parcels 22 (1.14 acres) and 17 (4 acres)
Subarea 14 (1996)
District 15 (Dale)

A council bill requesting to change from R15 to CA District properties located at 2471 Pennington Bend Road and Pennington Bend Road (unnumbered), on the east margin of the Cumberland River (5.14 acres), requested by John A. Hobbs, appellant, for Thomas E. Watts, Jr., trustee, and Orba Maxey, et al, owners.

Ms. Regen stated this was the rezoning request that had been taken off of the consent agenda. Staff is recommending approval of this zone change because the CA District zoning implements the Commercial Mixed Concentration Policy of the Subarea 14 Plan. That commercial policy looks for high density residential, commercial and retail uses. The COA Campground is located in the area and it also has CA zoning on it with a Commercial PUD as an overlay. Staff is looking at extending the CA zoning to the subject property. The subarea plan did not designate the entire area along Pennington Bend Road for commercial zoning. It discussed an area about 900 feet south of Briley Parkway going to commercial uses and the remainder of the area would remain residential medium density. Staff received a letter from Mr. Harry McComber, an area resident, and a phone call from Mr. Charles McClary stating opposition to the rezoning.

Mr. Richard Lawler, president of the Pennington Bend Neighborhood Association, spoke in opposition to the zone change and stated concerns regarding the area not remaining residential.

Ms. Nielson asked if this CA rezone would provide a transition to the residential.

Mr. Owens stated there would be a landscaping buffer required by the Zoning Ordinance, which was designed to interface CA with residential.

Mr. Lawler stated that he could not see how any buffer would help when Opryland owns individual properties all down the street.

Mr. Manier asked if there was a significant amount of undeveloped land in the general area that is zoned for like uses.

Mr. Owens stated the CA zoning wrapped all the way from the Opryland Theme Park around McGavock Pike to the former KOA Campground, which is directly across the street from the subject property. The largest piece of undeveloped property in the area is the Gleaves Farm, which is a very large tract in the heart of that area. This area should not be categorized as built out but the majority of the property is under one ownership.

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

Chairman Smith announced the motion failed

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

Resolution No. 98-425

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-098U is **DISAPPROVED (6-2)**:

These properties falls within the Subarea 14 Plan's Commercial Mixed Concentration (CMC) policy, calling for a wide variety of residential, office, and retail uses. These residential properties along the Cumberland River should not transition to commercial uses until other commercial opportunities within this CMC area have been developed."

Zone Change Proposal No. 98Z-100G

Council Bill No. 098-1246

Map 49, Part of Parcel 143 (90 acres)

Subarea 3 (1992)

District 1 (Patton)

A council bill requesting to change from RS20 to IR District a portion of property located at 3512 Knight Drive, approximately 2,800 feet north of Green Lane (90 acres), requested by William Q. Acree, appellant, for Margaret E. Mager, owner.

Ms. Regen stated the Subarea 3 Plan is clear that this area is for industrial use but staff is recommending disapproval because of the timing of development. It is premature for industrial development to occur in this area, given the existing inadequate infrastructure system. This area has a rural residential character. There has been very large lot development along Knight Drive and there was a single family subdivision that was approved several years ago, which actually ate into this industrial policy area. The roads are very narrow and do not meet commercial street standards and there are no shoulders. During the Subarea 3 plan staff worked with the Mayor's Office of Economic Development to determine how to prepare this property for industrial use. To bring sewer, water and roads to the area would cost approximately \$11,000,000, \$6,000,000 of which was anticipated for roads alone. There is no infrastructure there today and there is no funding in the Capital Improvements Budget for that infrastructure.

Staff recommends the industrial development begin near Briley Parkway and move from Whites Creek Pike toward the subject property, not jumping over intervening properties and not bringing in the infrastructure after the fact.

Mr. Bill Acree spoke in favor of the project and stated Nashville was in need of industrial sites. This zone change is for the creation of a city wide distribution park. This development is only for a 90 acre zone change, which can be accommodated by \$1,200,000, and the developer is willing to bear the expenses.

Councilmember Garrett stated this property would probably never be developed unless the developers did pay for the infrastructure and the surrounding properties would benefit from this project.

Mr. Manier that he was not comfortable with the rezoning because the right-of-way crosses another persons land diagonally.

Mr. Stephen Smith stated he did not see the downside. This area has been picked for industrial development. If this rezoning is approved and Mr. Acree does not work out the right-of-way, what would happen.

Mr. Manier stated he could go get a building permit and put heavy traffic on a rural street. That is the problem.

Mr. Stephen Smith stated perhaps a deferral was in order until the infrastructure problems were worked out.

Mr. Acree stated he had a trucking company waiting on him to begin work and that Mr. Charlie Hawkins owned the property he planned to cross and that there would be no problem getting his approval and that he could give the Commission a document showing he had right-of-way through another property that is zoned commercial on Whites Creek Pike.

Ms. Nielson stated this sounded like a good plan but the Commission could not approve a proposal for him to cross another persons property.

Mr. Acree stated the right-of-way did not have to go through the presently designated property. It could go through another piece of property and he could get a letter of agreement from that owner.

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

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 44-81-U
Villages of Brentwood, Phase 11
Map 161, Parcel 246
Subarea 12 (1997)
District 32 (Jenkins)

A request for final approval for Phase II of the Residential Planned Unit Development District abutting the south margin of Village Way, approximately 150 feet east of English Village Drive (16.25 acres), classified R10, to permit the development of 52 single-family lots, requested by Dale and Associates, for Jim Hardwick, owner. (Deferred from meeting of 5/28/98).

Mr. Owens stated this plan matched the preliminary and has been approved by Public Works, who is requiring a detention basin to be located in the corner of the project. All other reviewing departments have approved the plan and staff is recommending final approval.

Mr. Brian Boland, property owner on Village Way, expressed concerns regarding drainage, property values, quality of the new homes, the construction entrance and traffic.

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

Resolution No. 98-426

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 44-81-U is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (7-0)**. The following conditions apply:

1. Receipt of written confirmation of final approval from the Stormwater Management and 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
3. Receipt and approval by the Metropolitan Department of Public Works, of revised plans to include the completion of the drainage pond which will handle runoff from Phase 10 as well as Phase 11.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 98S-177U (Public Hearing)
Hickory Highland Place, Section 2
Map 163, Parcel 371
Subarea 13 (1996)
District 28 (Hall)

A request for preliminary approval for 87 lots abutting the northeast terminus of Highlander Drive, approximately 170 feet northeast of Winton Drive (29.94 acres), classified within the RS7.5 and RM20 Districts, requested by Hickory Highlands, LLC, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. (Deferred from meeting of 5/28/98).

Ms. Carrington stated staff was recommending conditional approval subject to the approval of a variance to the maximum length of a dead end street in the Subdivision Regulations. This item was deferred from the last agenda. It was deferred so drainage issues could be worked out and those have been resolved. The developer has submitted a slope analysis plan which indicated there was one area with 25% slopes and they are providing an easement so that the property will not be disturbed in that area. They have also indicated that 51 of their lots will be critical lots. Because of the topography of the area, staff feels the variance should be supported.

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

Resolution No. 98-427

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-177U, is **APPROVED WITH A VARIANCE TO SECTION 2-6.2.2E(2) OF THE SUBDIVISION REGULATIONS (7-0).”**

Subdivision No. 98S-185G (Public Hearing)

Lakeside Woods Addition
Map 86, Parcel 141
Map 86-10, Parcel 100
Subarea 14 (1996)
District 12 (Ponder)

A request for preliminary approval for seven lots abutting the southwest corner of Lakeside Place and Central Pike (4.65 acres), classified within the RS10 District, requested by Cecil W. and Patricia A. Venable, Sr., owners/developers, John D. McCormick, surveyor.

Ms. Carrington stated staff was recommending disapproval. Three of the seven proposed lots exceed the maximum lot size permitted in the Subdivision Regulations and the applicant has not provided a justification for a variance for those lots. Sewer extension is not being shown to lot one. The plan is showing a retaining wall in front of lots 6 and 7. Because of the retaining wall and some topography and potential sight distance problems there may have to be a shared driveway. Traffic and Parking has requested additional information on the wall and staff cannot recommend approval of the design as submitted at this time.

No one was present to speak at the public hearing.

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

Resolution No. 98-428

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-185G, is **DISAPPROVED (7-0).”**

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

Subdivision No. 98S-189G (Public Hearing)

Sutton Property
Map 86, Parcel 42
Subarea 14 (1996)
District 12 (Ponder)

A request for preliminary approval for 21 lots abutting the north margin of Old Lebanon Dirt Road, approximately 1,300 feet west of Tulip Grove Road (18.24 acres), classified within the RS15 District, requested by B & P Development, Inc., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Ms. Carrington stated the applicant is requesting and staff is supporting deferral of this item for two weeks. There are six lots exceeding the maximum lot size, which is 45,000 square feet. There are 2 lots that exceed the 4 to 1 depth to width ratio. The dead end street exceeds the 750 maximum; and the lot pattern is larger the lots already established in the area. The applicant and staff feel these design issues can be worked out. Staff received a letter from a neighboring property owner that indicated there may have been an illegal landfill on this site in the past. The applicant has submitted an environmental assessment which indicates there are 4 barrels on the property that will be removed and there is no contamination of the property.

Ms. Kenneth Fisher and Mr. Mike Byrd expressed concerns regarding traffic, extreme development in the area, stormwater drainage, the property formerly being a hazardous waste dump, sink holes on the property, an existing cemetery on the property and the lot size.

Mr. Larry McWhirter stated this property had severe slopes and that the lot size is what would be dealt with in the deferment period.

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

Subdivision No. 98S-195G (Public Hearing)

Windchase, Phase 2
Map 98, Parcel 138
Subarea 14 (1996)
District 12 (Ponder)

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

Ms. Carrington stated staff was recommending approval. The Commission approved Phase 1 for 7 lots. This is a request for six lots and there are no issues.

Mr. Hunter McDonald stated he was present to answer any questions the Commission might have.

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

Resolution No. 98-429

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-195G, is **APPROVED (7-0).”**

Final Plats:

Subdivision No. 97S-454U
Wellington Square, Resubdivision of Lot 2
Map 85-11, Parcel 108
Subarea 14 (1996)
District 14 (Stanley)

A request for final plat approval to create eight lots abutting the northwest margin of Lebanon Pike, approximately 1,300 feet southwest of Danyacrest Drive (2.54 acres), classified within the RS10 District, requested by James D. and Polly A. Carter, owner/developer, SEC, Inc., surveyor.

Ms. Carrington stated staff was recommending conditional approval subject to posting a bond for the extension of public utilities and construction of roadways and drainage facilities. The preliminary was approved on April 30, 1998 and at that time they had to get approval from TDOT for modification of a median, which they did get. Staff did do a courtesy notice on this final plat because there was neighborhood opposition at the preliminary. The major basis of the opposition was drainage; Public Works did require additional drainage calculations for the final plat, have approved the drainage concept, and have issued a grading permit.

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

Resolution No. 98-430

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-454U, is **APPROVED SUBJECT TO A BOND OF \$124,500.00 (7-0).”**

Request for Bond Extension:

Subdivision No. 312-84-G
Poplar Creek Estates, Phase 4
Poplar Creek Development Corporation, principal

Located abutting the western terminus of Autumnwood Drive.

Ms. Carrington stated this project was at 80% build out and staff is recommending disapproval of the request for the extension, and are asking for authorization for collection of a performance bond in the amount of \$35,000 unless final paving and sidewalks are completed by September 15, 1998.

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

Resolution No. 98-431

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and authorize collection of a performance bond for Subdivision No. 312-84-G, Bond No. 96BD-019, Poplar Creek Estates, Phase 4, in the amount of \$35,000 unless final paving and sidewalks are complete by 9/15/98.”

Subdivision No. 96S-043U
Ashford Crossing, Section 2
Phillips Builders, Inc., principal

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

Ms. Carrington stated this development was at 90% build out, and staff is recommending disapproval of the request for an extension and are asking for authorization for collection of the performance bond unless final paving and sidewalks are completed by September 15, 1998.

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

Resolution No. 98-432

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and authorize collection of a performance bond for Subdivision No. 96S-043U, Bond No. 96S-043U, Asheford Crossing, Section 2, in the amount of \$125,600 unless final paving and sidewalks are complete by 9/15/98."

Request for Bond Release:

Subdivision No. 89P-019G
Allens Green, Section 2
Zaring Homes, Inc., principal

Located abutting both margins of Harpeth Glen Trace and both margins of Timber Leaf Drive.

Ms. Carrington stated this project was at 100% build out. The bond covers road and drainage facilities and staff has received certification from Public Works that all work is complete. Staff is recommending approval of the request to release the performance bond for Section 2 in the amount of \$100,000.

In this case their letter of credit expires July 1, 1998. This is the case Councilmember Lineweaver was addressing, and if the Commission chooses to grant an extension in this case, they would have to get their revised letter of credit in within the next week.

Ms. Warren asked if Public Works had been out to check the site.

Ms. Carrington stated they had not been out in the past couple of days or since the rain.

Mr. Owens stated this bond was so close to expiration that the bond should either be released or extended and the new paperwork should be done within the next week.

Mr. Clay Lane, representing Zaring Homes, stated the drainage problem was on the fringe of the property line of a new unit that is being developed and this particular situation was caused by a bar grate that is over a 48 inch culvert. That bar grate became clogged because of runoff from a new development that Zaring is buying lots in but did not develop.

Mr. Owens suggested the Commission deny the request for bond release and approve a bond extension subject to the submittal of the appropriate paperwork within the next week. That would not require it being put back on the agenda until it is ready for release.

Mr. Lane asked if it would be appropriate to ask to have the bond reduced.

Mr. Owens stated it would be appropriate to reduce the bond to just cover the drainage and Public Works would be able to quote that amount.

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

Resolution No. 98-433

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for release and **APPROVES** the request for extension of a performance bond for Subdivision No. 89P-019G, Bond No. 93BD-063, Allens Green, Section 2 in the amount of \$100,000 or a reduced amount as determined by Public Works subject to submittal of an amendment to the present Letter of Credit by **6/18/98. Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Consideration of Bond Collection:

Subdivision No. 95S-066U
Overton Park, Section 2
M. Al Haddad, principal

Located abutting the south margin of Hogan Road, opposite Stillwood Drive.

Ms. Carrington stated staff was recommending approval of collection of this performance bond in the amount of \$2,500 that covers road and drainage facilities; build out is a 100%. This is a cash bond and the performance agreement expired June 1, 1998. The developer contacted staff and ask the bond be collected and for Metro to finish the work.

Chairman Smith asked that if it cost Metro more to finish the work than the bond amount, would Metro be out that difference.

Mr. Tom Cross, Metro Legal Department, stated that releasing the bond releases the surety but does not necessarily release the developer from his obligations. He has a separate obligation to do whatever work is required. The bond is just a backup.

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

Resolution No. 98-434

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** collection of a performance bond for Subdivision No. 95S-066U, Bond No. 95BD-021, Overton Park, Section 2, in the amount of \$2,500."

MANDATORY REFERRALS:

Proposal No. 98M-058U
McGavock Street
Map 93-6

Subarea 9 (1997)
District 19 (Sloss)

A request by the Metropolitan Development and Housing Agency to close McGavock Street between Fourth Avenue South and Fifth Avenue South. (Easements are to be retained).

Mr. Calleja stated that in the staff report the Commission received staff was recommending disapproval; however, that recommendation has changed to approval following additional discussions, and subject to the condition of recording a minimum 30 foot wide public access easement along McGavock.

Mr. Shawn Henry and Mr. Phil Ryan, MDHA, presented the site plan and gave a brief recap of the construction plans including showing where the 30 foot easement would be platted.

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

Resolution No. 98-435

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 98M-058U **subject to a minimum 30 foot wide public access easement to be retained along McGavock Street for pedestrian and transit.**"

OTHER BUSINESS:

1. Contract Renewal for April Alperin, Jennifer Regen and Paige Watson.

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

Resolution No. 98-436

"BE IT RESOLVED by the Metropolitan Planning Commission that it approves the employee contracts for April Alperin, Jennifer Regen and Paige Watson for one year, from June 16, 1998 through June 15, 1999."

2. Employee Contract for Anita McCaig, Planner I in the Community Plans Division.

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

Resolution No. 98-437

"BE IT RESOLVED by the Metropolitan Planning Commission that it approves the employee contract for Anita McCaig for one year, from June 16, 1998 through June 15, 1999."

3. Amendment of the Commission's Rules Regarding Notification to Property Owners of Amendments and Cancellations in Planned Unit Developments.

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

Resolution No. 98-438

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the Amendment of the Commission’s Rules Regarding Notification to Property Owners of Amendments and Cancellations in Planned Unit Developments” as follows:

VIII. Specific Rules, E. Zone Change Proposals, 2. Planned Unit Development (PUD) Proposals:
An application to amend or cancel all or a portion of a planned unit development shall either contain the signatures of all property owners within the PUD, or an affidavit from the petitioner that all property owners within the PUD have been advised by map or other appropriate graphic of the extent of the amendment or cancellation, and have been notified of the date, time and place of the planning commission meeting when the PUD amendment or cancellation is being requested. Prior to submission of the application, the petitioner may ask the planning commission to specify a less extensive area of notification when the amendment or cancellation is determined by the commission to have impact on an area smaller than the entire PUD.

4. Fiscal Year '98 Third Quarter Work Program/Budget Status Report.
(Deferred from meeting of 5/28/98).

Mr. Browning reported on the Third Quarter Work Program/Budget Status pointing out that all tasks are on schedule with the exception of the Subdivision Regulations and the Transportation functional plan.

5. Legislative Update.

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

ADDENDUM:

6. Summer Intern Contract for Major Nix.

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

Resolution No. 98-439

“BE IT RESOLVED by the Metropolitan Planning Commission that it approve the summer intern employee contract for Major Nix, from June 15, 1998 through August 31, 1998.

7. Set July 9, 1998 as the public hearing date for presentation of the draft Subarea 4 Plan: 1998 Update.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to approve July 9, 1998 as the public hearing date for presentation of the draft Subarea 4 Plan: 1998 Update.”

PLATS PROCESSED ADMINISTRATIVELY

May 28, 1998 through June 10, 1998

98S-108U MAPLE MANOR MOTEL, INC. PROPERTY

Plats one lot

98S-169U

RONALD PETTY PROPERTY

Alters the configuration of the interior property line between two deeded parcels

98S-182U

RICE HILL SUBDIVISION

Plats one deeded parcel

Chairman Smith thanked staff for the annual and expressed the Commission's appreciation for the service of Arnett Bodenhamer and William Harbison. The plaques that were presented to Mr. Bodenhamer and Mr. Harbison were inscribed as follows:

Presented to

Arnett Bodenhamer

In recognition of service on the

Metropolitan Planning Commission of Nashville and Davidson County

April 19, 1994 to May 28, 1998

With Great Appreciation this service is acknowledged by:

**Metropolitan Mayor
Philip Bredesen**

**Commission Chairman
Gilbert Smith**

**Executive Director
Jeff Browning**

Presented to

William Harbison

In recognition of service on the

Metropolitan Planning Commission of Nashville and Davidson County

April 19, 1994 to May 28, 1998

With Great Appreciation this service is acknowledged by:

**Metropolitan Mayor
Philip Bredesen**

**Commission Chairman
Gilbert Smith**

**Executive Director
Jeff Browning**

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:30 p.m.

Chairman

Secretary

Minute Approval:
This 25th day of June, 1998