

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: August 6, 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
Stephen Smith
Pat Tatum

Absent:

Mayor Philip Bredesen
Douglas Small
Marilyn Warren

Others Present:

Executive Office:

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

Current Planning & Design Division:

Theresa Carrington, Planner III
Jennifer Regen, Planner III
Doug Delaney, Planner II
John Reid, Planner II
Jeff Stuncard, Planner I
James Russ, Planning Technician I

Community Plans Division:

Cynthia Lehmbeck, Planner III
Debbie Frank, Planner I

Advance Planning & Design:

John Boyle, Planning Division Manager

Others Present:

Jim Armstrong, Public Works
Nicole Rodrigue, Legal Department

Chairman Smith called the meeting to order and welcomed new Commissioner Pat Tatum.

ADOPTION OF AGENDA

Ms. Carrington stated Subdivision No. 98S-093U, OH & E Business Park, has been withdrawn by the applicant.

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

98Z-020U	Deferred indefinitely, by applicant.
98Z-120U	Deferred indefinitely, by applicant.
98Z-125U	Deferred indefinitely, by applicant.
62-85-P	Deferred two weeks, by applicant.
92P-009G	Deferred indefinitely, by applicant
98P-005E	Deferred two weeks, by applicant.
98S-248U	Deferred two weeks, by applicant.
28-87-P	Deferred indefinitely, by applicant.

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

APPROVAL OF MINUTES

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed to approve the minutes of the regular meeting of July 23, 1998.

RECOGNITION OF COUNCILMEMBERS

Councilmember Willis McCallister explained the situation involved with Mandatory Referral 98M-078U and stated he understood the Commission could not pass the proposal to close Pearl Street until all owners had signed off on the agreement.

Councilmember Vic Lineweaver spoke in favor of Zone Change Proposal No. 98Z-122G and stated the Bellevue community needed more assisted living facilities.

He also reminded the Commission he had expressed concerns before regarding 94S-027G, Woodside, being in the bend of Hicks Road and the traffic problems it may cause. There has been several wrecks in that area of Hicks Road already and no one has moved into those homes yet. There are also problems with the drainage coming off of the hill.

ADOPTION OF CONSENT AGENDA

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

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-122G

Map 142, Parcel 181
Subarea 6 (1996)
District 35 (Lineweaver)

A request to change from R15 to RM6 District property located on the south margin of Highway 70 South (unnumbered), approximately 1,900 feet east of Old Hickory Boulevard (3.37 acres) requested by George Dean, appellant, for William Whitfield Hicks et ux, et al, owners. (Deferred from meeting of 7/23/98).

Resolution No. 98-569

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-122G is **APPROVED (7-0)**:

This property falls within the Subarea 6 Plan's Natural Conservation (NC) policy calling for protection of the steep topography by clustering low density residential development on the flatter land. The RM6 district is consistent with this policy and the established development pattern along this stretch of Highway 70 South."

Zone Change Proposal No. 98Z-136G

Map 172, Parcels 102 (1.59 acres), 104 (2.31 acres),
169 (5 acres) and 175 (1 acre)
Subarea 12 (1997)
District 32 (Jenkins)

A request to change from R40 to RS20 District properties located on Old Smyrna Road (unnumbered) and 6015 Edmonson Pike, on the west margin of Edmonson Pike (9.9 acres), requested by Steven Baird, appellant, for Steven L. Baird et ux, owners.

Resolution No. 98-570

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-136G is **APPROVED (7-0)**:

These properties fall within the Subarea 12 Plan's Residential Low Medium (RLM) policy (up to 4 units per acre). The RS20 district is consistent with this policy and the surrounding residential planned unit developments in the area which average 2 units per acre."

Zone Change Proposal No. 98Z-144U

Map 81-4, Parcel 145
Subarea 8 (1995)
District 20 (Haddox)

A request to change from R6 to OR20 District property located at 1922 Fifth Avenue North, approximately 50 feet north of Interstate 265 (.43 acres), requested by Tony Carlew, appellant, for Paul A. and Lynesa L. Benson, and Next Step, Inc., owners.

Resolution No. 98-571

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-144U is **APPROVED (7-0)**:

This property falls within the Subarea 8 Plan's Commercial Mixed Concentration (CMC) policy calling for a mixture of office, retail, and higher density residential uses. The OR20 district is consistent with this policy and the emerging zoning pattern in the area."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 1-72-G
Charlotte Center (Taco Bell)
Map 102-8, Parcel 118
Subarea 7 (1994)
District 22 (Holt)

A request to revise the final approval for a portion of the Commercial (General) Planned Unit Development District abutting the northeast corner of Old Hickory Boulevard and Charlotte Pike (0.74 acres), classified R6, to permit the development of a 2,400 square foot restaurant and to relocate the existing ATM drive through machine on the site, requested by Dale and Associates, for Saeed Sassan, owner.

Resolution No. 98-572

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 1-72-G is given **CONDITIONAL APPROVAL OF A REVISION TO FINAL FOR A PHASE (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. 151-78-U
Hillcrest Center
Map 91-10, Parcel 248
Subarea 7 (1994)
District 24 (Johns)

A request to revise the approved preliminary master plan and for final approval of the Commercial (General) Planned Unit Development District abutting the east margin of Lellyett, approximately 220 feet south of Charlotte Pike (1.17 acres), classified CS, to permit the creation of an outparcel, requested by Barge, Cauthen and Associates, Inc., for Weiss Realty Group, owner. (Also requesting final plat approval).

Resolution No. 98-573

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 151-78-U is given **PRELIMINARY AND FINAL PUD APPROVAL; APPROVAL OF FINAL PLAT SUBJECT TO A BOND IN THE AMOUNT OF \$11,000.00 (7-0)**."

Proposal No. 30-86-P
Madison Assisted Living

Map 34-3, Parcel 23
Subarea 4 (1993)
District 10 (Garrett)

A request to revise the approved preliminary site development plan and for final approval of the Residential Planned Unit Development District abutting the southwest margin of Twin Hills Drive, approximately 650 feet southeast of Gallatin Pike (3.70 acres), classified R6, to permit the development of a 46,465 square foot, 113 unit assisted living facility with a central kitchen, requested by Gresham, Smith and Partners, for Hearthstone Assisted Living, Inc., owner.

Resolution No. 98-574

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 30-86-P is given **CONDITIONAL PRELIMINARY AND FINAL APPROVAL (7-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
2. Written confirmation of approval from the Madison Suburban Utility District.”

Proposal No. 47-86-P
Nashville Business Center
Map 50-10-B, Part of Parcel 2
Subarea 2 (1995)
District 3 (Nollner)

A request to revise a portion of the preliminary site development plan and for final approval for a phase of the Industrial Planned Unit Development District abutting the north margin of Brick Church Lane and the eastern margin of Interstate 24 (38.69 acres), classified IWD, to permit the final development of a 251,304 square foot warehouse/office facility, requested by R. Chris Magill Architects, for Weeks/Weeks Realty, L.P., owner.

Resolution No. 98-575

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 47-86-P is given **APPROVAL OF REVISION TO PRELIMINARY AND 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 recording of a final subdivision plat upon the posting of all required bonds for necessary public improvements prior to the issuance of any building permits.
3. No final U&O will be issued until an approval by FEMA of the flood study for the portion of the Industrial Planned Unit Development south of Brick Church Lane.
4. Submittal to the staff of the Planning Commission of revised plans which remove the proposed joint use ingress/egress easement at the north terminus of Briley Park North.”

Proposal No. 93-86-P
The Meadows
Map 141-7-A, Various Parcels
Map 141-7, Part of Parcel 14
Subarea 6 (1996)

District 35 (Lineweaver)

A request to revise the approved preliminary master plan and for final approval for a portion of the Residential Planned Unit Development District abutting the south margin of Coley Davis Road and the west margin of Buffalo Road (43.68 acres), classified RM6, to permit the final development of six multi-family units, requested by Ragan-Smith Associates, Inc., for Bill Sullivan, owner.

Resolution No. 98-576

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93-86-P is given **APPROVAL OF REVISION TO PRELIMINARY AND FINAL APPROVAL FOR A PHASE (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. 80-87-P
Hickory Woods - Tract 5
Map 176-1, Parcel 16
Subarea 13 (1996)
District 29 (Holloway)

A request for final approval of the Residential Planned Unit Development District located at the southeast quadrant of Maxwell Road and Lavergne-Couchville Pike (33.22 acres), classified R20, to permit the development of 110 single family lots, requested by Wamble and Associates, PLLC, for Taylor Duncan Interests, Inc., owner. (Deferred from meeting of 7/23/98).

Resolution No. 98-577

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 80-87-P 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 and the posting of a performance bond for any necessary improvements.
3. Prior to the issuance of any building permits, the developer shall contribute \$15,000 toward the installation of a traffic signal at the intersection of Lavergne-Couchville Pike and Murfreesboro Road.
4. Due to the presence of sinkholes, lots 9, 10, 74, 84, 85, 108 and 109 shall all be identified on the final plat as critical lots and shall require submittal and approval of critical lot plans by the MPC staff prior to the issuance of any building permit. In addition, the establishment of a minimum finished floor elevation may be required on these lots.”

Proposal No. 88P-061U
Harding Mall Village, Lot 3
Map 147, Parcel 45
Subarea 12 (1997)
District 26 (Arriola)

A request to revise the approved final site development plan for a portion of the Commercial (General) Planned Unit Development District abutting the north margin of Harding Place, approximately 460 feet east of Nolensville Pike (0.62 acres), classified SCR, to permit the development of a 3,000 square foot restaurant, requested by Wamble and Associates, PLLC, for Star Bagel Café and Deli, owner.

Resolution No. 98-578

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-061U is given **CONDITIONAL APPROVAL OF A REVISION FOR 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. 95P-037G

Hampton Hall, Phase II
Map 98, Parcels 18, 37 and 151
Subarea 14 (1996)
District 12 (Ponder)

A request for final approval for a phase of the Residential Planned Unit Development District abutting the east margin of New Hope Road, opposite Port Jamaica Drive (33.57 acres), classified RS15, to permit the development of 85 single-family lots, requested by Anderson-Delk and Associates, Inc., for Phillips Builders, Inc., owner.

Resolution No. 98-579

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-037G 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 and the posting of a performance bond for any necessary improvements.
3. Lots 53-56 and 68-70 shall be identified on the final plat as critical lots and shall require submittal and approval of critical lot plans by the MPC staff prior to the issuance of any building permit.”

Proposal No. 96P-001G

Stone Creek Park
Map 180, Part of Parcels 5 and 39
Subarea 12 (1997)
District 31 (Alexander)

A request to revise the approved preliminary site development plan and for final approval of a portion of the Residential Planned Unit Development District abutting the west margin of Redmond Lane, approximately 800 feet south of Holt Road (5.37 acres), classified R20, to revise the layout of a roadway and five lots (preliminary) and to permit the development of 15 single-family lots (final), requested by Anderson-Delk and Associates, Inc., for Gillespie Land Development, LLC, owner.

Resolution No. 98-580

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-001G is given **CONDITIONAL PRELIMINARY AND 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 and the posting of a performance bond for any necessary public improvements.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 98S-111G

Riverside, Phase 4B
Map 142-13-B, Part of Parcel 1
Subarea 6 (1996)
District 35 (Lineweaver)

A request for final plat approval to create 28 lots abutting the southwest corner of New Morton Mill Road and Old Harding Road (9.3 acres), classified within the R30 Residential Planned Unit Development District, requested by Rochford Construction Company, owner/developer, Walter Davidson and Associates, surveyor. (Deferred from meetings of 7/9/98 and 7/23/98).

Resolution No. 98-581

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-111G, is **APPROVED SUBJECT TO A BOND IN THE AMOUNT OF \$212,720.00 (7-0).”**

Subdivision No. 98S-144U

Lamberth Subdivision
Map 60-8, Parcels 12 and 86
Subarea 5 (1994)
District 4 (Majors)

A request for final plat approval to subdivide two parcels into four lots abutting the northwest corner of Hillhurst Drive and Dickerson Pike (1.52 acres), classified within the CS District, requested by William Steve and Glenda Paulette Lamberth, owner/developer Ragan-Smith Associates, Inc., surveyor.

Resolution No. 98-582

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-144U, is **APPROVED SUBJECT TO A BOND IN THE AMOUNT OF \$12,000.00 (7-0).”**

Subdivision No. 98S-247U

Vogley and Todd Subdivision
Map 106-1, Parcels 120, 120.1 and 125
Subarea 11 (1993)
District 19 (Sloss)

A request to consolidate five lots, part of a closed alley and one parcel into one lot abutting the southeast corner of Murfreesboro Pike and Parris Avenue (1.87 acres), classified within the CS District, requested by Donald Gary Durham, owner/developer, John Kohl and Company, surveyor.

Resolution No. 98-583

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-247U, is **APPROVED (7-0).”**

Subdivision No. 98S-251G

The Marketplace
Map 102, Parcels 14 and 16

Subarea 6 (1996)
District 23 (Crafton)

A request to consolidate two parcels into one lot abutting the north intersection of Charlotte Pike and River Road, approximately 1,000 feet west of Davidson Road (65.12 acres), classified within the CS District, requested by JDN Development Company, Inc., owner/developer, Geosurvey, Ltd., surveyor.

Resolution No. 98-584

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-251G, is **APPROVED SUBJECT TO A BOND IN THE AMOUNT OF \$1,183,500.00 (7-0).”**

Subdivision No. 98S-256U
Pebble Trail Villas
Map 149, Parcels 361 and 383
Subarea 13 (1996)
District 28 (Hall)

A request for final plat approval to create 24 lots abutting the southeast margin of Rader Ridge Road, approximately 310 feet southwest of Countryside Drive (16.69 acres), classified within the R15 Residential Planned Unit Development District, requested by George W. and Debra K. Pope, Jr., owners/developers, James L. Terry, surveyor.

Resolution No. 98-585

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-256U, is **APPROVED SUBJECT TO A BOND IN THE AMOUNT OF \$104,000.00 (7-0).”**

Request for Bond Extension:

Subdivision No. 89-86-P
Brittany Park, Phase 1-A
Carlton Enterprises, Inc., principal
[Buildout is at 100%]

Located abutting the north margin of Bell Road, approximately 1,270 feet west of Blue Hole Road.

Resolution No. 98-586

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and authorizes collection of a performance bond for Subdivision No. 89-86-P, Bond No. 95BD-066, Brittany Park, Phase 1-A, in the amount of \$36,000 unless the required detention pond and drainage ditches are stabilized and water and sewer lines are accepted by 10/1/98.”

Subdivision No. 84-87-P
Crossings at Hickory Hollow, Section 2
American General Realty Investment, principal
[Buildout is at 45%]

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

Resolution No. 98-587

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 84-87-P, Bond No. 90BD-008, Crossings at Hickory Hollow, Section 2, in the amount of \$50,000 to 5/1/99 subject to submittal of an amendment to the present Letter of Credit by **9/6/98** 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. 95S-030G
High Valley, Section 1
High Valley Corporation, principal
[Buildout is at 25%]

Located abutting the west margin of Oman Drive, approximately 2,676 feet northeast of Granny White Pike.

Resolution No. 98-588

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95S-030G, Bond No. 95BD-010, High Valley, Section 1, in the amount of \$107,900 to 5/15/99 subject to submittal of an amendment to the present Letter of Credit by **9/6/98** which extends its expiration date to 11/15/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Subdivision No. 96S-393U
Metro Airport Center, Phase 5, Section 2
Metropolitan Airport Center, Ltd., principal
[Buildout is at 25%]

Located abutting the southeast terminus of Royal Parkway, approximately 481 feet southeast of Airport Center Drive.

Resolution No. 98-589

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 96S-393U, Bond No. 97BD-025, Metro Airport Center, Phase 5, Section 2, in the amount of \$40,000 to 8/1/99 subject to submittal of an amendment to the present Letter of Credit by **9/6/98** which extends its expiration date to 2/1/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Release:

Subdivision No. 7-87-P
Haywood Oaks, Phase 4
Duke Realty, L.P., principal

Located abutting the east margin of Ezell Road, opposite Willard Drive.

Resolution No. 98-590

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 7-87-P, Bond No. 97BD-042, Haywood Oaks, Phase 4 in the amount of \$10,000.”

Subdivision No. 90P-020G
Heron Walk, Phase 1, Section 2
Allen Earps, principal

Located abutting the southwest margin of Cheyenne Boulevard, opposite Cheyenne Circle.

Resolution No. 98-591

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 90P-020G, Bond No. 97BD-011, Heron Walk, Phase 1, Section 2 in the amount of \$27,500.”

Subdivision No. 91P-009G
Brook Glen
Jones Company Custom Homes, principal

Located abutting the northwest corner of Poplar Creek Road and Old Harding Pike.

Resolution No. 98-592

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 91P-009G, Bond No. 94BD-097, Brook Glen in the amount of \$20,000.”

Subdivision No. 92S-204U
Smith Subdivision, Resubdivision of Lot 1
A. O. Hibler, principal

Located abutting the northeast corner of Emery Drive and Donelson Pike.

Resolution No. 98-593

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 92S-204U, Bond No. 97BD-094, Smith Subdivision, Resubdivision of Lot 1 in the amount of \$17,500.”

Subdivision No. 94S-027G
Woodside
Woodside LLC, principal

Located abutting the northeast margin of Hicks Road, opposite Patten Lane.

Resolution No. 98-594

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 94S-027G, Bond No. 95BD-028, Woodside in the amount of \$44,000.”

Subdivision No. 95P-005U
Overlook at Hickory Hollow
Security Capital Atlantic, Inc., principal

Located abutting the west margin of Bell Road, opposite Zelida Avenue.

Resolution No. 98-595

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 95P-005U, Bond No. 96BD-011, Overlook at Hickory Hollow in the amount of \$50,000.”

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. 98-596

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 95S-326G, Bond No. 95BD-101, Dunaway Woods, Section 2 in the amount of \$5,000.”

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

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

Resolution No. 98-597

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 96S-041U, Bond No. 96BD-021, Stonebridge in the amount of \$71,300.”

MANDATORY REFERRALS:

Proposal No. 98M-079U
Branch Library Property Acquisition
Map 161, Parcels 63 and 64
Subarea 12 (1997)
District 32 (Jenkins)

A request from the Public Property Administrator to approve the acquisition of 4.38 acres of property (zoned R20) by negotiation or condemnation. This property is located on Old Hickory Boulevard just east of the intersection with Edmondson Pike and is to be used for the construction of a new branch library.

Resolution No. 98-598

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 98M-079U.

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-117G
Map 33, Part of Parcel 256
Subarea 2 (1995)
District 10 (Garrett)

A request to change from CS to R10 District a portion of property located at 1241 Dickerson Pike and extending back to the south margin of Campbell Road (1.63 acres), requested by Joe Wall, applicant, for Joe L. Wall and Mike Suggs, owners. (Deferred from meeting of 7/23/98).

Ms. Regen stated that at the last meeting Mr. Bill Terry, with the City of Goodlettsville, stated they did not want any duplexes allowed in this rezone and there was also concerns expressed about duplexes being on this property by the Councilmember.

The applicant has amended the application for strictly single family residential (RS10), which would allow up to 4 dwelling units per acre and staff is recommending approval.

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

Resolution No. 98-599

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-117G is **APPROVED for RS10 zoning as amended (7-0)**:

This property falls within the Subarea 2 Plan's Residential Medium policy (4 to 9 units per acre). The RS10 district is consistent with this policy and the predominant single-family development pattern in the surrounding area."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 306-84-U
Country Inn Suites
Map 160, Parcel 56
Subarea 12 (1997)
District 32 (Jenkins)

A request for height and side setback variances to Section 17.32.130 (Sign Regulations) of the zoning code for a portion of the Commercial (General) Planned Unit Development District located abutting the east margin of Franklin Pike Circle, approximately 500 feet west of Old Hickory Boulevard, classified CL, to permit a ground sign of 60 feet in height with a 20 foot side setback, requested by Simmons Sign Company, for Brentwood Hotel, owner.

Mr. Delaney stated this was a request for a sign variance within a Planned Unit Development. Prior to January 1, 1998, under the old Zoning Code, the BZA did not have authority to grant any variance within a PUD. With the adoption of the new code, there was language inserted into the current code which allows the BZA to grant variances within PUD's. The only exclusion is the size of the lots. This applicant wants

to vary the height of their sign as well as the position of the sign by encroaching into the side setback five feet. Within the underlying CL base zoning there is a height limitation of 40 feet and a 25 foot side setback. This applicant is wanting to increase the height by 20 feet, up to a 60 foot sign, and encroach into the side setback by 5 feet, which would reduce the setback from 25 feet to 20 feet. The hotel sits well below the I-65 entrance ramp and the applicant is trying to get the sign high enough so it can be seen by people traveling on I-65.

The current code states that the BZA shall not act on a variance application within a Planned unit development, an urban design overlay or an institutional overlay district without first considering a recommendation by the Planning Commission.

The Codes Department is responsible for insuring the size, type, location and height of signs within a Planned Unit Development, so a sign location is never shown on a PUD plan and planning staff does not review anything to do with signs. Therefore there was no extraordinary setback established for this sign for this PUD or for any PUD.

Chairman Smith asked how the Commission was able to give them any technical advice.

Mr. Delaney stated that was the issue.

Mr. Manier stated the height was obviously the topography of the land and asked what the rationale of the argument of the variance to the setback line.

Mr. Delaney stated the applicant's argument was that they do not have 25 feet between their parking area and the right-of-way so they are trying to push it 5 feet into the side setback.

Chairman Smith asked if that set the kind of precedent the Commission wanted for all kinds of sign of issues that came with a PUD.

Mr. Delaney stated that as far as signs, yes. If there was a request to vary a side setback or building setback that was established specifically by the PUD it would be important for the Commission to make a recommendation on that also.

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

Resolution No. 98-600

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 306-84-U, THE COMMISSION ADVISED THE BOARD OF ZONING APPEALS THERE WERE NO SPECIAL CONDITIONS PLACED ON SIGNS RELATIVE TO HEIGHT OR LOCATION WHEN THIS PLANNED UNIT DEVELOPMENT WAS APPROVED BY THE COMMISSION (7-0).”

Proposal No. 75-87-P
River Glen, Phase 4, Section 2
Map 52, Part of Parcel 2
Subarea 14 (1996)
District 15 (Dale)

A request for final approval for a phase of the Residential Planned Unit Development District abutting the northern terminus of Benay Road (8.47 acres), classified RS10, to permit the development of 43 residential units, requested by Barge, Waggoner, Sumner and Cannon, for Julius Doochin, owner. (Also requesting final plat approval). (Deferred from meetings of 6/25/98 and 7/9/98).

Mr. Delaney stated the Public Works Department has applied to FEMA to raise the flood elevation of the Cumberland River and obviously because the Cumberland River lies in this area that request has an impact on this property. Public Works has taken the stance that because they have made the application, although FEMA is still reviewing it, they are implementing that new standard. Councilmember Dale has a council bill in to limit the ability of Public Work to enforce these new regulations until they are actually adopted by FEMA. However, at the July 21, 1998 meeting of the Council that bill was deferred indefinitely. Staff is recommending deferral of this proposal until this issue can be worked out.

Chairman Smith confirmed with Mr. Delaney that the law today states this application is in order.

Mr. Delaney stated Public Works is recommending disapproval of this request.

Chairman Smith stated he understood that but that Public Works was basing their standard on proposed regulations and not today's law.

Mr. Delaney stated they were doing it on a requested change that they have made to FEMA that is still in evaluation.

Chairman Smith stated he needed the Commission to understand the rules that are in effect today.

Mr. Browning stated the flood elevation was two feet above and this application meets that requirement. The question is whether or not Public Works has the authority to enforce a higher 100 year flood elevation and planning staff is not prepared to answer whether or not Public Works can enforce a higher standard.

Mr. Jim Armstrong, Public Works, stated that Stormwater Management looks to the federal guidelines for flood insurance, which sets particular elevations for finished floors around floodplains, and that is being looked at to be changed. It appears from the data that has come in that elevation is going to go up. Locally, Public Works has the ability to set standards beyond, not below, but beyond what the federal guidelines are. That is used a lot of times in areas where there is not information in the federal study. At the present time Public Works has had the Corp of Engineers identify a risk in this area.

Chairman Smith asked what is the current local ordinance.

Mr. Armstrong stated the Stormwater Management Ordinance cites 4 feet above the 100 year elevation and there is an appeal committee for anyone that wants to have variances below that. Variance can be made down to as much as 1 foot above but that is where the federal cut off is and nothing can go below that.

Mr. Manier stated that Mr. Armstrong is implying FEMA is not in control but is the minimum allowed and that Public Works has the power and right to set the limit at anytime.

Mr. Manier stated that could be a real philosophical problem because he does not always buy what Public Works says but that he accepted it in the sense that they are the Commission's expert on some engineering complexities. If what Mr. Armstrong says it true and if Legal says they have the right to set the level, as long as it is above the minimum FEMA requirements, that is one thing but if they don't have that right, it is another thing.

Ms. Nicole Rodrigue, Metro Legal Department, stated she would be more comfortable looking in to what exactly Public Works' authority is to automatically change what the floodplain level is just based on a study that has not been approved.

Mr. Armstrong stated the city's engineer, which is the director of Public Works, approves the city's elevation, and if there is some person that has objection to his decision they may go before an appeal board which has been set up to handle that question commissioned with engineers and private individuals.

Councilmember Garrett asked if Davidson County and Public Works did their own study.

Mr. Armstrong stated they had not in this case.

Mr. Stephen Smith stated this was a property rights issue. The only thing the property owner can go by is what the rules are and if he has met the restrictions he should be allowed to continue work.

Chairman Smith asked if the increase the Corp of Engineers has worked on, that Public Works has bought into and FEMA has not yet ruled on, affect the entire Metropolitan area.

Mr. Armstrong stated it was only for the Cumberland River, Mill Creek and Richland Creek.

Chairman Smith asked if he was correct in his knowledge that FEMA was the one that underwrites flood insurance and their involvement in the floodplain has to do with whether they would write the insurance or not.

Mr. Armstrong stated that was correct.

Ms. Nielson asked if this project were approved today would the property owners be able to get flood insurance.

Mr. Armstrong stated they could.

Mr. Harold Fulgham stated Mr. Doochin, owner, had worked on this project for several years and was in the fourth phase now and the roads have been graded. Under today's rules this project should be approved. The reason Public Works has not approved it is because of an anticipated change in the regulations.

Mr. Manier stated he felt the Legal Department should get the Commission clarification on whether Public Works has the right to change the elevation. The responsibility may be the Commission's but we still have to rely on Public Works as a source of technical judgement.

Ms. Rodrigue asked if this proposal could be deferred until she could get answers to the rights Public Works has to for changing the elevation.

Ms. Nielson stated she felt the Commission should go ahead and vote on this proposal and then get legal clarification for any future matters.

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

Resolution No. 98-601

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 75-87-P is given **FINAL APPROVAL FOR A PHASE; FINAL PLAT APPROVAL (7-0)**.

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 98S-128G (Public Hearing)
Rockwood Estates (Revision)
Map 86, Parcel 102
Subarea 14 (1996)
District 12 (Ponder)

A request for preliminary approval for 26 lots located approximately 65 feet north of Rockwood Drive and approximately 450 feet northwest of Tulip Grove Road (5.93 acres), classified within the RS7.5 District, requested by Universal Builders, owner/developer, MEC, Inc., surveyor. (Deferred from meetings of 7/9/98 and 7/23/98).

Ms. Carrington stated staff was recommending approval of this application. Previously this plat was approved in April for 24 lots, using both stub streets off of Rockwood, and also providing a street connection to the vacant property to the west and one to the north. This revised preliminary plat adds two lots. They are no longer using one stub connection off of Rockwood. They are providing a street connection to the north but no longer one to the west. Since this was deferred at the last meeting, staff had an opportunity to look at the land that is vacant to the west and north to determine whether that access point was really necessary to the west and has developed a potential future street pattern. Staff has determined that the access point to the west from the proposed development is no longer necessary. In addition, there are many stub streets very close together off of Rockwood and staff does not believe this applicant needs to use both access points.

No one was present to speak at the public hearing.

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

Resolution No. 98-602

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-128G, is **APPROVED (7-0).”**

Subdivision No. 98S-209U (Public Hearing)
Patio Villa Addition
Map 108, Parcel 211
Subarea 14 (1996)
District 14 (Stanley)

A request for preliminary approval for 10 lots abutting the north margin of Elm Hill Pike, approximately 200 feet west of Patio Drive (4.65 acres), classified within the R10 District, requested by Harold Reeves, trustee, owner/developer, MEC, Inc., surveyor. (Deferred from meeting of 7/23/98).

Ms. Carrington stated staff was recommending approval of this ten lot cluster lot subdivision. This proposal has been held in abeyance for a while awaiting the recent zoning code amendments. The code did not previously allow manipulation of the floodplain. They are counting the floodplain as open space and those code amendments have now been approved.

No one was present to speak at the public hearing.

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

Resolution No. 98-603

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-209U, is **APPROVED (7-0).”**

Subdivision No. 98S-255G (Public Hearing)
Albatross at Old Hickory
Map 53, Parcel 40
Subarea 14 (1996)

District 11 (Wooden)

A request for preliminary approval for 10 lots abutting the south terminus of Hurst Drive, approximately 3,000 feet southeast of Ryburn Drive (15.5 acres), classified within the R15 District, requested by Jerry Lemons, owner/developer, Steve Sanders, surveyor.

Ms. Carrington stated the applicant would be requesting deferral for two weeks after the public hearing in order to resolve some design issues.

No one was present to speak at the public hearing.

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

Final Plats:

Subdivision No. 98S-123G
Northbrook, Phase 2
Map 50, Part of Parcel 27
Subarea 2 (1995)
District 4 (Majors)

A request for final plat approval to create 28 lots abutting the northeast terminus of Northbrook Drive, approximately 85 feet northeast of Ridge Top Drive (11.41 acres), classified within the R10 District, requested by Buddy Dunn Contractors, L.P., owner/developer, Dale and Associates, Inc., surveyor. (Deferred from meetings of 7/9/98 and 7/23/98).

Ms. Carrington stated staff was recommending disapproval. The preliminary plat for this subdivision was approved in 1986. After that time a PUD was approved nearby and there were some issues of whether or not Northbrook should be upgraded to a collector. Staff has now determined they are in compliance with their approved preliminary and the right-of-way can stay at 50 feet so that is no longer an issue. In addition the applicant was requesting a variance to the sidewalk, curb and gutter standards in the Subdivision Regulations. He has now agreed to put sidewalks in both Phase One and Phase Two; however, he is still requesting a variance to the curb and gutter standards. He has not submitted revised construction plans to Public Works so they could not make a bond determination.

Chairman Smith stated he would abstain on this proposal because he went out to the project and looked at it with Mr. Dunn. He asked Ms. Carrington to tell the Commission more about the curb and gutter.

Ms. Carrington stated curb and gutter regulations were added to the Subdivision Regulations in 1991 along with the sidewalk regulations.

Chairman Smith stated he was under the impression there was also a rural standard.

Ms. Carrington stated the rural standard would not apply in this situation. She read from a memo that was written in 1992 and at that time it was determined that all subdivisions approved after January 1, 1995, including future sections of subdivisions that had already been approved as preliminaries would comply with the sidewalk and curb and gutter standards. Paragraph three, referring to the curb and gutter states, "Unless the subject phase was secured by a construction bond for streets, or the developer can demonstrate to the Department of Public Works that street improvements were substantially completed for the subject

phase.” Ms. Carrington said it was her understanding there had never been a variance to the sidewalk and curb and gutter standards since they were adopted.

Mr. Browning stated the Commission, in 1991, faced the issue of what to do with developments that are partly completed because subdivisions are always done in phases and the developers were asking to continue under the old curb standard because they already completed portions of the subdivision. At that time the Commission created a small study committee and decided that if there was prior approval before 1991 and if prior to January of 1992, 20% had been built then the developer would be grandfathered. However, as January 1, 1995 only the new standards would be accepted.

Chairman Smith asked Mr. Dunn if he would like for the Commission to vote on his proposal or if he would prefer a two week deferral to reconsider his position.

Mr. Dunn stated he would put in the curb and gutter in Phase 2 but would not add sidewalks to phase one as he had discussed with staff.

Ms. Carrington stated that since this application was a final plat and would require bonds, the bond amounts could not be set because staff did not have the construction plans with the curb and gutter to review. If the Commission wants to approve the proposal it should be deferred until the next agenda so the revised construction plans could be turned in to staff and bond amounts would be determined.

Mr. Stephen Smith asked if he could move to approve subject to the revised construction plans and bond amounts.

Mr. Browning stated the Commission did not typically do that because the bond is a contract between the Commission and the developer.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried with Chairman Smith abstaining, to defer this matter for two weeks.

Subdivision No. 98S-204U
Haywood Development, Revised Reserve Parcel B
Map 148, Parcel 175
Subarea 13 (1996)
District 28 (Hall)

A request for final plat approval to subdivide one reserve parcel into two lots abutting the west margin of Bakertown Road, approximately 335 feet north of Haywood Lane (17.99 acres), classified within the CS District, requested by Third National Bank, owner/developer, Cherry Land Surveying, surveyor.

Ms. Carrington stated staff was recommending disapproval of the application. Since the staff report was written, the applicant has refused to dedicate five feet of additional right-of-way on Bakertown Road. The right-of-way for Bakertown is currently 50 feet and nonresidential streets require a minimum of 60 feet, which would require an additional 5 feet off of each side. The applicant is not willing to dedicate that right-of-way so staff is recommending disapproval.

Mr. Steve Smith moved and Mr. Lawson seconded the motion to disapprove.

Chairman Smith asked if anyone was present for the petition.

No one was present, and upon voting the motion carried unanimously.

Subdivision No. 98S-228G
Hillenglade Subdivision, Phase 1B
Map 41, Part of Parcel 137

Subarea 2 (1995)
District 3 (Nollner)

A request for final plat approval to create one lot abutting the southwest corner of Hillenglade Drive (private) and Brick Church Pike (1.29 acres), classified within the RS20 District, requested by Hillenglade, Inc., owner/developer, Wamble and Associates, surveyor. (Deferred from meetings of 7/9/98 and 7/23/98).

Ms. Carrington stated staff was recommending conditional approval subject to posting a bond in the amount of \$32,000 for the extension of sewer. This application has been on several agendas and included the one lot on the frontage and a lot to the rear but was then discovered it was part of an approved preliminary plat in 1990. Since the preliminary plat was approved there has been a lot recorded just north of the lot in question. The initial application that included the second lot exceeded the 3 times the minimum lot size and the 4 to 1 regulation in the Subdivision Regulations. Staff requested the applicant show the future plan for development of the property. They then submitted a preliminary plat which divided this area into six lots and notices were sent out for the public hearing for today. After that was done, they revised their application again and is now for one lot that is in compliance with the preliminary plat that was approved in 1990. One lot has already been platted and now they are requesting a second lot. The Commission may also recall there was a street proposed to go in the back but has now been removed.

Chairman Smith asked if that would leave the land in the back without egress.

Ms. Carrington stated Hillenglade was built up to a point but the rest of the road is not yet in and has not been publicly dedicated.

Chairman Smith asked if it should be publicly dedicated and approved before the Commission approves a lot that leaves the remainder without any access.

Ms. Carrington stated staff had discussed that and that it probably should have been dedicated with the lot that had frontage but the lot that is being requested now does not have access to the street.

Chairman Smith stated that it looked like that if that were subdivided off it would leave all the back without any egress to the road and that he did not want to approve that.

Mr. Manier stated the lot would have access by the undedicated right-of-way.

Chairman Smith stated it would not have access until the right-of-way was dedicated.

Mr. Browning stated this would create three pieces of property. Two of them have frontage on Brick Church Pike. The big piece of property just has a finger coming out to Brick Church Pike. The problem with this subdivision scheme is it is not clear who has the responsibility of improving that 50 foot wide stretch that will eventually become a public street to provide access to the parcel in the rear. That public street is the only way to provide access to the other four or five lots in the back.

Mr. Manier asked if the ownership was common enough to make that a possibility of dedication.

Ms. Carrington stated her understanding was that when the preliminary plat was approved it also included a parcel on the north side and a parcel on the south. It was owned by a married couple who have since divorced and now the wife owns one piece and the husband owns the other.

Mr. Manier stated he believed the street needed to be dedicated.

Chairman Smith stated the public should own the street before this is approved.

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

Resolution No. 98-604

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-228G, is **DISAPPROVED (7-0).**”

Councilmember Garrett asked the indulgence of the Commission because Mr. Tom White was out in the hall when Subdivision 98S-204U was disapproved and that he was representing the applicants on that subdivision and that he would like to speak to the Commission if that was appropriate.

Chairman Smith asked if action had already been taken.

Councilmember Garrett stated it had. It was the one just before this last subdivision.

Ms. Nielson stated it was the Bakertown Road application.

Councilmember Garrett stated they had been informed it had been approved but then it was disapproved because they would not dedicate the right-of-way.

Mr. Tom White asked the Commission to reconsider and defer for two weeks so it could be worked out.

Mr. Steve Smith moved and Councilmember Garrett seconded the motion to reconsider their previous action to disapprove and to defer Subdivision No. 98S-204U, Haywood Development, for two weeks, which carried with Mr. Lawson in opposition.

Subdivision No. 98S-249U

W. H. Nance Subdivision, Resubdivision of Lot 4
Map 71-9, Parcel 38
Subarea 3 (1998)
District 2 (Black)

A request for final plat approval to subdivide one lot into two lots abutting the northeast margin of Lock Road, approximately 100 feet southeast of Seminary Street (.31 acres), classified within the RS5 District, requested by Nashville Area Habitat for Humanity, owner/developer, Thornton and Associates, Inc., surveyor.

Ms. Carrington stated staff was recommending disapproval. This request is in RS5 zoning and the proposed lots do not meet the comparability standards in the Subdivision Regulations. Lots within 300 feet are compared and in this case their proposed street frontage was 50% of the average and the Subdivision Regulations require that it be 90% of the average. The lot area is 47% of the average and the Subdivision Regulations require 75%. However, if the larger area were considered, there are some lots further south and east that are smaller that the proposed lots would be compatible with. If the Commission were to make a determination this pattern might fit in with the area, which is an area the Commission would like to encourage further residential development of, it would require a variance to comparability.

Mr. Lawson stated he was familiar with that area and it is in need of rehab for affordable housing and that the Commission should give considerable thought how this fits into the entire neighborhood and it would be enhancing that part of the community.

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

Resolution No. 98-605

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-249U, is **APPROVED WITH A VARIANCE TO SECTION 2-4.7 OF THE SUBDIVISION REGULATIONS (7-0).”**

Request for Bond Extension:

Subdivision No. 89-86-P
Brittany Park, Phase 1-B
Carlton Enterprises, Inc., principal
[Buildout is at 65%]

Located abutting both margins of Brittany Park Drive, approximately 100 feet north of Brittany Park.

Ms. Carrington stated staff was recommending disapproval of the request for extension and requesting authorization for collection of the performance bond in the amount of \$36,000 unless the required retention pond and drainage ditches are stabilized and water and sewer lines are accepted by October 1, 1998.

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

Resolution No. 98-606

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 89-86-P, Bond No. 97BD-055, Brittany Park, Phase 1-B, in the amount of \$26,000 to 12/15/98 subject to submittal of an amendment to the present Letter of Credit by **9/6/98** 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. 95P-031G
Wexford Downs, Section 1
Wexford Downs, LLC, principal
[Buildout is at 75%]

Located abutting the northeast corner of Holt Road and Edmonson Pike.

Ms. Carrington stated staff was recommending disapproval of the request for extension and requesting authorization for collection of the performance bond in the amount of \$49,250 unless final paving and sidewalks are completed by November 6, 1998.

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

Resolution No. 98-607

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and authorizes collection of a performance bond for Subdivision No. 95P-031G, Bond No. 96BD-052, Wexford Downs, Section 1, in the amount of \$49,250 unless final paving and sidewalks are complete by 11/6/98.”

Subdivision No. 97P-004U
Nashboro Village Retail Center
T & M Nashboro Development Company LLC, principal
[Buildout is at 100%]

Located abutting the northeast corner of Nashboro Boulevard and Murfreesboro Pike.

Ms. Carrington stated staff was recommending disapproval of the request for extension and requesting authorization for collection of the performance bond in the amount of \$23,500 unless drainage corrections are made and water and sewer lines are accepted by November 6, 1998.

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

Resolution No. 98-608

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and authorizes collection of a performance bond for Subdivision No. 97P-004U, Bond No. 97BD-052, Nashboro Village Retail Center, in the amount of \$23,500 unless drainage corrections are made and water and sewer lines are accepted by 11/6/98.”

Consideration of Bond Collection:

Subdivision No. 90S-035G
Winston Estates, Section 2
Winston Walker, principal
[Buildout is at 30%]

Located abutting both sides of Winston Drive, approximately 180 feet southwest of Stevens Lane.

Ms. Carrington stated staff was recommending approval of the collection of the performance bond in the amount of \$5,200 for road and drainage facilities. This bond was posted in 1990. All work is complete except for the final topping and the developer is forfeiting the bond. Public Works has agreed that they will finish the topping.

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

Resolution No. 98-609

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** collection of a performance bond for Subdivision No. 90S-035G, Bond No. 90BD-028, Winston Estates, Section 2, in the amount of \$5,200.”

MANDATORY REFERRALS:

Proposal No. 98M-078U
Pearl Street Closure
Map 92-6
Subarea 8 (1995)
District 21 (McCallister)

A request to close Pearl Street between 25th Avenue North and its terminus, requested by Bernice Dawson, trustee for Mt. Nebo Baptist Church. (Easements are to be retained).

Ms. Regen stated staff recommended disapproval. The owners of the warehouse property adjacent to the church are unwilling to sign off on the street closure agreement because they are unable to gain access to the warehouse from Clifton Street and all access currently comes from Pearl Street.

The church is requesting the closure of Pearl Street in order to avoid having the truck traffic. If Pearl Street was to be closed the truck traffic would have to go through Mary Street, which is a residential street, and past two other churches. The subarea plan is calling for this residential area to be conserved and for new residential development to occur there.

Staff is recommending disapproval of the closure because staff feels truck traffic should not intrude further into the residential area.

Mr. Michael Jones, representing Mount Nebo Baptist Church, spoke in favor the closure and stated the church was trying to make a positive image on the neighborhood to attract more members.

Mr. Bill Moody, representing property owner Mr. Goering, stated Pearl Street was the only access to the warehouse and that he was dependant upon that public road.

Ms. Tatum asked how many trucks per day used Pearl Street.

Mr. Goering stated the warehouse was vacant at the time so there was no truck traffic.

Councilmember Garrett stated Council would not approve any road closure unless every person who owns a piece of property on that particular road signs off on it.

Mr. Lawson stated perhaps the Commission should discuss approving the street closure subject to concurrence of all landowners.

Chairman Smith stated the Commission's action would be to approve or disapprove this request based on that.

Mr. Lawson moved to approve the request to close the street subject to concurrence by all landowners on that street.

Chairman Smith stated he preferred a motion to approve or disapprove the closure.

Mr. Lawson moved to approve.

No one seconded the motion so Chairman Smith stated the motion failed for a lack of a second.

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

Resolution No. 98-610

"BE IT RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES (7-0)** Proposal No. 98M-078U.

Chairman Smith explained the action taken to the members of Mt. Nebo Baptist Church that were present in the audience.

Ms. Bernice Dawson stated no one had access to that street except for Mt. Nebo and Mr. Goering. It is not a through street.

Chairman Smith explained it is a dedicated public street and it serves three pieces of property. The church owns two and Mr. Goering owns the other one and he is not willing to abandon the use of that street.

OTHER BUSINESS:

1. Annual Progress Reports for the Hope Gardens, Nations/Urbandale, and Highland Heights Neighborhoods. (Deferred from meeting of 7/23/98).

Ms. Frank stated she was providing the annual progress reports for the neighborhood plans that were developed by the Planning Commission as part of our small area planning program. The small area planning process began approximately four years ago, and staff has completed neighborhood plans for the Hope Gardens Neighborhood, the Nations/Urbandale Neighborhood, and the Highland Heights Neighborhood.

She began with Hope Gardens. They hope to stabilize and maintain the historic single-family character of the neighborhood and encourage homeownership. Also, the residents want to encourage the maintenance of vacant lots and enhance the neighborhood's overall appearance. The Hope Gardens Neighborhood Association, formed shortly after the completion of the plan, continues to meet monthly, and attendance remains excellent. In the area of land use and zoning, the Planning Commission in conjunction with Councilman Haddox successfully rezoned 271 parcels that were either within a multi-family or industrial zoning district to a single-family zoning district. This better implements the residential medium density policy, and the single family character of the neighborhood that the community wants to preserve.

As part of MDHA's commitment to construct some 50 to 60 homes in the neighborhood, 34 vacant lots and 3 improved lots have been acquired for infill housing. To date, 5 homes have been completed of which one was developed as part of the Urban Homestead program. Currently, MDHA has 5 homes under construction. The Affordable Housing Resources built a four unit structure for the elderly at 928 Phillips Street. The unit is currently 100% occupied. In an effort to have renovated homes in the neighborhood complement new construction, MDHA's Rehab Management Division will work with the assistance of an architect to develop a rehab standard for the exterior of existing homes. Also, MDHA is looking for private developers to stimulate the housing market by constructing moderate income homes that would diversify the neighborhood by attracting households with an annual income of \$45,000 to \$80,000. The cost of the homes would range from \$90,000 to \$99,000.

The next neighborhood is Nations/Urbandale, the second neighborhood plan completed by the Planning Commission. The plan was endorsed by the Commission in September of 1996. The Nations/Urbandale neighborhood is located in West Nashville, right near the I-40/White Bridge Road interchange. The goals as identified by the residents in the plan are to organize community activities that will keep them informed and involved in the neighborhood. They hope to encourage better compatibility between the industrial land uses and the residential land uses. The residents want to improve the neighborhood's appearance. Also, they desire that appropriate public facilities and services are made available to them, and they hope to increase public safety in the neighborhood.

Many residents take pride in maintaining their homes. However, there is some neglect in property upkeep, which is identified as another major issue in the plan. To encourage beautification of the neighborhood, residents are awarded recognition for their efforts. A recycling bins have been added to serve the community. A bin is located at Cockrill Elementary School and one is located at Bass Middle School. The neighborhood hopes to encourage recycling and add more bins throughout the community.

Drainage is identified as a major problem in the neighborhood. Residents have worked together to clean up Richland Creek. This has improved the drainage and appearance of this portion of the neighborhood. MDHA completed a drainage study in March of 1997 for the McCann Neighborhood Strategy Area which is located within the Nations/Urbandale neighborhood. This year, MDHA began implementing the study with approximately \$250,000 in drainage improvements.

In the upcoming year, residents will continue working to implement the plan. They are working to get sidewalks along 51st Avenue underneath Interstate 40. Another major effort on the part of the neighborhood association is to get signs and flyers removed from the utility poles.

The final neighborhood progress report is for the Highland Heights neighborhood. August 7, 1998 will mark the one year anniversary of the Commission's endorsement of the plan. This East Nashville neighborhood is located in Subarea 5. As identified in the plan, the goals of the residents are to reduce crime, make the neighborhood a safer place to live, and lessen noise. The residents want to improve drainage facilities and public services. They want to decrease speeding, and discourage outside traffic from cutting through the neighborhood. Also, the residents want to encourage the maintenance of rental properties and enhance the neighborhood's appearance as a whole.

According to the Neighborhood Plan the number one issue is crime. MDHA has provided Neighborhood Watch signs to three neighborhood groups: Joy Caring, Pullen Avenue, and Joy Circle. These Neighborhood Watch groups have been working to increase contacts with local police and thus, improve police response to crime in the neighborhood. MDHA is also providing \$75,000 for the Safety and Security Program to provide items such as locks and floodlights for low-income residents..

MDHA bought two lots and built homes on them during the past year. MDHA is currently in the process of acquiring another lot to build another home. Joy Park has been refurbished and during the past year, the park has become a gathering place and the center of community activities. Currently, residents are campaigning to save the old Tom Joy School historic building. They would like to see this building restored so that it could serve the community through programs for kids, such as the Boy's and Girl's Club, and programs for the elderly as well as day care. The building could also serve as a meeting location for the community.

A drainage study has recently been completed to address the drainage problem in the neighborhood.

Staff is pleased to have put together these neighborhood plans that are guiding the various improvements that are occurring in each neighborhood. We recently completed our fourth small area plan for the Madison Historic Business District. It is the first small area plan for a commercial area. The plan will be presented to the Commission for consideration on August 20th. We are looking forward to developing even more small-area plans.

Chairman Smith thanked Ms. Frank for the report.

2. Fiscal Year 1999 Operating Budget. (Deferred from meeting of 7/23/98).

Mr. Browning stated the budget was reduced by \$56,000 from what was proposed earlier by the mayor. The approved budget was still \$18,000 more than the FY 1998 budget. The reduction will, for the most part, be taken out of the project to integrate the Land Information System data base with the GIS mapping system.

Mr. Manier asked how long the cut would defer the integration of the system.

Mr. Browning stated it would probably not defer but staff would have to watch and see what the costs are on that and may have to go to the 4% or some other type of funding.

3. Economic Development Functional Plan. (Deferred from meeting of 7/23/98).

Chairman Smith reminded the Commission the Economic Development Plan was in their mail out packet and Ms. Alperin was going to update the Commission on it.

Ms. Alperin stated this plan was brought before the Commission on June 25, 1998 at a public hearing. At that time staff requested a deferral because there were some minor text revisions to be made. One revision was how staff geographically defined the MSA and the second was office employment.

Mr. Smith had asked a question regarding the industrial development goal, scaling back industrial policy and why is there too much.

The subarea planning process sets land use policy based on development opportunities. What staff discovered in this plan is that where industrial policy is isn't affording the best opportunity for industrial development because our industrial policy areas are more than half in the floodplains. A half to one third of them don't hold industrial zoning so it makes it more difficult for someone to find acceptable properties with proper zoning and adequate infrastructure.

Staff is proposing not necessarily to decrease the amount of land available for development but actually to increase the amount of land that actually can be developed. Staff has worked with an industrial committee in identifying criteria and the intention is to use that criteria through the subarea update process to relocate industrial policy. Hopefully that will help foster industrial development which has been declining in Davidson County.

Chairman Smith called staff's attention to two statements on page 22 that he was not willing to sign off on. One says, "20,200 acres is an excessive amount of industrial policy" and the second says, "industrial land use policy in Davidson County needs to be scaled back and relocated."

He said he was very leery of putting out a report with the Commission's signature on it that takes those two positions. Davidson County has an active Chamber of Commerce and they may react negative to those statements.

Ms. Alperin stated the Industrial Development committee included a members of the Chamber of Commerce, the Mayor's Office, the Economic Development Office, Port Authority and private industrial developers. That is how staff came up with the criteria because they agreed that historically industrial policy would be put along the river front because often it was water access that was needed. The type of industry that is growing in Davidson County is transportation and warehouse and they are highly dependent on road access and not as much on river access.

Chairman Smith stated he was still afraid someone might take the Commission wrong using those statements and instructed staff to make changes in the language.

5. Employee contract renewal for John Boyle.

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

Resolution No. 98-611

"BE IT RESOLVED by the Metropolitan Planning Commission that it approves the contract renewal for John Boyle for one year from August 16, 1998 through August 15, 1999.

4. Update from the Board of Parks and Recreation.

Mr. Lawson announced that at the last meeting of the Park Board approval was given to rename the Shelby Park Golf Course to the Vinny Tee in honor of Vince Gill and his commitment to inner city youth.

6. Legislative Update.

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

Mr. Browning informed the Commission that an issue with subdivision phasing had arisen involving two subdivisions in the southeast part of the county, and asked the Commission to clarify its position in how street and utility networking should be handled as subdivisions are phased. Mr. Browning indicated that the first phase of Sugar Valley subdivision was given final plat approval by the Commission. Afterward, it was discovered that three lots and a critical street and utility connection were left out of the first phase, even though these lots, street and utilities logically should be a part of this first phase. Staff reported that the utility easements were especially critical, in that they provided the only access to sewers in the area. Staff voiced the concern that the omission of this small portion of the subdivision from phase one might appear to be a means of denying street and utility access to surrounding properties. Though this may not be intentional, that would be the practical effect, and would remove control of subdivision development from the Commission.

Mr. Browning stated he was not releasing this plat even though it was approved by the Commission, until some clarification could be provided by the Commission. After hearing Mr. Browning's report, the Commission agreed that the omitted section of the subdivision should have been included in the first phase, and instructed staff to watch the phasing plans of all subdivisions to ensure they are logical, and provide needed street and utility connections. Since this phase of the subdivision had been given final approval by the Commission, the Commission authorized the secretary to sign the final plat for phase one, so long as phase one was amended to include the utility easements within the omitted portion, and so long as the three lot portion of the subdivision and the street are a part of the second phase or section of the subdivision.

Mr. Browning stated that the developer of Indian Creek subdivision, in the same vicinity, had approached staff to request approval to rephase this subdivision to postpone extension of two street stubs to property lying to the west. Mr. Browning stated the intent was to postpone connection to this property until it was clearer what kind and quality of development would be forthcoming on the adjacent property. Mr. Browning stated this request would be similar to the previous one, in that phasing of the subdivision could be used to deny access to streets and utilities. The Commission agreed and instructed staff to require the street connections to be made within the phasing plan as already approved.

PLATS PROCESSED ADMINISTRATIVELY:

July 22, 1998 through August 5, 1998

- | | |
|-----------------|---|
| 97S-178U | PEBBLE TRAIL VILLAS, Revised PUD Boundary Plat
Adds area to existing PUD Boundary |
| 98S-115G | MARYLAND COMMONS, Lot A
Plats a deeded parcel |
| 98S-184U | PHIPPS SUBDIVISION, First Revision
Revises sewer easement on platted lot |
| 98S-229G | NORTHGATE BUSINESS PARK, Lots 1 and 2
Consolidates two lots |
| 98S-233U | J. B. HAYNIES ORIENTAL SUBDIVISION,
Resubdivision of Part of Lot 70
Plats one lot into two lots |

- 98S-237U** **VICTORIA PLACE, Part of Lot 236**
Platting a deeded parcel and shifting an interior lot line
- 98S-246G** **RIVER TRACE ESTATES, Phase 1, Section 5 Revision to Lot 330**
Revising flood plain
- 98S-265G** **DRY CREEK ROSE SUBDIVISION, Lot 1**
Creates one 2 acre lot out of a larger acreage tract
- 98S-270U** **BROWNSTONE, Section 1, Revision to lots 15-18**
Revises the location of a sewer easement
- 98S-283U** **GOWDA'S TWO LOT SUBDIVISION**
Minor interior lot line shift

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:45 p.m.

Chairman

Secretary

Minute Approval:
This 20th day of August, 1998