

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: September 17, 1999
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Vice Chairman
Tim Garrett, Councilmember
Ann Nielson
Douglas Small
Pat Tatum
Marilyn Warren

Absent:

Mayor Philip Bredesen
Gilbert N. Smith, Chairman
William Manier
Stephen Smith

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
John Reid, Planner II
Jeff Stuncard, Planner I
James Russ, Planning Technician I

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Robert Eadler, Planner II

Advance Planning & Research:

Michael Calleja, Planner III
Preston Elliott, Planner II

Others Present:

Jim Armstrong, Public Works
Leslie Shechter, Legal Department

Vice Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Mr. Browning announced two addendum items that had been added to the agenda: Final plat approval of 98S-207G, Banbury Crossing, Section 1, Third Revision; and a personnel contract for Randal Hutcheson.

Ms. Carrington announced Mandatory Referral Proposal No. 98M-092U should be changed to 98M-104U and the caption for Mandatory Referral Proposal No. 98M-098U should read, "A request to close a portion of Burtonwood Drive."

Ms. Nielson moved and Ms. Warren seconded the motion, which unanimously passed, to approve the agenda with the above additions and changes.

ANNOUNCEMENT OF DEFERRED ITEMS

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

- 98Z-160U Deferred two weeks, by applicant.
- 98Z-161U Deferred two weeks, by applicant.
- 46-83-U Deferred until 10/01/98, by applicant.
- 88P-034G Deferred until 10/01/98, by applicant.
- 98P-003G Deferred until 10/01/98, by applicant.
- 97S-129G Deferred until 10/01/98, by applicant.
- 98S-253U Deferred indefinitely, by applicant.

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

APPROVAL OF MINUTES

Ms. Nielson moved and Mr. Small seconded the motion, which unanimously passed to approve the minutes of the regular meeting of September 3, 1998.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver stated he was present to speak regarding 98S-299A and 98S-230G. However, these items were handled administratively. He asked staff to notify him when matters no longer required commission action.

ADOPTION OF CONSENT AGENDA

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

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-150G

Map 34-6, Parcel 45
Subarea 4 (1998)
District 10 (Garrett)

A request to change from IR to CS District property located at 630 Myatt Drive, approximately 200 feet south of Spring Branch Drive (6.32 acres), requested by Ben Goodwin, appellant, for James Laemmler and Timothy M. Janson, owners.

Resolution No. 98-712

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-150G is **APPROVED (6-0)**:

This property falls within the Subarea 4 Plan's Industrial (IND) policy calling for manufacturing, warehousing, and distribution activities. The CS district is consistent with IND policy and the commercial expansion expected along this portion of Myatt Drive from the Rivergate Mall area to the railroad tracks. Sufficient opportunities for industrial development exist south of the railroad tracks.

Zone Change Proposal No. 98Z-154G

Map 164, Part of Parcel 37
Subarea 13 (1996)
District 29 (Holloway)

A request to change from RM15 to CS District a portion of property located on Murfreesboro Pike, on the southeast margin of Old Mt. View Road (.75 acres), requested by Nashville Storage LLC, appellant, for William J. Long and Harold D. Mitchell, owners.

Resolution No. 98-713

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-154G is **APPROVED (6-0)**:

Extending CS zoning to this sliver of property represents a minor boundary adjustment to the Subarea 13 Plan's commercial policy along Murfreesboro Pike.

Zone Change Proposal No. 98Z-156G

Map 26-12, Parcels 6 (1.18 acres), 7 (1.15 acres)
and 8 (1.95 acres)
Subarea 4 (1998)
District 10 (Garrett)

A request to change from R20 to CS District properties located at 2355, 2372 and 2407 Gallatin Pike, approximately 300 feet west of Cumberland Hills Drive (4.28 acres), requested by Richard Swift, appellant, for LeRoy Downs, Sr. et ux, John Wayne Allardice, et ux and Kathy Jo Phillips Meadows, owners.

Resolution No. 98-714

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-156G is **APPROVED (6-0)**:

These properties fall within the Subarea 4 Plan's Commercial Mixed Concentration (CMC) policy calling for a mixture of office, retail, and higher density residential uses. The CS district is consistent with this policy and the commercial zoning pattern to the east and west."

Zone Change Proposal No. 98Z-159U
Map 95-3, Parcel 47
Subarea 14 (1996)
District 15 (Dale)

A request to change from R10 to MUL District property located at 2319 Lebanon Pike at the southeast corner of Lebanon Pike and Fairway Drive (1.99 acres), requested by Donald Kendall, appellant, for Donelson Christian Church, owners.

Resolution No. 98-715

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-159U is **APPROVED (6-0)**:

This property falls within the Subarea 14 Plan's Commercial Arterial Existing policy calling for commercial, office and higher density residential uses between major intersections (McGavock Pike and Lebanon Pike). The MUL district is consistent with this policy since it provides for commercial, retail and residential opportunities."

Zone Change Proposal No. 98Z-162U
Map 70-16, Part of Parcel 1
Subarea 8 (1995)
District 20 (Haddox)

A request to change from IWD to CS District a portion of property located at Athens Way (unnumbered), abutting the northeast margin of MetroCenter Boulevard and Vantage Way (10.88 acres), requested by Randy Parham, appellant, for MetroCenter Holdings, Inc., owner.

Resolution No. 98-716

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-162U is **APPROVED (6-0)**:

This property falls within the Subarea 8 Plan's industrial policy and the MetroCenter masterplan. That masterplan calls for a mix of distribution, office, retail and restaurant uses. The CS district will implement the goals of both plans by providing for commercial, retail and warehousing opportunities."

Zone Change Proposal No. 98Z-164U
Map 107, Part of Parcel 158 (1.7 acres)
Map 107-3, Parcels 13 (1.08 acres), 14 (1.19 acres),
and 15 (1 acre)
Subarea 14 (1996)
District 15 (Dale)

A request to change from R8 to ORI District property located at 705, 709, and 713 Ermac Drive and 16 Century Boulevard, approximately 600 feet north of Marriott Drive (4.97 acres), requested by Ragan-Smith Associates, appellant, for Turner Brimm et ux, James T. Brimm et ux, Billy L. Templeton et ux, and Duke Realty Limited Partnership, owners.

Resolution No. 98-717

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-164U is **APPROVED (6-0)**:

These properties fall within the Subarea 14 Plan's Office Concentration (OC) policy calling for the transition of these residential properties to an intense concentration of office development. The ORI district will implement OC policy and is consistent with the area's predominant zoning pattern. The associated Century City West Planned Unit Development amendment (177-74-U) will accomplish this objective by allowing office uses and restricting access to Century Boulevard which will minimize traffic impacts on the remaining residential properties on Ermac Drive."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 98-73-G

M.T.A. Hickory Hills
Map 31, Parcel 139
Subarea 2 (1995)
District 10 (Garrett)

A request for final approval for a portion of the Commercial (General) Planned Unit Development District abutting the west margin of Hickory Hills Boulevard, approximately 850 feet north of Old Hickory Boulevard (3.86 acres), classified OR20, to permit a 20,160 square foot addition to an existing office distribution facility, requested by Barge, Cauthen and Associates, for M.T.A. Distribution, owner.

Resolution No. 98-718

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98-73-G is given **CONDITIONAL FINAL APPROVAL (6-0)**. 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. 177-74-U

Century City West
Map 107, Part of Parcels 129 and 158
Map 107-3, Parcels 13, 14 and 15
Subarea 14 (1996)
District 15 (Dale)

A request to amend the Commercial (General) Planned Unit Development District abutting the west margin of Century Boulevard and the east margin of Ermac Drive (14.94 acres), classified R8 and ORI and proposed for ORI, to permit the addition of 4.16 acres of land and the development of two (2) 157,000 square foot office buildings, requested by Ragan-Smith Associates, Inc., for Duke Construction, L.P., owner.

Resolution No. 98-719

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 177-74-U is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL APPROVAL (6-0)**. 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. Compliance with the recommendations of the Traffic Impact Study dated June, 1996.
3. Compliance with the requirement of the Metropolitan Airport Authority with regard to approval by the Federal Aviation Administration as stated in its letter dated July 10, 1996.
4. The recording of a revised PUD boundary plat.
5. Approval of the PUD amendment by the Metropolitan Council.”

Proposal No. 125-78-U
I-HOP at Target
Map 163, Part of Parcel 272
Subarea 12 (1997)
District 31 (Alexander)

A request for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the southeast quadrant of Interstate 24 and Bell Road, at the east terminus of Target Drive (1.03 acres), classified SCR, to permit a 4,989 square foot restaurant, requested by CEI Engineering, for Lehmann-Mehler- Hirst-Thornton Associates, owners.

Resolution No. 98-720

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 125-78-U is given **CONDITIONAL FINAL APPROVAL (6-0)**. 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. 157-81-U
Opryland Hotel
Map 73, Parcel 32
Map 62, Parcel 245
Subarea 14 (1996)
District 15 (Dale)

A request to cancel the Commercial (General) Planned Unit Development District abutting the south margin of McGavock Pike and the west margin of Briley Parkway (177.69 acres), classified CA, requested by Barge, Waggoner, Sumner and Cannon, for Opryland USA and Gaylord Entertainment, owners.

Resolution No. 98-721

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 157-81-U is given **CONDITIONAL APPROVAL FOR CANCELLATION OF EXISTING COMMERCIAL PUD (6-0)**. The following condition applies:

Approval by the Metropolitan Council of the PUD cancellation.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 98S-292U
Chapman-Gurley
Map 105-16, Parcel 65, 67 and 293
Subarea 11 (1993)
District 16 (Graves)

A request for final plat approval to consolidate four lots into two lots abutting the northeast corner of Napoleon Avenue and Dunn Avenue (.76 acres), classified within the CG District, requested by Associated Central Tennessee Contractors, owner/developer, Volunteer Surveying, surveyor.

Resolution No. 98-722

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-292U, Chapman-Gurley is **APPROVED (6-0).**”

Subdivision No. 98S-294U
Forest Cove, Phase 1
Map 149, Part of Parcel 189
Subarea 13 (1996)
District 29 (Holloway)

A request for final plat approval to create 36 lots abutting the south margin of Anderson Road, approximately 135 feet west of Kenwood Drive (8.55 acres), classified within the R10 Residential Planned Unit Development District, requested by F.V.N. LLC, owner/developer, Lose and Associates, Inc., surveyor. (Deferred from meeting of 9/3/98).

Resolution No. 98-723

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-294U, Forest Cove, Phase 1 is **APPROVED SUBJECT TO A BOND OF \$520,500.00 (6-0).**”

Subdivision No. 98S-297U
Quick Fuel
Map 106-1, Parcel 59 and 64
Subarea 11 (1993)
District 16 (Graves)

A request for final plat approval to consolidate eight lots into one lot abutting the south margin of Elm Hill Pike and the north margin of Murfreesboro Pike (1.93 acres), classified within the CS District, requested by James A. and Hilda M. Lewis, owners/developers, Crawford Land Surveyors, surveyor. (Deferred from meeting of 9/3/98).

Resolution No. 98-724

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-297U, Quick Fuel is **APPROVED (6-0).**”

Subdivision No. 98S-300U
West Nashville Heights, Resubdivision of Lots 60-63
Map 91-14, Parcels 41, 42 and 43
Subarea 7 (1994)

District 22 (Holt)

A request for final plat approval to reconfigure four lots into two lots abutting the north margin of O'Brien Avenue, approximately 350 feet east of Newton Avenue (.80 acres), classified within the R8 District, requested by Willie L. and Wilma I. Langford, owners/developers, Jenkins and Jenkins Land Surveying, surveyor.

Resolution No. 98-725

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-300U, West Nashville Heights, Resubdivision of Lots 60-63, is **APPROVED (6-0).**”

Subdivision No. 98S-308U
Whispering Hills, Section 1, Resubdivision
of Lot 138 and Section 3, Lot 601
Map 147-15, Parcels 95 and 96
Subarea 12 (1997)
District 26 (Arriola)

A request for final plat approval to reconfigure two lots abutting the northwest corner of Whispering Hills Drive and Millerwood Drive (1.37 acres), classified within the RS10 District, requested by Guy Lockwood, Sr. and Thomas A. and Gladys Durham, owners/developers, Sanders Surveying, surveyor.

Resolution No. 98-726

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-308U, Whispering Hills, Section 1, Resubdivision of Lot 138 and Section 3, Lot 601, is **APPROVED (6-0).**”

Subdivision No. 98S-314U
Antioch Woods, Section 2
Map 163, Parcels 1, 212 and 213
Subarea 13 (1996)
District 28 (Hall)

A request to create 18 lots abutting the northeast corner of Moss Road and Una-Antioch Pike (6.52 acres), classified within the RS8 District, requested by Scott Butler, owner/developer, MEC, Inc., surveyor.

Resolution No. 98-727

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-314U, Antioch Woods, Section 2 is **APPROVED SUBJECT TO A BOND OF \$194,000.00 (6-0).**”

Subdivision No. 98S-317G
Rivergate Station, Section 1,
Resubdivision of Lot 1
Map 34-6, Parcel 2
Subarea 4 (1993)
District 10 (Garrett)

A request for final plat approval to subdivide one lot into two lots abutting the southeast corner of Myatt Drive and Gallatin Pike (22.2 acres), classified within the CS District, requested by Rivergate Station Joint Venture, owner/developer, Thomas Miller and Partners, surveyor.

Resolution No. 98-728

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-317G, Rivergate Station, Section 1 is **APPROVED (6-0).**”

Subdivision No. 98S-319G
Winfield Park, Phase 1, Section 1
Map 172, Parcels 144 and 231
Subarea 12 (1997)
District 31 (Alexander)

A request for final plat approval to create 65 lots abutting the north margin of Holt Road, approximately 1,390 feet east of Edmondson Pike (23.59 acres), classified within the RS10 District, requested by Marvin and Iva Jinnette, owners, Danco Development, Inc., developer, Arrowhead Survey, surveyor.

Resolution No. 98-729

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-319G, Winfield Park, Phase 1, Section 1, is **APPROVED SUBJECT TO A BOND OF \$972,000.00 (6-0).**”

Request for Bond Extension:

Subdivision No. 155-74-G
Larchwood Commercial Subdivision, Section 10, Lot 1
Nashville Land Fund Ltd., L.P., principal
(Buildout is at 0%)

Located abutting the south margin of Percy Priest Drive, approximately 570 feet east of Stewarts Ferry Pike.

Resolution No. 98-730

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 155-74-G, Bond No. 97BD-077, Larchwood Commercial Subdivision, Section 10, Lot 1, in the amount of \$22,000 to 10/15/99 subject to submittal of an amendment to the present Letter of Credit by **10/17/98** which extends its expiration date to 4/15/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Subdivision No. 18-84-U
Village of Cherry Glen, Phase 1
Cherry Glen Partners, L.P., principal
(Buildout is at 70%)

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

Resolution No. 98-731

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 18-84-U, Bond No. 95BD-088, Village of Cherry Glen, Phase 1, in the amount of \$24,800 to 12/15/98 subject to submittal of an amendment to the present Letter of Credit by **10/17/98** 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. 18-84-U
Village of Cherry Glen, Phase 2
Cherry Glen Partners, L.P., principal
(Buildout is at 73%)

Located abutting both margins of Cherry Plum Court, approximately 86 feet south of Cherry Laurel Court.

Resolution No. 98-732

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 18-84-U, Bond No. 95BD-088, Village of Cherry Glen, Phase 2, in the amount of \$13,000 to 12/15/98 subject to submittal of an amendment to the present Letter of Credit by **10/17/98** 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. 18-84-U
Village of Cherry Glen, Phase 3
Cherry Glen Partner, L.P., principal
(Buildout is at 67%)

Located abutting the west margin of Compton Trace and both margins of Cumberland Place.

Resolution No. 98-733

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 18-84-U, Bond No. 97BD-099, Village of Cherry Glen, Phase 3, in the amount of \$35,600 to 12/15/98 subject to submittal of an amendment to the present Letter of Credit by **10/17/98** 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. 235-84-U
Harbor Village, Phase 2
Cedar Glen, Inc., principal
(Buildout is at 17%)

Located abutting both margins of Spring Branch Drive, approximately 195 feet southeast of Shepard Hill Drive.

Resolution No. 98-734

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 235-84-U, Bond No. 95BD-079, Harbor Village, Phase 2, in the amount of \$23,000 to 9/1/99 subject to submittal of an amendment to the present Letter of Credit by **10/17/98** which extends its expiration date to 3/1/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Subdivision No. 57-86-P
Whites Creek Commercial Center
Cracker Barrel Old Country Store, Inc.
(Buildout is at 0%)

Located abutting the south margin of Old Hickory Boulevard, 0 feet west of I-24.

Resolution No. 98-735

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 57-86-P, Bond No. 90BD-026, Whites Creek Commercial Center (Cracker Barrel) in the amount of \$57,250 to 9/15/99.”

Subdivision No. 84-87-P

Crossings at Hickory Hollow, Section 1
American General Realty Investment, principal
(Buildout is at 10%)

Located abutting the northeast margin of I-24 South, 0 feet northwest of Old Franklin Pike.

Resolution No. 98-736

“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-007, Crossings at Hickory Hollow, Section 1, in the amount of \$57,750 to 11/1/99 subject to submittal of an amendment to the present Letter of Credit by **10/7/98** which extends its expiration date to 5/1/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Subdivision No. 89P-003G

Still Spring Hollow, Phase 1, Section 3
Middle Tennessee Development Partnership, principal
(Buildout is at 0%)

Located abutting both margins of Still Spring Hollow Drive, northeast of Hicks Road.

Resolution No. 98-737

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 89P-003G, Bond No. 97BD-097, Still Spring Hollow, Phase 1, Section 3 in the amount of \$20,000 to 9/15/99.”

Subdivision No. 96S-409G

Chase Pointe, Section 2
Jean Spain, principal
(Buildout is at 33%)

Located abutting the west margin of Union Hill Road and both margins of Chasepoint Place.

Resolution No. 98-738

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 96S-409G, Bond No. 97BD-023, Chase Pointe, Section 2, in the amount of \$26,500 to 6/1/99 subject to submittal of an amendment to the present Letter of Credit by **10/17/98** which extends its expiration date to 12/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Release:

Subdivision No. 93P-021G

Holt Woods, Section 10
Hurley-Y, L.P., principal

Located abutting the west margin of Holt Hills Road, approximately 1,100 feet north of Holt Road.

Resolution No. 98-739

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 93P-021G, Bond No. 96BD-035, Holt Woods, Section 10 in the amount of \$87,500.”

Subdivision No. 94S-294U
Chadfield, Section 1
Houston Ezell Corporation, principal

Located abutting the northwest margin of Una-Antioch Pike, opposite Hickory Hollow Parkway.

Resolution No. 98-740

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 94S-294U, Bond No. 94BD-088, Chadfield, Section 1 in the amount of \$63,800.”

Subdivision No. 95P-002G
Heritage Meadows, Phase 1
B & P Developments, Inc., principal

Located abutting the east margin of Andrew Jackson Parkway, between Rachel’s Square Drive and Netherlands Drive.

Resolution No. 98-741

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 95P-002G, Bond No. 96BD-006, Heritage Meadows, Phase 1 in the amount of \$75,000.”

Subdivision No. 97S-295G
Old Harpeth Farms
Gerald Sullivan, principal

Located abutting the north terminus of Harpeth Lane, approximately 290 feet north of Old Harding Lane.

Resolution No. 98-742

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 97S-295G, Bond No. 97BD-087, Old Harpeth Farm in the amount of \$5,000.”

Subdivision No. 97S-476G
Holt Hills, Sections 2-A and 4
Richard C. Argo, principal

Located abutting the northwest corner of Holt Road and Holt Hills Road.

Resolution No. 98-743

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 97S-476G, Bond No. 97BD-476G, Holt Hills, Section 2-A in the amount of \$5,500.”

MANDATORY REFERRALS:

Proposal No. 98M-0104U

Unnamed Street South of Lakeland Drive
Map 95-12, Between Parcels 90 and 91
Subarea 14 (1996)
District 15 (Dale)

A request to close an unbuilt and unnamed street south of Lakeland Drive between parcels 90 and 91, requested by J. B. Paul of Dobson and Johnson for Judy Gordon and Bobbie Null, adjacent property owners. (Easements are to be retained).

Resolution No. 98-744

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-104U.

Proposal No. 98M-095G

Mayview Drive
Map 43, Parcel 26
Map 43-2, Parcels 60, 59 and 125
Subarea 4 (1993)
District 9 (Dillard)

A request to close Mayview Drive from May Drive to its eastern terminus, requested by Councilmember James Dillard on behalf of the abutting property owners. (Easements to be retained).

Resolution No. 98-745

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-095G.

Proposal No. 98M-096U

Alley 2070
Map 106-1, Parcels 59, 63, 64 and 65
Subarea 11 (1993)
District 19 (Sloss)

A request to close Alley 2070 between Alley 2069 and its eastern terminus, requested by Donald R. Kendall, Littlejohn Engineering Associates, Inc., for abutting property owners. (Easements are to be retained).

Resolution No. 98-746

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-096U.

Proposal No. 98M-097G

Queen Anne Drive
Map 43-15, Parcels 233 and 241
Map 43-16, Parcel 140
Subarea 4 (1993)
District 9 (Dillard)

A request to close Queen Anne Drive from Bubbling Well Road to its eastern terminus, requested by Councilmember James Dillard for abutting property owners. (Easements are to be retained).

Resolution No. 98-747

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-097G.

Proposal No. 98M-098U

Burtonwood Drive
Map 131-6-A, Parcel 61
Subarea 10 (1994)
District 33 (Turner)

A request to close a portion of Burtonwood Drive, located at the terminus of Shys Hill Road, requested by James L. Nash, for abutting property owners. (Easements are to be abandoned).

Resolution No. 98-748

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-098U.

Proposal No. 98M-099U

Baptist Hospital Banners
Map 92-11 and Map 92-15
Subarea 10 (1994)
District 21 (McCallister)

A request by Baptist Hospital to place 29 banners measuring 2' x 6' on utility poles around the Baptist Hospital campus, requested by M. Eileen Hennessy of Baptist Hospital.

Resolution No. 98-749

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-099U.

ADDENDUM:

Banbury Crossing, Section 1, Third Revision,
Subdivision of Lots 2 and 35
Map 172-9-A, Parcels 1 and 35
Subarea 12 (1997)
District 32 (Jenkins)

A request for final plat approval to subdivide two lots into four lots abutting the west margin of Edmondson Pike and both margins of Banbury Station (2.09 acres), classified within the R40 Residential planned Unit Development District, requested by International Church of the Foursquare Gospel, owner/developer, Gresham, Smith and Partners, surveyor.

Resolution No. 98-750

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Subdivision 98S-207G subject to posting a bond in the amount of \$20,000."

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-148U
Map 146-4, Parcel 166
Subarea 12 (1997)
District 33 (Turner)

A request to change from CL to CS District property located at 4815 Trousdale Drive, approximately 400 feet north of Blackman Road (.60 acres), requested by Richard Ott, appellant, for SUSA Partnership, L.P., owners. (Deferred from meeting of 9/3/98).

Ms. Regen stated staff was recommending disapproval of this request to rezone from CL to CS District which would allow for uses such as storage, light manufacturing, auto repair, auto sales and wrecker services, uses that would not cater to and be compatible with the residential area immediately surrounding the Trousdale commercial area. This property was rezoned January 1, 1998 from CS to CL to provide a softer commercial zone that would be more appropriate with the residential uses to the south and to the east.

Ms. Regen informed the Commission that the petitioner owned not only the Trousdale frontage, for which rezoning is now requested, but also owns property to the west (rear), which is currently developed with a self storage use. She also reported that the petitioner owns property further to the west which is undeveloped, but which has approval for additional self storage. She stated any expansion for self storage should occur in that area, consistent with the existing PUD, rather than along Trousdale.

Mr. Jerry Esmond, Vice President of Construction for Storage USA, stated that when this property was purchased it was with the idea it could be expanded with an office at the front and additional self storage within the building to the rear. He stated they were not aware of the January 1 zone change when they purchased the property. The proposed plan is to add an 11,700 square foot climate controlled enclosed facility. Storage USA owns the front property but does not own the property in the rear that was referred to earlier.

Ms. Regen stated Metro's tax records indicate that Triangle Properties owns the property and the tax statement is mailed to Storage USA, 30 Corporate Center, Suite 1100, Columbia, Maryland.

Mr. Browning stated this self-storage was a part of a PUD that was approved several years ago and it was at a point when the self-storage was not a permitted use in the CS District. The only way to approve self-storage in the CS district was through a PUD; therefore, this self-storage was permitted only because it was in PUD and it was permitted in that PUD only because it was not put on the street frontage.

Ms. Warren stated she wanted clarification of the ownership of the properties in this area.

Ms. Nielson stated the rezoning did not guarantee the self storage use nor the concept proposed by Storage USA.

Ms. Regen stated staff had pulled the deed information from property mapping and that it was inconclusive.

Ms. Warren moved and Ms. Nielson seconded, which carried unanimously, to defer this matter for two weeks and instructed staff to investigate the ownership of the property.

Zone Change Proposal No. 98Z-152G

Map 33-10, Parcel 6

Subarea 2 (1995)

District 3 (Nollner)

A request to change from RS20 to RM2 District property located at 600 Woodshire Drive, on the northeast margin of Northwind Drive and Woodshire Drive (1.07 acres), requested by John and Beverly Grayson, appellants, for John H. Grayson et ux, owners.

Ms. Regen stated staff was recommending disapproval as contrary to the General Plan. This proposal is to change one lot from a single family only district to a multi-family district. Staff feels this would be a spot zone. The Subarea 2 Plan intends this area to remain low density single family residential and there is no other RM2 zoning in the area.

The applicants have operated a Bed and Breakfast use on this property for the past 11 years. They were cited by Codes for operating an illegal B & B. That use has never been approved by Codes and does not qualify as a non-conforming use. They operated two rooms within the house itself and also used an out building. The out building was approved by Codes and the permit, issued in 1992, identifies it as a Hobby Shop. The permit specifically states the out building is not to be used as living quarters or in connection with a commercial business.

Bed and Breakfasts are allowed only in Historical Overlay, Agricultural and Rural Districts. The applicants are asking for the multi-family zoning in order to be classified as a boarding house, which would be a permitted use in the RM2 zoning district.

Mr. John Grayson stated he and his wife stayed in a Bed & Breakfast approximately 11 years ago and decided that would be a good thing to go into as a supplemental income. They understood the use was permitted so long as no more than three guest rooms were included in the bed and breakfast operation. The first part of August of this year they received a notice from Codes informing them of the illegal bed and breakfast operation.

Councilmember Garrett stated the Commission is as sympathetic as anyone and the Councilmember can probably help him if the neighbors in that particular area want to spot zone.

Ms. Nielson stated that if this property was being inspected by the Health Department then it was obviously registered some places and considered a bed and breakfast but not by Codes.

Ms. Warren stated that if they had not had the Health Department out to inspect the property she would consider this a completely illegal operation but they tried to conform to the rules but there is no choice the Commission can make.

Mr. Small stated that if the Commission disapproved this Mr. Grayson could still go to Council and get it passed and that is where this issue needs to be.

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

Resolution No. 98-751

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-152G is **DISAPPROVED (6-0) as contrary to the General Plan:**

Rezoning this property to the RM2 district would constitute a ‘spot zone’ and be contrary to the General Plan. The property falls within the Subarea 2 Plan’s Residential Low (RL) policy calling for single-family homes at up to 2 units per acre. The RL policy does not support multi-family zoning. In addition, there is no other multi-family zoning in the area.”

Zone Change Proposal No. 98Z-153U

Map 133-1, Parcel 102

Subarea 11 (1993)

District 16 (Graves)

A request to change from R8 to CS District property located at 401 McIver Street, approximately 200 feet west of Nolensville Pike (.5 acres), requested by Rabon W. Johnson, appellant, for Rabon W. Johnson and G.A. Toliver, owners.

Ms. Regen stated staff is recommending disapproval because the policy is residential medium density and it is intended that this residential area not be encroached by commercial uses off of Nolensville Pike. The property is vacant but the zoning pattern along Nolensville is the depth of one lot and that is the lot that faces Nolensville Pike. Staff does not feel it is appropriate to be rezoning this property for commercial services because it would be going into this residential area with no ability to stop the spread of commercial zoning.

Mr. Rabon Johnson stated he and his partner bought this lot 5 ½ years and it adjoins the back of 3105 Nolensville Road, which they also own. He state the people that operate a car lot at 3107 Nolensville Road want to buy those two pieces of property, so it would be an extension of an existing business. He contacted Councilmember Graves and was told the people in that neighborhood would not support the change.

Ms. Nielson stated there was a definite division line between the commercial and residential and it would certainly be encroaching if this were approved.

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

Resolution No. 98-752

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-153U is **DISAPPROVED (6-0)**:

This property falls at the boundary between the Subarea 11 Plan's commercial policy along Nolensville Pike and its Residential Medium (RM) policy to the west. Extending CS zoning beyond the Nolensville Pike commercial corridor would encroach into this residential area. The subarea plan intends to conserve this residential neighborhood and to limit commercial development to properties fronting Nolensville Pike."

Zone Change Proposal No. 98Z-155U
Map133-2, Parcels 221 (.19 acres), 222 (.19 acres)
and 382 (.14 acres)
Subarea 11 (1993)
District 16 (Graves)

A request to change from R8 to CS District properties located at 400, 402, and 404 Elgin Street, approximately 160 feet west of Nolensville Pike (.52 acres), requested by Ruel B. Jones, appellant/owner.

Ms. Regen stated the applicant wants to tear down the existing homes, rezone to CS, build an office and park his bucket trucks for his landscaping business in the rear of the office. The applicant was trying to call this an office with automobile parking in the rear. The policy in the subarea plan calls for this to remain residential and staff is recommending disapproval.

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

Resolution No. 98-753

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-155U is **DISAPPROVED (6-0)**:

This property falls at the boundary between the Subarea 11 Plan's commercial policy along Nolensville Pike and its Residential Medium (RM) policy to the west. Extending CS zoning beyond the Nolensville Pike commercial corridor would encroach into this residential area. The subarea plan intends to conserve this residential neighborhood and to limit commercial development to properties fronting Nolensville Pike."

Zone Change Proposal No. 98Z-158U
Map 150, Part of Parcel 252
Subarea 13 (1996)
District 28 (Hall)

A request to change from CS to IWD District a portion of property located at Murfreesboro Pike (unnumbered), approximately 400 feet south of Hamilton Church Road (3 acres), requested by Dale and Associates, appellant, for Harding University, Inc., et al, owners.

Ms. Regen stated this piece of property is part of a larger parcel that is already zoned IWD. Staff is recommending disapproval of this rezoning because the Subarea 13 Plan intends for this area to develop with commercial uses and medium-high density residential as part of a Commercial Mixed Concentration Policy. There are about 95 acres of land that are already zoned IWD in the area and much of it is vacant. Staff does not feel there is a need to add more industrial zoning to this area. It does not further the goals of the subarea plan and with the amount of vacant land there today there doesn't seem to be a market driving it.

Councilmember Garrett stated this was pretty far out in the county and the area on the map looks like many types of zoning and perhaps industrial may be better than CS.

Mr. Small asked if there was a particular development that was proposed and if that was the reason for the zone change.

Ms. Regen stated a self-storage facility was planned on the site and the size of what they want would go beyond what CS would allow.

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

Resolution No. 98-754

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-158U is **DISAPPROVED (6-0)**

The IWD district is not consistent with the Subarea 13 Plan's Commercial Mixed Concentration (CMC) policy. This policy calls for a variety of office, retail, and higher density residential uses. Industrial zoning districts and their respective uses do not implement this policy. Ample industrial opportunities currently exist already at this intersection with some 95 acres of vacant land zoned IWD."

SUBDIVISIONS:

Preliminary Plats:

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 the applicant is requesting a deferral of this item until the next agenda.

No one was present to speak at the public hearing.

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

Subdivision No. 98S-219U (Public Hearing)
Mt. View Subdivision, Phase 2
Map 150, Part of Parcel 176
Subarea 13 (1996)
District 26 (Holloway)

A request for preliminary approval for 14 lots located approximately 1,200 feet southeast of Mt. View Road and approximately 210 feet southwest of Kenton Court (4.34 acres), classified within the R10 District, requested by Mt. View LLC, owner/developer, Dale and Associates, Inc., surveyor.

Ms. Carrington stated staff is recommending conditional approval subject to Phase 1 being recorded prior to the submission of a final plat for Phase 2. The only issue on the plat is their proposed street access actually comes from Phase 1 of the same development and that street is not yet bonded and the plat is not recorded.

Ms. Nielson asked why a cul-de-sac was not being required for the stub out street.

Ms. Carrington stated that street will not connect to the adjoining PUD because they are showing adjacent lots and there probably should be a cul-de-sac turnaround because it will end up being a dead end street.

Mr. Browning stated it would be possible to have a modified turnaround because this is such a short street.

No one was present to speak at the public hearing.

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

Resolution No. 98-755

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-219U, is **APPROVED WITH A CONDITION THAT PHASE 1 IS RECORDED PRIOR TO SUBMISSION OF A FINAL PLAT (6-0).”**

Subdivision No. 98S-301U (Public Hearing)

Jeff Ackerman Property
Map 147-12, Parcel 105
Map 148-9, Parcel 148
Subarea 12 (1997)
District 26 (Arriola)

A request for preliminary approval for 13 lots abutting the west margin of Faulkner Drive, opposite Faulkner Place (4.71 acres), classified within the RS10 District, requested by Jeff Ackerman, owner/developer, S & A Surveying, surveyor. (Also requesting final plat approval).

Ms. Carrington stated staff is recommending approval with variances to the maximum lot size and lot depth to width ratio requirements in the Subdivision Regulations. In this case 2 of the 13 lots exceed the maximum lot size of 30,000 square feet. Three of the lots exceed the maximum lot depth to width ratio. They are proposing 13 lots be approved on a preliminary basis and the first 5 lots for final approval. Due to the irregular shape of the property, unless they were able to combine it with more property, staff does not see any other development pattern. Staff is supporting the variances.

No one was present to speak at the public hearing.

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

Resolution No. 98-756

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-301U, is **APPROVED WITH VARIANCES TO SECTIONS 2-4.2D AND 2-4.2E OF THE SUBDIVISION REGULATIONS (6-0).”**

Final Plats:

Subdivision No. 98S-129U

Baldwin Arbor
Map 131-1, Parcel 20
Subarea 10 (1994)
District 34 (Fentress)

A request for final plat approval to create nine lots abutting the north margin of Hobbs Road, approximately 147 feet west of Legend Hall Drive (2.81 acres), classified within the RS10 District, requested by Hobbs, LLC, owner/developer, Walter Davidson and Associates, surveyor. (Deferred from meeting of 9/3/98).

Ms. Carrington stated staff was recommending conditional approval subject to the posting of a bond for extension of public utilities and construction of roadways. This item was on the Commission's previous agenda for 9 lots on Hobbs Road. This a cluster lot proposal and does comply with the preliminary plat. However, at the last meeting Mr. Phillips Turner appeared to speak on behalf of his mother who owns property adjacent to the east. He stated this subdivision had raised the grade at least four to five feet behind his mother's property, and questioned if that work was consistent with the approved engineering plans.

Planning staff and members of Public Works staff have visited the site and there is indeed fill in that location. The fill height there is approximately 4 feet and according to their construction plans it should be 2 feet. Public Works has indicated this amount of variance in the field is not uncommon. Staff indicated the rear (northern) portion of the property must be raised in order to carry drainage to Hobbs Road to the south. The northeast corner, next to Mr. Turner's mother's property has been raised more than contemplated in the engineering drawings. It appears the additional fill is necessary to achieve slope toward Hobbs Road. Staff further explained that a ditch would run the length of this property along the east side, and a berm would lie between the ditch and the property line.

Ms. Nielson asked if there would be any type of planting on the berm to prevent erosion.

Mr. Jim Armstrong, Public Works, stated there would need to be some grass stabilization over the area as soon as possible.

Mr. Browning stated that according to the plan, the ditch would be about eleven feet from the property line. This would allow a slope of two feet horizontal to one foot of vertical drop (four to five feet of height within eleven horizontal feet). Mr. Browning asked Mr. Armstrong if that slope standard was acceptable.

Mr. Armstrong stated that 2 to 1 and over would call for stabilization but not on things flatter than 2 to 1, which this would be, other than grass stabilization.

Mr. Browning stated the engineering plans said the fill would be about 2 feet and it is now at least 4 feet. The vertical is already established but the ditch location has not been established in the horizontal.

Mr. Tom Ragsdale, builder, stated from the Legends Hall side property line the sewer line will be approximately 10 feet away. The swale, which is designed to pick up all the water that comes out of Park Place will flow to a detention area off of Hobbs Road. As soon as the sewer is in, the swale and the berm area will be stabilized.

Mr. Walter Davidson, engineer, stated that once the final grading is started all the slopes will be well under the 2 to 1.

Mr. Phillip Turner, adjacent property owner, expressed concerns regarding drainage, complained about lack of cooperation from the owner and stated he would like to have a low retaining wall that is properly constructed and reinforced that will catch drainage from this development. He also asked there be a fence that would block and shield the development.

Vice Chairman Lawson stated the resolution is not with the contractor but with Public Works and they are saying this situation has been reviewed. There are some variances, but the variances are for the betterment of the drainage and the Commission must rely on Public Works.

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

Resolution No. 98-757

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-129U, is **APPROVED SUBJECT TO A BOND OF \$140,000.00 (6-0).”**

Subdivision No. 98S-303A

Two Rivers, Lot 1
Map 73-16, Parcel 69
Subarea 14 (1996)
District 15 (Dale)

A request to amend the side setback line from 20 feet to 15 feet on a lot abutting the southeast corner of Stones River Court and McGavock Pike (.61 acres), classified within the RS20 District, requested by James S. South, Sr., et ux, owners/developers.

Ms. Carrington stated staff is recommending disapproval. This is a request to amend a side setback line so the applicant can construct a new building. In this case the applicant had indicated there was a tree located to the north on the side and that is why they could not locate the building without an encroachment. Staff field checked the property and indicated the tree was not in the way and that there should be plenty of room to move the building down a few feet so the corner encroachment would not be necessary.

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

Resolution No. 98-758

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-303A, is **DISAPPROVED (6-0).”**

Subdivision No. 98S-310U

Virginia Avenue Tank Site
Map 61, Parcel 57
Subarea 5 (1994)
District 4 (Majors)

A request for final plat approval to record one parcel as one lot located approximately 400 feet north of Ben Allen Road and east of Ellington Parkway (.35 acres), classified within the RS15 District, requested by Metropolitan Government of Nashville and Davidson County, owner/developer, Adams and Company Surveyors, surveyor.

Ms. Carrington stated staff is recommending approval with a variance to the minimum street frontage requirements in the Subdivision Regulations. This is a request to record a parcel as a single lot in order to place a cell tower on Ben Allen Road. They already have a radio tower, water tank, generator vault, concrete building and transformer on the site. There is an easement going down to Ben Allen Road but they have only 20 feet of frontage; therefore, a variance to the 50 foot minimum is required. Because of the proposed use staff is recommending approval.

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

Resolution No. 98-759

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-310U, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2A OF THE SUBDIVISION REGULATIONS (6-0).”**

Request for Bond Extension:

Subdivision No. 84-467-G
Village by the Creek, Section Nine
Robert E. Earheart, principal
(Buildout is at 100%)

Located abutting both margins of Valley Creek, approximately 100 feet southeast of Valley Trail.

Ms. Carrington stated staff is recommending disapproval of this request for extension and authorize collection of the performance bond unless all drainage improvements are completed by December 15, 1998.

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

Resolution No. 98-760

“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. 84-467-G, Bond No. 94BD-007, Village by the Creek, Section 9, in the amount of \$12,000 unless all drainage improvements are completed by 12/15/98.”

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 staff is recommending approval of this request. This was on the Commission’s agenda for release in June of 1998 and at that time there were some representative from the Homeowners Association present that expressed concerns regarding drainage. The developer, at that time, indicated that he would extend the bond and work with the homeowners. After the staff report was printed some homeowners have complained there are still problems. Staff’s recommendation is that the Commission approve the release because the work that was required under the performance bond has been certified as complete by the Public Works Department. It is staff’s understanding that the items in question are the subject of a private agreement between the homeowners and Zaring and they are not items covered by the bond.

Mr. James Yarborough, Allen’s Green resident, stated he has worked with Public Works and Zaring on this over the past two years. The work has not been completed which the developer agreed to do under the agreement. This agreement was achieved among Public Works, the neighborhood and Zaring. To fix

problems, Zaring had to dig up the subdivision in a lot of areas and had to put in underground drainage pipe and they tore up yards and knocked down trees. Part of the agreement they signed was to repair any damage they did. Zaring has solved a lot of the water problems but there is sodding and grading to be done, trees to be replaced and some water drainage problems.

Mr. Max Abasi, homeowner, expressed water drainage concerns and explained how water stood under his house.

Vice Chairman Lawson stated that if the work which remains is not covered by the bond, the Commission has little choice but to release the bond.

Ms. Warren asked if this was original grading problems or is this something that happened after the bond was set.

Mr. Jim Armstrong stated the subdivision was built different from the plan. They met with Public Works and the homeowners about remedial action because there were problems. The developer has at this point done the corrective actions that go with the public infrastructure.

Ms. Nielson asked if the subdivision had been done right the first time would there have been any damage done to the properties?

Mr. Armstrong stated there would not have been.

Ms. Nielson asked Ms. Shechter of Metro Legal, where the Commission stood with that fact because if the subdivision had been built properly to begin with there would not be this damage to have to go back and correct.

Ms. Shechter stated she could not answer the question without a lot more information. The Commission does not have to excuse noncompliance no matter what state it is at but there needs to be more investigation.

Mr. Yarborough stated he had copies of the agreements they signed and notes where he had worked with Public Works.

Ms. Shechter stated the Commission could not enforce the neighborhood's private agreement and that is not the information needed but that she needed to get with Public Works and find out what kind of involvement there was.

Ms. Warren stated she felt the Commission needed to give Legal time to investigate the matter.

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

Consideration of Bond Collection:

Subdivision No. 88S-433U
Wrightwood Estates, Section 1, Revised
John K. Wright, principal

Located abutting the east terminus of Fairmeade Court, approximately 252 feet east of Fairmeade Court. (Deferred from meeting of 8/20/98).

Ms. Carrington stated staff is recommending collection of the performance bond unless the required cul-de-sac is constructed and accepted by Public Works by October 15, 1998. The Commission may recall this

was on the last agenda as a request to abandon the cul-de-sac. Neither that request nor one to release the bond was approved by the Commission. The only other option is to collect the bond.

Mr. Wright has asked to extend the bond. He is requesting an extension until December 15, 1998 and indicated he will extend the letter of credit to expire June 15, 1999. However, staff's position is that the bond has been posted since 1990 and does not feel there is any intention to construct the cul-de-sac and recommends collection.

Vice Chairman Lawson stated that if collection is forced by October 15, 1998, that is not sufficient time to build that cul-de-sac.

Ms. Nielson stated staff felt he did not intend to build it.

Vice Chairman Lawson asked what the Commission's liabilities are if he doesn't and we extend the bond.

Mr. Browning stated this is a situation that there is a time limit when the letter of credit expires and we lose the surety.

Ms. Carrington stated it would expire November 13, 1998.

Mr. Browning stated he Commission should authorize collection with instruction to staff to not act on collection until November 1, 1998. If the subdivider shows staff he is actually trying to construct the cul-de-sac, then we would support bringing it back for an extension if needed.

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

Resolution No. 98-761

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby authorizes collection of a performance bond for Subdivision No. 88S-433U, Bond No. 89BD-019, Wrightwood Estates, Section 1, Revised, in the amount of \$5,000 unless work has begun by 11/1/98. If work has started by that time, a request for extension will be placed on the next Planning Commission agenda.”

OTHER BUSINESS:

1. Madison Historic Business District Plan consideration and endorsement. (Deferred from meetings of 8/20/98 and 9/3/98).

Mr. Eadler stated the advisory group had selected the new name Madison Commercial Village Plan.

Ms. Warren moved and Ms. Nielson seconded the motion, which carried unanimously, to adopt the plan name change and endorse the plan.

2. Employee contract for Annette Clothier.

3. Employee contract for Robert Leeman.

ADDENDUM:

Employee contract for Randal Hutcheson

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

Resolution No. 98-762

“BE IT RESOLVED by the Metropolitan Planning Commission, that it approves the employee contracts for one year, from October 1, 1998 through September 30, 1999, for Annette Clothier and Robert Leeman and from October 16, 1998 through October 15, 1999, for Randal Hutcheson.”

4. MPO contract for FY '99 Technical Assistance Contracts.
5. MPO contract with IDE Associates for Sumner County Studies.
6. MPO contract with RPM & Associates for 21st Avenue Study in Davidson County and Hillsboro Road Study in Williamson County.
7. MPO contract with Apogee, Hagler, Bailly, Inc., for Long-Range Transportation Plan Update.

Mr. Elloitt gave the Commission a brief description of each contract.

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

Resolution No. 98-763

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the MPO FY' ((Technical Assistance Contract, the IDE Associates for Sumner County Studies Contract, the RPM & Associates for 21st Avenue in Davidson County and Hillsboro Road Study in Williamson County Contract and the Apogee, Hagler, Bailly, Inc., Long Range Transportation Plan Update Contract.”

8. Legislative update.

Ms. Carrington provided an update on the current legislative status of items previously considered by the Commission.

PLATS PROCESSED ADMINISTRATIVELY:

September 3, 1998 through September 16, 1998

- | | |
|-----------------|---|
| 98S-220U | HIGHWAY 100 COMMERCIAL CONDOMINIUM
Two unit condominium |
| 98S-298U | WOODMONT ESTATES, Block 4, Part of Lot 16
Plats a deeded portion of a platted lot |
| 98S-304G | FOX HOLLOW FARMS, Lot 5
Plats a deeded parcel |
| 98S-309U | FOREST VIEW NORTH |

PUD Boundary Plat

98S-321U LARCHWOOD, Phase 2, Section 4
Horizontal property regime

ADJOURNMENT:

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

Chairman

Secretary

Minute Approval:
This 1st day of October, 1998