

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: October 1, 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
Pat Tatum
Marilyn Warren

Absent:

Mayor Philip Bredesen
Douglas Small
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
Cynthia Lehmbeck, Planner III

Advance Planning & Research:

John Boyle, Planning Division Manager

Others Present:

Jim Armstrong, Public Works
Nicole Rodrigue, Legal Department

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Ms. Carrington announced a correction to the caption for Subdivision 98S-242G along with a revised sketch.

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

98Z-157G	Deferred indefinitely, by applicant.
98Z-160U	Deferred two weeks, by applicant.
98Z-161U	Deferred two weeks, by applicant.
88P-020G	Deferred two weeks, by applicant.
98P-003G	Deferred two weeks, by applicant.
97S-192G	Deferred two weeks, by applicant.
98S-339G	Deferred two weeks, by applicant.

Under Other Business - Subarea 4 Plan office land use policy, deferred two weeks, by staff.

Ms. Nielson moved and Mr. Lawson 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 September 17, 1998.

RECOGNITION OF COUNCILMEMBERS

No Councilmembers were present to speak.

ADOPTION OF CONSENT AGENDA

Mr. Manier asked that Subdivision No. 98S-318G be removed from the consent agenda because he wanted to know what was implied by a deep injection well for the drainage.

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

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-163G
Map 172, Parcel 75
Subarea 12 (1997)
District 31 (Alexander)

A request to change from AR2a to RS10 District property located at Mt. Pisgah Road (unnumbered), approximately 1,400 feet east of Edmondson Pike (25.4 acres), requested by Austin Daniel, appellant, for Adelaide Caldwell Simpson, and Lucien C. and Paul C. Jr., Simpson, owners.

Resolution No. 98-763

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-163G is **APPROVED (6-0)**:

This property falls within the Subarea 12 Plan's Residential Low Medium (RLM) policy calling for up to 4 dwelling units per acre. The RS10 district is consistent with RLM policy and the surrounding single-family development pattern of 2 to 3 dwelling units per acre."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 46-83-U
Metropolitan Airport Center (Fairfield)
Map 108-1, Parcel 68
Subarea 14 (1996)
District 14 (Stanley)

A request to revise a portion of the final site development plan of the Commercial (General) Planned Unit Development District abutting the southwest quadrant of Airport Center Drive and Royal Parkway (4.14 acres), classified CS, to permit the development of a 150 unit, 4-story, 77,940 square foot hotel, requested by The RBA Group, for Fairfield FMC Corporation, owners. (Deferred from meeting of 9/17/98).

Resolution No. 98-764

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 46-83-U is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (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. 123-83-G
Canyon Ridge Subdivision (formerly Hickory Woods)
Map 149, Part of Parcel 48
Subarea 13 (1996)
District 28 (Hall)

A request for final approval for a phase of the Residential Planned Unit Development located abutting the west terminus of Pebble Creek Drive and the south margin of Edge-O-Lake Drive (18.15 acres), classified R10, to permit the development of 54 single-family lots, requested by Wamble and Associates, for Schatten Properties, owners.

Resolution No. 98-765

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 123-83-G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (6-0)**. 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 as well as the posting of bonds as may be required for any necessary public improvements prior to the issuance of any building permits.
3. Lots 109 through 113, lot 205 and lots 215 through 222 shall all be designated as critical lots on the final subdivision plat.”

Proposal No. 269-84-G

Tulip Grove PUD
Map 75-4, Parcel 246
Subarea 14 (1996)
District 11 (Wooden)

A request for final approval of a portion of the Commercial (General) Planned Unit Development District located at the southwest quadrant of Lebanon Pike and Tulip Grove Road (6.03 acres), classified R10, to permit the development of two retail buildings with 13,905 square feet and 8,312 square feet, requested by James & Associates, Inc., for Metropolitan Airport Center, L.P., owners.

Resolution No. 98-766

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 269-84-G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (6-0)**. 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 posting of bonds as may be required for any necessary public improvements prior to the issuance of any building permit.”

Proposal No. 89-87-P

Chateau Valley, Phase III
Map 70-3, Part of Parcel 1
Subarea 3 (1998)
District 2 (Black)

A request for final approval for Phase III of the Residential Planned Unit Development District abutting the eastern terminus of Stokers Lane, and the south margin of Moorman's Arm Road (8.24 acres), classified R20, to permit the development of 30 single-family lots, requested by Ragan-Smith Associates, Inc., for Cumberland Builders, Inc., owner.

Resolution No. 98-767

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 89-87-P is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (6-0)**: The following conditions apply:

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

Proposal No. 88P-034G
Bellevue Professional Park
Map 128, Parcel 162 and Part of Parcel 140
Map 142, Parcel 349
Subarea 6 (1996)
District 23 (Crafton)

A request to revise a portion of the Commercial (General) Planned Unit Development District located at the northeast corner of Memphis Bristol Highway and Sawyer Brown Road (14.41 acres), classified ON, to permit the reconfiguration of two undeveloped office buildings located at the northern edge of the site, requested by R. Chris Magill - Architects, for Gaius Hill, authorized agent for Hazel Brown, owner. (Also requesting final plat approval). (Deferred from meeting of 9/17/98).

Resolution No. 98-768

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-034G is given **CONDITIONAL APPROVAL OF A REVISION TO PRELIMINARY, AND APPROVAL OF FINAL PLAT (6-0)**. The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. The recording of a revised subdivision plat.
3. Submittal to the staff of the Planning Commission a revised plan which includes the 6 foot high masonry wall shown on the approved preliminary plan.”

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

A request for final approval of the Residential Planned Unit Development District abutting the east margin of Tulip Grove Road, approximately 500 feet south of Chandler Road (18.42 acres), classified RS15, to permit the development of 63 single-family lots, requested by C. Michael Moran, RLS, for Wallace Realty Development, L.L.C., owner. (Also requesting final plat approval).

Resolution No. 98-769

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-009U is given **CONDITIONAL FINAL APPROVAL; APPROVAL OF FINAL PLAT SUBJECT TO A BOND IN THE AMOUNT OF \$359,000.00 FOR REQUIRED PUBLIC IMPROVEMENTS (6-0)**. 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 plat upon the posting of a bond in the amount of \$359,000 for the necessary public improvements.
3. Designation of lots 47, 48, 49 and 50 as critical lots on the final plat.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 98S-312U

Houston and Martin Humphreys' Addition,
Resubdivision of Lots 83-85, 99-102 and 104-106
Map 105-3, Parcels 180, 186, 190 and 192
Subarea 11 (1993)
District 19 (Sloss)

A request for final plat approval to consolidate ten lots into one lot abutting the southeast corner of Houston Street and Martin Street (1.81 acres), classified within the CS and MUL Districts, requested by Authur Franklin Daws True Color Litho, owner/developer, L. Steven Bridges, Jr., surveyor.

Resolution No. 98-770

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-312U, is **APPROVED (6-0).”**

Subdivision No. 98S-334G

Stone Creek Park, Section 2B
Map 180, Part of Parcels 5 and 39
Subarea 12 (1997)
District 31 (Alexander)

A request for final plat approval to create 35 lots abutting the northwest terminus of Holt Run Drive, approximately 105 feet northwest of Stone Run Drive (12.58 acres), classified within the R20 Residential Planned Unit Development District, requested by Gillespie Land Development, LLC, owner/developer, Anderson-Delk and Associates, surveyor.

Resolution No. 98-771

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-334G is **APPROVED SUBJECT TO A BOND OF \$444,000.00 (6-0).”**

Subdivision No. 98S-335G and 98S-336G

Indian Creek Estates, Sections 3 and 4
Map 181, Part of Parcel 100
Subarea 12 (1997)
District 31 (Alexander)

A request for final plat approval to create 73 lots (47 lots in Section 3 and 26 lots in Section 4) abutting the southwest terminus of Broken Bow Drive, approximately 600 feet southwest of Tee Pee Trace (23.78 acres), classified within the R20 Residential Planned Unit Development District, requested by Gregory S. Perrone, trustee, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 98-772

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision Nos. 98S-335G and 98S-336G, are **APPROVED SUBJECT TO A BOND OF \$602,500.00 FOR SECTION 3 AND \$340,000.00 FOR SECTION 4 (6-0).”**

Subdivision No. 98S-338G

Heron Walk, Phase 2, Section 4,

Lots 118-120, 127 and 128
Map 52-8, Parcels 265-267, 274 and 275
Subarea 4 (1998)
District 9 (Dillard)

A request for final plat approval to reconfigure five lots abutting the southeast margin of Seashell Cove and the southwest margin of Treasure Reef (.52 acres), classified within the RS10 Residential Planned Unit Development District, requested by Allen Earps, owner/developer, MEC, Inc., surveyor.

Resolution No. 98-773

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-338G, is **APPROVED (6-0).”**

Subdivision No. 98S-340U
Bellewood Park
Map 72-15, Parcels 227-232 and 339
Subarea 5 (1994)
District 7 (Campbell)

A request for final plat approval to consolidate six lots into one lot abutting the north margin of Straightway Avenue, between Cahal Avenue and Pennington Avenue (18.35 acres), classified within the R6 and RM6 Districts, requested by Bridgewood Park L.P., owner/developer, Crawford Land Surveyors, surveyor.

Resolution No. 98-774

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-340U, is **APPROVED (6-0).”**

Subdivision No. 98S-343U
Bayview Estates, Phase 1
Map 136, Parcel 3
Subarea 13 (1996)
District 29 (Holloway)

A request for final plat approval to create 42 lots abutting the northwest terminus of Harbor Lights Drive, approximately 160 feet northwest of Catamaran Court (9.18 acres), classified within the R10 Residential Planned Unit Development District, requested by Bayview Venture, LLC, owner/developer, Gresham, Smith and Partners, surveyor.

Resolution No. 98-775

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-343U, is **APPROVED SUBJECT TO A BOND OF \$476,500.00 (6-0).”**

Request for Bond Extension:

Subdivision No. 88P-023G
Little Creek Farm, Section 1
I-24 Northwest Partners, principal
(Buildout is at 0%)

Located abutting the south margin of Old Hickory Boulevard, approximately 900 feet east of I-24 North.

Resolution No. 98-776

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 88P-023G, Bond No. 90BD-015, Little Creek Farm, Section 1 in the amount of \$26,900 to 9/15/99 subject to submittal of a letter from the Reliance Insurance Company by **11/1/98** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Subdivision No. 88S-369U
Vaughns Gap Valley
Michael Simon, principal
(Buildout is at 60%)

Located abutting the northeast side of Vaughns Gap Road, opposite Groome Drive.

Resolution No. 98-777

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 88S-369U, Bond No. 90BD-025, Vaughns Gap Valley, in the amount of \$6,300 to 6/1/99 subject to submittal of an amendment to the present Letter of Credit by **11/1/98** which extends its expiration date to 12/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Subdivision No. 95P-032G
Chesney Glen, Section 1-B
Phillips Builders, Inc., principal
(Buildout is at 11%.)

Located abutting the south margin of Old Lebanon Dirt Road and both margins of Chesney Glen Drive.

Resolution No. 98-778

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 95P-032G, Bond No. 95BD-056, Chesney Glen, Section 1-B in the amount of \$57,000 to 10/31/99 subject to submittal of a letter from the Frontier Insurance Company by **11/1/98** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Subdivision No. 96S-117G
Hampton Hall, Section 1
Phillips Builders, Inc., principal
(Buildout is at 67%.)

Located abutting the east margin of New Hope Road, opposite Port Jamaica Drive.

Resolution No. 98-779

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** request for extension of a performance bond for Subdivision No. 96S-117G, Bond No. 96BD-057, Hampton Hall, Section 1 in the amount of \$114,000 to 6/30/99 subject to submittal of a letter from the Frontier Insurance Company by **11/1/98** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Subdivision No. 97P-020G

Jackson's Grove, Phase 1
Consolidated Development Corporation, co-principal
Jones Bros., Inc., co-principal
(Buildout is at 15%)

Located at the southeast corner of Old Lebanon Dirt Road and Tulip Grove Road.

Resolution No. 98-780

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97P-020G, Bond No. 98BD-017, Jackson’s Grove, Phase 1 in the amount of \$182,500 to 10/1/99 subject to submittal of a letter from the American Home Assurance Company by **11/1/98** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

MANDATORY REFERRALS:

Proposal No. 98M-100U

Council Bill O98-1387
Former Alley No. 653 Property Conveyance
Map 163, Parcel 273
Subarea 10 (1994)
District 17 (Douglas)

A council bill to amend the Official Metro Street and Alley Acceptance and Maintenance Map by abandoning, vacating, and conveying the southern one-half of Alley No. 653, located between Hillside Avenue and Eighth Avenue (west of I-65), to adjoining property owners.

Resolution No. 98-781

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-100U.

Proposal No. 98M-102G

Antioch Middle School Property Acquisition
Map 164, Parcel 254
Subarea 13 (1996)
District 29 (Holloway)

A request from the Public Property Administrator to approve the acquisition of a 29.31 acre parcel of property (zoned AR2a), located east of Hobson Pike and north of Murfreesboro Road, for the construction of a new middle school.

Resolution No. 98-782

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-102G.

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-165U
Map 71-15, Parcel 393
Subarea 5 (1994)
District 5 (Harrison)

A request to change from RS5 to CN District property located at 1221 Meridian Street, approximately 68 feet south of Douglas Avenue (.16 acres), requested by Charles E. Evans et ux, appellants/owners.

Ms. Regen stated this is a request to take single family residential property and rezone it to commercial neighborhood. There is already existing CN zoning at the intersection as well as a piece of CS zoning just north of the site. Staff is recommending disapproval of this zone change because the Subarea 5 Plan does not recommend more commercial zoning in this area encroaching into the adjacent residential area.

The applicant has expressed the intent to provide automobile parking on the site. Staff pointed out that vacant commercial property exists in the area where parking could be provided without the additional commercial zoning. Since there is existing opportunity for auto parking within this zone at the intersection of Meridian and Douglas the commercial zoning should not be expanded any further.

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

Resolution No. 98-783

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-165U is **DISAPPROVED (6-0)**:

This property falls within the Subarea 5 Plan's Residential Medium density (4 to 9 units per acre) policy adjacent to a commercial neighborhood node around the Douglas/Meridian Street intersection. There are underutilized commercial properties in this commercial node and along the Dickerson Pike commercial corridor less than half a mile to the west. Commercial opportunities within existing commercially zoned areas should be fully maximized before encroachment occurs into the adjacent residential area."

Councilmember Garrett arrived at 1:15 p.m., at this point in the agenda.

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 97P-029G
Grande View (formerly Bellevue Property)
Map 114, Parcels 325, 326 and 327
Subarea 6 (1996)
District 23 (Crafton)

A request to revise the approved preliminary site development plan and for final approval for a portion of the Residential Planned Unit Development District abutting the southeast margin of Interstate 40, approximately 1,300 feet northeast of Old Hickory Boulevard (70.4 acres), classified R40, R10 and RM6,

to permit the development of 433 multi-family units, requested by Littlejohn Engineering Associates, Inc., for Flournoy Development Company, owner.

Ms. Regen stated staff is recommending approval of the variances being requested but felt this should be presented to the Commission because it was a debated issue. The request is to revise the preliminary plan and is also for final approval of the multi-family portion of this PUD. The applicant has been able to move some of the buildings further back from the Westmeade side of the property, which was something the residents had sought. Ms. Regen pointed out some buildings have been moved closer to the interstates so that there is less development on the higher, steeper slopes.

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

Resolution No. 98-784

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-029G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (7-0)**:

A request to revise the approved preliminary site development plan and for final approval for a portion of the Residential Planned Unit Development District abutting the southeast margin of Interstate 40, approximately 1,300 feet northeast of Old Hickory Boulevard (70.4 acres), classified R40, R10 and RM6, to permit the development of 433 multi-family units, requested by Littlejohn Engineering Associates, Inc., for Flournoy Development Company, owner. 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 boundary subdivision plat.
3. Written confirmation of approval from the State of Tennessee, Department of Transportation, for the off site improvement to Old Hickory Boulevard.”

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. (Deferred from meeting of 9/17/98).

Ms. Carrington stated staff is recommending approval with a variance to the maximum lot size requirement in the Subdivision Regulations. This was deferred from the last meeting and a similar request was disapproved by the Commission in June of this year. Ms. Carrington pointed out that the large lots were

necessitated by steep topography which limited access to a portion of the property. She also indicated that the earlier disapproval was based partly on the applicant's refusal to extend sewers to one of the lots. The applicant has now agreed to the sewer extension.

No one was present to speak at the public hearing.

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

Resolution No. 98-785

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-185G, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS (7-0).”**

Subdivision No. 98S-242G (Public Hearing)
Summerfield
Map 164, Parcel 37
Subarea 13 (1996)
District 29 (Holloway)

A request for preliminary approval for 438 single-family lots, two multi-family lots and one commercial lot abutting the southwest margin of Murfreesboro Pike and the south margin of Mt. View Circle (148.8 acres), classified within the RS7.5, CS and RM15 Districts, requested by Parks-Harney Development Company, owner/developer, MEC, Inc., surveyor.

Ms. Carrington stated staff is recommending conditional approval subject to dedication of an additional 4 feet of right-of-way on Murfreesboro Pike. This is a cluster lot development and also includes two multi-family lots and one commercial lot. They have provided the open space required under a cluster lot development.

No one was present to speak at the public hearing.

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

Resolution No. 98-786

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-242G, is **APPROVED WITH THE CONDITION THAT AN ADDITIONAL FOUR FEET OF RIGHT-OF-WAY SHALL BE DEDICATED ON MURFREESBORO PIKE (7-0).”**

Final Plats:

Subdivision No. 98S-306U
West Nashville Annex, Resubdivision
of Lots 28 and 29
Map 90-8, Parcel 109
Subarea 7 (1994)
District 22 (Holt)

A request for final plat approval to reconfigure two lots abutting the northwest margin of James Avenue, approximately 605 feet southwest of Frisco Avenue (.54 acres), classified within the R8 District, requested by Kimmel Realty Company, owner/developer, L. Steven Bridges, Jr., surveyor.

Ms. Carrington stated staff is recommending disapproval because this will create a flag shaped lot and Form a pattern in the area that would not be consistent with the other lots. This is a request to reconfigure two lots on James Avenue. In this case there are two houses built on one lot. The purpose of the application is to reconfigure the two lots by placing the rear portion of one lot and one of the houses into the adjacent lot. While the effect will be to place the two houses on separate lots, other effects will be to shorten one lot, and to widen the rear portion of the other lot into a flag shaped lot. If the Commission chooses to approve this request, it would require a variance to the 4 to 1 depth to width ratio in the Subdivision Regulations. Most of the lots on James Avenue do exceed the 4 to 1 depth to width ratio.

Mr. Charles Potter stated one of the houses faced an alley and the larger house needs to be extensively remodeled. Both houses are 55 to 60 years old and were built by a man who lives in one of the houses. It would not be desirable to divide the lot right up the middle but to have the flag shaped lot to add a screened-in porch and allow more yard space. The intention is to remodel the larger house for an employee whose is the nephew of the owner of the smaller house. The neighbors are in complete approval of the plan because it is an eye sore as it is.

Mr. Browning stated that it was revealed during staff review that there is no record of building permits for the renovation of the house in the rear. Had the applicant requested the required building permits, then it could have been discovered that the house in question was not meeting zoning and subdivision regulations.

Mr. Browning asked if staff knew the condition of the house in the front.

Mr. Stuncard stated the house in the front was in worse condition than the house in the rear. The house in the rear looks fairly new or at least fairly remodeled.

Mr. Lawson stated he did not have a problem with and understood what the Commission was trying to avoid. This man is trying to do property improvement and this is a good way to do it.

Councilmember Garrett agreed with Mr. Lawson and stated that if the public had a problem the Commission would have heard about it. This is an old situation and it would be better to approve this application than have it deteriorate.

Mr. Browning asked if the commission could defer the matter to give staff time to affirm that both houses are in standard condition. He stated this criterion should be verified if the commission's basis of approval is the provision of improved housing stock.

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

Subdivision No. 98S-307U
Taylorcraft Subdivision
Map 62, Parcel 9
Subarea 14 (1996)
District 15 (Dale)

A request for final plat approval to subdivide one parcel into three lots abutting the southwest margin of Pennington Bend Road and the northeast margin of Briley Parkway (3.01 acres), classified within the R15 District, requested by Jessie W. and Carolyn Fox, owners/developers, Sanders Surveying, surveyor.

Ms. Carrington stated staff is recommending approval with variances to the lot depth to width ratio and maximum lot size in the Subdivision Regulations. In this case one of the lots exceed the maximum lot size and they all exceed the 4 to 1 lot depth to width ratio. Staff is recommending approval because they are on septic and sewer is not available at this time. Since they are on septic larger land area is required and that justifies the variances.

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

Resolution No. 98-787

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-307U, is **APPROVED WITH VARIANCES TO SECTIONS 2-4.2D AND 2-4.2E OF THE SUBDIVISION REGULATIONS (7-0).”**

Subdivision No. 98S-318G

Hickory Woods, Phase 2, Section C, Tract 5
Map 176, Parcel 16
Subarea 13 (1996)
District 29 (Holloway)

A request for final plat approval to create 110 lots abutting the southeast corner of Maxwell Road and LaVergne-Couchville Pike (33.22 acres), classified within the R20 Residential Planned Unit Development District, requested by Taylor Duncan Interest, Inc., owner/developer, Wamble and Associates, surveyor.

Ms. Carrington stated staff is recommending conditional approval subject to the posting of a bond for the construction of roadways, deep injection wells for drainage and extension of public utilities and a contribution toward a traffic signal at Lavergne-Couchville Pike and Murfreesboro Pike. This development is in a PUD and does comply with the PUD.

Mr. Manier stated he would like to hear more about the deep injection wells because he had never heard of them before.

Mr. Danny Wamble explained how the deep injection wells would be installed and how they would work and stated they had already dug one test well to make sure it would work. It was explained that it is a method of establishing channels to carry storm water into the subterranean water system, rather than attempt to channel the runoff on the surface. Mr. Wamble explained that water quality was also an issue which was addressed. The subterranean wells must be constructed so that their discharge does not enter the water source of any surrounding wells.

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

Resolution No. 98-788

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-318G, is **APPROVED SUBJECT TO A BOND OF \$943,500.00 AND A \$15,000.00 CONTRIBUTION TOWARD SIGNALIZATION OF LAVERGNE-COUCHVILLE PIKE AND MURFREESBORO PIKE INTERSECTION (7-0).”**

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. (Deferred from meeting of 9/17/98).

Ms. Carrington stated this item was on the last agenda because there were issues with the homeowners about drainage on their lots. They were requesting at that time that the bond not be released. They have gotten together with the developer since the last meeting and have resolved their issues. In addition the Commission requested the Legal Department take a look at the private agreement and Leslie Shechter indicated the private agreement does not affect what is covered under the performance bond.

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

Resolution No. 98-789

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 89P-019G, Bond No. 93BD-063, Allens Green, Section 2 in the amount of \$25,000.”

OTHER BUSINESS:

1. Consideration of the level of citizen participation to be used in the update of the *Subarea 11 Plan*.

Ms. Lehmbeck outlined the boundaries and described several locations within Subarea 11 where significant land use changes may be considered. She explained the levels of participation and how they were related to the level of change staff expects. She stated staff was recommending Level 2 citizen participation.. Staff’s analysis revealed the need to review areas primarily related to changes in land use, zoning, major businesses and institutions and the provisions of the new Economic Development and Historic Preservation Functional Plans.

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried unanimously to accept staff recommendation of Level 2 citizen participation for the Subarea 11 Plan update.

3. Tree Ordinance Certificate for subdivision plats.

Mr. Browning stated this is a request by staff for the Commission to authorize inclusion of a certification of compliance with tree protection and replacement provisions in the applications for subdivisions and planned unit developments. Staff has had problems getting adherence to the Tree Ordinance requirements during subdivision and PUD development process. Staff recently sent out a letter to engineers and surveyors emphasizing the need to adhere to these requirements and it would be helpful if the owner of the property or someone acting in his or her behalf sign the certification. The certification basically says that no trees have been removed inconsistent with the ordinance, since the ordinance was passed in 1995, and no trees will be removed other than in conformance with the subdivision or PUD approval during construction.

Chairman Smith stated he felt this was more bureaucracy. There is a law and it is up to the people to follow the law and it is up to the government to enforce the law or to have penalties when the law is broken. He said he occasionally set on the other side of the table and the amount of paperwork and amount of signatures you have to get to do almost anything is so confusing and so time consuming and therefore, very expensive, and this is another example where the law exists, the punishment exists and to require more paperwork is simply bureaucratic.

Councilmember Garrett stated the Council had had some problems with this and basically what the developer usually says is they didn’t know anything about it. The law has not been in effect long enough for everybody to know it.

Chairman Smith stated this is requiring a government person to sign this thing before processing.

Mr. Browning stated this is just the application when they are applying for preliminary subdivision approval. Most people are not aware of the Tree Ordinance requirements and that is the purpose for the first four paragraphs that basically say they may not be aware of the provisions but now they are and this form certifies that.

The Urban Forester is mentioned because the Legal Department recommended the Urban Forester certify that the trees have not been removed in violation and the property is not exempt from the ordinance.

Councilmember Garrett stated that if this is going to require somebody from the government to go out and inspect a piece of property before application is made then that would be hindering the process, but if it is nothing more than a piece of paper that is put in front of the applicant to inform them of the law then he has no objection.

Chairman Smith stated developers are going to be in a process of wanting to go forward with a project and some bureaucrat is going to say - you don't have that one piece of paper so you don't meet the deadline.

Mr. Lawson stated he agreed that no more unnecessary paperwork needed to be added to the process but there needs to be a notice that there is a Tree Ordinance.

Ms. Warren stated she would also like to see a signed notification in the file. Start out on that level first and see if that works and if that does not take care of some of the problems then the Commission should go full force and add the bureaucracy.

Mr. Manier stated the problem would not be on the table right now if it were not a problem, so something has to be done. Bureaucracy, not 100% but about 85%, is created by someone who won't abide by the rules or who is ignorant of the rules. If this takes a step in the right direction, without creating any unnecessary bureaucratic effort, then he was in favor of it.

Ms. Tatum clarified that the Commission just wants to have them sign that there is a Tree Ordinance and what it is to make somebody responsible.

Mr. Lawson stated from what he had heard that no one wants to add that extra layer of bureaucracy and that perhaps at the next meeting Mr. Browning could come back with a rewrite of the certificate and show the Commission a very simple straight forward letter that the applicant signs with the pertinent information on it that says - this is the Tree Ordinance and by your signing this you recognize you are familiar with the process.

Mr. Browning stated he would redraft the certification and bring it back to the Commission.

4. Sidewalks not installed in recent subdivisions.

Ms. Carrington stated this involved subdivisions staff has recently discovered that do not have sidewalks installed in them. She passed out a list of subdivisions which are coming up that are really critical, the ones that have a little more time to install their sidewalks and an early draft of a notice that would be sent out to the second group to notify them they do need to install the sidewalks. Public Works has requested this item be deferred two more weeks so they have more time to respond to and staff supports that deferral until October 15th meeting.

Mr. Jim Armstrong stated the public works inspectors may not detect where sidewalks are required. In other cases, the sidewalks may be along private streets. Since public works does not inspect private streets, there is not inspection of the sidewalks as well.

Mr. Browning stated that if you take a subdivision like Cherry Glen, which has private streets, even though they are subdividing and selling lots to individuals, where the ability to use those streets relies on some review to make sure it is meeting public standards, Public Works is ignoring them.

Mr. Armstrong stated it wasn't that they were not necessarily not reviewing them but they were not inspecting them.

Mr. Browning stated that if the sidewalks are not built then nobody knows it. There is not an entity in this government that is looking at those streets even though this Commission is approving the platting and selling of lots. The problem is deeper than just missing sidewalks because the inspection arm of this government, which is Public Works, is following the policy that they do not inspect private streets and sidewalks. So there are certain subdivisions in this city that are not getting inspected.

Mr. Armstrong stated that was a big debate that is aside from the sidewalk thing that has been going on for some years. Initially, private subdivisions were not even bonded, but they are now. Public Works has never inspected the private subdivisions because they were outside of the purview and interest of public works whose interest is the public streets.

Chairman Smith suggested the Commission have a study session regarding the inspection of streets and sidewalks.

5. Legislative update.

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

PLATS PROCESSED ADMINISTRATIVELY:

September 17, 1998 through September 30, 1998

- | | |
|-----------------|--|
| 98S-316G | MITCHELL SUBDIVISION
Combines two parcels into one lot |
| 98S-322G | CT BELLEVUE LIMITED PARTNERSHIP
Subdivides one platted lot into two lots |
| 98S-327G | SUNSET OAKS, Section 4, Lot 80
Minor shift of rear property line |
| 98S-333U | LAKELAND, Lots 2 and 3
Minor interior lot line shift |
| 98S-341G | WALDEN WOODS
P.U.D. Boundary Plat |

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:00 p.m.

Chairman

Secretary

Minute Approval:
This 15th day of October, 1998