

**MINUTES**  
**OF THE**  
**METROPOLITAN PLANNING COMMISSION**

Date: August 5, 1999  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

James Lawson, Chairman  
Frank Cochran  
Tonya Jones  
William Manier  
Ann Nielson  
Vicki Oglesby  
Douglas Small

**Absent:**

Mayor Philip Bredesen  
Tim Garrett, Councilmember  
Marilyn Warren

**Others Present:**

**Executive Office:**

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

**Current Planning & Design Division:**

Theresa Carrington, Planning Division Manager  
Michael Calleja, Planner III  
Jennifer Regen, Planner III  
John Reid, Planner II  
Robert Leeman, Planner I  
Jeff Stuncard, Planner I  
Bobby Akin, Planning Technician II  
Andy Wall, Planning Technician I

**Community Plans Division:**

Cynthia Lehmbeck, Planner III

**Advance Planning & Research:**

John Boyle, Planning Division Manager  
Jeff Lawrence, Planner III  
Michelle Kubant, Planner II

Paige Watson, Planner II

**Others Present:**

Ali Afis, Public Works  
Nicole Rodrigue

Chairman Lawson called the meeting to order.

**ADOPTION OF AGENDA**

Ms. Carrington announced the following changes in the agenda:

99S-281U, Seven Springs, is in District 32, Jenkins.  
97S-350U, Haslam Plan, is RS3.75 zoning.  
Addition of Mandatory Referral addendum item 99M-121U.

Ms. Nielson moved and Mr. Manier seconded the motion, which unanimously passed, to adopt the agenda with the above changes.

**ANNOUNCEMENT OF DEFERRED ITEMS**

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

|          |                                      |
|----------|--------------------------------------|
| 99S-293U | Deferred indefinitely, by applicant. |
| 215-76-G | Deferred two weeks, by applicant.    |
| 99Z-104U | Deferred indefinitely, by applicant. |
| 92P-009G | Deferred two weeks, by applicant.    |
| 97S-350U | Deferred two weeks, by applicant.    |
| 99S-298A | Deferred indefinitely, by applicant. |

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

**APPROVAL OF MINUTES**

Ms. Nielson moved and Mr. Manier seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of July 22, 1999.

**RECOGNITION OF COUNCILMEMBERS**

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

Ms. Tonya Jones arrived at 1:15 p.m., at this point in the agenda.

**ADOPTION OF CONSENT AGENDA**

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

**SUBAREA 12 (1997)**

**Subdivision Proposal No. 99S-002U**

Charles L. Barnett Lots  
Map 133, Parcels 77 and 78  
District 26 (Arriola)

A request for final plat approval to subdivide two parcels into three lots abutting the west margin of Jonquil Drive, approximately 95 feet south of Paragon Mills Road (1.56 acres), classified within the RS10 District, requested by Charles L. Barnett, owner/developer, Tommy E. Walker, surveyor.

**Resolution No. 99-647**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-002U, is **APPROVED (7-0).”**

**Subdivision Proposal No. 99S-281U**

Seven Springs Subdivision  
Map 160, Parcels 44, 46, 47, 213 and 214  
District 32 (Jenkins)

A request for final plat approval to subdivide five parcels into two lots abutting the north margin of Old Hickory Boulevard, opposite Cloverland Drive (42.73 acres), classified within the OR40 Planned Unit Development District, requested by James Granbery, owner/developer, Barge, Cauthen and Associates, surveyor. (Deferred from meeting of 7/22/99).

**Resolution No. 99-648**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-281U, is **APPROVED SUBJECT TO A BOND OF \$101,500.00 (7-0).”**

**SUBAREA 14 (1996)**

**Subdivision No. 99S-285G**

Hampton Hall, Section 4  
Map 98, Parcels 37 and 151  
District 12 (Ponder)

A request for final plat approval to create 30 lots abutting the east terminus of Hampton Hall Way, approximately 85 feet east of Hallview Court (8.93 acres), classified within the RS15 Residential Planned Unit Development District, requested by Phillips Builders, Inc., owner/developer, Anderson-Delk and Associates, Inc. surveyor.

**Resolution No. 99-649**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-285G, is **APPROVED SUBJECT TO A BOND OF \$274,500.00 (7-0).”**

**PUD Proposal No. 98-85-P**

Lakeside PUD

Map 121, Parcel 74  
Map 122, Parcel 6  
District 13 (French)

A request to revise the preliminary plan of the Residential Planned Unit Development District located abutting the east margin of Bell Road, approximately 1,650 feet north of and opposite Pulley Road, classified R8 and RM9 (112.32 acres), to permit 327 townhomes, 290 apartments, and 245 single-family lots (862 total units), replacing 1,036 multi-family units, requested by LDI Design, LLC, for Franklin Land Company, LLC, owners.

**Resolution No. 99-650**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98-85-P is given **CONDITIONAL APPROVAL OF A REVISION TO THE PRELIMINARY PLAN (7-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. In conjunction with any application for final PUD approval, the applicant shall submit to the Planning Commission a Traffic Impact Study for the 862-unit development for review and approval. All recommendations of the Traffic Impact Study along with any additional improvements required by the Metropolitan Traffic Engineer shall be accepted by the applicant without modification.
3. In conjunction with any application for final PUD approval, the applicant shall submit a geo-technical study to the Planning Commission and Public Works Department for review and approval. The study shall address the entire PUD development's impact on the property's sinkholes and drainage.
4. Prior to the issuance of any grading permits, the applicant shall record a PUD boundary plat, consolidating parcel 74 on tax map 121 with parcel 6 on tax map 122.
5. Prior to the issuance of any building permits, the applicant shall record a final subdivision plat including the posting of all required bonds. This final plat shall provide an easement from Bell Road to the three cemeteries located within this PUD and identify continual maintenance of these cemeteries by the PUD property owners."

**Mandatory Referral Proposal No. 99M-109G**  
Resolution No. R99-1644  
Stones River Road Property Acquisition  
Map 85, Parcels 8 and 65  
District 14 (Stanley)

A resolution authorizing the Director of Public Property to exercise an option to purchase real property located at Stones River Road to be used by the Department of Parks and Recreation as part of the Stones River greenway system.

**Resolution No. 99-651**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 99M-109G."

**SUBAREA 13 (1996)**

**Subdivision Proposal No. 99S-278U**

Priest Lake Investments, Resubdivision of Lot 1, Revised  
Map 149, Parcel 345  
District 28 (Hall)

A request for final plat approval to subdivide one parcel into two lots abutting the northwest margin of Morris Gentry Boulevard, approximately 126 feet southwest of Murfreesboro Pike (5.22 acres), classified within the IWD District, requested by Priest Lake Storage, LLC, owner/developer, Jenkins and Jenkins Land Surveying, surveyor. (Deferred from meeting of 7/22/99).

**Resolution No. 99-652**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-278U, is **APPROVED SUBJECT TO A BOND OF \$52,500.00 (7-0).”**

**Subdivision No. 99S-292G**

Tree Haven, Section 2  
Map 164, Part of Parcel 37  
District 29 (Holloway)

A request for final plat approval to create 18 lots abutting the east terminus of Ashford Trace and the south terminus of Bent Wood Drive (5.55 acres), classified within the RS8 District, requested by Park Trust Development, LLC, owner/developer, MEC, Inc., surveyor.

**Resolution No. 99-653**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-292G, is **APPROVED SUBJECT TO A BOND OF \$150,000.00 (7-0).”**

**SUBAREA 6 (1996)**

**Subdivision No. 99S-287G**

Bellevue Highlands, Phase 2  
Map 155, Part of Parcel 82  
District 35 (Lineweaver)

A request for final plat approval to create 59 lots abutting the west terminus of Olmsted Drive, approximately 575 feet west of Old Harding Pike, approximately 430 feet south of Poplar Creek Trace (15.27 acres), classified within the R15 Residential Planned Unit Development District, requested by D. R. Horton, Inc., owner/developer, Walter Davidson and Associates, surveyor.

**Resolution No. 99-654**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-287G, is **APPROVED SUBJECT TO A BOND OF \$589,000.00 (7-0).”**

**SUBAREA 11 (1993)**

**Mandatory Referral Proposal No. 99M-115U**  
Council Bill No. O99-1831  
Interstate FiberNet, Inc. - Fiber Optic Cable  
Map 105-7, Parcel 172  
Map 105-12, Parcel 21  
District 19 (Sloss)

A council bill to install a fiber optic cable at a depth of 42" within the public right-of-way beginning at 1301 4th Avenue South and extending down Rains Avenue for approximately 1,262 feet and then turning east on Moore Avenue approximately 1, 778 feet, crossing Nolensville Pike and terminating at the TVA transmission site, requested by Jennifer Foley, ITC / DeltaCom for Interstate FiberNet, Inc.

**Resolution No. 99-655**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 99M-115U."

**SUBAREA 10 (1994)**

**Mandatory Referral Proposal No. 99M-116U**  
Council Bill No. O99-1832  
Digital Teleport, Inc. – Fiber Optic Cable  
Maps 102, 115, 116, 130-143 and 147  
Various Parcels  
Various Subareas  
Districts 23 (Crafton), 24 (Johns), 33 (Turner),  
34 (Fentress), 26 (Arriola), 27 (Sontany) and 28 (Hall)

A council bill to install a fiber optic cable at a depth of between 36" to 48" within the public right-of-way beginning at the northwest corner of Charlotte Pike and Davidson Drive extending southeast to Harding Road, Harding Place and then terminating at the intersection of Harding Place and Franklin Road, requested by Richard Weinstein of Digital Teleport, Inc.

**Resolution No. 99-656**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 99M-116U."

**SUBAREA 1 (1997)**

**Mandatory Referral Proposal No. 99M-117G**

Council Bill No. O99-1827  
Whites Creek Pike Property Sale  
Map 22, Part of Parcel 91  
District 1 (Patton)

A council bill approving the sale of certain property (.079 acres) located on Whites Creek Pike, owned by The Metropolitan Government of Nashville and Davidson County, Tennessee.

**Resolution No. 99-657**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 99M-117G."

**SUBAREA 7 (1994)**

**Mandatory Referral Proposal No. 99M-112U**  
Council Bill No. O99-1830  
Hill Place Sewer Easement Abandonment  
Map 116-2-A, Parcel 4  
District 24 (Johns)

A council bill authorizing the abandonment of a 20' sanitary sewer easement encumbering Map 116-2-A, Parcel 4 of Hill Place, owned by H. G. Hill Realty Company.

**Resolution No. 99-658**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 99M-112U."

**SUBAREA 9 (1997)**

**Subdivision No. 99S-290U**  
Frist Center for the Visual Arts  
Map 93-9, Parcels 313-318  
District 19 (Sloss)

A request for final plat approval to consolidate six parcels into one lot located between McGavock Street and Demonbreun Street and between 9th Avenue South and 10th Avenue South (3.05 acres), classified within the CF District, requested by Frist Center for the Visual Arts, Inc., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

**Resolution No. 99-659**

"**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-290U, is **APPROVED (7-0).**"

**Mandatory Referral Proposal No. 99M-103U**  
Bennie Dillon Awning Encroachment  
Map 93-5-2, Parcel 13  
District 19 (Sloss)

A request to install 7 window awnings on 7<sup>th</sup> Avenue North for the Bennie Dillon Building encroaching 4 feet over the public sidewalk at a height of 8 feet above the sidewalk, requested by C. Dewees Berry of Bass, Berry & Sims PLC, for Post-Amerus Bennie Dillon, L.P., owner. (Deferred from meeting of 7/22/99).

**Resolution No. 99-660**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 99M-103U."

**Mandatory Referral Proposal No. 99M-118U**  
Riverview Restaurant Sign Encroachment  
Map 93-6-2, Parcel 79  
District 19 (Sloss)

A request to install a sign measuring 5'0" in width by 12'0" in length extending 5'0" over the public sidewalk at a height of 20' above the sidewalk at 128 Second Avenue North for Riverview Restaurant, requested by Skip Brown of Cummings Signs for Second Avenue Holding, Inc., tenant and for Jerry L. McCloud, owner.

**Resolution No. 99-661**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 99M-118U."

**OTHER BUSINESS:**

1. Council Bill No. O99-1806: A council bill granting the Planning Commission the authority to administratively correct the zoning maps where evidence exists that a property's zone classification is incorrectly depicted on the zoning maps due to digitizing mapping errors and the evidence supports that there was never any intent to effectuate a zone change for such property, requested by Planning Commission staff, sponsored by Councilmembers Tim Garrett and Roy Dale.

**Resolution No. 99-662**

"BE IT RESOLVED by the Metropolitan Planning Commission that it recommends approval of a council bill granting the Planning Commission the authority to administratively correct the zoning maps where evidence exists that a property's zone classification is incorrectly depicted on the zoning maps due to digitizing mapping errors and the evidence supports that there was never any intent to effectuate a zone change for such property."

2. A proposal to amend the 1999-2000 through 2004-05 Capital Improvements Budget and Program by adding one State Trial Courts project.



**Resolution No. 99-663**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** a proposal to amend the 1999-2000 through 2004-05 Capital Improvements Budget and Program by adding one State Trial Courts project as follows:

FROM:

I.D. No. 95FD001  
FIRE STATION 31 – LAND ACQUISITION, DESIGN, CONSTRUCT

FIRE STATION – LAND ACQUISITION, DESIGN CONSTRUCTION  
GALLATIN ROAD – NORTH OF OLD HICKORY BLVD (MADISON)  
FIRE STATION 31 RELOCATION  
COUNTYWIDE FIRE SERVICE PLAN

\$1,250,000                      Proposed G.O. Bonds                      FY 2000-2001

TO:

I.D. No. 95FD001  
FIRE STATION 31 – LAND ACQUISITION, DESIGN, CONSTRUCT

FIRE STATION – LAND ACQUISITION, DESIGN, CONSTRUCTION  
GALLATIN ROAD – NORTH OF OLD HICKORY BLVE (MADISON)  
FIRE STATION 31 RELOCATION  
COUNTYWIDE FIRE SERVICE PLAN

\$350,000                      Proposed G.O. Bonds                      FY 1999-2000  
\$900,000                      Miscellaneous                      FY 1999-2000”

3.        A proposal to amend the 1999-2000 through 2004-05 Capital Improvements Budget and Program by changing the funding of one Fire Department G.S.D. project.

**Resolution No. 99-664**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** a proposal to amend the 1999-2000 through 2004-05 Capital Improvements Budget and Program by changing the funding of one Fire Department G.S.D. project as follows:

I.D. No. 99ST001  
Residential Drug Treatment Facility for Criminal Court  
Residential Drug Treatm,ent Facility for Criminal Court - design and construct

\$3,000,000                      Proposed G.O. Bonds                      FY 1999-2000”

This concluded the items on the consent agenda.

Mr. Small stated he wanted to hear the staff presentation on Mandatory Referral Proposal No. 99M-113G, Bull Run Road Property Acquisition, so that item was removed from the Consent Agenda.

## **SUBAREA 12 (1997)**

### **Subdivision No. 98S-160G**

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

A request for final plat approval for 13 lots abutting the north margin of Mt. Pisgah Road, approximately 2,250 feet east of Edmondson Pike (5.98 acres), classified within the RS15 District, requested by Hurley Road Land Company, L.P. , owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Mr. Calleja stated staff had recommended disapproval of this subdivision upon the advice of the Legal Department. Metro and the developer of this subdivision currently are in litigation on another development, and the Planning Commission was being advised to withhold approval of any subdivisions owned by this developer in order to effect a resolution of the pending court case. Mr. Calleja stated the court has ruled that approval cannot be withheld for this subdivision if it meets the subdivision regulations. Therefore, staff is recommending approval with a bond of \$150,000.

Chairman Lawson asked what the court's decision was based on.

Ms. Rodrigue stated there was a petition before the Court on whether or not Water Services could withhold issuing construction permits based on litigation related to a different development project.

Ms. Nielson stated the Commission is approving or disapproving the design and whether or not it meets the criteria, and on that basis staff is saying the applicant has met all requirements.

Mr. Calleja stated that was correct and that this 13 lot subdivision matches the preliminary the Commission approved approximately 4 months ago. All construction drawings meet the requirements, Public Works has signed off on them, Water Services has signed off on the utilities, bond amounts have been set and everything meets the requirements of the Subdivision Regulations.

Mr. Manier asked if the comments being made are applicable to October Woods.

Mr. Calleja stated they were.

Mr. Manier stated October Woods was approved contingent upon the developer's providing utilities. If he has not fulfilled that requirement, he has not met the requirements imposed at preliminary subdivision, and the Commission perhaps could deny final approval.

Ms. Rodrigue stated that in October Woods the sewer is already in and the dispute is over the contribution amount. The dispute over the contribution is still pending.

Mr. Manier stated that at this point, whether the capability is there or not, the developer has refused to pay his proportionate share.

Ms. Rodrigue stated the Court was addressing the issue as related to Water Services and was not addressing the issue of the Planning Commission action.

Mr. Browning asked if the central question in the lawsuit was whether or not the Metropolitan Government, through Water Services, could compel developers to pay for sewer extensions.

Ms. Rodrigue stated that is one of the issues being brought before the court.

Mr. Browning stated that subdivision was approved based on the commitment by the developer to pay for partial extension of the utilities. If that is in fact the question the courts are addressing then what the Court is saying is that until the answer is final the Commission cannot deny approval of subdivisions solely on this basis.

Mr. Mike Anderson, applicant, stated these two developments are in entirely different drainage basins. Holt Cove is in the Mill Creek drainage basin, and October Woods is in the Lavergne drainage basin area. The problem is that Mr. Johnson was charged an additional \$500 access fee from the initial inception of the Bradford Hills/Holt Hills development and he feels he has been overcharged \$500,000.

Chairman Lawson stated there are two applications before the Commission, that at the time were being recommended for disapproval because of Water Services. Action has been taken on that Water Services issue so these developments should stand on their own merit.

Mr. Small asked that when the Commission gave the preliminary approval for this subdivision, in the minutes, was it contingent upon them making this contribution and if it was contingent on that, have they made that contribution? If not, does the current suit supercede those issues and therefore compel the Commission to follow through under normal procedures? He stated he did not feel Mr. Manier's questions had been answered and would like to defer this matter for two weeks and get a proper response from Legal.

Chairman Lawson stated he understood the legal opinion as that there was an action taken and fees are in dispute and Water Services has held up other applications because that dispute exists. The Court said, you cannot do that.

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

**Resolution No. 99-665**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-160G, is **APPROVED SUBJECT TO A BOND OF \$150,500.00 (7-0).”**

**Subdivision Proposal No. 99S-253G (Public Hearing)**  
Cane Ridge Farms  
Map 174, Parcels 17, 84, 204 and 205  
District 31 (Alexander)

A request for preliminary approval for 522 lots abutting the southwest margin of Cane Ridge Road, approximately 2,000 feet south of Old Franklin Road (162 acres), classified within the RS10 District, requested by Steven Dotson, owner/developer, Dale and Associates, Inc., surveyor.

Mr. Calleja stated staff is recommending conditional approval subject to submittal of a revised preliminary plan. This is a cluster lot subdivision and that means the minimum lot size can be reduced down two zoning districts. However, to do that open space and buffers must be provided at the exterior of the property. Open space has been provided throughout the subdivision and in some places it may be a 10 foot wide section between lots. Staff has asked the developer to combine those portions of open space and relocate them along Turkey Creek, and the applicant agreed to do that. As part of this development Cane Ridge Road will be straightened for better access and sight distance. A main road runs through the subdivision and will provide area access to the future Southeast Arterial.

Mr. John House, abutting property owner, spoke in opposition to the proposal and stated most all of this land is on the floodplain and there is a drainage problem along Turkey Creek.

Mr. Calleja stated the applicant is currently conducting a floodplain study, which must be submitted for final plat approval. However, the floodplain in this area is narrow and just along the creek. That is based on the FEMA maps.

Mr. Manier expressed concerns regarding the substandard Cane Ridge Road.

Mr. Calleja stated Cane Ridge Road is substandard. The traffic study that was done indicates the capacity on it now plus the capacity of this development would still let it operate at an acceptable level of service. Because of this and future development Cane Ridge Road has been added to the Long Range Transportation Plan to make it eligible for federal funds for road improvements. The intent is to widen it to a minor arterial or collector road.

Mr. Manier asked about schools.

Mr. Calleja stated Metro is trying to purchase land for at least one elementary school on Pettus Road. The Advance Planning Division is in monthly contact with Metro Schools and are kept informed regarding development.

Mr. Manier asked how many students were projected from this development. Mr. Boyle stated the projection was approximately 45 students.

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

**Resolution No. 99-666**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-253G, is **APPROVED SUBJECT TO SUBMISSION OF A REVISED PLAN; PUBLIC HEARING CLOSED (7-0).”**

**Subdivision No. 99S-289G**  
October Woods, Phase 5, Section 8  
Map 183, Part of Parcel 192  
District 31 (Alexander)

A request for final plat approval to create 58 lots abutting the northwest terminus of Colo Trail, approximately 650 feet northwest of October Woods Drive (21.83 acres), classified within the R10 Residential Planned Unit Development District, requested by October Woods, L.P., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Mr. Calleja stated staff is recommending conditional approval subject to a bond for the construction of roads and utilities. This proposal matches the final PUD plan, which was approved by the Commission.

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

**Resolution No. -667**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-289G, is **APPROVED SUBJECT TO A BOND OF \$398,000.00 (7-0).”**

**Mandatory Referral Proposal No. 99M-114U**  
Council Bill No. O99-1823  
Old Hickory Road Easement Abandonment  
Map 162, Parcel 186

District 31 (Alexander)

A council bill abandoning a portion of easements retained by Ordinance No. O96-0157, which closed a segment of Old Hickory Boulevard, between the south margin of Old Hickory Boulevard and the east property line of Parcel 186, Map 162.

Ms. Watson stated this mandatory referral would abandon a portion of easements that originally had been retained after the closure of a segment of Old Hickory Boulevard, which was called old Old Hickory Boulevard. Fifty foot easements had been retained due to the presence of water lines on the site. This request is being made to allow the construction of a canopy over gas pumps that are part of Cedars Square Shopping Center. However, the proposed canopy encroaches on a 30 foot section of a 50 foot easement, therefore necessitating the easement abandonment.

Before the abandonment of the easement can occur the property owner first has to relocate two water lines that are currently within the easement. Water Services must first receive a plan that details the relocation of the water lines and then construction could commence. Subsequent to construction the lines would be conveyed to Metro Government. At this time the property owner has yet to submit plans for this relocation to the Water Services Department. That department does not recommend approval until plans are received and reviewed, and staff is also recommending disapproval.

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

**Resolution No. 99-668**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES (7-0)** Proposal No. 99M-114U."

**SUBAREA 14 (1996)**

**Subdivision No. 99S-299G (Public Hearing)**

Baypointe Subdivision

Map 98, Parcels 16, 38.11, 132 and 133

District 12 (Ponder)

A request for preliminary approval for 53 lots abutting the east margin of New Hope Road, approximately 170 feet south of Hunters Point Lane (21.66 acres), classified within the RS15 District, requested by Baypointe L.L.C., owner/developer, SEC, Inc., surveyor.

Mr. Calleja stated staff is recommending conditional approval. Access will be from New Hope Road and that road will have the ability to extend to the east for future development. This is a cluster development and one portion of open space will be provided in a TVA easement area, and the other will be along the northern border with a retention pond. This proposal meets the requirements of the Subdivision Regulations and cluster lot provision.

No one was present to speak at the public hearing.

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

**Resolution No. 99-669**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-299G, is **APPROVED WITH CONDITIONS; PUBLIC HEARING CLOSED (7-0).”**

**SUBAREA 13 (1996)**

**Subdivision Proposal No. 99S-282G (Public Hearing)**

Kendall Park Subdivision  
Map 135, Parcel 254  
Map 135-15, Parcel 3  
Map 149, Parcels 61, 62 and 63  
Map 149-3, Parcels 9 and 16  
District 28 (Hall)

A request for preliminary approval for 60 lots abutting the northeast margin of Murfreesboro Pike, approximately 35 feet south of Brooksboro Pike (17.32 acres), classified within the R10 District, requested by Crosland, Patton, Smith, LLC, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. (Deferred from meeting of 7/22/99).

Mr. Calleja stated the applicant has requested a two week deferral. They are still trying to work out the access requirements on Murfreesboro Pike.

Chairman Lawson asked staff to get the names of anyone present to speak at the public hearing and contact them regarding the public hearing in two weeks.

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

**SUBAREA 6 (1996)**

**Subdivision No. 99S-118G**

Coley-Davis Commercial Center  
Map 128, Parcel 17  
District 23 (Crafton)

A request for final plat approval for two lots abutting the northwest terminus of Coley Davis Road, approximately 180 feet northwest of Memphis-Bristol Highway (5.0 acres), classified within the CL District, requested by Davis/Recter, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Calleja stated this property is located at the intersection of Interstate 40 and Highway 70 and obtains access through a street which will cul-de-sac with two lots next to the interstate. All issues have been resolved and staff is now recommending approval subject to a bond to cover utilities and the cul-de-sac.

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

**Resolution No. 99-670**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-118G, is **APPROVED SUBJECT TO A BOND OF \$203,000.00 (7-0).”**

**SUBAREA 3 (1998)**

**Subdivision Proposal No. 97S-014U (Public Hearing)**

Forest Vale Subdivision

Map 59, Parcel 49

District 1 (Patton)

A request for preliminary and final approval for seven lots abutting the northeast corner of Briley Parkway and Buena Vista Pike, opposite Beal's Lane (3.52 acres), classified within the R15 District, requested by Howard Fisher, owner/developer, H & H Land Surveying, Inc., surveyor. (Deferred from meeting of 7/22/99).

Mr. Calleja stated this applicant has requested indefinite deferral.

No one was present to speak at the public hearing.

Ms. Nielson moved and Ms. Oglesby seconded the motion, which carried unanimously, to leave the public hearing open and defer this matter indefinitely.

**Mandatory Referral Proposal No. 99M-113G**

Council Bill No. O99-1813

Bull Run Road Property Acquisition

Map 46, Part of Parcel 49

District 1 (Patton)

A council bill authorizing the acquisition of property by negotiation or condemnation for roadway stabilization on Bull Run Road, Project No. 99-M-1.

Ms. Watson stated this Council Bill would authorize acquisition of a portion of a 25 acre parcel in order for Public Works to make minor road repairs. There was a landslide and a portion of the shoulder of the roadway disappeared.

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

**Resolution No. 99-671**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 99M-113G."

**SUBAREA 11 (1993)**

**Subdivision No. 99S-296U**

Mitchell Subdivision

Map 119-2, Parcels 219 and 253

District 16 (Graves)

A request for final plat approval to subdivide one parcel, one lot and part of a closed street into two lots, and removal of the reserve status, abutting the west margin of Sterling Boone Drive, approximately 200 feet north of Peachtree Street (1.05 acres), classified within the R10 District, requested by Wallace Elmo and Mary Helen Mitchell, owners/developers, John Kohl and Company, surveyor.

Mr. Calleja stated this property is located within a developed residential area. Staff is recommending conditional approval subject to a variance from the maximum lot size in the Subdivision Regulations and

the closure of a portion of Valaria Street. This will be a two lot plat with one lot including Valaria Street, which is unimproved and there is a Council bill to close Valaria Street. The street cannot be closed without a final plat but the final plat would be subject to the closure to Valaria Street. Staff would hold the plat until the closure is completed. Due to the configuration of the land staff is recommending approval of a variance to the maximum lot size.

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

**Resolution No. 99-672**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-296U, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS (7-0)**.

**Zone Change Proposal No. 99Z-105U**

Map 105-3, Parcel 331

District 19 (Sloss)

A request to change from IR to IG district property at 410 Chestnut Street, abutting the west margin of Fourth Avenue South (5.22 acres), requested by Bill Bass, appellant, for William B. Bass et al, owners.

Ms. Regen stated staff was recommending disapproval of this rezoning as contrary to the general plan. She stated that the area may appear to be heavier industrial in use. However, she stated the area is currently zoned restrictive industrial, and has been zoned for many years as restrictive industrial, IR. She pointed out that most of the businesses in the area are completely enclosed and do not involve outside storage, which is a primary difference between restrictive industrial zoning, which does not allow outdoor storage, and heavy industrial (IG), which does allow outdoor storage.

Ms. Regen stated the subarea policy, which the Commission recently adopted, called for this area to transition to a mixed use land use pattern. She stated this policy called for the industrial and heavier business character of the area to eventually transition to retail and service businesses, to office uses, and even to residential uses. She stated it would be contrary to the subarea plan for the area to be rezoned from a restrictive industrial zoning district to a heavy industrial zoning category. She also pointed out there is not other heavy industrial zoning in the vicinity.

Ms. Regen stated staff currently was preparing the Cameron-Trimble Neighborhood plan to be presented to the Commission in September. The mixed use policy is calling for residential, commercial and office uses reusing some of the existing properties with a historical nature and introducing more residential uses in the future. The Cameron-Trimble Neighborhood Plan is looking to decrease the presence of industrial use in this area.

The applicant wants to operate a recycling scrap operation on this property and that scrap operation requires IG zoning. He obtained a solid waste permit from Public Works to operate on this site to recycle construction debris. When Public Works issued that permit, they did not check to see if the property had the correct zoning. The applicant never sought zoning compliance permits through Codes. They were subsequently found to be in violation of the zoning ordinance by Codes for operating the scrap operation.

Mr. Kato Bass, property owner, spoke in favor of the proposal and asked the Commission for approval. He said the State designated that area as a free enterprise zone, an industrial operation has been operating there for 70 years and that this operation would provide jobs for area residents.

Chairman Lawson asked if this area was in a free enterprise zone.



Ms. Lehmbeck stated this area may be an enterprise community but is not a free enterprise zone. She stated it is administered by MDHA and their intent was focused more on workforce readiness and job training rather than bringing industrial uses into the area. This particular spot of this operation may not have been intended for residential but to be more focused toward a commercial/office mixture.

Ms. Oglesby moved and Mr. Manier seconded the motion, which carried with Ms. Jones in opposition, to approve the following resolution:

**Resolution No. 99-673**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-105U is **DISAPPROVED as contrary to the General Plan (6-1):**

**This property falls within the Subarea 11 Plan's Mixed Use (MU) policy calling for a mixture of residential, commercial, and office uses between Second Avenue South, the CSX Railroad, the City Cemetery, and Hart Street. The IG district is not consistent with MU policy. While this property has been zoned for industrial use since 1974, the MU policy calls for the transitioning of this existing industrial property to lighter commercial and/or office uses in the future. An important goal of the MU policy is to revitalize this area by providing more compatibility between the industrial uses near the CSX railroad and the residential areas to the east and south. The IG district, which permits heavy manufacturing uses, would intensify the industrial presence in this area and lessen the compatibility with surrounding residential areas called for by MU policy. Consequently, IG zoning should be restricted to locations where there is a strong separation from residential areas."**

**ADDENDUM:**

**Mandatory Referral Proposal No. 99M-121U**

Resolution No. R99-1642

Location of Cell Tower Sites

Map 133-1-1, Parcel 146

Map 162-9 Parcel 2

Districts 16 (Graves) and 31 (Alexander)

A resolution approving two sites for the construction of cellular communications towers on property owned by The Metropolitan Government of Nashville and Davidson County (446 McClellan Avenue and 5506 Tudor Lane).

Ms. Watson stated this is a resolution which would authorize the construction of two cell phone towers for Tritel Communications. These two towers, on two sites, would be located on property currently owned by Metro and is controlled by Water Service as there are water tanks currently on the premises. The Commission previously approved a Mandatory referral earlier this year that allowed Tritel to install telephone communications equipment on Water Services controlled property in exchange for free cell phones and air time to be used by Water Services personnel. In addition Water Services would also have the capability to use these towers to control and monitor water facilities across the county. An important provision of the ordinance that was adopted provides that before any new tower construction can begin the proposed sites must be approved by Council in the form of a resolution. Tritel is responsible for bearing the cost of construction and upon completion of the projects the towers will be conveyed to the Metropolitan Government. Water Services has already approved these sites and staff is also recommending approval.

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

**Resolution No. 99-674**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 99M-121U."

**OTHER BUSINESS:**

4. Fiscal Year 2000 Operating Budget.

Mr. Browning reviewed the Fiscal year 2000 Operating Budget for the Commission. No action was needed.

5. Agenda Format

The majority of the Commission agreed they like the subarea format. Mr. Small stated he also like the agenda overview staff sometimes presented before proposal presentations.

Chairman Lawson asked staff to bring to a future meeting a sample of an active agenda with suggested improvements.

6. Legislative Update

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

**PLATS PROCESSED ADMINISTRATIVELY**

July 21, 1999 through August 4, 1999

- |                 |  |
|-----------------|--|
| <b>99S-076U</b> | <b>NASHBORO VILLAGE, Tract 18</b><br>Two lots into one lot   |
| <b>99S-261U</b> | <b>The CROSSINGS at HICKORY HOLLOW,<br/>Phase 2, Resubdivision of Lot 3</b><br>One lot into two lots |
| <b>99S-264U</b> | <b>FAIRFIELD NASHVILLE at MUSIC CITY USA,<br/>Phase 3, Building 21</b><br>Condominium plat           |
| <b>99S-280G</b> | <b>CREEKMUR SUBDIVISION</b><br>One lot into two lots   |

**ADJOURNMENT:**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:15 p.m.

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Chairman

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Secretary

Minute Approval:  
This 19<sup>th</sup> day of August, 1999