

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: August 19, 1999
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Frank Cochran
Tim Garrett, Councilmember
Tonya Jones
William Manier
Ann Nielson
Douglas Small
Marilyn Warren

Absent:

Mayor Philip Bredesen
Vicki Oglesby

Others Present:

Executive Office:

T. Jeff Browning, Executive Director
Dolores Watson, 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
Andrew Wall, Planning Technician I

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Advance Planning & Research:

John Boyle, Planning Division Manager
Michelle Kubant, Planner II

Others Present:

Jim Armstrong, Public Works
Kimberly Frayn, Legal Department
Nicole Rodrigue, Legal Department

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Ms. Carrington announced Subdivision Proposal No. 99S-282G should be 99S-282U and two employee contracts should be added as addendum items.

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

AGENDA OVERVIEW

Mr. Boyle gave the agenda overview stating there were 371 lots for consideration in preliminary plats, which consist of 191 new plats and the remaining being plat revisions. He stated this number of lots is consistent with the average amount of activity each Planning Commission meeting over the last year. He stated the entire year's activity has remained brisk.

ANNOUNCEMENT OF DEFERRED ITEMS

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

- 99S-313G Deferred indefinitely, by applicant.
- 96P-023G Final plat deferred two weeks, by applicant.
- 18-84-U Deferred two weeks, by applicant.
- 99S-318U Deferred two weeks, by applicant.

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

APPROVAL OF MINUTES

Ms. Nielson moved and Ms. Warren seconded the motion, which unanimously passed to approve the minutes of the regular meeting of August 5, 1999.

RECOGNITION OF COUNCILMEMBERS

Councilmember Ron Nollner spoke in favor of Mandatory Referral Proposal No. 99M-122U and PUD Proposal 99P-009G. Staff is not recommending approval of the Oakwood estates PUD. This is a good development, is one of the few undeveloped parcels in the third district and everyone in the neighborhood is in favor of the project.

Councilmember Garrett stated this project was approved by the Planning Commission staff when it first came through. If this property had been changed to R10 when the maps were redone it would have had the 5 foot setback.

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:

Subarea 14 (1996)

PUD Proposal No. 210-73-G
Deloitte and Touche
Map 97, Parcel 120

District 12 (Ponder)

A request to revise the preliminary plan and for final approval of the Commercial (General) Planned Unit Development District located at the eastern terminus of Sells Drive, south of I-40 (17.93 acres), classified CL, to add a 750 square foot expansion to the existing 156,550 square foot office building and to construct a pedestrian walkway in the parking lot which eliminates 13 parking spaces, requested by Barge, Waggoner, Sumner and Cannon, for Deloitte & Touche, owners.

Resolution No. 99-675

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 210-73-G is given **CONDITIONAL APPROVAL TO REVISE THE PRELIMINARY PLAN AND FOR FINAL APPROVAL FOR A PORTION OF THE PUD (8-0)**. The following condition applies:

Prior to the issuance of any building permits, confirmation of final 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.”

Request for Bond Extension

Subdivision No. 95S-398G
New Hope Estates, Phase 2
Raymond D. Lane, Sr., principal
[Buildout is at 65%]

Located abutting the west margin of New Hope Road, approximately 115 feet south of Farmingham Woods Drive.

Resolution No. 99-676

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95S-398G, Bond No. 95BD-087, New Hope Estates, Phase 2 in the amount of \$23,000 to 2/1/2000 subject to submittal of an amendment to the present Letter of Credit by **9/15/99** which extends its expiration date to 8/1/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

Subdivision No. 97S-298G
New Hope Estates, Phase 3
Raymond D. Lane, Sr., principal
[Buildout is at 0%]

Located abutting both margins of Elijah Court and both margins of Edwards Court.

Resolution No. 99-677

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-298G, Bond No. 97BD-081, New Hope Estates, Phase 3 in the amount of \$244,000 to 9/1/2000 subject to submittal of an amendment to the present Letter of Credit by **9/15/99** which extends its expiration date to 3/1/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

Subdivision No. 98S-372G
Jackson’s Grove, Phase 2
Consolidated Realty Services, principal

[Buildout is at 61%]

Located abutting the southeast terminus of Jackson's Place, approximately 85 feet southeast of Lili Lane.

Resolution No. 99-678

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-372G, Bond No. 98BD-017, Jackson's Grove, Phase 2 in the amount of \$42,000 to 3/1/2000 subject to submittal of an amendment to the present Letter of Credit by **9/15/99** which extends its expiration date to 9/1/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

SUBAREA 12 (1997)

Subdivision Proposal No. 98S-440U

Edmondson Crossing Shopping Center,
Resubdivision of Lot 2
Map 161, Parcels 259, 277 and 278
District 32 (Jenkins)

A request for final plat approval to add a sewer easement and landscape easement abutting the south margin of Old Hickory Boulevard and the west margin of Edmondson Pike (8.6 acres), classified within the SCC District, requested by Kroger Limited Partnership, owner/developer, Cherry Land Surveying, surveyor.

Resolution No. 99-679

"**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-440U, is **APPROVED SUBJECT TO A BOND OF \$11,500.00 (8-0).**"

Subdivision Proposal No. 99S-311U

Middle Tennessee Baha'i Center
Map 162, Parcels 188, 189 and 190
District 31 (Alexander)

A request for final plat approval to consolidate three lots into one lot abutting the south margin of Bell Road, approximately 1,750 feet east of Old Hickory Boulevard (8.35 acres), classified within the AR2a District, requested by Local Spiritual Assembly of Baha'i, owner/developer, Dale & Associates, Inc., surveyor.

Resolution No. 99-680

"**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-311U, is **APPROVED (8-0).**"

PUD Proposal No. 88P-069U

Williams Home Place (formerly Brentwood East)
Map 161, Parcel 84
District 31 (Alexander)

A request to revise the preliminary plan and for final approval of the Commercial (General) Planned Unit Development District located abutting the east margin of Edmondson Pike, approximately 320 feet south of Old Hickory Boulevard, classified SCC (4.37 acres), to permit 35,930 square feet of retail and office space, replacing 45,000 square feet of retail and office space, requested by Littlejohn Engineering for WM, LLC, owner. (Also requesting PUD boundary plat approval).

Resolution No. 99-681

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-069U is given **APPROVAL OF A REVISION TO THE PRELIMINARY PLAN, CONDITIONAL FINAL PUD APPROVAL, AND APPROVAL OF A FINAL PUD BOUNDARY PLAT (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final 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. Prior to the issuance of any building permits, the PUD boundary plat shall be recorded and bonds shall be posted for any necessary public improvements.”

Mandatory Referral Proposal No. 99M-120U
Hickory Plaza Easement Acquisition
Map 161, Part of Parcel 171
District 30 (Hollis)

A request by the Department of Water and Sewerage Services to acquire easements on property located at 1513 Old Hickory Boulevard for the construction of a 24" water main from Ocala Drive to Old Hickory Boulevard (CIB Project No. 96WG0002).

Resolution No. 99-682

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 99M-120U.”

SUBAREA 13 (1996)

Subdivision Proposal No. 99S-077U
Nashboro Village, Tract 7 (First Revision)
Map 135, Parcel 318
District 28 (Hall)

A request for final plat approval to revise utility easements for one lot abutting the northwest corner of Nashboro Boulevard and Bell Road (8.99 acres), classified within the RM6 Residential Planned Unit Development District, requested by Jack Whitson, for WDN Properties, Ltd., owners/developers, Wamble and Associates, surveyor.

Resolution No. 99-683

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-077U, is **APPROVED SUBJECT TO A BOND OF \$103,500.00 (8-0)**.”

Subdivision Proposal No. 99S-312U
Smith Springs Townhomes, Phase 1 (Horizontal
Property Regime)
Map 136, Parcel 79
District 29 (Holloway)

A request for final plat approval to record 42 units abutting the east margin of Anderson Road, approximately 120 feet south of Old Anderson Road (12.8 acres), classified within the RM6 District, Rick Batson, owner/developer, S and A Surveying, Inc., surveyor.

Resolution No. 99-684

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-312U, is **APPROVED SUBJECT TO A BOND OF \$68,000.00 (8-0).”**

PUD Proposal No. 21-66-G
Parmart Retail Center
Map 164, Parcel 187
District 29 (Holloway)

A request to revise the preliminary plan and for final approval for a portion of the Commercial (General) Planned Unit Development District located at the southwest quadrant of Murfreesboro Pike and Hobson Pike (2.6 acres), classified CS, to revise the preliminary plan to add two buildings with 14,000 square feet of retail space, where one building with 24,000 square feet of retail was approved, and for final approval to add a drive-up ATM to the existing 3,000 square foot convenience market, and, requested by Wamble and Associates, PLLC, for Parman Oil Company, owner.

Resolution No. 99-685

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 21-66-G is given **APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL PUD APPROVAL FOR A DRIVE-UP ATM (8-0)**. The following condition applies:

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 Section of the Metropolitan Department of Public Works."

Request for Bond Extension
Subdivision No. 86-639-G
Interchange City Industrial Park, Section 32
Wolfe Investment Company, principal
[Buildout is at 0%]

Located abutting the southeast corner of J. P. Hennessy Drive and Firestone Parkway.

Resolution No. 99-686

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 86-639-G, Bond No. 87BD-006, Interchange City Industrial Park, Section 32 in the amount of \$8,600 to 10/1/2000.”

Request for Bond Extension
Subdivision No. 88S-209G
Interchange City Industrial Park, Section 31
Walter Knestrick, principal
[Buildout is at 0%]

Located abutting the northwest corner of Firestone Parkway and Heil Quaker Boulevard.

Resolution No. 99-687

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 88S-209G, Bond No. 88BD-009, Interchange City Industrial Park, Section 31 in the amount of \$7,000 to 9/15/2000 subject to submittal of an amendment to the present Letter of Credit by **9/15/99** which extends its expiration date to 3/15/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

Subdivision No. 95S-244G
Bridle Path, Section 5
David B. Taylor, principal
[Buildout is at 40%]

Located between Thoroughbred Drive and Palimino Court.

Resolution No. 99-688

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95S-244G, Bond No. 95BD-076, Bridle Path, Section 5 in the amount of \$20,000 to 9/1/2000 subject to submittal of an amendment to the present Letter of Credit by **9/15/99** which extends its expiration date to 3/1/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

Subdivision No. 97S-346U
Pinnacle Pointe, Phase 5
Chickering Development Company, principal
[Buildout is at 36%]

Located abutting the north margin of Piccadilly Way and the western terminus of Rocky Mountain Way.

Resolution No. 99-689

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-346U, Bond No. 98BD-088, Pinnacle Point, Phase 5 in the amount of \$64,250 to 10/15/2000 subject to submittal of an amendment to the present Letter of Credit by **9/15/99** which extends its expiration date to 4/15/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

SUBAREA 4(1998)

Zone Change Proposal No. 99Z-106G

Map 52-4, Parcel 92
District 9 (Dillard)

A request to change from RS10 to RS7.5 district property on the west margin of Cheyenne Boulevard, approximately 1,600 feet north of Canton Pass (10.97 acres), requested by Joe McConnell, appellant, for Kentucky-Tennessee Conference Association of Seventh Day Adventists, owners.

Resolution No. 99-690

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-106G is **APPROVED (8-0)**:

This property falls within the Subarea 4 Plan’s Residential Medium (RM) policy calling for 4 to 9 units per acre. The RS7.5 district is consistent with RM policy and the single-family development pattern in the immediate area.”

PUD Proposal No. 96P-023G
Bristol Park at Riverchase
Map 26-16, Part of Parcel 1
District 10 (Garrett)

A request to revise the preliminary plan and for final approval of the Residential Planned Unit Development District located approximately 450 feet south of Gallatin Pike, approximately 200 feet west of Cumberland Hills Drive, classified RM4 (76.79 acres), to redesign the site layout for 20, two-story buildings with 240 multi-family units, replacing 12 buildings with 240 multi-family units on the approved plan, requested by Littlejohn Engineering Associates, for Bristol Park at Riverchase, LLC, owner.

Resolution No. 99-691

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-023G is given **APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL PUD APPROVAL (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final 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. Prior to the issuance of any building permits the applicant must meet with the Department of Public Works and submit plans to the Metropolitan Planning Commission detailing the downstream drainage for this plan to the satisfaction of the Department of Public Works.
3. Prior to the issuance of any building permits, a revised PUD boundary plat shall be recorded and a final plat shall be recorded with the posting of all required bonds for water and sewer line extensions."

SUBAREA 6 (1996)

Subdivision Proposal No. 99S-173G
Chaffin Subdivision No. 5 (formerly
McCrorry Lane Property)
Map 155, Part of Parcel 224
District 35 (Lineweaver)

A request for final plat approval for seven lots abutting the southwest margin of McCrorry Lane, opposite Indian Hills Drive (11.8 acres), classified within the RS20 District, requested by A. W. Chaffin, owner/developer, Wamble and Associates, surveyor.

Resolution No. 99-692

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-173G, is **APPROVED SUBJECT TO A BOND OF \$84,525.00 (8-0)**.”

Request for Bond Extension
Subdivision No. 95S-167G
Still Spring Hollow, Phase 1, Section 3
Greater Middle Tennessee Development Partnership,
principal

[Buildout is at 10%]

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

Resolution No. 99-693

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95S-167G, Bond No. 97BD-092, Still Springs Hollow, Phase 1, Section 3 in the amount of \$20,000 to 10/1/2000.”

Request for Bond Extension

Subdivision No. 98S-073G

Poplar Creek Estates, Phase 5, Section B-1

Poplar Creek Development Company, principal

[Buildout is at 10%]

Located abutting the south margin of Poplar Creek Road, approximately 800 feet east of Allens Lane.

Resolution No. 99-694

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-073G, Bond No. 98BD-072, Poplar Creek Estates, Phase 5, Section B-1 in the amount of \$130,460 to 7/1/2000 subject to submittal of an amendment to the present Letter of Credit by **9/15/99** which extends its expiration date to 1/2/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Release

Subdivision No. 97S-206G

Wildflower Place

Tex/Mex Partners, LLC, principal

Located abutting the north margin of Bellevue Road, approximately 950 feet west of Hicks Road.

Resolution No. 99-695

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 97S-206G, Bond No. 97BD-050, Wildflower Place in the amount of \$50,000.”

SUBAREA 2 (1995)

Mandatory Referral Proposal No. 99M-122U

Ewing Creek Property Acquisition

Map 60-1, Parcels 174 and 177

District 3 (Nollner)

A resolution authorizing the Director of Public Property to exercise two options to purchase real property as part of the Ewing Creek Flood Mitigation Project, Public Works Project No. 84PW028B.

Resolution No. 99-696

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 99M-122U.”

SUBAREA 7 (1994)

Subdivision Proposal No. 99S-304U
Plan of West Nashville, Blk. 4, Lots 1-8
Map 91-8, Parcels 221, 222 and 224
District 21 (McCallister)

A request for final plat approval to consolidate eight lots into one lot abutting the southwest corner of Michigan Avenue and 44th Avenue North (1.1 acres), classified within the IR District, requested by Contractors Tile Company, Inc., owner/developer, Cherry Land Surveying, Inc., surveyor.

Resolution No. 99-697

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-304U, is **APPROVED (8-0).”**

This concluded the items on the consent agenda.

SUBAREA 14 (1996)

Subdivision Proposal No. 99S-315G (Public Hearing)
Shadowbrook
Map 86, Parcels 93, 95-98 and 270
District 12 (Ponder)

A request for preliminary approval for 135 lots abutting the west margin of Tulip Grove Road, approximately 2,350 feet south of Old Lebanon Dirt Road (40.34 acres), classified within the RS7.5 and RM9 Districts, requested by Shadowbrook, L.L.C., owner/developer, Littlejohn Engineering Associates, Inc., surveyor.

Mr. Calleja stated staff is recommending conditional approval subject to approval from Public Works and Water Services and a variance from the length of a cul-de-sac. The property is T shaped and has access off of Tulip Grove Road with a future secondary access on Rockwood Road.

Mr. Chuck Hoskins, Ms. Wanda Wilson, Mr. James Hollinsworth, Mr. Chris McGinzy and Mr. Clayton Bullington expressed concerns regarding school overcrowding, any access to the Market Square Subdivision, disturbing the floodplain, flooding, clearing trees along the creek and causing erosion, disturbing wildlife, property value depreciation.

Councilmember Ponder stated he had only two calls on this particular project with concerns regarding a connector road. He concurred with staff’s recommendation not to have a connector road to the Market Square Subdivision.

Mr. Don Kendall, with Littlejohn Engineering, stated he was working with Public Works regarding the floodway and floodplain issues on this project. This is an unstudied stream, which means there is no current studies prepared by the Corps of Engineers or by Metro. It is currently not recognized by FEMA as a floodway; however, there is drainage through the creek. Public Works is going to require creation of a no rise situation during development.

Councilmember Garrett stated it was his understanding that all the green space shown on the map could be homes because of the cluster lot provisions and that is an advantage of having the cluster lot development.

Mr. Cochran stated he was opposed to the variance for the length of the cul-de-sac because it will be the only way out for so many homes.

Chairman Lawson stated this was an exception because there was no other way to get a road through.

Ms. Warren stated that on other cul-de-sac variances that were disapproved there were alternatives but that this one had no alternatives.

Councilmember Garrett stated having one way in and one way out is what the public wants, everyone wants to live on a dead end road.

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

Resolution No. 99-698

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-315G, is **APPROVED WITH A VARIANCE TO SECTION 2-6.2.1G OF THE SUBDIVISION REGULATIONS; PUBLIC HEARING CLOSED (7-1).”**

Subdivision Proposal No. 99S-316G
The Meadows of Seven Points, Phase 1
Map 98, Parcel 158 and Part of Parcel 60
District 12 (Ponder)

A request for final plat approval to create 37 lots abutting the east margin of South New Hope Road, approximately 1,460 feet south of John Hager Road (16.01 acres), classified within the RS15 District, requested by Seven Points, LLC, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Mr. Calleja stated staff is recommending conditional approval subject to approval from Public Works and a bond. This is a cluster lot subdivision and buffer yards and open space have been provided. The main access point for this subdivision will be off of South New Hope Road with additional access points to the north and south.

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

Resolution No. 99-699

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-316G, is **APPROVED SUBJECT TO A BOND OF \$644,000.00 (8-0).”**

Zone Change Proposal No. 99Z-107U
Map 95-11, Parcel 134
District 15 (Dale)

A request to change from CL to RM20 district property at 2505 Merry Oaks Drive, approximately 150 feet south of Springview Drive (1.4 acres), requested by David W. Gaw Family Limited Partnership, appellants/owners.

Mr. Reid stated staff is recommending disapproval of the RM20 but would support RM15 zoning. The reason the applicant is requesting RM20 is because he wants to expand the existing apartment complex on the property by an additional 10 units, which would bring the project up to 19 units per acre. Two factors to consider are that this property is currently zoned commercial and this property does not have access to McGavock Pike. Therefore, all access must come through the adjacent single family area. Under usual

circumstances staff would support only single family zoning, since this property is part of this residential area; however, given the fact that there is an existing apartment complex on the site, and it does have commercial zoning today, staff would prefer to apply multi-family zoning to recognize what is there today, and to avoid the risk of commercial traffic. Staff believes the RM15 district is more appropriate because the lower density would be more compatible with this single family area and would also bring the existing apartment complex in compliance with the zoning code and would also allow an additional 4 units to be built on the site.

Ms. Nielson asked if the owner was willing to accept the RM15 rather than the RM20.

Mr. Reid stated he was not.

Mr. Small stated the staff report says the owner wants to add 12 units for a total of 29 and the letter from Mr. Gaw states he wants to add 10 for a total of 26.

Mr. Reid stated his initial application indicated he wanted to expand 12, but has now changed the addition to 10.

Ms. Warren agreed with staff's recommendation because of the surrounding RS10 and the single access.

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

Resolution No. 99-700

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-107U is **DISAPPROVED (8-0)**:

This property falls within the Subarea 14 Plan's Commercial Arterial Existing (CAE) policy calling for commercial, office, and higher density residential uses. While the RM20 district is consistent with CAE policy, the RM15 district is more appropriate since it would recognize the existing apartment complex use, provide minimal expansion opportunities (4 units), and is more compatible with the single-family neighborhood, which provides the only access to the property, than the RM20 district."

PUD Proposal No. 215-76-G
Jack-In-the-Box Restaurant
Map 86, Parcel 85
District 12 (Ponder)

A request to revise the preliminary plan and for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the east margin of Old Hickory Boulevard, north of Central Pike, classified CS (1.09 acres), to develop a 3,019 square foot fast-food restaurant and to reduce the building setback from 60 feet to approximately 42 feet from the adjoining residential development, requested by Barge, Cauthen and Associates, Inc., for Foodmaker, Inc., owners. (Deferred from meetings of 7/8/99, 7/22/99 and 8/5/99).

Ms. Regen stated staff is recommending conditional approval with a reduction to the setback requirements. There is an embankment at the rear of the property, and the applicant is asking to place their building closer to that embankment. The relocation of the building would in fact make it less visible to the adjacent apartment units.

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

Resolution No. 99-701

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 215-76-G is given APPROVAL OF A REVISION TO THE PRELIMINARY PLAN, CONDITIONAL FINAL PUD APPROVAL FOR A PHASE, AND A VARIANCE TO SECTION 17.100.090G(1) OF THE FORMER ZONING ORDINANCE (8-0). The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final 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. Prior to the issuance of any building permits, a final subdivision plat shall be recorded and bonds shall be posted for any necessary public improvements.”

Request for Bond Extension

Subdivision No. 98S-019G
Jackson’s Grove, Phase 1
Consolidated Realty Services, principal
[Buildout is at 84%]

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

Mr. Calleja stated staff is recommending disapproval of this request for bond extension and is requesting authorization to collect if final paving, water and sewer punch list items and the final water line testing is not completed by November 19, 1999.

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

Resolution No. 99-702

“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. 98S-019G, Bond No. 98BD-017, Jackson’s Grove, Phase 1 in the amount of \$32,250 unless final paving, water and sewer punch lists and testing are completed by 11/19/99.”

SUBAREA 12 (1997)

Subdivision Proposal No. 99S-028G (Public Hearing)

Mill Run
Map 173, Parcel 83
District 31 (Alexander)

A request for revised preliminary subdivision plat approval for 141 lots abutting the west margin of Old Hickory Boulevard, approximately 610 feet south of Barnes Road (56.64 acres), classified within the RS10 District, requested by Crosland, Patton, Smith L.L.C., owner/developer, Littlejohn Engineering Associates, Inc., surveyor.

Subdivision Proposal No. 99S-103G

Mill Run, Phase 1
Map 173, Part of Parcel 83
District 31 (Alexander)

A request for final plat approval to create 64 lots abutting the west margin of Old Hickory Boulevard, approximately 610 feet south of Barnes Road (30.94 acres), classified within the RS10 District, requested by Crosland, Patton, Smith L.L.C., owner/developer, Littlejohn Engineering Associates, Inc., surveyor.

Mr. Calleja stated staff is recommending approval of the preliminary subdivision plat subject to a variance from the maximum length of a cul-de-sac, and conditional approval of the final plat for Phase 1 with a bond. This Commission approved this subdivision on January 7, 1999, for 139 lots and now the applicant is asking for 141 lots. This is a cluster lot subdivision and the floodway for Mill Creek runs through the property, and access will be from Old Hickory Boulevard with a stub out to the south.

No one was present to speak at the public hearing.

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

Resolution No. 99-703

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-028G, is **APPROVED WITH A VARIANCE TO SECTION 2-6.2.1G OF THE SUBDIVISION REGULATIONS; PUBLIC HEARING CLOSED (7-1).”**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-103G, is **APPROVED SUBJECT TO A BOND OF \$552,500.00 (7-1).”**

SUBAREA 13 (1996)

Subdivision Proposal No. 99S-282U (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 Place (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 meetings of 7/22/99 and 8/5/99).

Mr. Calleja stated the applicant is requesting a two week deferral. This item has been deferred twice and staff is recommending an indefinite deferral.

Ms. Janet Morris, Ms. Ann Shaub, Ms. Ellen Burch, Ms. Marilyn Phillips, and Ms. Jan Raysuk expressed concerns regarding the narrow street extension, traffic, school overcrowding, wildlife disruption, property value depreciation, safety, and drainage.

Mr. Dudley Smith, developer, spoke in favor of the project and stated he was very interested in working with staff and Public Works to adjust the site plan where it would have access through the existing subdivision and not onto Murfreesboro Road.

Mr. Small stated that if the exit onto Murfreesboro Road could be worked to satisfy Traffic and Parking it would give the people on Broadview, Sleepy Hollow and Richen an alternative exit.

Ms. Warren stated this situation goes back to exactly what happens when the Commission approves cul-de-sacs over 750 feet because the Commission plans connections and groups of families that have lived in homes next to property that has not been developed for 25 years then oppose the proposed development. This is property that hasn't been developed in years. People are living with forest and animals, but the people that own this property have the right to develop it.

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

Request for Bond Extension

Subdivision No. 99S-068U
Hickory Place Condos
Asgard Group LLC, principal
[Buildout is at 100%]

Located abutting the east margin of Baby Ruth Lane, approximately 1,400 feet north of Mt. View Road.

Mr. Calleja stated staff is recommending disapproval of this bond extension and authorization for collection of the performance bond unless all work is completed by November 19, 1999.

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

Resolution No. 99-704

“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. 99S-068U, Bond No. 99BD-013, Hickory Place Condos in the amount of \$9,000 unless the water and sewer punch lists and testing are completed by 11/19/99.”

SUBAREA 4 (1998)

PUD Proposal No. 92P-009G

Oakwood Estates (formerly Wynnford Heights)
Map 51-10, Parcels 68 and 69
Map 51-11, Parcels 75, 76 and 77
Map 51-14, Parcels 9 and 10
District 3 (Nollner)

A request to revise the preliminary plan and for final approval of the Residential Planned Unit Development District located abutting the northwest corner of Walton Lane and Saunders Avenue, classified R10 and RS20 (16.98 acres) Districts, to permit 55 single-family lots and to reduce the side yard setback from 10 feet to 5 feet for all lots, requested by Ragan-Smith Associates, for Buddy Dunn, owner. (Deferred from meetings of 7/22/99 and of 8/5/99).

Ms. Regen stated this property has split zoning of R10 and RS20. There is no issue with the number of lots being proposed in this plan revision, but the issue is the side yard setbacks. The applicant is asking to increase each building envelope on each lot to build larger houses and decrease the setbacks. Staff cannot support that and is recommending disapproval. Both the old and new Zoning Ordinance require that in the R10 district there be a 5 foot side yard setback and in the RS20 there be a 10 foot side yard setback. This PUD was approved and grandfathered under the old Zoning Ordinance and was originally approved for 10 foot side yard setbacks for the entire property. At the time the developer bought this PUD he understood he had an approved plan that showed 10 foot side yards and agreed to those setbacks and building envelopes. At the time this original PUD came through there was the opportunity to have asked for smaller setbacks but the developer at that time did not and that is what was approved by Council. There was the opportunity, as

Councilmember Nollner indicated, to revise the zoning districts to apply an RS10 zoning to this entire piece of property and that decision was made by Council not to apply RS10 to the entire piece of property because of the surrounding larger lots.

Chairman Lawson stated he had a problem with the presentation because it inferred that a development, once approved, cannot be changed. If you are an astute developer you know what the zoning codes are and that this is a PUD that can be amended, and that might be part of his development process. Councilmember Nollner made a very good point that if they had caught the oversight a few years ago it would not be back here today. It was not an issue of the Council not wanting to change it; it was an issue that just fell through the cracks.

Mr. Browning stated staff proposed the entire property go under an RS10 base zoning and the Council insisted it remain R20.

Chairman Lawson stated that he felt that although the Council wanted it to remain RS20 there was a contingent to that they overlooked and that was the setbacks.

Mr. Browning cautioned the Commission that if they were to allow this PUD to reduce down to a 5 foot setback because it may be grandfathered under the old PUD, that option is not available to any new PUDs and that would be giving something that is not available to a PUD developer today.

Mr. Randy Caldwell, with Regan-Smith, explained his proposal and stated this change would not hurt the integrity of the initial PUD because the number of lots is not increasing nor are the lot sizes.

Mr. Cochran moved and Mr. Small seconded the motion, which carried with Councilmember Garrett in opposition, to approve the following resolution:

Resolution No. 99-705

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 92P-009G is given **DISAPPROVAL (7-1)**:

The preliminary plan was approved with two separate underlying base zoning districts, R10 and RS20. Although these two districts have different side yard setback requirements (R10 requires a 5-foot setback and RS20 requires a 10-foot setback), the original plan was approved with 10-foot setbacks for all lots. To achieve the desired larger building envelope through the setback reduction, all of the parcels should be under the same zoning classification. Those properties falling within the RS20 district; therefore, should be rezoned to the R10 district.”

SUBAREA 8 (1995)

Subdivision No. 97S-350U

Haslam Plan, Lot 7 and Part of Lots 6 and 8
Map 81-16, Parcels 638 and 639
District 20 (Haddox)

A request for final plat approval to reconfigure one lot and part of two lots into two lots abutting the west margin of 10th Avenue North, approximately 80 feet north of Phillips Street (.30 acres), classified within the RS3.75 District, requested by Metropolitan Development and Housing Agency, owner/developer, Thornton & Associates, Inc., surveyor. (Deferred from meeting of 8/5/99).

Mr. Calleja stated staff is recommending approval subject to a variance from the minimum required street frontage of 50 feet. MDHA is wanting to subdivide this property, which is presently a parcel and two lots. One of the lots has 57 feet of frontage and the other lot has 30 feet of frontage. After they are subdivided each will have 43.5 feet of frontage. They are requesting this variance because there is not adequate

frontage to achieve the required 50 foot frontage, and this amount of frontage is excessive in a zoning district allowing such small lots.

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

Resolution No. 99-706

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-350U, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2A OF THE SUBDIVISION REGULATIONS (7-0).”**

SUBAREA 10 (1994)

Subdivision Proposal No. 99S-306U
Seven Hills, Section 1, Resubdivision of Lot 1
Map 131-11, Parcel 8
District 33 (Turner)

A request for final plat approval to subdivide one lot into two lots abutting the northeast margin of Shys Hill Road, approximately 750 feet northwest of Harding Place (1.14 acres), classified within the R20 District, requested by Michel and Ruth Kizur, owners/developer, The Cummings Group, Inc., surveyor.

Mr. Calleja stated staff is recommending disapproval because the proposed lot split does not meet comparability in regard to lot frontage and lot area.

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

Resolution No. 99-707

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-306U, is **DISAPPROVED (7-0).”**

SUBAREA 3 (1998)

Subdivision Proposal No. 99S-309G
Harper Subdivision
Map 48, Part of Parcel 16
District 1 (Patton)

A request for final plat approval to create one lot abutting the southwest margin of Clarksville Pike, approximately 1,000 feet north of and opposite Lloyd Road (3.21 acres), classified within the RS15 District, requested by Paul W. and Thelma Harper, owners/developers, John Kohl and Company, surveyor.

Mr. Calleja stated staff is recommending approval subject to a variance from the maximum lot size because of the area that is in the 100 year floodplain.

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

Resolution No. 99-708

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-309G, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS (7-0).**”

OTHER BUSINESS:

1. Advance Planning and Research Fund Appropriation

Mr. Browning explained this action would place \$250,000 in the APR Fund, with \$50,000 of that coming from the budget approved by Council, to be used for Long Range Planning. The other \$200,000 is basically a loan being made to the Planning Commission from the General Fund and is reimbursable from federal transportation funds as projects are completed.

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

Resolution No. 99-709

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the Advance Planning and Research Fund Appropriation in the amount of \$250,000 as follows:”

Appropriation Balance - July 1, 1999				\$ -
Resolution No. 99-709 Adopted Aug. 19, 1999				\$ 250,000.00
Net Appropriation Balance				\$ 250,000.00
<u>July, Aug, Sept. 1999 Expenditures - Projected:</u>				
Salaries			\$ 24,443.00	
Central Printing Services			\$ 750.00	
Data Processing Services			\$ 75.00	
Advertising			\$ 1,950.00	
Membership/Training			\$ 250.00	
Consultant's Services			\$207,723.00	
Postage			\$ 500.00	
Office Supplies			\$ -	
FICA			\$ 2,118.00	
Group Health Insurance			\$ 1,385.00	
Employer's Pension Contribution			\$ 1,135.00	
Group Life Insurance			\$ 235.00	
Dental Insurance			\$ 150.00	
Total Projected Expenditures				\$ 240,714.00
Net Appropriation Balance				\$ 9,286.00

2. Agenda Format

Ms. Carrington presented new ways the agenda, staff reports and sketches could be arranged for the Commission convenience.

3. Employee Contract for John Boyle

ADDENDUM

Employee Contracts for Neill Jobe and Amy McAbee-Cummings.

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

Resolution No. 99-710

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the employee contract for John Boyle for one year from August 16, 1999 through August 15, 2000 and the employee contracts for Neill Jobe and Amy McAbee-Cummings for one year from September 1, 1999 through August 31, 2000.

4. Legislative Update

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

PLATS PROCESSED ADMINISTRATIVELY

August 5, 1999 through August 18, 1999

- | | |
|-----------------|--|
| 99S-164U | HEARTHLAND , Phase 2, Section 4. First Revision
Correction of curve data |
| 99S-226U | TOWNHOMES OF BRENTWOOD
Condominium Plat |
| 99S-272G | STONERS BEND BUSINESS PARK , Resubdivision of Lot 3A
Minor revision to one platted lot |
| 99S-288G | D. L. NORTHCUTT SUBDIVISION
Plats two lots as building sites |
| 99S-291G | RIVERSIDE , Phase 4B, Lots 196 and 197
Minor lot line shift |
| 99S-303U | REELFOOT , Section 3, Lots 279 and 280
Minor interior lot line shift |
| 99S-308G | ROBERT F. MCDANIEL PROPERTY
Plats one parcel as one lot |

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:25 p.m.

Chairman

Secretary

Minute Approval:
This 2nd day of September, 1999