

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: September 2, 1999
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Douglas Small, Vice Chairman
Frank Cochran
Tonya Jones
William Manier
Ann Nielson
Vicki Oglesby
Marilyn Warren

Absent:

Mayor Philip Bredesen
James Lawson, Chairman
Tim Garrett, Councilmember

Others Present:

Executive Office:

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

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 II

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Advance Planning & Research:

John Boyle, Planning Division Manager
Michelle Kubant, Planner II
Paige Watson, Planner II
Neill Jobe, Planner I
Nedra Jones, Planner I

Amy McAbee-Cummings, Planner I

Others Present:

Jim Armstrong, Public Works
Leslie Shechter, Legal Department

Vice Chairman Small called the meeting to order.

ADOPTION OF AGENDA

Ms. Carrington announced Planned Unit Development 210-73-G, Drury Inn Commercial (McDonalds), has been withdrawn.

Ms. Nielson moved and Ms. Warren seconded the motion, which unanimously passed, to adopt the agenda.

ANNOUNCEMENT OF DEFERRED ITEMS

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

99S-318U	Deferred two weeks, by applicant.
99S-332G	Deferred two weeks, by applicant.
99S-334G	Deferred indefinitely, by applicant.
20-85-P	Deferred two weeks, by applicant.
51-87-P	Deferred two weeks, by applicant.
99M-123U	Deferred indefinitely, by applicant.

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

APPROVAL OF MINUTES

Ms. Oglesby moved and Ms. Warren seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of August 19, 1999.

RECOGNITION OF COUNCILMEMBERS

Councilmember Michelle Arriola spoke in favor of Zone Change 99Z-110U and stated she had held two neighborhood meetings regarding this proposal and there was no opposition.

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:

SUBDIVISION AND BOND PROPOSALS

99S-191U
Collins Park, Section 2
Map 163, Parcels 141 and 191
Subarea 13 (1996)
District 28 (Alexander)

A request for final plat approval to remove the reserve status on a parcel, dedicate the right-of-way of Collins Park Drive and create two lots between Interstate 24 and CSX Railroad and the southeast terminus of Collins Park Drive (17.01 acres), classified within the CS District, requested by Century Land Company Tennessee, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 99-711

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-191U, is **APPROVED (7-0).”**

99S-247U
Downtown Library
Map 93-6-1, Parcels 61 and 67
Map 93-6-3, Parcel 6
Subarea 9 (1997)
District 19 (Wallace)

A request for final plat approval to consolidate three lots into one lot between Church Street and Commerce Street and between 6th Avenue North and 7th Avenue North (3.81 acres), classified within the CF District, requested by Metropolitan Development and Housing Agency, owner/developer, Thornton and Associates, Inc., surveyor.

Resolution No. 99-712

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-247U, is **APPROVED (7-0).”**

99S-314G
Northside Marketplace, Resubdivision
of Lot 1 (First Revision)
Map 26-16, Parcel 1
Subarea 4 (1998)
District 10 (Balthrop)

A request for final plat approval to subdivide one lot into two lots abutting the south margin of Gallatin Pike, approximately 1,520 feet west of Cumberland Drive (88.33 acres), classified within the CS District and the RM4 Planned Unit Development District, requested by Davevest Associates, L.P., owner/developer, Cherry Land Surveying, surveyor. (Deferred from meeting of 8/19/99).

Resolution No. 99-713

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-314G, is **APPROVED SUBJECT TO A BOND OF \$220,000.00 (7-0).”**

99S-328U
Hampton Place
Map 162, Parcels 86 and 87
Subarea 12 (1997)
District 31

A request for final plat approval to record two parcels as two lots abutting the west margin of Old Hickory Boulevard, approximately 240 feet south of Bell Road (1.51 acres), classified within the OR20 District, requested by Leon Hampton, owner/developer, C. Michael Moran, surveyor.

Resolution No. 99-714

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-328U, is **APPROVED SUBJECT TO A BOND OF \$14,500.00 (7-0).”**

99S-330G
Wilford Bailey Property
Map 7, Part of Parcel 166
Subarea 2 (1995)
District 10 (Balthrop)

A request for final plat approval to create three lots abutting the east margin of Tinnin Road, approximately 390 feet north of Dickerson Pike (4.88 acres), classified within the R40 District, requested by Wilford E. and Phyllis Ann Bailey, owners/developers, Tommy E. Walker, surveyor.

Resolution No. 99-715

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-330G, is **APPROVED (7-0).”**

Request for Bond Release
97S-039G
Lakeridge, Phase 3
B & D Developments, Inc.
Subarea 14 (1996)

Located abutting the northeast corner of Lakeridge Run, approximately 225 feet southeast of Lakeridge Pass.

Resolution No. 99-716

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for release of a performance bond for Subdivision No. 97S-039G, Bond No. 97BD-016, Lakeridge, Phase 3 in the amount of \$66,100.”

Request for Bond Release
98S-353G
Charles C. Coggins, Resubdivision of Lots 1 & 2
James H. & Judy L. Benson
Subarea 4 (1998)

Located abutting the southwest corner of Due West Avenue and Gallatin Pike.

Resolution No. 99-717

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for release of a performance bond for Subdivision No. 98S-353G, Bond No. 98BD-100, Charles C. Coggins, Resubdivision of Lots 1 & 2 in the amount of \$10,000.”

Request for Bond Extension

163-73-G
Bellevue Shopping Center, Phase 2
Service Merchandise Company, Inc.
Subarea 6 (1996)
[Buildout is at 0%]

Located abutting the south margin of the Memphis-Bristol Highway, approximately 1,000 feet west of Sawyer Brown Road.

Resolution No. 99-718

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 163-73-G, Bond No. 91BD-001, Bellevue Shopping Center, Phase 2 in the amount of \$65,000 to 9/30/2000.

Request for Bond Extension

57-86-P
Whites Creek Commercial Center
Cracker Barrel Old Store, Inc.
Subarea 3 (1998)
[Buildout is at 0%]

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

Resolution No. 99-719

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 57-86-P, Bond No. 90BD-026, Whites Creek Commercial Center in the amount of \$57,250 to 9/15/2000 subject to submittal of an amendment to the present Letter of Credit by **10/15/99** 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

88P-023G
Little Creek Farm, Section 1
James Powers Jr.
Subarea 3 (1998)
[Buildout is at 0%]

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

Resolution No. 99-720

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the 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 9/15/2000 subject to submittal of a letter from Reliance Insurance Company by **10/15/99** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

97S-228U
Twin Oaks, Phase 2
Glenn Associates (Twin Oaks Associates)
Subarea 11 (1993)
[Buildout is at 0%]

Located between Twin Oaks Drive and Antioch Pike, approximately 850 feet east of Glencliff Road.

Resolution No. 99-721

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-228U, Bond No. 99BD-005, Twin Oaks, Phase 2, in the amount of \$146,000 to 10/2/2000 subject to submittal of a letter from AMWEST Surety Insurance Company by **10/15/99** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

97S-380U
Aberdeen Woods, Phase 1, Section 2
Zaring Homes, Inc.
Subarea 12 (1997)
[Buildout is at 53%]

Located abutting the southwest margin of Oakley Drive, approximately 130 feet southeast of Cochran Drive.

Resolution No. 99-722

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-380U, Bond No. 98BD-091, Aberdeen Woods, Phase 1, Section 2, in the amount of \$30,750 to 9/2/2000 subject to submittal of a letter from Travelers Insurance Company by **10/15/99** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

97S-381U
Aberdeen Woods, Phase 1, Section 3
Zaring Homes, Inc.
Subarea 12 (1997)
[Buildout is at 58%]

Located abutting both margins of Cochran Drive, approximately 400 feet southeast of Aviemore Drive.

Resolution No. 99-723

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-381U, Bond No. 98BD-092, Aberdeen Woods, Phase 1, Section 3, in the amount of \$44,000 to 9/2/2000 subject to submittal of a letter from Travelers Insurance Company by **10/15/99** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension
98S-123G
Northbrook, Phase II
Buddy Dunn Contractors, L.P.
Subarea 2 (1995)
[Buildout is at 21%]

Located abutting the northeast terminus of Northbrook Drive, approximately 85 feet northeast of Ridge Top Drive.

Resolution No. 99-724

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-123G, Bond No. 98BD-065, Northbrook, Phase II in the amount of \$60,500 to 8/24/2000 subject to submittal of an amendment to the present Letter of Credit by **10/15/99** which extends its expiration date to 3/24/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension
98S-129U
Baldwin Arbor
Hobbs, LLC
Subarea 10 (1994)
[Buildout is at 11%]

Located at the north margin of Hobbs Road, approximately 147 feet west of Legend Hall Drive.

Resolution No. 99-725

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-129U, Bond No. 98BD-086, Baldwin Arbor, in the amount of \$41,500 to 9/18/2000 subject to submittal of an amendment to the present Letter of Credit by **10/15/99** which extends its expiration date to 3/18/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension
98S-274U
Briley Parkway Business Center, Section 2,
Resubdivision of Lot 2
NWI Warehouse Group, L.P.
Subarea 6 (1996)
[Buildout is at 0%]

Located at the northeast corner of Brick Church Lane and Briley Park Boulevard North.

Resolution No. 99-726

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-274U, Bond No. 98BD-087, Briley Parkway Business Center, Section 2, Resubdivision of Lot 2, in the amount of \$261,000 to 9/18/2000 subject to

submittal of an amendment to the present Letter of Credit by **10/15/99** which extends its expiration date to 3/18/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

ZONE CHANGE AND PUD PROPOSALS

99Z-108G

Map 141, Parcels 45 (9.92 acres) and 46 (22.23 acres)
Subarea 6 (1996)
District 35 (Lineweaver)

A request to change from AR2a to RS20 district properties at 991 Morton Mill Road and Morton Mill Road (unnumbered), abutting the south margin of the CSX Railroad and the northern terminus of River Court (32.15 acres), requested by Max B. Vinson, appellant, for J. W. Newsom, owner.

Resolution No. 99-727

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-108G is **APPROVED (7-0)**:

These properties falls within the Subarea 6 Plan’s Residential Low Medium (RLM) policy calling for up to 4 units per acre. The RS20 district is consistent with that policy and the predominant zoning pattern to the south.”

99Z-109U

Map 60-14, Parcel 18
Subarea 3 (1998)
District 2 (Black)

A request to change from R8 to IWD district property at Brick Church Pike (unnumbered), opposite Woodfolk Avenue (.88 acres), requested by Jess Harris, appellant/owner.

Resolution No. 99-728

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-109U is **APPROVED (7-0)**:

This property falls within the Subarea 3 Plan’s Industrial (IND) policy calling for manufacturing, warehousing, and distribution uses. The IWD district is consistent with that policy and the established zoning pattern along both sides of Brick Church Pike.”

99Z-111U

Map 95, Parcel 116
Subarea 14 (1996)
District 15 (Loring)

A request to change from CS to OR20 district property at 412 Royal Parkway, approximately 200 feet south of Elm Hill Pike (1.98 acres), requested by Mahesh Patel, appellant, for Ramesh Surati, owner.

Resolution No. 99-729

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-111U is **APPROVED (7-0)**:

This property falls within the Subarea 14 Plan's Office Concentration (OC) policy calling for intensive office development along both margins of Elm Hill Pike in this vicinity. The OR20 district is consistent with this policy and the predominant zoning pattern along the south margin of Elm Hill Pike to the north, east, and west."

99Z-113U

Map 91-8, Parcels 15 (.13 acres) and 16 (.13 acres)
Subarea 7 (1994)
District 21

A request to change from R6 to IR district properties at 1011 and 1013 44th Avenue North, approximately 200 feet north of the CSX Railroad (.26 acres), requested by Jeff Heinz, appellant, for American Towel and Rental Services, Inc., owners.

Resolution No. 99-730

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-113U is **APPROVED (7-0)**:

These properties fall within the Subarea 8 Plan's Industrial (IND) policy calling for wholesaling, warehousing, and manufacturing uses in this predominately vacant area between the CSX Railroad, 44th Avenue North, and Centennial Boulevard. The IR district is consistent with that policy and the established zoning pattern on both sides of the CSX Railroad. Industrial zoning should not extend east of 44th Avenue North since MDHA is considering a proposal which would encourage residential reinvestment in that Residential Medium (RM) policy area calling for 4 to 9 units per acre."

18-84-U

Villages of Cherry Glen (Burton Hills)
Map 131-06-A, Various Parcels
Subarea 10 (1994)
District 33 (Turner)

A request to revise the preliminary plan and for final approval of a portion of the Residential Planned Unit Development District located approximately 320 feet north of Harding Place at Cumberland Place, classified R15, to relocate and remove the sidewalks within a portion of the PUD and to approve the existing detention facility as-built, requested by Gresham, Smith and Partners, L.P., for Cherry Glen Partners, L.P., owners. (Deferred from meeting of 8/19/99).

Resolution No. 99-731

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 18-84-U is given **APPROVAL OF THE REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR A PORTION OF THE PUD (7-0)**. The following condition applies:

Written confirmation of final 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."

88P-009G

Autumn Oaks, Phase 3
Map 181, Part of Parcel 43

Subarea 12 (1997)
District 31

A request to revise the preliminary and for final approval for Phase 3 of the Residential Planned Unit Development District located abutting the south margin of Culbertson Road, approximately 400 feet east of Nolensville Pike (19.15 acres), classified R20, to permit 49 single-family lots, replacing 63 single-family lots, requested by Wamble and Associates, PLLC, for Autumn Oaks, LLC, owner.

Resolution No. 99-732

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-009G is given **APPROVAL TO REVISE THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR PHASE 3 (7-0)**. 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. All driveways for the proposed single-family lots shall conform to the slope and grade requirements as outlined in the Subdivision Regulations (Appendix H).
3. Prior to the issuance of any grading permits for a lot designated as critical, a critical lot plan shall be submitted to the Planning Commission staff for review. All critical lot plans shall be signed and stamped by a certified professional engineer. If upon review of the critical lot plan, the Planning Commission staff or Public Works staff determine that more detailed information is necessary, the applicant shall provide the appropriate information to staff. If it is determined necessary by the Department of Public Works, a grading permit may be required.
4. 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.
5. Prior to the issuance of any building permits for any subsequent phases, the detention pond shown on this portion of the plan shall be constructed and operational.
6. In conjunction with any final plat for Phase 3, a landscape agreement shall be submitted to the Planning Commission for the maintenance of the grass median on Spring Oak Drive. This agreement shall be signed and approved by the Metro Public Works Department prior to the issuance of any building permits.”

88P-009G
Autumn Oaks, Phase 4
Map 181, Part of Parcel 43
Subarea 12 (1997)
District 31

A request to revise the preliminary and for final approval for Phase 4 of the Residential Planned Unit Development District located abutting the south margin of Culbertson Road, approximately 400 feet east of Nolensville Pike (6.74 acres), classified R20, to permit 28 single-family lots, replacing 25 single-family lots, requested by Wamble and Associates, PLLC, for Autumn Oaks, LLC, owner.

Resolution No. 99-733

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-009G is given **APPROVAL TO REVISE THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR PHASE 4 (7-0)**. 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. All driveways for the proposed single-family lots shall conform to the slope and grade requirements as outlined in the Subdivision Regulations (Appendix H).
3. Prior to the issuance of any grading permits for a lot designated as critical, a critical lot plan shall be submitted to the Planning Commission staff for review. All critical lot plans shall be signed and stamped by a certified professional engineer. If upon review of the critical lot plan, the Planning Commission staff or Public Works staff determine that more detailed information is necessary, the applicant shall provide the appropriate information to staff. If it is determined necessary by the Department of Public Works, a grading permit may be required.
4. 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.
5. Prior to the issuance of any building permits for this phase, the detention pond shown on Phase 3 shall be constructed and operational."

88P-040G
Sam's Club Fueling Station
Map 114, Part of Parcel 318
Subarea 6 (1996)
District 23

A request to revise the preliminary site development plan of the Commercial (General) Planned Unit Development located abutting the southwest margin of Old Hickory Boulevard and Interstate 40, classified SCR, (21.27 acres), and for final approval of a portion of the PUD to permit the development of an unattended automobile gas fueling station in the parking area of the Sam's Club to be used exclusively by Sam Club Member, requested by Harrison French Architecture for Sams Wholesale Club owners.

Resolution No. 99-734

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-040G is given **APPROVAL TO REVISE THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL (7-0)**. 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."

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 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, requested by Ragan-Smith Associates, for Buddy Dunn, owner.

Resolution No. 99-735

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 92P-009G is given **CONDITIONAL FINAL APPROVAL (7-0)**. 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, including the 100-foot turn lane on Saunders Drive.”

MANDATORY REFERRAL PROPOSALS

99M-124G

Lakewood Sewer Extension Easement Acquisition
Map 53-8, Part of Parcels 38, 41, 42, 43, 73, 119,
127, 128 and 151
Map 53-12, Part of Parcels 153-158 and 185-187
Subarea 14 (1996)
District 11 (Brown)

A request by the Department of Water and Sewerage Services to acquire easements for the extension of sewer lines in the City of Lakewood (CIBP No. 98SG008).

Resolution No. 99-736

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 99M-124G.”

99M-125U

TVA Fiber Optic Cable
Map 105-12, Parcel 50
Subarea 9 (1997)
District 19 (Wallace)

A request to install an overhead fiber optic cable within a permanent easement by the Tennessee Valley Authority (TVA) on Metro Government property located at 501 Interstate Boulevard South, requested by Director of Public Property.

Resolution No. 99-737

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 99M-125U.”

This concluded the items on the consent agenda.

DEVELOPMENT MONITORING/AGENDA OVERVIEW

Mr. Boyle presented a countywide overview of the agenda.

PUBLIC HEARING ON PROPOSED AMENDMENT TO THE COLLECTOR STREET PLAN CONCERNING TROUSDALE DRIVE

Mr. Boyle presented staff's recommendation for the Collector Street Plan concerning Trousdale Drive. That recommendation is an amendment to the Collector Street Plan to designate Hearthstone Lane between Trousdale Drive and Old Hickory Boulevard as a collector street.

Ms. Wanda Shauntwell and Mr. William Glover spoke in favor of the plan as well as support to construct Trousdale between Broadwell and Hill Road. They indicated Trousdale already functions as a collector street, and the fact that it is not a continuous street is forcing heavy traffic to circulate through minor residential streets that are not able to accommodate the traffic.

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

Resolution No. 99-738

“WHEREAS, the Metropolitan Planning Commission adopted the Major Street Plan, *Mobility 2010* on July 30, 1992; and

WHEREAS, this plan establishes public policies that determine the location and extent of the collector street pattern within Davidson County; and

WHEREAS, this plan provides the legal basis under state law for the administration of land subdivision controls within Davidson County; and

WHEREAS, the improvements in this plan represent an overall solution to the existing and forecast need for mobility within the county; and

WHEREAS, a public hearing was held on September 2, 1999 to consider the merits of amending this plan as it relates to Trousdale Drive, a designated collector street located in the southern half of the county between Harding Place and Old Hickory Boulevard and paralleling Interstate Route 65; and

WHEREAS, the Commission finds that the southern terminus of Trousdale Drive at Old Hickory Boulevard was no longer a viable alternative within the plan; and

WHEREAS, the Metropolitan Planning Commission finds that the distribution of traffic within this part of the county would be best served by a continuous collector street from Harding Place to Old Hickory Boulevard; and

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** an amendment to the *Mobility 2010 Plan* as follows:
Eliminate the planned section of Trousdale Drive from Hearthstone Lane south to Old Hickory Boulevard from the existing collector street plan; and

Include Hearthstone Lane from its terminus on the north with Trousdale Drive to its terminus on the south with Old Hickory Boulevard as a collector street.”

SUBDIVISION AND BOND PROPOSALS

99S-300G (Public Hearing)
Branstetter Subdivision
Map 126, Parcel 66 and Part of Parcel 67
Subarea 6 (1996)
District 23

A request for preliminary approval for 170 lots abutting the north margin of Newsom Station Road, approximately 1,350 feet northeast of Settlers Way (68.89 acres), classified within the RS15 District, requested by Crosland, Patton and Smith, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Calleja stated staff is recommending conditional approval of this preliminary plan. This is a cluster lot subdivision proposal and because of that the developer is allowed to reduce lot sizes in exchange for open space and has done that. There are 3 road extensions besides the access to Newsom Station Road. Two of those will connect into the Boone Trace Subdivision and the third connection to the east will go through the open space area and provide access to the neighboring property.

No one was present to speak at the public hearing.

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

Resolution No. 99-739

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-300G, is **APPROVED; PUBLIC HEARING CLOSED (7-0).”**

ZONE CHANGE AND PUD PROPOSALS

99Z-110U
Map 132-16, Parcel 4
Subarea 11 (1993)
District 26 (Arriola)

A request to change from RS10 to OR20 district property at 4658 Trousdale Drive, approximately 470 feet north of Harding Place (.26 acres), requested by J. Michael Cisneros, appellant, for Mary Lou Gunselman, owner.

Ms. Regen stated staff is recommending disapproval of this rezoning to OR20 as contrary to the General Plan. The policy in this area is residential low-medium in the Subarea 11 Plan. The existing dentist office is in a home that has been converted into an office and the home next door is the property Dr. Cisneros is wanting to rezone to provide additional parking.

Dr. Michael Cisneros stated he had been practicing in this location for approximately 11 years and has outgrown his parking area and that is why he purchased the property next door. He said he had a petition with the endorsements of the Caldwell, Abbey, Hall Neighborhood association and about 100 other signatures from neighbors. The house is a rundown piece of rental property the neighborhood would like to see cleaned up.

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

Resolution No. 99-740

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-110U is **DISAPPROVED (7-0) as contrary to the General Plan:**

This property falls within the Subarea 11 Plan’s Residential Low Medium (RLM) policy calling for up to 4 units per acre. The intensive office and multi-family uses permitted in the OR20 district are not consistent with that policy. It is not appropriate to expand commercial zoning into this residential area.”

117-83-U
Music City PUD
Map 62, Parcel 248
Subarea 14 (1996)
District 15 (Loring)

A request for a variance to Section 17.32.130D (Sign Regulations) of the Zoning Regulations for a portion of the Commercial (General) Planned Unit Development District located abutting the north margin of McGavock Pike, approximately 650 feet west of Music Valley Drive, classified CA, to permit an additional sign containing 288 square feet for Amoco/Taco Bell, where one sign containing 469 square feet already exists, and where only one 288 square foot sign is allowed, requested by Music Valley Acres, Inc., appellant, for Amoco, owner.

Ms. Regen stated staff is recommending disapproval of this request for a variance to the sign regulations to add square footage because there is already on the property 469 square feet of sign space. This request is to add an additional sign with another 288 square feet, which far exceeds the amount allowed on that piece of property based on its frontage along McGavock Pike. When this piece of property was subdivided the applicant was aware that the existing sign used essentially all of the permitted sign area allocated for this property.

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

Resolution No. 99-741

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 117-83-U is given **DISAPPROVAL (7-0):**

The need for a variance was self-created by the applicant when parcel 34, on which the existing sign advertising “Factory Stores of America Outlet Center” was initially constructed and permitted, was subdivided in the past. The resubdivision of parcel 34 and subsequent PUD revisions placed limitations on the amount of signage this new parcel 248 could have in the future.”

31-86-P
Whitworth, Phase 3, Section 1
Map 104-14-G, Part of the Open Space
Subarea 10 (1994)
District 25 (Shulman)

A request to revise a portion of the Residential Planned Unit Development District located abutting the north margin of Woodlawn and the west margin of Compton Road, to permit the removal of a 10 inch PVC drainage pipe from the plans, where it was shown to replace a 6 inch pipe and where it was never installed or needed for stormwater management/flood control, requested by Barge, Waggoner, Sumner and Cannon, for Clements-Bartosh Interests, LLC.

Ms. Regen stated the issue before the Commission is whether or not to revise the PUD plan to remove from the approved plan a pipe in a berm to allow water to flow from Lake Whitworth to a creek running through

properties on Valley Vista Road. She stated the pipe has not been installed. Originally there was a 6 inch pipe to be built through the berm to provide frequent flows of water from Lake Whitworth through the creek. When the berm failed the developer built a larger berm and eliminated the pipe to prevent weakening of the berm. It would now take a very intense storm to enable water to drain through the enlarged and strengthened berm to the creek area. Public Works has indicated to staff water might flow through the pipe if it were installed as called for in the plan perhaps during the two most intense rainfalls per year. Public Works takes the position there is no need for the pipe for flood control purposes; it would serve only aesthetic purposes.

Mr. Vallie Brooks stated he had lived at 3610 Valley Vista Road since 1967 and during those 30 years he had enjoyed the water coming down the creek. Until this last berm was built there was a nice flow through the creek during a rainstorm. This pipe would make for the continuous flow of the surface waters, which is required by the developer; otherwise he would be deprived of his property rights, and that is why the pipe was in the plan in the first place. Mr. Brooks stated he had checked with Mr. Dan Eager of the State Division of Water Pollution Control and Natural Resources Section. That agency requires an aquatic resource alteration permit, which was obtained on the first berm. Mr. Brooks stated that agency required the developer to provide for the natural flow of the water in compliance with the law. Mr. Brooks stated the water cannot legally be diverted or cut off from his property.

Mr. Cochran stated since the water that once flowed by Mr. Brooks' property was being diverted he had standing to question this action.

Ms. Jones asked if there was a bond attached to this pipe.

Mr. Browning stated it, along with all improvements, are bonded but the petitioner is now asking to revise the plan to remove the pipe.

Ms. Shechter, Legal Counsel, stated what is bonded is improvements to comply with applicable stormwater management requirements. The pipe does not have anything to do with stormwater compliance.

Ms. Jones asked how this pipe got into the plan to begin with if Public Works doesn't care and Stormwater Management doesn't care.

Mr. Brooks disagreed and stated the permit for the renovation of the lake refers to the aesthetic value of the lake and if you don't have the proper drainage there will be not aesthetics and it will wash everything away. This is part of the drainage problem and the stormwater plans that were approved by this Commission.

Mr. Robert Clements, representing Clements-Bartosh Interests, stated his company was the contractor who was building this lake on behalf of the owner of the lake. The owner was originally CRC, a company that started Witworth but then was bought by SunTrust, and they contracted with Clements-Bartosh to build the lake, which was a requirement in order to be able to complete the development of Whitworth. SunTrust recalls no agreement with Mr. Brooks, and Clements-Bartosh Interest has made no agreement with Mr. Brooks about water. The pipe was removed from the plan in consultation with Public Works.

Mr. Jim Armstrong, Public Works, stated this pipe was on the original plan and in fact it indicated the existing 6" pipe would be replaced with a 10" pipe and the request is to remove the 10" replacement pipe. It was not a requirement by Public Works; it was something that was on the plan when it came to Public Works. Public Works' concern and function is to control stormwater and this 6" or 10" pipe is not a danger to flooding the community in any way.

Mr. Cochran stated if the pipe was not in it wouldn't hurt anybody and if the pipe was in it wouldn't hurt anybody.

Mr. Armstrong agreed.

Mr. Cochran stated the pipe should be put in because the developer said he would put it in and Mr. Clements said it could be done for a couple of hundred dollars so it should be done.

Mr. Manier stated the Commission is being cast in a roll of being an engineer and an expert and we rely on Public Works for advice and consultation as to stormwater matters and what they say is what the Commission has to work with.

Vice Chairman Small summarized that Public Works does not consider this to be a requirement either for or against stormwater management and that they are satisfied with this being in the plan or not being in the plan and that it is not for any type of water management and is only an aesthetic issue.

Mr. Armstrong stated that was correct.

Ms. Shechter stated Vice Chairman Small was going in the right direction and cautioned there are lots of features that are put into PUDS when the plans get submitted to get approval and get it through Council. Many of those things are not enforceable by the Metro Government and are not things we concern ourselves with. They are essentially private agreements that are worked out between the developer and the neighbors. Whatever rights Mr. Brooks thinks he is being deprived of is a private law suit between him and developer.

Ms. Warren asked if the Commission should approve the amendment because there was no necessary reason not to.

Ms. Shechter stated yes, because there is no public health, welfare or safety aspect to it.

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

Resolution No. 99-742

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 31-86-P is given **APPROVAL (7-0).**”

99P-002U

Edmondson Way
Map 172, Parcels 2, 4, 5 and 6.01
Subarea 12 (1997)
District 32 (Jenkins)

A request to revise the preliminary plan and for final approval of a Planned Unit Development District located abutting the west margin of Edmondson Pike, opposite Frontier Lane (25.5 acres), classified RS10, to permit 51 single-family lots where 51 single-family lots were approved, requested by Batson and Associates, Inc., for Pultee Homes of Tennessee, L.P., owner.

Ms. Regen stated this staff is recommending approval to this revision request to the posted speed limit, the design speed for a section of the road because of sight distance problems. The developer is requesting a variance to the Subdivision Regulations to decrease the speed from 30 miles per hour to 20 miles per hour.

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

Resolution No. 99-743

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 99P-002U is given **APPROVAL TO REVISE THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL WITH A VARIANCE TO SECTION 2-6.2.1J OF THE SUBDIVISION REGULATIONS FOR A**

PORTION OF A STREET TO DECREASE THE POSTED SPEED LIMIT FROM 30 M.P.H. TO 20 M.P.H. DUE TO SIGHT DISTANCE BETWEEN THE INTERSECTION OF STERLING OAKS DRIVE/CARPHILLY COURT AND THE INTERSECTION OF CARPHILLY COURT/PONTY POOL DRIVE (7-0). 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."

OTHER BUSINESS:

1. Employee contract for Cyrus Shiek.

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

Resolution No. 99-744

“BE IT RESOLVED by the Metropolitan Planning Commission, that it approves the employee contract for Cyrus Shiek for one year, from September 16, 1999 through September 15, 2000.”

2. Legislative update

Ms. Carrington stated there had been no Council meetings so there was no update.

PLATS PROCESSED ADMINISTRATIVELY

August 19, 1999 through September 1, 1999

- | | |
|----------|---|
| 98S-339G | The WOODS of NEELEY’S BEND, Phases 1, First Revision
Revises the property map number |
| 98S-389G | EVERGREEN NASHVILLE STORAGE
Adds Health Department signature |
| 99S-295G | OSBORNE SUBDIVISION
Records one platted lot |
| 99S-320U | VINETT SUBDIVISION
One lot into two lots |
| 99S-322G | BLESSING SUBDIVISION
One parcel into two lots |
| 99S-324U | FAIRFIELD NASHVILLE at MUSIC CITY USA,
Phase 3, Building 18
Condominium Plat |

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 2:55 p.m.

Chairman

Secretary

Minute Approval:
This 16th day of September, 1999