

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

Date: November 11, 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  
Councilmember Phil Ponder  
Douglas Small  
Marilyn Warren

**Absent:**

Mayor Bill Purcell

**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 I

**Community Plans Division:**

Jerry Fawcett, Planning Division Manager

**Advance Planning & Research:**

John Boyle, Planning Division Manager  
Michelle Kubant, Planner II

Paige Watson, Planner II

**Others Present:**

Jim Armstrong, Public Works  
Leslie Shechter, Legal Department

Chairman Lawson called the meeting to order.

**ADOPTION OF AGENDA**

Ms. Carrington stated the Council District for Mandatory Referral 99M-139U-11 should be District 17, Greer.

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-392G-14      Deferred two weeks, by applicant.  
99Z-152U-07      Deferred indefinitely, by applicant.  
98-85-P-14        Deferred two weeks, by applicant.  
98P-001G-14      Deferred two weeks, by applicant.  
99M-141U         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. Oglesby moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of October 28, 1999.

**RECOGNITION OF COUNCILMEMBERS**

No Councilmembers were present to speak 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:

**SUBDIVISIONS AND BOND PROPOSALS**

**Request for Bond Release**  
Subdivision No. 96S-409G  
Chase Pointe, Section 2  
Jean Spain, principal

Subarea 1 (1997)

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

**Resolution No. 99-856**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for release of a performance bond for Subdivision No. 96S-409G, Bond No. 97BD-023, Chase Pointe, Section Two, in the amount of \$24,500.”

**Request for Bond Release**  
Subdivision No. 97S-478G  
Sunset Oaks, Section 4  
B & P Developments, principal  
Subarea 14 (1996)

Located abutting the east margin of Tulip Grove Road, approximately 80 feet north of Tulip Grove Lane.

**Resolution No. 99-857**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for release of a performance bond for Subdivision No. 97S-478G, Bond No. 98BD-023, Sunset Oaks, Section 4, in the amount of \$100,000.”

**Request for Bond Release**  
Subdivision No. 98S-266G  
Stoner Creek LLC  
Stoner Creek LLC, principal  
Subarea 14 (1996)

Located abutting the southeast corner of Central Pike and Nashville & Eastern Railroad.

**Resolution No. 99-858**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for release of a performance bond for Subdivision No. 98S-266G, Bond No. 98BD-076, Stoner Creek LLC, in the amount of \$46,500.”

**Request for Bond Extension**  
Subdivision No. 86S-625G  
Whites Creek Commercial Center (Wall)  
Nathan Wall, principal  
Subarea 3 (1998)  
[Buildout is at 0%]

Located abutting the southwest corner of Old Hickory Boulevard and I-24.

**Resolution No. 99-859**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 86S-625G, Bond No. 87BD-021, Whites Creek Commercial Center (Wall), in the amount of \$12,400 to 9/15/00 subject to the submittal of an amendment to the present Letter of Credit by **12/11/99** which extends its expiration date to 3/15/01. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Request for Bond Extension**

Subdivision No. 96S-417U  
Rosebank Meadows  
J. Terry Hunter, principal  
Subarea 5 (1994)  
[Buildout is at 19%]

Located abutting the south margin of Rosebank Avenue, approximately 400 feet west of Preston Drive.

**Resolution No. 99-860**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 96S-417U, Bond No. 97BD-093, Rosebank Meadows, in the amount of \$47,250 to 10/15/00 subject to the submittal of an amendment to the present Letter of Credit by **12/11/99** which extends its expiration date to 4/15/01. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Request for Bond Extension**

Subdivision No. 98S-120G  
Stone Creek Park, Section 2-A  
Gillespie Land Development LLC, principal  
Subarea 12 (1997)  
[Buildout is at 57%]

Located abutting both margins of Stone Run Drive, approximately 105 feet west of Stone Heath Court.

**Resolution No. 99-861**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-120G, Bond No. 98BD-073, Stone Creek Park, Section 2-A, in the amount of \$50,000 to 5/20/00 subject to the submittal of an amendment to the present Letter of Credit by **12/11/99** which extends its expiration date to 11/20/00. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Request for Bond Extension**

Subdivision No. 98S-334G  
Stone Creek Park, Section 2-B  
Gillespie Land Development LLC, principal  
Subarea 12 (1997)  
[Buildout is at 23%]

Located abutting the northwest terminus of Holt Run Drive, approximately 105 feet northwest of Stone Run Drive.

**Resolution No. 99-862**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-334G, Bond No. 98BD-111, Stone Creek Park, Section 2-B, in the amount of \$75,250 to 12/20/00 subject to the submittal of an amendment to the present Letter of Credit by **12/11/99** which extends its expiration date to 6/20/01. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Request for Bond Extension**

Subdivision No. 98S-352G  
Poplar Ridge Condos  
Karl E. Haury, Jr., principal  
Subarea 6 (1996)  
[Buildout is at 50%]

Located abutting the west margin of Coley Davis Road and the north margin of CSX Railroad.

**Resolution No. 99-863**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-352G, Bond No. 99BD-007, Poplar Ridge Condominiums, in the amount of \$10,000 to 2/11/00 subject to the submittal of an amendment to the present Letter of Credit by **12/11/99** which extends its expiration date to 8/11/00. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**Request for Bond Extension**

Subdivision No. 98S-390G  
Traceside, Section 10  
Centex Homes, principal  
Subarea 6 (1996)  
[Buildout is at 31%]

Located abutting both the eastern and northern terminus of Traceway Drive.

**Resolution No. 99-864**

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-390G, Bond No. 98BD-114, Traceside, Section 10, in the amount of \$100,000 to 11/23/00.

**ZONE CHANGE AND PUD PROPOSALS**

**99Z-149G-12**

Map 172, Parcel 120  
Subarea 12 (1997)  
District 32 (Jenkins)

A request to change from R40 to RS20 district property at Edmondson Pike (unnumbered), abutting the northern terminus of Turnberry Circle (5.07 acres), requested by Dan Crunk, appellant, for Jones Land Company, LLC, owners.

**Resolution No. 99-865**

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"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-149G-12 is **APPROVED (9-0)**:"

**This property falls within the Subarea 12 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 surrounding single-family development pattern.”**

**99Z-150U-03**

Map 60, Parcel 13  
Subarea 3 (1998)  
District 2 (Black)

A request to change from R8 to IWD district property at 2938 Brick Church Pike, approximately 500 feet north of Brick Church Park Drive (.44 acres), requested by Charles Hawkins, appellant, for Sue C. N. Stewart et vir, owners.

**Resolution No. 99-866**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-150U-03 is **APPROVED (9-0)**:

**This property falls within the Subarea 3 Plan’s Industrial (IND) policy calling for wholesaling, warehousing, bulk distribution, and manufacturing uses. The IWD district is consistent with this policy and the existing zoning pattern along Brick Church Pike.”**

**99Z-154U-13**

Map 121, Parcels 139 (2.78 acres), 146 (6.67 acres),  
147 (11.52 acres) and 149 (10.30 acres)  
Map 135, Part of Parcel 346 (129.45 acres)  
Subarea 13 (1996)  
District 13 (Derryberry)

A request to change from R20 to IWD district a portion of properties at 1686 Reynolds Road, Una Recreation Road (unnumbered), and 2541, 2555, and 2571 Couchville Pike, abutting the west margin of Shelton Road (160.72 acres), requested by John W. Nelley, Jr., appellant, for Carl T. Wisner et ux, Charlie B. Gardner and Jas Casey, and Mary and Richard Joe Casey, owners.

**Resolution No. 99-867**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-154U-13 is **APPROVED (9-0)**:

**These properties fall within the Subarea 13 Plan’s industrial (IND) policy, calling for warehousing, wholesaling, and manufacturing uses. The IWD district is consistent with this policy and is appropriate near the airport, the Dell site, the future Harding Place extension, and existing industrial zoning in the area. Industrial zonings such as this should be approved before additional residential development gains a foothold in this area to provide sufficient land for future suppliers and support services associated with Dell. As more industrial development occurs in this area, Council should program necessary infrastructure improvements into the Capital Improvements Budget to remedy any deficiencies.”**

**99Z-155U-14**

Map 96-9, Parcels 96 (1.95 acres) and 97 (5.57 acres)  
Map 96-13, Parcel 20 (1.94 acres)  
Subarea 14 (1996)

District 15 (Loring)

A request to change from R10 to OR20 district properties at 420 and 424 Donelson Pike and Donelson Pike (unnumbered), approximately 150 feet south of Lakeland Drive (9.46 acres), requested by Gary Vogrin, appellant, for 130 Group, Ria Grasman and Betty and Plant Borth, owners.

**Resolution No. 99-868**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-155U-14 is **APPROVED (9-0)**:

**These properties fall within the Subarea 14 Plan's Commercial Mixed Concentration (CMC) policy calling for the eventual transition of this single-family residential area to commercial uses due to aircraft noise and overflights. The OR20 district is consistent with that policy.**

**163-73-G-06**

Jack-In-The-Box (Bellevue Shopping Center)  
Map 142, Parcel 216  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to revise the preliminary and for final approval for a portion of the Commercial (General) Planned Unit Development District located abutting the south margin of Memphis-Bristol Highway, 1,200 feet west of Sawyer Brown Road, classified SCR (0.91 acres), to permit a 3,019 square foot fast-food restaurant, replacing a 3,880 square foot fast-food restaurant, requested by Foodmaker, Inc., for Bellevue Village Shopping Center, owner, and Brookside Properties, optionee.

**Resolution No. 99-869**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 163-73-G-06 is given **APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR A PHASE (9-0)**. 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."

**64-76-U-12**

Hickory View (ATM)  
Map 161, Part of Parcel 191  
Subarea 12 (1997)  
District 30 (Kerstetter)

A request to revise the preliminary plan and for final approval for a portion of the Commercial Planned Unit Development District located abutting the east margin of Nolensville Pike and the south margin of Ocala Drive, classified SCR (.02 acres), to add an ATM machine on 871 square feet in the front parking lot area of the H. G. Hills grocery store, requested by Stanley D. Overton, Jr. and Associates, for Union Planters Bank, lessee of ATM area.

**Resolution No. 99-870**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 64-76-U-12 is given **APPROVAL OF REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL APPROVAL OF THE FINAL PLAN FOR A PHASE (9-0)**. 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."

**68-79-G-13**

Safety Kleen (formerly Laidlaw)  
Map 148-7, Parcel 172  
Subarea 13 (1996)  
District 28 (Alexander)

A request to revise the preliminary site plan and for final approval for a portion of the Commercial Planned Unit Development District located abutting the east margin of Antioch Pike, 700 feet south of and opposite Luna Drive, classified OR20 (.50 acres), to permit two 924 square foot trailers totaling 1,848 square feet, one for office space and the other for shower facilities, replacing an old shower facility in the chemical treatment plant to the rear of the existing plant office, requested by Dale and Associates, for Safety Kleen, Inc.

**Resolution No. 99-871**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 68-79-G-13 is given **APPROVAL OF THE REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR A PORTION (9-0)**. 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 plat shall be recorded to consolidate parcels 172 and 173 on tax map 148-7, including any bonds necessary for public improvements."

**103-79-G-14**

Sonic (Robinson Road)  
Map 53, Parcel 35  
Subarea 14 (1996)  
District 11 (Brown)

A request to revise the preliminary plan and for final approval for a portion of the Commercial (General) Planned Unit Development District located abutting the south margin of Robinson Road, 650 feet west of Merritt Street, classified CS (.93 acres), to permit a 1,674 square foot restaurant, replacing a 3,200 square foot fast food restaurant, requested by Ragan-Smith Associates, Inc., for Riverfront Development, L.T.D., owner, and Sonic Properties of Tennessee, optionee.

**Resolution No. 99-872**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 103-79-G-14 is given **APPROVAL OF THE REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR A PHASE (9-0)**. 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."

**53-86-P-04**  
Home Depot PUD  
Map 34-5, Part of Parcels 112 and 129  
Subarea 4 (1998)  
District 10 (Balthrop)

A request to revise the preliminary plan and for final approval for a portion of the Commercial (General) Planned Unit Development District located abutting the northwest corner of Alta Loma Drive and Gallatin Pike, classified R6 (.03 acres), to permit an ATM machine in the Home Depot parking area, on 1,307 square feet, replacing a 625 square foot bank, requested by Lose and Associates, Inc., for SunTrust Bank, owners.

**Resolution No. 99-873**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 53-86-P-04 is given **APPROVAL OF THE REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR A PHASE (9-0)**. 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."

**89P-019G-06**  
Harpeth Glen, Phase 3  
Map 155, Parcel 74  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request for final approval for a phase of the Residential Planned Unit Development District located abutting the southwest terminus of Forrest Oaks Drive, classified RS20 (5.29 acres), to develop 11 single-family lots, requested by Lose and Associates, for Charles W. Griffin, Jr., and GCW Developers, LLC.

**Resolution No. 99-874**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 89P-019G-06 is given **CONDITIONAL FINAL APPROVAL FOR PHASE 3 (9-0)**. 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 plat shall be recorded, including the posting of any bonds necessary for public improvements.
3. In conjunction with the recording of any final plat, the developer shall contribute \$647.00 per acre to the Poplar Creek Road Improvement Fund.
4. In conjunction with the submittal of the final plat, all 11 lots shall be designated as critical lots on that final plat."

**93P-016G-06**

Traceside, Section 11  
Map 155, Parcel 130  
Map 155-16, Parcel 27  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to revise the preliminary plan and for final approval for a portion of the Residential Planned Unit Development District located abutting the east margin of Highway 100 and the north terminus of Holly Trace Way, classified RS20 (21.95 acres), to permit 52 single-family lots and modify the open space and drainage areas, requested by Ragan-Smith and Associates, Inc., for Centex Homes Inc., owners.

**Resolution No. 99-875**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93P-016G-06 is given **APPROVAL OF THE REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR A PHASE (9-0)**. 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 plat shall be recorded, including the posting of any bonds necessary for public improvements."

**MANDATORY REFERRALS**

**99M-139U-11**  
Berry Hill Easement Abandonment  
Map 118-11, Part of Parcel 161  
Subarea 11 (1993)  
District 16 (McClendon)

A request by the City of Berry Hill to abandon a 100' x 10' sanitary sewer easement west of the easterly property line of Parcel 161, located at the intersection of Thompson Lane and East Iris Drive.

**Resolution No. 99-876**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (9-0)** Proposal No. 99M-139U-11."

**99M-140U-11**  
Tractor Supply Company Fiber Optic  
Cable Aerial Encroachment  
Map 106, Parcel 159  
Map 119, Parcel 6  
Subarea 11 (1993)  
Districts 13 (Derryberry) and 16 (McClendon)

A request to install a fiber optic cable between 283 and 320 Plus Park Boulevard for Tractor Supply Company by attaching cable to NES power poles # 10711063 and #10701028, requested by David G. Parnell of Tractor Supply Company, appellant.

**Resolution No. 99-877**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (9-0)** Proposal No. 99M-140U-11."

**99M-142G-00**

Adopt Metro Nashville and Davidson  
County Property Maps  
Council Bill No. BL99-3

A council bill adopting the property identification maps for the Metro Government of Nashville and Davidson County which shall become the official maps for identifying real estate for tax assessment purposes.

**Resolution No. 99-878**

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (9-0)** Proposal No. 99M-142G-00."

This concluded the items on the consent agenda.

**MEETING TIME CHANGE**

Members of the audience (approximately 95) of voted on a convenient meeting time as follows:

- 1:00 p.m. is a convenient time: 65 (Approximate)
- 1:00 p.m. is not a convenient time: 5
- 5:00 p.m. is a convenient time: 5
- 7:00 p.m. is a convenient time: 0

**DEVELOPMENT MONITORING/AGENDA OVERVIEW**

John Boyle gave an overview of future employment locations around the airport and the Interchange City/Crossings area.

**SUBDIVISIONS AND BOND PROPOSALS**

**99S-368G-02 (Public Hearing)**  
Haven Hills  
Map 41-7, Parcel 19  
Subarea 2 (1995)  
District 3 (Nollner)

A request for preliminary approval for seven lots abutting the north margin of Bell Grimes Lane and the west termini of Lyric Lane and Marydale Drive (3.66 acres), classified within the RS20 District, requested by Carla Y. McWhirter, owner/developer, Steven E. Artz and Associates, Inc., surveyor. (Deferred from meeting of 9/30/99 and deferred indefinitely from meeting of 10/14/99).

Mr. Calleja stated staff is recommending disapproval. This proposal was previously deferred because the application had been submitted as a cluster lot subdivision and the Commission had some concerns with that submittal. The applicant has resubmitted another cluster lot plan reducing the number of lots from 9 to 7. Staff feels this application should be submitted as a standard subdivision plan continuing the lot pattern

already developed to the east. In the original plan Lyric Lane was extended and is now shown as a cul-de-sac; staff feels that road should be continued. Also, this subdivision plan does not meet the requirements of the cluster lot provisions because a cluster lot development must be at least 10 times the size of its base zoning. Base zoning is 20,000 square feet, which would require 4.6 acres; this development is only 3.66 acres.

Ms. Ruth Kitchens, Mr. Terry Low and Ms. Betty Ladd spoke in opposition to the proposal and expressed concerns regarding a one lane drive that should be closed, lot sizes, traffic and water run off.

Mr. Steve Artz, surveyor, stated the one lane drive will be part of the open space and will not be an open drive. He said this development had been planned as a cluster lot development from the beginning but then two days ago he received a fax and call from a staff member explaining the problem about the 20,000 square feet and available acreage. The reason for the cluster lot proposal is to provide open space and blend into the surrounding neighborhood.

Ms. Carla McWhirter, property owner, stated she was available to meet with the neighbors and answer any questions they might have.

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

Ms. Nielson stated the retention ponds take up much of the area being used for a buffer and asked if that would take away from the buffering effect that is intended.

Mr. Calleja stated the Zoning Regulations stipulate that in a cluster lot subdivision the open space is to be maintained in its natural state as open space; introducing the retention areas raises the issue of whether they are open space and are being maintained in a natural state.

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

**Resolution No. 99-879**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-368G-02 is **DISAPPROVED; PUBLIC HEARING CLOSED (9-0).”**

**99S-386G-14**

Oakwood Farm

Map 64, Parcels 16, 25 and Part of Parcel 26

Subarea 14 (1996)

District 11 (Brown)

A request for preliminary approval for 360 lots abutting the southeast margin of Saundersville Road, approximately 85 feet west of Cascade Drive (103.1 acres), classified within the R10 District, requested by Phillips Builders, Inc., owner/developer, Anderson-Delk and Associates, Inc., surveyor. (Deferred from meetings of 10/14/99 and 10/28/99).

Mr. Calleja stated that at the last meeting the Commission had asked for more information about the cluster lot subdivision versus a standard lot subdivision. This subdivision meets all provisions of a cluster lot subdivision in the Zoning Regulations. The applicant has done plans comparing the cluster lot concept (361 lots) versus a standard lot subdivision (364 lots) and the yield is approximately the same.

Another issue was the availability of water from the Cumberland Utility District and Cecil Branstetter, attorney for Cumberland Utilities, is present to answer specific questions. The Commission has received a letter from Mr. Branstetter indicating testing of the fire hydrants surrounding this piece of property has been

done and the flows and pressures meet the minimum requirements. They indicate they will have the ability to serve this development without adversely affecting water service to the surrounding developments. The Cumberland Utility District has indicated they have plans to install, within the next 30 days, an additional pump that will be located at the plant to assist in flows during peak hours. They have also indicated they are going to require this developer to provide a 12" line from Andrew Jackson Parkway over to Cascade through the development to assist in the flow and pressure requirements for this size subdivision.

Mr. Gene Brie, resident of adjacent Fox Run subdivision, submitted a document to the Commission voicing concerns of Fox Run residents.

Mr. Cochran asked if the Cumberland Utility District was a privately owned water company.

Mr. Cecil Branstetter stated it was a municipal corporation by state law.

Mr. Cochran asked when Metro would take over the facility.

Mr. Branstetter stated there is discussion in reference to Metro assuming the responsibility within a year.

Mr. Cochran stated that if problems develop after this subdivision is put in will it be Metro's problem?

Mr. Branstetter stated that was correct.

Mr. Cochran asked Mr. Mike Anderson if he was testifying before the Commission that the Cumberland Utility District can furnish water adequately to the subdivision.

Mr. Mike Anderson stated the Cumberland Utility District has stated they can provide service to this development, and he must rely on their expertise and familiarity with their operation.

Mr. Anderson and Mr. Harold Delk made a presentation on the layout of the subdivision including comparison of the cluster and standard concepts, density and lot sizes.

Councilmember Ponder stated he was in favor of the previous deferral in hopes the planning efforts would produce something more favorable and asked Mr. Anderson why they didn't use fewer lots and create some open space.

Mr. Tom White explained why it was not economical to cut lots and pay the market price at the present time for that type of property.

Councilmember Feller Brown stated the big issue in this are is the water and explained the pressure readings taken on the water were taken during the midday and not at peak usage times.

Ms. Nielson moved and Ms. Warren seconded the motion, which carried, with Councilmember Ponder in opposition, to approve the following resolution:

**Resolution No. 99-880**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-386G-14 is **APPROVED (8-1).”**

Councilmember Ponder left at 2:30, at this point in the agenda.

**99S-394U-05 (Public Hearing)**  
Mapletop Gardens, Lots 1 and 2

Map 61-6, Parcel 54  
Subarea 5 (1994)  
District 4 (Majors)

A request for preliminary approval for two lots abutting the south margin of Maplewood Lane, approximately 378 feet west of Hutson Avenue (3.14 acres), classified within the RS15 District, requested by Thomas B. Callaway, owner/developer, Land Surveying, Inc., surveyor.

Mr. Calleja stated staff is recommending disapproval of the plan as presented. The large 2.31 acre lot does not meet the three times the minimum lot size requirement in the Zoning Regulations and the smaller lot doesn't meet the 4 to 1 requirements with regard to lot width to depth ratio. Staff has made a recommendation to the applicant to revise his plan to increase the width of lot 2 from 75 feet to 120 feet. That would meet the provision of the 4 to 1 requirements. It would still exceed three times the minimum lot size requirement for both lots but staff feels that variance could be justified because approximately 1/3 of the site has steep slopes and would be difficult to develop.

Mr. Thomas Callaway presented his compromise proposal to Commission and explained problems with erosion and topography.

Ms. Nielson moved and Ms. Warren seconded the motion, which carried unanimously, to leave the public hearing open and defer this matter for two weeks to give staff time to review the new proposal.

Mr. Browning reminded the Commission that any deferrals for the next meeting would be heard in 13 days because of the Thanksgiving holiday schedule.

**99S-409U-08 (Public Hearing)**  
St. Vincent De Paul School  
Map 81-15, Parcels 350-352, 379-381  
Subarea 8 (1995)  
District 20 (Haddox)

A request for preliminary and final plat approval to consolidate eight lots into one lot abutting the west margin of 17th Avenue North, between Knowles Street and Heiman Street (1.87 acres), classified within the RS5 District, requested by The Most Reverend Edward U. Kmiec, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Calleja stated this applicant has requested indefinite deferral because part of this proposal is to relocate an alley, and there are still questions by NES as well as Public Works regarding easements and possibly utilities in the existing alley.

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.

**99S-410U-13**  
Hickory Highland Place, Phase 1, Section 2  
Map 163, Part of Parcel 371  
Subarea 13 (1996)  
District 28 (Alexander)

A request for final plat approval to create 37 lots abutting the southeast terminus of Winton Drive, approximately 105 feet southeast of Highland Drive (13.92 acres), classified within the RS7.5 District, requested by Hickory Highlands, L.L.C., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Calleja stated staff is recommending conditional approval subject to a bond and variances to the maximum lot size and 4 to 1 lot width to depth requirement. The Commission approved this preliminary plan in June of 1998 and granted a variance to the length of the cul-de-sac. The applicant has now submitted an application for the 3 times the minimum lot size as well as 4 to 1 because there are several of these lots within the 100 year floodplain.

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

**Resolution No. 99-881**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 99S-410U-13 is **APPROVED SUBJECT TO A BOND OF \$406,100 WITH VARIANCES TO SECTIONS 2-4.2D AND 2-4.2E OF THE SUBDIVISION REGULATIONS (8-0).”**

**Request for Bond Extension**

Subdivision No. 97S-149U  
Hickory Highlands, Phase 3  
Hickory Highland LLC, principal  
Subarea 13 (1996)  
[Buildout is at 85%]

Located abutting the southeast margin of Moss Road and the northeast terminus of Highlander Drive.

Mr. Calleja stated staff is recommending disapproval of the extension of this bond and requesting authorization for collection unless final paving is completed by March 15, 2000.

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

**Resolution No. 99-882**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension of a performance bond for Subdivision No. 97S-149U, Bond No. 98BD-103, Hickory Highlands, Phase 3, in the amount of \$29,750, and authorizes collection if final paving is not completed by 3/15/00. The developer will be required to maintain appropriate security.

**Request for Bond Extension**

Subdivision No. 97S-208G  
New Hope Point, Phase 1, Section 3  
Robert E. Earheart, principal  
Subarea 14 (1996)  
[Buildout is at 70%]

Located abutting the west margin of South New Hope Road, approximately 1,440 feet south of John Hager Road.

Mr. Calleja stated staff is recommending approval of the extension of the performance bond until April 15, 2000 because staff feels by April they will be at or above 75% buildout.

Ms. Rita Heffner stated there were still problems concerning an access road, the open space, re-vegetation, drainage, detention pond, erosion, the berm, sinkholes, straw bail barriers and construction debris.

Councilmember Saletta Holloway stated this same developer had caused problems in her district also and asked the Commission to consider Ms. Heffner's requests.

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

**Resolution No. 99-883**

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-208G, Bond No. 97BD-083, New Hope Point, Phase 1, Section 3, in the amount of \$30,000 to 4/15/00 subject to the submittal of an amendment to the present Letter of Credit by **12/11/99** which extends its expiration date to 10/15/00. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

**ZONE CHANGE AND PUD PROPOSALS**

**99Z-143G-13**

Map 174, Parcel 32 (23.17 acres) and  
Part of Parcel 68 (12.63 acres)  
Subarea 13 (1996)  
District 29 (Holloway)

A request to change from IWD to CS district properties at 2976 Old Franklin Road and Old Franklin Road (unnumbered), abutting the northeast margin of Interstate 24 (35.8 acres), requested by John G. Mifflin, appellant, for American General Realty Investment Company, owners.

**99Z-163G-13**

Map 175, Parcels 23 (249.82 acres) and 31 (3.15 acres)  
Subarea 13 (1996)  
District 29 (Holloway)

A request to change from AR2a to IWD district (parcel 31 and part of parcel 23) and from AR2a to CS district (part of 23) properties at Route 2 Old Hickory Boulevard and 12814 Old Hickory Boulevard, abutting the south margin of the CSX Railroad (252.97 acres), requested by John G. Mifflin, appellant, for R. H. Bonds et ux and Loretta Ann Bonds et al, owners.

Ms. Regen stated staff is recommending disapproval as contrary to the General Plan. This property falls within an industrial policy in the Subarea 13 Plan and the applicant is requesting to rezone a portion of it commercial and a portion of it industrial. In the future the Southeast Arterial is proposed to come across I-24 and connect with Crossings Boulevard. Staff is recommending disapproval because the commission's land use policy calls for reserving this area for industrial development rather than for commercial development. In March of 1998 there was a study done for this area wherein a Commercial Mixed Concentration Policy that applied to this property was changed to industrial policy as an extension of the industrial complex at Interchange City. It was also done in recognition that Davidson County intends to provide more opportunity for industrial development, and this part of the county has been attractive for industrial development because of the availability of suitable land, utilities and transportation.

Councilmember Saletta Holloway stated she had been working with the developers on this project for approximately a month and that it would be futuristic planning to keep so much industrial zoning in this area. She said this is a good plan and asked the Commission to consider approval of it.



Mr. Ed Owens, representing the property owner, stated that if the industrial policy is implemented in this area the infrastructure improvements will be very expensive and throughout the county the private sector on its own is not able to make it work. It is either going to take a significant public investment to put this area on the map for industrial development or we will have to be flexible and creative and allow the private developer to carry as much of the load as they can. The Southeast Arterial, the interchange and the Crossings Boulevard are going to be the key improvements needed in order for this area to develop. As part of this zoning application this developer is offering to dedicate the right-of-way, if necessary, for the interchange which would be an approximate contribution of 1.18 million dollars to the public. This would be a win-win situation for the community, TDOT and Metro and he asked the Commission for approval.

Mr. Cochran asked what the timetable is for the roads and interchange.

Mr. Owens stated the interchange would be dictated by TDOT and this project would help that process along by the dedication of the right-of-way.

Mr. Cochran asked what would be done with this property if these proposals were approved because there are not roads.

Mr. Owens stated the developer would extend the roads as building sites are created.

Chairman Lawson asked what constitutes this good ratio between commercial and industrial.

Ms. Regen stated that if you look at the subarea plan, the economic functional plan and the goals of the Mayor's office of Economic Development looking for sites for industrial development sometimes the property may sit there for a few years. In this instance, when the policy was applied, there was a potential suitor for the property that was being courted by the State Office of Economic Development as well as the Mayor's office. They eventually did not locate in Davidson County but those opportunities must be kept available.

Mr. Small stated he respectfully disagreed with Councilmember Holloway and felt this property should be reserved for industrial development.

Ms. Jones stated that in five years there may actually be a need for more commercial to make it an economic reality.

Mr. Browning cautioned the Commission that they must be responsible to the economics but that should not drive the land use policy.

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

**Resolution No. 99-884**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-143G-13 and 99Z-163G-13 are **DISAPPROVED** as contrary to the General Plan (8-0):

**These properties fall within the Subarea 13 Plan's Industrial (IND) policy calling for wholesaling, warehousing, and manufacturing uses. The proposed amount and location of CS zoning is not consistent with that policy and would jeopardize the industrial viability of this area. As has been pointed out in the Economic Development Functional Plan, Nashville does not have an abundance of industrial land available; therefore, IND policy areas should be preserved for the future. In addition, this property is situated across the interstate from the future 900,000 square foot Hickory Hollow Towne Centre commercial development and south of Hickory Hollow Mall. Another large commercial development is not desirable in this area.**

**A small area of CS zoning (25 acres or less) around the future Southeast Arterial/I-24 interchange is appropriate to provide a limited amount of commercial support services. Limiting commercial development to a compact node around this future interchange is important to retaining industrial development opportunities for the remainder of the area in the future.”**

**99Z-146G-01**

Map 21, Parcel 61  
Subarea 1 (1997)  
District 1 (Gilmore)

A request to change from AR2a and RS40 districts to IWD district property at Clarksville Pike (unnumbered), approximately 740 feet east of Douglas Road (40 acres), requested by Regal Properties, LP, appellant/owners.

Ms. Regen stated this property is located in a rural area and falls within a natural conservation policy in the Subarea 1 Plan. Staff is recommending disapproval as contrary to the General Plan because there is no industrial policy in this area. The property owner has an excavation business and has been storing equipment on this site and was cited by Codes for storing that equipment in a residential area.

Councilmember Gilmore stated she had received complaints from the neighbors regarding noise and truck traffic and that she had explained to Mr. Richfield that she could not support this proposal.

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

**Resolution No. 99-885**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-146G-01 is **DISAPPROVED** as contrary to the General Plan (8-0):

**This property falls within the Subarea 1 Plan’s Natural Conservation (NC) policy which calls for protection of the area’s steep hillsides and residential development at up to 4 units per acre. The IWD district is not consistent with that policy and is a spot zone.”**

**99Z-147U-05**

Map 72-6, Parcel 374  
Subarea 5 (1994)  
District 7 (Campbell)

A request to change from OL to CS district property at Maynor Avenue (unnumbered), approximately 180 feet west of Gallatin Pike (.48 acres), requested by Robert Rutherford, appellant, for Thorn Advantage Auto, Inc., owners.

Ms. Regen stated this property falls within an RLM policy in the Subarea 5 Plan with an office district applied as a transition to the residential area. Staff is recommending disapproval.

Mr. Robert Rutherford, attorney representing the applicant, stated the front lot that is zoned CS is for a car lot and that use has been in place since 1997. The land located behind that CS property is currently zoned OL, a zoning category that was applied as a buffer. The back lot is contiguous and is used for parking of used cars. Automobiles cannot be parked in the area zoned OL so long as they are being offered for sale. He stated they can be parked there if they are considered part of the inventory. Mr. Rutherford stated this distinction is not rational and is difficult to enforce. He stated it would be preferable to place the entire operation within the CS district. Mr. Rutherford further alleged that the OL zoning does not serve well as a use buffer. He stated it would be more effective to install a vegetation bugger, which would be required if the property were rezoned to CS.

Mr. Small asked for Ms. Regen's comments on Mr. Rutherford's buffering concept comments.

Ms. Regen stated what Mr. Rutherford said is true for this piece of property and would require a 20 buffer around the edge of the property. If this property is rezoned to CS it may cause a domino effect for requests from surrounding properties to be rezoned to CS also and would not help the zoning situation or land use pattern.

Ms. Nielson asked if both lots had the same owner.

Ms. Rutherford stated yes they did have the same owner.

Mr. Browning stated that if the Commission saw fit to rezone this property staff would suggest it be replatted to be one lot.

Ms. Warren stated that if the Commission tells the applicant that if they replat this to one lot, the Commission may approve the change to CS and then applicant would be required to put in the 20 foot buffer.

Ms. Regen stated the landscape buffer yard provision would only kick in when you do more alterations to the property of 25% or more. So if they are just going to pave the lot and put cars on it – that is not an improvement to the lot. They would actually have to construct a building or do something more significant on it.

Mr. Browning disagreed and stated he thought the zone change would kick in the zoning ordinance provisions for buffering.

Mr. Rutherford stated he had been advised by Codes that if the applicant wants to put signs on the car windshields it would be a change in use and a change in use is in fact what kicks in the buffer.

Mr. Rutherford informed the commission that he had been informed by the applicant that the applicant owns the back lot but not the front lot, but has an interest in obtaining it. He asked for a deferral in order to be able to report back to the Commission in more detail.

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

**99Z-151U-11**

Map 105-3, Parcels 217 (1.11 acres) and 219 (.65 acres)

Subarea 11 (1993)

District 19 (Wallace)

A request to change from IR to CF district properties at 415 Chestnut Street and 4th Avenue South (unnumbered), abutting the north margin of the CSX Railroad (1.75 acres), requested by Scott Lewis, appellant, for Heiner Schuster, owner.

Ms. Regen stated the applicant wants to transition this industrial property to bring in retail uses but at this point does not want to get rid of the warehouse and storage activity. Our present zoning districts do not allow, in mixed use areas, warehousing and storage. Thus, our mixed use districts do not allow this transitioning to occur in older industrial areas. That is a deficiency in the code and staff will be investigating a text amendment to bring to the Commission in the next few weeks. Staff is recommending disapproval because CF zoning should not be extended this far south.

Ms. Nielson asked if the text amendment and this proposal could be considered at the same time.

Mr. Lewis stated his business was wholesale active wear and this building is five time larger than needed and that he would like to keep some of the tenants that currently occupy space.

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

**99Z-153U-11**  
Map 120-1, Parcel 140  
Subarea 11 (1993)  
District 13 (Derryberry)

A request to change from OR20 to CS district property at 1161 Murfreesboro Pike, opposite Vultee Boulevard (3.91 acres), requested by Paul Lockwood of Barge, Waggoner, Sumner, and Canon, appellant, for Executive South LLC, owners.

Ms. Regen stated staff is recommending disapproval because a change from CS to a CL zone district for this general area is preferable. There is an existing office building on this property and the applicant wants to sell or lease to a TV or radio station, and that is allowed only in the CS district.

Councilmember Tony Derryberry stated CS was not inappropriate for this area because the bridge at Vultee Boulevard and a hill behind the zone change property building is a natural boundary for this area. The state is going to make improvements to Murfreesboro Road down to Briley Parkway so this infrastructure through this area will not change. All the other properties in this area as well as the abutting property is CS and changes are not likely of going back to CL in this area.

Mr. Bill Lockwood stated this is in a very protected area and would not impact the surrounding residential because this property is 20 feet lower than the existing apartments on the hill.

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

**Resolution No. 99-886**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 99Z-153U-11 is **APPROVED (8-0)**;

**This property falls within the Subarea 11 Plan's Commercial Arterial Existing (CAE) policy calling for office, commercial, and higher density residential uses along Murfreesboro Pike. The CS district is consistent with that policy and the area's established zoning pattern."**

**99Z-156U-14**  
Map 75, Parcel 142  
Subarea 14 (1996)  
District 12 (Ponder)

A request to change from AR2a to RS15 district property at Tulip Grove Road (unnumbered), approximately 1,900 feet south of Chandler Road (10 acres), requested by Kevin Estes, appellant, for the Rock of Nashville, trustees.

**99P-006G-14**  
Rock Crest Subdivision  
Map 75, Parcel 142  
Subarea 14 (1996)  
District 12 (Ponder)

A request for preliminary approval for a Planned Unit Development District located abutting the east margin of Tulip Grove Road, 1,900 feet south of Chandler Road, classified AR2A and proposed for RS15 (10.00 acres), to permit the development of 26 single-family lots, requested by Dale and Associates, for The Rock of Nashville, trustees, for Harold Huber, optionee.

Ms. Regen stated staff is recommending approval of the zone change to RS15 because that is the dominant zoning pattern in this area. Staff is recommending disapproval of the PUD because there is no public benefit to the PUD. They are proposing to bring in a cul-de-sac and in the future extend it to the south for further development. Staff feels this should be developed under the Cluster Lot provisions in the Subdivision Regulations rather than as a PUD. The proposal has 5 foot side yard setbacks shown and the base zoning requires a 10 foot side yard setback. Also, a landscape buffer C is required around the perimeter of the lots but has not been provided in one area because they feel it is not necessary for the adjoining properties.

Mr. Kevin Estes stated they would be happy to go to the 10 foot side yard setbacks but the buffer yards are just a difference of opinion. He said the Zoning Administrator felt it was not the intent of the Zoning Code to buffer from yards that are smaller than the new lots, and if this proposal is not approved he would request a cluster lot plan that would look identical.

Ms. Regen stated the Codes Administration has interpreted the buffer yard provision differently from planning staff and the Legal Department.

Mr. Browning informed Mr. Estes he did not have enough property to bring in a cluster lot proposal and get as many lots as he has in the PUD.

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

**Resolution No. 99-887**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 99Z-156U-14 is **APPROVED (8-0)**:

**This property falls within the Subarea 14 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre. The RS15 district is consistent with this policy and the emerging single-family development pattern in the area."**

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 99P-006G-14 is given **DISAPPROVAL OF THE PRELIMINARY PLAN (8-0)**:

**The proposed PUD plan does not provide any public benefits as was intended by the Zoning Ordinance. The intent of the Ordinance was for the PUD provisions to be used for large tracts of land with unusual characteristics like steep slopes and floodplain or for mixed-use development containing various kinds of residential as well as commercial and office uses. The proposed PUD plan is also not consistent with the Ordinance's requirement of a 20 foot wide "C" landscape buffer around the development's perimeter and 10 foot side yard setbacks. The setbacks are a requirement of the Zoning Ordinance and can be reduced only through approval of a variance by the Board of Zoning Appeals."**

**99Z-161U-12**  
Map 161-4, Parcel 100  
Subarea 12 (1997)  
District 30 (Kerstetter)

A request to change from OR20 to CS district property at 5100 Nolensville Pike, abutting the south margin of Tusculum Road (.62 acres), requested by Jim Attar, appellant, for Mohammad T. and Shohreh Hassanz Nazemi, owners.

Ms. Regen stated this item was removed from the consent agenda and staff is recommending approval finding it consistent with the commercial arterial policy that applies along Nolensville Road. There was a letter submitted by Councilmember Kerstetter stating he does not feel it is appropriate to rezone this property to CS and that it should remain OR20.

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

**Resolution No. 99-888**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 99Z-161U-12 is **APPROVED (6-0)**:

**This property falls within the Subarea 12 Plan's Commercial Arterial Existing (CAE) policy calling for office, commercial, and higher density residential uses along Nolensville Pike. The CS district is consistent with this policy and the predominant zoning pattern along Nolensville Pike."**

**195-76-G-06**  
Lightning Lube  
Map 142, Parcel 234  
Subarea 6 (1996)  
District 23 (Bogen)

A request to revise the preliminary plan and for final approval for a portion of the Commercial (General) Planned Unit Development District located abutting the north margin of Memphis Bristol Highway, 600 feet west of Old Hickory Boulevard, classified SCC (0.33 acres), to add 796 square feet including a new car wash facility to the existing 1,110 square foot lube shop for a total of 1,896 square feet, requested by Dale and Associates, for Randy Higgs, owner.

Ms. Regen stated the applicant proposes to revise the PUD plan to expand the existing lube shop. They currently have two bays and they intend to add a car wash facility and expand the customer waiting area. Staff is recommending disapproval because the site is too small to accommodate these additions, and there should be better onsite circulation. The proposed additions require that the PUD conform to today's zoning standards because the expansion is more than 25% of the existing floor area. The current standards for parking and cueing spaces is more stringent and are not met by the site plan submitted.

Mr. Roy Dale, representing the property owner, stated that at the present time this site has no circulation, only 2 parking spaces, inadequate cueing and basically is non-conforming. The Zoning Administrator's opinion of this is that requiring full conformance is not required because the 25% addition is not quite correct in that this is a PUD. There will be 5 additional parking spaces, cueing lanes and the car wash. If you were try to apply the new Zoning Ordinance the only thing lacking is one cueing space.

Chairman Lawson stated the Commission may need to get a legal opinion.

Mr. Dale stated it would be no problem to defer this matter to get a legal opinion.

Ms. Regen stated she had spoken with Ms. Shechter, Metro Legal, and with Rick Shephard, Codes Department, and the situation is that PUD revisions must comply with the landscaping and parking provisions of the new code for the area you are expanding. The Code says that if any existing non-conforming property has a building expansion or a change of use and it exceeds 25% you have to bring up the whole site to the new Code standard.

Ms. Warren stated that if that is the case perhaps there was not need for a deferral.

Mr. Dale stated he did not think that was the case and that perhaps the Commission would prefer to have Ms. Shechter address this matter.

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

**OTHER BUSINESS:**

1. Set December 9, 1999 as the MPC meeting date at which consideration will be given to the "Level of Citizen Participation" to use in conjunction with the upcoming update of the Subarea 8 Plan.

Ms. Nielson moved and Mr. Small seconded the motion, which carried unanimously, to set December 9, 1999 for consideration of the "Level of Citizen Participation" for the Subarea 8 Plan.

2. Legislative update

A brief report was given stating the planning and zoning committee would be meeting on Tuesday, November 16, 1999.

**PLATS PROCESSED ADMINISTRATIVELY**

October 28 1999 through November 10, 1999

- 99S-358U**      **RIVERWOOD**  
P.U.D. Boundary Plat
  
- 99S-395G**      **5400 GRANNY WHITE**  
Establishes a two unit condominium
  
- 99S-402U**      **The CROSSINGS at HICKORY HOLLOW**  
Street name change
  
- 99S-405U**      **CLARK AND SON PLAT**  
Removing existing platted setbacks
  
- 99S-406G**      **FOSTER SUBDIVISION**  
Plats one deeded parcels as one lot
  
- 99S-414G**      **TRACESIDE, Section 11**  
P.U.D. Boundary Plat

**ADJOURNMENT**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:15 p.m.

Chairman

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Secretary

Minute Approval:  
This 24<sup>th</sup> day of November, 1999