

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: April 13, 2000
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

Absent:

Mayor Bill Purcell
Marilyn Warren

Executive Office:

Karen P. Nicely, Interim 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:

Jeff Lawrence, Planner III

Others Present:

Jim Armstrong, Public Works

David Diaz-Barriga, Legal Department

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Ms. Carrington announced the following changes to the agenda:

2000S-116U-13, Kendall Park Subdivision, has been withdrawn.

Addendum – 6. Set May 11, 2000 as public hearing to consider amendment of the Subarea 10 Plan to add Urban Design Overlay District goals and objectives in the Green Hills commercial area.

Ms. Nielson moved and Ms. Oglesby 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:

2000S-107U-03 Deferred indefinitely, by applicant.

2000Z-044G-01 Deferred indefinitely, by applicant.

2000Z-052U-10 Deferred two weeks, by applicant.

62-87-P-06 Final Plat deferred two weeks, by applicant.

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

APPROVAL OF MINUTES

Ms. Nielson moved and Ms. Oglesby seconded the motion, which unanimously passed to approve the minutes of the regular meeting of March 30, 2000.

RECOGNITION OF COUNCILMEMBERS

No Councilmembers were present to speak.

ADOPTION OF CONSENT AGENDA

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

SUBDIVISION AND BOND PROPOSALS

2000S-078G-12

Barnes Cove

Map 173, Parcels 54, 60, 61 and 74

Subarea 12 (1997)

District 31 (Knoch)

A request for preliminary approval for 325 lots abutting the south margin of Barnes Road, approximately 3,000 feet southeast of Nolensville Pike (120.4 acres), classified within the RS10 District, requested by Paul E. Johnson, owner/developer, Anderson-Delk and Associates, Inc., surveyor. (Deferred from meeting of 3/30/00).

Resolution No. 2000-323

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-078G-12, is **APPROVED WITH CONDITIONS REQUIRING TURN LANES AND BRUSH REMOVAL AT THE ENTRANCE AND A TRAFFIC SIGNAL AT NOLENSVILLE PIKE AND BARNES ROAD BY THE END OF PHASE 2 (8-0).”**

98S-363U-14

Hibbitts Road Estates
Map 95-12, Parcels 182 and 237
Subarea 14 (1996)
District 15 (Loring)

A request for final plat approval to create six lots abutting the northeast margin of Hibbitts Road, approximately 400 feet southeast of Airwood Drive (4.55 acres), classified within the R10 District, requested by Woodwind LLC & EBM Investments, Inc., owners/developers, MEC, Inc., surveyor. (Deferred from meeting of 3/30/00).

Resolution No. 2000-324

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-363U-14, is **APPROVED SUBJECT TO A BOND OF \$45,000.00 (8-0).”**

99S-151U-03

Resha Heights (First Revision)
Map 70-13, Parcels 40 and 42
Subarea 3 (1998)
District 2 (Black)

A request for final plat approval to subdivide one lot and part of two lots into two lots abutting the northwest corner of Clarksville Pike and Buena Vista Pike (.94 acres), classified within the CL District, requested by Exxon Mobil Corporation, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 2000-325

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-151U-03, is **APPROVED (8-0).”**

99S-350G-12

Windyhill (formerly Old Smyrna Estates)
Map 172, Parcels 102, 104, 169 and 175
Subarea 12 (1997)
District 32 (Jenkins)

A request for final plat approval to create 18 lots abutting the northwest corner of Old Smyrna Road and Edmondson Pike (10.16 acres), classified within the RS20 District, requested by McEwen Development, LLC, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 2000-326

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-350G-12, is **APPROVED SUBJECT TO A BOND OF \$224,500.00 (8-0).”**

2000S-043U-12

Locustwood, Section 3, Resubdivision of Lot 99
Map 148-13, Parcel 201
Subarea 12 (1997)
District 30 (Kerstetter)

A request for final plat approval for three lots abutting the southwest corner of Packard Drive and Creekside Drive (1.02 acres), classified within the R10 District, requested by James Schleicher, owner/developer, MEC, Inc., surveyor.

Resolution No. 2000-327

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-043U-12, is **APPROVED (8-0).”**

2000S-109G-14

Walden Woods, Phase 2A
Map 75, Parcel 78
Subarea 14 (1996)
District 12 (Ponder)

A request for final plat approval to create 11 lots opposite Wyntree South, approximately 90 feet north of Walden Woods Drive (4.09 acres), classified within the RS15 Residential Planned Unit Development District, requested by Walden Woods, LLC, owner/developer, C. Michael Moran, surveyor.

Resolution No. 2000-328

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-109G-14, is **APPROVED SUBJECT TO A BOND OF \$88,000.00 (8-0).”**

2000S-110U-10

Sudekum’s Subdivision, Resubdivision of Part of Lot 3
Map 131-4, Parcel 222
Subarea 10 (1994)
District 33 (Turner)

A request for final plat approval to resubdivide part of one lot into three lots abutting the northeast corner of Duncanwood Drive and Granny White Pike (1.77 acres), classified within the R20 District, requested by Paul Cook, owner/developer, John Kohl and Company, surveyor.

Resolution No. 2000-329

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-110U-10, is **APPROVED SUBJECT TO A BOND OF \$25,000.00 (8-0).”**

Request for Bond Release

98S-148G
October Woods, Section 1, Commercial Tract
October Woods, L.P., principal

Subarea 12 (1997)

Located abutting the northwest corner of October Woods Drive and Old Hickory Boulevard.

Resolution No. 2000-330

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 98S-148G, Bond No. 98BD-041, October Woods, Section 1, Commercial Tract.”

Request for Bond Release

99S-026G

Hermitage Market Place, Resubdivision of Lot 8

First Tennessee Bank, N.A., principal

Subarea 14 (1996)

Located abutting the east margin of Old Hickory Boulevard, opposite Juarez Drive.

Resolution No. 2000-331

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 99S-026G, Bond No. 99BD-012, Hermitage Market Place, Resubdivision of Lot 8, in the amount of \$19,500.”

Request for Bond Extension

96S-294G

Mountain View, Section 1

Centex Real Estate Corporation, principal

Subarea 12 (1997)

[Buildout is at 49%]

Located abutting both margins of Traceway Drive and both margins of Deer Estate Drive.

Resolution No. 2000-332

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 96S-294G, Bond No. 97BD-058, Mountain View, Section 1, in the amount of \$61,000 to 5/15/2001.”

Request for Bond Extension

97S-237G

Banbury Crossing, Section 2

Jones Land Company LLC, principal

Subarea 12 (1997)

[Buildout is at 33%]

Located abutting the north margin of Old Smyrna Road and the west margin of Edmondson Pike.

Resolution No. 2000-333

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-237G, Bond No. 98BD-004, Banbury Crossing, Section 2, in the amount of \$81,750 to 4/15/2001 subject to the submittal of an amendment to the present Letter of Credit by **5/15/2000** which extends its expiration date to 10/15/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

97S-258U
Villages of Larchwood, Phase 2, Section 2
Hilmore Properties, principal
Subarea 14 (1996)
[Buildout is at 100%]

Located abutting both margins of Fitzpatrick Road, approximately 60 feet west of Kennington North.

Resolution No. 2000-334

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-258U, Bond No. 91BD-100, Villages of Larchwood, Phase 2, Section 2, in the amount of \$36,000 to 7/13/2000.”

Request for Bond Extension

97S-474U
Townhomes of Fredericksburg, Phase 2, Section 4
Pulte Homes Tennessee, L.P., principal
Subarea 12 (1997)
[Buildout is at 100%]

Located abutting the north margin of Hamilton Church Road, approximately 575 feet west of Tea Garden Way.

Resolution No. 2000-335

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-474U, Bond No. 97BD-066, Townhomes of Fredericksburg, Phase 2, Section 4, in the amount of \$8,250 to 7/13/2000.”

Request for Bond Extension

98S-022U
Townhomes of Fredericksburg, Phase 2, Section 5
Pulte Homes Tennessee, L.P., principal
Subarea 12 (1997)
[Buildout is at 100%]

Located abutting the east margin of Fredericksburg Way West, south of Old Hickory Boulevard.

Resolution No. 2000-336

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-022U, Bond No. 98BD-034, Townhomes of Fredericksburg, Phase 2, Section 5, in the amount of \$8,000 to 7/13/2000 subject to the submittal of an amendment to the present Letter of Credit by **5/13/2000** which extends its expiration date to 1/13/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

98S-059G
Mountain View, Section 2

Centex Real Estate Corporation, principal
Subarea 12 (1997)
[Buildout is at 51%]

Located abutting both margins of Frontier Lane, approximately 250 feet west of Marc Drive.

Resolution No. 2000-337

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-059G, Bond No. 98BD-035, Mountain View, Section 2, in the amount of \$123,000 to 4/15/2001.”

Request for Bond Extension
98S-255G
Albatross at Old Hickory
Jerry Lemons, principal
Subarea 14 (1996)
[Buildout is at 25%]

Located abutting the south terminus of Hurst Drive, approximately 3,000 feet southeast of Ryburn Drive.

Resolution No. 2000-338

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-255G, Bond No. 99BD-032, Albatross at Old Hickory, in the amount of \$20,000 to 9/30/2000 subject to the submittal of an amendment to the present Letter of Credit by **5/13/2000** which extends its expiration date to 3/30/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension
98S-411G
October Woods, Phase 3, Section 6
October Woods, L.P., principal
Subarea 12 (1997)
[Buildout is at 40%]

Located abutting the southwest terminus of Catspaw Place, approximately 110 feet southwest of Catspaw Drive.

Resolution No. 2000-339

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-411G, Bond No. 99BD-063, October Woods, Phase 3, Section 6, in the amount of \$44,250 to 4/15/2001 subject to the submittal of an amendment to the present Letter of Credit by **5/13/2000** which extends its expiration date to 10/15/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension
98S-438U
Covenant Presbyterian Church
American Retirement Corporation, principal
Subarea 10 (1994)
[Buildout is at 0%]

Located abutting the east margin of Hillsboro Pike and the north margin of Harding Place.

Resolution No. 2000-340

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-438U, Bond No. 99BD-009, Covenant Presbyterian Church, in the amount of \$13,000 to 4/22/2001 subject to the submittal of an amendment to the present Letter of Credit by **5/13/2000** which extends its expiration date to 10/22/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

98S-440U

Edmondson Crossing Shopping Center,

Resubdivision of Lot 2, 1st Revision

Kroger Limited Partnership, principal

Subarea 12 (1997)

[Buildout is at 33%]

Located abutting the south margin of Old Hickory Boulevard and the west margin of Edmondson Pike.

Resolution No. 2000-341

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98S-440U, Bond No. 99BD-084, Edmondson Crossing Shopping Center, Resubdivision of Lot 2, 1st Revision, in the amount of \$11,500 to 7/14/2000.”

Request for Bond Extension

99S-039G

Meadows of Seven Points, Phase 1

Seven Points, LLC, principal

Subarea 12 (1997)

[Buildout is at 10%]

Located abutting the east margin of South New Hope Road, approximately 1,460 feet south of John Hager Road.

Resolution No. 2000-342

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 99S-039G, Bond No. 99BD-095, Meadows of Seven Points, Phase 1, in the amount of \$125,000 to 3/13/2001 subject to the submittal of an amendment to the present Letter of Credit by **5/13/2000** which extends its expiration date to 9/13/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

99S-065U

Watercrest Townhomes, Phase 2

Pulte Homes Tennessee, L.P., principal

Subarea 13 (1996)

[Buildout is at 41%]

Located abutting the east margin of Old Anderson Road, opposite Anderson Road.

Resolution No. 2000-343

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 99S-065U, Bond No. 99BD-022, Watercrest Townhomes, Phase 2, in the amount of \$121,500 to 12/15/2000 subject to the submittal of an amendment to the present Letter of Credit by **5/13/2000** which extends its expiration date to 6/15/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

99S-115G
Williams Grove, Phase 2
Pulte Homes Tennessee, L.P., principal
Subarea 12 (1997)
[Buildout is at 23%]

Located abutting the southwest corner of Old Smyrna Road and Edmondson Pike.

Resolution No. 2000-344

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 99S-115G, Bond No. 2000-014, Williams Grove, Phase 2, in the amount of \$88,000 to 4/15/2001 subject to the submittal of an amendment to the present Letter of Credit by **5/13/2000** which extends its expiration date to 10/15/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

99S-189G
Highland Creek, Section 1
Holt Valley, LLC, principal
Subarea 12 (1997)
[Buildout is at 13%]

Located abutting the north margin of Holt Road, approximately 257 feet east of Sherbrooke Lane.

Resolution No. 2000-345

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 99S-189G, Bond No. 99BD-053, Highland Creek, Section 1, in the amount of \$73,000 to 6/4/2001 subject to the submittal of an amendment to the present Letter of Credit by **5/13/2000** which extends its expiration date to 12/4/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

99S-376G
David Harrington Property
David Harrington, principal
Subarea 6 (1996)
[Buildout is at 0%]

Located abutting the west margin of River Road, south of Lakeview Drive.

Resolution No. 2000-346

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 99S-376G, Bond No. 99BD-088, David Harrington Property, in the amount of \$50,550 to 4/28/2001 subject to the submittal of an amendment to the present

Letter of Credit by 5/13/2000 which extends its expiration date to 10/28/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

ZONE CHANGE AND PUD PROPOSALS

2000Z-004U-02

Request to Re-hear
Council Bill No. BL2000-198
Map 50-4, Parcel 30
Subarea 2 (1995)
District 3 (Nollner)

A request to change from RS10 to RM2 district property at 1119 Due West Avenue North, approximately 700 feet east of Dickerson Pike (3.49 acres), requested by Alan C. Smith, appellant/owner. (Originally heard on 2/3/00).

Resolution No. 2000-347

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-004U-02 is **APPROVED (8-0)**:

This property falls within the Subarea 2 Plan's Residential Medium (RM) policy calling for 4 to 9 units per acre. Given the existing subdivision pattern, steep hillsides, and access easement to Mr. Smith's property, restricting the number of units on his property is important. Other options, such as subdividing the property, would not be possible in accordance with regulations. The RM2 zoning will help to protect the steep hillsides and better limit the number of residential structures than the RM4, RM6 or RM9 districts called for by the Subarea 2 Plan's Residential Medium policy."

2000Z-053U-05

Map 83-3, Parcel 159
Subarea 5 (1994)
District 7 (Campbell)

A request to change from R6 to CL district property at 2103 Greenwood Avenue, abutting the east margin of Porter Road (.36 acres), requested by Amos L. Sweat, appellant, for Joe Gower and Joe Barnes, owners.

Resolution No. 2000-348

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-053U-05 is **APPROVED (8-0)**:

This property falls within the Subarea 5 Plan's unmapped retail neighborhood commercial policy around the Porter Road/Greenwood Avenue intersection. The CL district is consistent with that policy. The property currently contains existing, legally non-conforming commercial uses and is bordered by Porter Road, Greenland Avenue, and the CSX Railroad."

2000Z-054U-14

Map 94, Part of Parcel 48 (1 acre)
Subarea 14 (1996)
District 15 (Loring)

A request to change from RS10 to CS district a portion of property at 1612 Lebanon Pike, approximately 850 feet east of Spence Lane (1 acre), requested by Brad W. Whitfield, appellant/owner.

Resolution No. 2000-349

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-054U-14 is **APPROVED (8-0)**:

This property falls within the Subarea 14 Plan's Commercial Arterial Existing (CAE) policy calling for office, commercial, and higher density residential uses along Lebanon Pike. The CS district is consistent with that policy and the zoning pattern across Lebanon Pike to the east and west. The remaining portion of this parcel containing the hillside should remain in residential zoning. The hillside falls within Residential Low Medium (RLM) policy calling for up to 4 units per acre."

2000Z-055U-08
Council Bill No. BL2000-234
Map 92-8, Parcel 88
Subarea 8 (1995)
District 21 (Whitmore)

A council bill to rezone from R6 to RM20 district property at 1807 Jo Johnston Avenue, approximately 130 feet west of Dr. D. B. Todd Boulevard (.20 acres), requested by Artmas Worthy, appellant, for James Chapman et ux, owners.

Resolution No. 2000-350

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-055U-08 is **APPROVED (8-0)**:

The Subarea 8 Plan goals for this neighborhood include conserving the residential integrity while encouraging quality reinvestment. The Planning Commission determined that expanding the RM20 zoning district in this location would implement these goals. The RM20 district is consistent with the emerging zoning pattern along Jo Johnston Avenue previously endorsed by the Planning Commission. This specific area is currently being reviewed as part of the Subarea 8 Plan Update."

2000Z-056U-13
Map 163, Part of Parcel 32 (9.9 acre)
Subarea 13 (1996)
District 28 (Alexander)

A request to change from AR2a to RS7.5 district a portion of property at Rural Hill Road (unnumbered), approximately 1,800 feet north of Mt. View Road (9.9 acres), requested by Steve Brown of Barge, Waggoner, Sumner, and Cannon, appellant, for M & D Development, LLC, owner.

Resolution No. 2000-351

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-056U-13 is **APPROVED (8-0)**:

This property falls within the Subarea 13 Plan's Residential Medium (RM) policy calling for 4 to 9 units per acre. The RS7.5 district is consistent with the RM policy and the single-family zoning pattern to the north."

80-72-G-12
Apache Trail Commercial PUD (Chasetel)

Communication Tower)
Map 148-10, Parcel 138
Subarea 12 (1997)
District 30 (Kerstetter)

A request to revise the preliminary plan and for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the east margin of Apache Trail at Haywood Lane, classified R10 (.10 acres), to permit the addition of a 140 foot tall cell tower and equipment pad, requested by Chasetel Telecommunications for J. Pope, Jr., owner.

Resolution No. 2000-352

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 80-72-G-12 is given **APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR A PORTION (8-0)**. The following condition applies:

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 revised final plat shall be recorded, including a 20 foot wide ingress/egress access easement from Apache Trail to the cellular tower, as depicted on this plan, or the applicant shall provide the Planning Commission documentation that the easement has been recorded with the Register of Deeds office.”

16-86-P-14
Hermitage Market Place
Map 86, Parcel 308
Subarea 14 (1996)
District 12 (Ponder)

A request to revise the preliminary plan for a portion of the Commercial (General) Planned Unit Development District located abutting the east margin of Old Hickory Boulevard, opposite Juarez Drive, classified CS (5.31 acres), to add a 5,000 square foot restaurant use and to decrease an undeveloped two-story office/retail building from 38,100 square feet to a 31,980 square foot building, requested by Alley & Associates for First Tennessee Bank, owner.

Resolution No. 2000-353

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 16-86-P-14 is given **CONDITIONAL APPROVAL OF A REVISION TO THE PRELIMINARY PLAN (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of a bond for all necessary utility extensions.”

62-87-P-06
Summit Oaks
Map 128, Parcel 76
Subarea 6 (1996)
District 23 (Bogen)

A request to revise the preliminary plan and for final approval for a portion of the Residential Planned Unit Development District located abutting the west margin of Old Hickory Boulevard, north of Belle Forest Circle, classified RS20 (42.61 acres), to develop 83 single-family lots, replacing 86 single-family lots, requested by Barge, Waggoner, Sumner and Cannon for U.S. Equities for Greater Middle TN. Development Partnership, owner.

Resolution No. 2000-354

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 62-87-P-06 is given APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL; DEFERRAL OF THE FINAL PLAT FOR PHASE I AT THE REQUEST OF THE APPLICANT (8-0). The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of a bond for the construction of roadways and extension of utilities.
3. The water booster pumping station shown in the Open Space on tax map 128 parcel 76 will remain part of the Open Space of the Summit Oaks PUD and is not a separate lot.
4. Prior to the issuance of any grading or building permits for the 83 critical lots, critical lot plans shall be submitted to the Planning Commission for review and approval by Planning Commission and Department of Public Works. All critical lot plans shall be signed and stamped by a certified engineer and shall meet all of the requirements of Appendix H of the Subdivision Regulations, including driveway slopes of 10% or less. Critical lot plans that require off-site grading shall be submitted simultaneously and shall be reviewed in conjunction with each other.
5. All critical lot plans shall be in conformance with the approved final PUD plan, including the significant impact profiles on page EX1.0 of the submitted plans, for building foundations, driveways, retaining walls, drainage, etc.”

MANDATORY REFERRALS

2000M-034U-13
Council Bill BL2000-204
Rural Hill Road Property Acquisition
Map 149, Part of Parcels 50-52, 119-123, 219, 221,
235-237 and 341
Subarea 13 (1996)
District 28 (Alexander)

A council bill authorizing the acquisition of portions of 14 parcels of property located on Rural Hill Road between Rice Road and Murfreesboro Pike, to accommodate the Rural Hill Road road-widening project, requested by the Department of Public Works.

Resolution No. 2000-355

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 2000M-034U-13."

2000M-035G-14

Walden Woods Sewer Easement Abandonment Request
Map 775, Part of Parcels 118 and 147
Subarea 14 (1996)
District 12 (Ponder)

A request to abandon two sewer easements, measuring approximately 287.5 feet in length and 20 feet in width and 85 feet in length and 21.6 feet in width located on the northwest margin of Tulip Grove Road, approximately 808.48 feet south of Walden Woods Drive, requested by the Department of Water Services.

Resolution No. 2000-356

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 2000M-035G-14."

2000M-036G-03

Blue Berry Hill Road Property Acquisition
Map 47, Parcels 99 and 111
Subarea 3 (1998)
District 1 (Gilmore)

A request to accept the donation of 7.25 acres located at Blue Berry Hill Road, west of Old Hickory Boulevard, adjacent to Beaman Park, zoned AR2a, requested by Metro Parks and Recreation.

Resolution No. 2000-357

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 2000M-036G-03."

OTHER BUSINESS

1. MPO Contract with Bucher, Willis, and Ratliff for the development of Major Thoroughfare Plans for the City of LaVergne and Town of Smyrna.

Resolution No. 2000-358

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the MPO Contract with Bucher, Willis, and Ratliff for the development of Major Thoroughfare Plans for the City of LaVergne and Town of Smyrna."

2. MPO Contract with Neel-Schaffer for the Enhanced Transportation System Data Collection and Monitoring Program.

Resolution No. 2000-359

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the MPO Contract with Neel-Schaffer for the Enhanced Transportation System Data Collection and Monitoring Program.”

3. Employee Contract for Cynthia Wood

Resolution No. 2000-360

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Cynthia Wood for one year from April 16, 2000, through April 15, 2001”

This concluded the items on the consent agenda.

SUBDIVISION AND BOND PROPOSALS

98S-219U-13 (Public Hearing)

Mt. View Subdivision, Section 2
Map 150, Part of Parcel 176
Subarea 13 (1996)
District 29 (Holloway)

A request for preliminary and final plat approval to create 14 lots approximately 1,200 feet southeast of Mt. View Road and approximately 210 feet southwest of Kenton Court (4.26 acres), classified within the R10 District, requested by Mt. View LLC, owner/developer, Dale and Associates, Inc., surveyor. (Deferred from meeting of 3/30/00).

Mr. Calleja stated staff is recommending approval of this revised preliminary and deferral of the final plat until the April 27, 2000, meeting. The applicant is requesting a cluster lot subdivision for 14 lots and the subdivision meets the requirements of the cluster lot subdivision by providing the appropriate open space and buffers. They will terminate Mt. View Ridge Drive into a cul-de-sac because there is an approved PUD adjacent to this site, which has lots that back up to this, so there is no potential for future extension to the east. However, the applicant is going to provide a future extension to the south.

No one was present to speak at the public hearing.

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

Resolution No. 2000-361

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 98S-219U-13 is **APPROVED FOR THE PRELIMINARY PLAN; THE FINAL PLAT IS DEFERRED BY APPLICANT; PUBLIC HEARING CLOSED (8-0).**”

99S-253G-12 (Public Hearing)

Cane Ridge Farms (Revision)
Map 174, Parcels 17, 84, 204 and 205
Subarea 12 (1997)
District 31 (Knoch)

A request for revised preliminary approval for 498 lots and final plat approval to create 26 lots abutting the southwest margin of Cane Ridge Road, approximately 2,000 feet south of Old Franklin Road (162 acres),

classified within the RS10 District, requested by Steven Dotson, owner/developer, Dale and Associates, Inc., surveyor.

Mr. Calleja stated the applicant has requested a 2 week deferral. They are making some revisions based on comments from Public Works as well as planning staff and those changes should be done within the next week.

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 the preliminary and final plat for two weeks.

2000S-068U-10 (Public Hearing)
Westhaven, Resubdivision of Lots 15 and 16
Map 130-8, Parcels 119 and 120
Subarea 10 (1994)
District 34 (Williams)

A request for preliminary approval for resubdivision of two lots into three lots abutting the northeast corner of Harding Place and Estes Road (2.85 acres), classified within the R20 District, requested by William M. and Hilda V. Settle and Mary B. Brown, owners/developers, Land Surveyor, Inc., surveyor.

Mr. Calleja stated staff is recommending approval. The applicant is requesting to re-subdivide 2 lots into 3 lots and this is a development pattern that already exists in this area. Staff applied comparability as required by the Subdivision Regulations. This development meets comparability by both lot frontage and lot area. The property currently has 2 houses on it as well as other structures. At the time of final platting those structures will need to be bonded to be removed. They are going to tear down the existing units and start from scratch and build 3 new houses on the property.

Ms. Kay K. Rainey expressed concerns regarding the developer building more than one house per lot.

Mr. John Scott asked what the process would be if they do request to put multiple houses on each lot.

Mr. Calleja stated that when they submit their final plat they would have to designate on the plan if they are planning duplexes.

Ms. Jones stated there had been some talk in the past about putting a PUD on this property with several homes on it and that was probably what Ms. Rainey and Mr. Scott were referring to.

Mr. Calleja stated that if a PUD were applied the applicant would have to ask for a rezoning, which would go through the Planning Commission and then to Council where it would go through 3 readings and the public hearing.

Ms. Rainey also expressed concerns regarding traffic and sight distance.

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

Resolution No. 2000-362

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-068U-10, is **APPROVED; PUBLIC HEARING CLOSED (8-0).”**

2000S-112G-02 (Public Hearing)
Hidden Springs

Map 33, Parcel 180
Subarea 2 (1995)
District 3 (Nollner)

A request for preliminary approval for 43 lots abutting the north termini of Fonnice Drive and Curtis Drive, approximately 1,152 feet east of Dickerson Pike (23.42 acres), classified within the RS20 District, requested by Buddy Dunn Contractors, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Mr. Calleja stated the applicant has requested a two week deferral to make revisions to the plan. Staff met with Public Works as well as the Councilmember and have spoken to several of the area residents and that is why the applicant is making changes to the plan.

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 two weeks.

Request for Bond Extension

97S-083G
River Trace Estates, Phase 1, Sections 4 and 5
Hicks-Cain Partnership, principal
Subarea 14 (1996)
[Buildout is at 90%]

Located abutting the east margin of Lock Two Road and the north terminus of River Bend Drive.

Mr. Calleja stated staff is recommending disapproval of the request for extension and request authorization to collect the performance bond unless final paving and sidewalks are completed by July 13, 2000.

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

Resolution No. 2000-363

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and **AUTHORIZES** the collection of the performance bond for Subdivision No. 97S-083G, Bond No. 97BD-021, River Trace Estates, Phase 1, Sections 4 & 5, in the total amount of \$55,000 unless final paving and sidewalks are completed by 7/13/2000. The developer will be required to maintain appropriate security. **Failure of principal to maintain appropriate security shall be grounds for collection without further notification.**

Request for Bond Extension

98S-023G
Williams Grove, Section 1
Pulte Homes Tennessee, L.P., principal
Subarea 12 (1997)
[Buildout is at 89%]

Located abutting the southwest corner of Old Smyrna Road and Edmondson Pike.

Mr. Calleja stated staff is recommending disapproval of the request for extension and request authorization to collect the performance bond unless final paving and sidewalks are completed by July 13, 2000.

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

Resolution No. 2000-364

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and **AUTHORIZES** the collection of the performance bond for Subdivision No. 98S-023G, Bond No. 98BD-027, Williams Grove, Section 1, in the total amount of \$91,750 unless final paving and sidewalks are completed by 7/13/2000. The developer will be required to maintain appropriate security. **Failure of principal to maintain appropriate security shall be grounds for collection without further notification.**”

Consideration of Bond Collection

98S-256U
Pebble Trail Villas
George W. Pope, Jr., principal
Subarea 13 (1996)
[Buildout is at 15%]

Located abutting the south margin of Rader Ridge Road, approximately 350 feet south of Countryside Drive.

Mr. Calleja stated staff is requesting authorization for the collection of the performance bond in the amount of \$72,500. Buildout is at 15%. The developer for Pebble Trail went bankrupt and SouthTrust bank took it over in November. Staff has been working with SouthTrust bank for the past 3 months trying to get them to establish a new bond as well as a letter of credit for the property. We received a letter yesterday indicating that SouthTrust’s intent is to, within the next two weeks, establish a new bond as well as a new letter of credit. So staff is recommending approval of the collection if SouthTrust does not do that.

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

Resolution No. 2000-365

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for collection of a performance bond for Subdivision No. 98S-256U, Bond No. 98BD-069, Pebble Trail Villas, in the amount of \$72,500 unless SouthTrust Bank submits appropriate security and executes a replacement bond no later than 4/27/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

ZONE CHANGE AND PUD PROPOSALS

2000Z-001T

Council Bill No. BL2000-242

A council bill to amend Sections 17.08 (Zoning Districts and Land Use) and 17.16 (Land Use Development Standards) of the Zoning Regulations to allow primary outpatient occupational health clinics as a PC (permitted with conditions) use in the IWD and IR districts, sponsored by J. B. Loring. (Deferred from meetings of 2/3/00, 3/2/00 and 3/16/00).

Ms. Regen stated this text amendment is now a Council bill going to the May public hearing. This bill, drafted by Council staff, incorporates many of the Commission’s concerns. The outpatient clinic will be a use permitted with conditions in the industrial zoning districts. Under the uses permitted with conditions, the conditionals limit it to occupational health. Staff is recommending approval with one suggested change

-- that is to delete the limitation on the hours. In these industrial zones there might be a need, in the future, for more flexibility in operating hours due to shift work.

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

Resolution No. 2000-366

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-001T is **APPROVED (8-0) with no limitation on operating hours:**

This council bill permits the existing medical land use "outpatient clinic" as a PC (permitted with conditions) use in the IWD and IR districts with two conditions: 1) operating hours are limited to less than 12 hours per day and 2) the maximum floor area is limited to 6,000 square feet or less. The 6,000 square foot limitation ensures these clinics do not consume significant amounts of industrial land in Davidson County. The limitation on operating hours should be removed so extended operating hours can be provided to accommodate various shifts within the industrial areas."

2000Z-006T

Council Bill No. BL2000-203

A council bill amending Section 17.08.030 of the Zoning Regulations by deleting vehicular sales as a permitted use in the CL district, requested by Councilmember Eileen Beehan, appellant/owner.

Ms. Regen stated this is a Council bill going to the May public hearing. This is to prohibit vehicle sales in the CL zoning district. Vehicle sales includes trailers, new and used cars, boats, off road vehicles, water craft and motorcycles. Staff is recommending approval because CL stands for commercial limited and these tend to have a very bulky appearance and tend to always be outdoors. Staff's thought was that when you look at all the other uses that are typically allowed, they are all uses where the business is being conducted indoors. The present operating businesses will be protected, the non-confirming provision to the state law will protect those businesses. They have the ability to continue operating as vehicle sales in a CL zoning district and to expand on the property they are currently using.

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

Resolution No. 2000-367

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-006T is **APPROVED (8-0):**

This council bill proposes to delete "Vehicular sales, limited" as a permitted use (P) within the CL district (Commercial Limited). The type of retail goods encompassed by "Vehicular sales, limited" are new and used cars, trailers, watercraft, all-terrain vehicles, RVs, campers, motorcycles, and boats. These goods are typically displayed and sold outdoors unlike other retail uses within the CL district. Given the visual bulk and appearance of "vehicular sales" and the need to display their retail products outdoors, these uses are more appropriate in the CS, CF, IWD, and IR districts, where heavier commercial and industrial uses are encouraged."

2000P-001U-10

Harris Teeter (21st Avenue South/Blair Boulevard)
Map 104-15, Parcels 179, 182 and 205
Map 104-16, Parcel 5
Subarea 10 (1994)
District 18 (Hausser)

A request for a parking variance for the PUD located abutting the west margin of 21st Avenue South and the south margin of Blair Avenue, classified OR20, CL and R8 (3.66 acres), to reduce the required number of parking spaces by 28 spaces for the 25,050 square foot first floor grocery store use, requested by Barge, Cauthen and Associates, for H. G. Hill Realty Company, Tollgatehouse Investments, LLC, owners, for H. G. Hill Realty, owner and optionee.

Mr. Leeman stated staff is recommending conditional approval of this parking variance proposal to eliminate 28 underground parking spaces, which would have been under the building, since the Traffic Engineer supports this variance. He says there is adequate surface parking on this site and since this is a neighborhood grocery store it is intended to serve the immediate area. This proposal also meets the Subarea 10 Plan and the Urban Design goal established for this area.

Mr. Small stated there were a number of people that spoke at the original hearing, with 2 or 3 neighborhood associations, who had worked in conjunction with the Councilmember as well as with Harris Teeter and H. G. Hill Realty. Everyone said they felt good with these plans for that property and subject to that this Commission approved it. There was an extensive discussion about the issue of parking and that the underground parking would be for the people using the office space. He stated he was concerned about having such a strong neighborhood approval of this proposal and now changing it a month and a half later.

Mr. Leeman stated the neighborhood was in support of the variance.

Mr. Cochran expressed concerns regarding eliminating the parking spaces.

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

Resolution No. 2000-368

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2000P-001U-10 is given **CONDITIONAL APPROVAL OF A PARKING VARIANCE (8-0)**. The following condition applies:

1. Prior to the submittal of any final PUD plans to the Planning Commission for review, the Board of Zoning Appeals shall have acted on this request for a parking variance to eliminate 28 underground parking spaces.”

MANDATORY REFERRALS

99M-130U-03

Closure of Portion of Cliff Drive
Map 70-9, Parcels 90, 91 and 167
Subarea 3 (1998)
District 2 (Black)

A request to close an unbuilt portion of Cliff Drive from Summit Avenue to its western terminus between 2151 and 2203 Summit Avenue (parcels 90 and 91 on tax map 70), requested by Lawrence and Donna Thompson, appellant, for Leland D. Watts, Donna K. Thompson, and Intermedia Partners Southeast, abutting property owners. (Easements are to be abandoned). (Deferred indefinitely from meeting of 10/28/99).

Ms. Regen stated this proposal is to close Cliff Drive, which is an unbilt right-of-way. The applicant is requesting this closure and easement abandonment in order to accommodate a portion of a garage that has been constructed over a portion of the right-of-way. Staff is recommending disapproval since NES has indicated that in the future they are going to need this easement to convert a 4 KV line to a 23.9 KV line.

Ms. Donna Thompson stated that about 15 years this property was surveyed and the surveyor said that it was on record that the road had been closed and the road was divided on each side of the line. At that time a fence was put up. When we went to get the building permit for the garage they told us it wasn't closed and there would be no problem if we came to the Planning Commission to have the road closed. Our understanding was that if the people next door and the cable company, that owns the lot behind it, approves it there would be no problem. At that time the house next door was vacant so we contacted the realty company and were told we would have to wait until somebody bought the house before they could approve it. So, in the mean time, my husband started working on it and it took about 6 months to sell the house before the people signed for approval. We didn't know anything about the light company until after it was too late.

Mr. Manier stated that if the easement exists there are certain rights in the holder of the easement. If the easement exists, utilized or unutilized, it is there for a purpose and we can't close it.

Mr. Diaz-Barriga stated that in this particular case, the owner of the interest in the easement has indicated an intent to use the easement. It is the policy of Metro to insure that these utilities approve any abandonment before we abandon right-of-way. We have turned to them for review and they have indicated they intend to use the easement.

Councilmember Ponder asked how much the garage encroached.

Ms. Regen stated Codes has been out to look at it and have not been able to determine exactly how far the encroachment extends over the line.

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

Resolution No. 2000-369

"BE IT RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES (8-0)** Proposal No. 99M-130U-03:

The Nashville Electric Service (NES) indicated in writing to the Metro Planning Commission that easements must be retained to accommodate a future planned upgrade of an existing 4kV line to a 23.9 kV line. That upgrade will require the use of the Cliff Drive right-of-way. "

OTHER BUSINESS

4. Executive Director Job Description

Chairman Lawson asked the Commission to review the updated Executive Director Job Description and contact him for any additional comments they might have.

He also passed out the brochure being used as a recruiting tool. It was produced by Metro and is being delivered by the HR Group in their recruiting efforts at the APA Conference.

The HR Group has sent out letters to APA members and gotten some leads and so far have 13 possible applicants for the position and several lined up for the conference in New York.

5. Legislative Update

Councilmember Ponder provided an update on the current legislative status of items previously considered by the Commission.

ADDENDUM

6. Set May 11, 2000 as public hearing to consider amendment of the Subarea 10 Plan to add Urban Design Overlay District goals and objectives in the Green Hills commercial area.

Ms. Nielson moved and Ms. Oglesby seconded the motion, which carried unanimously, to set the public hearing to consider amendment of the Subarea 10 Plan to add Urban Design Overlay District goals and objectives in the Green Hills commercial area for May 11, 2000.

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 2:00 p.m.

Chairman

Secretary

Minute Approval:
This 27th day of April, 2000