

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: April 27, 2000
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Frank Cochran
Ann Nielson
Councilmember Phil Ponder
Douglas Small
Marilyn Warren

Absent:

Mayor Bill Purcell
Tonya Jones
William Manier
Vicki Oglesby

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
Leslie Shechter, Legal Department

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Ms. Regen announced the following change to the agenda:

2000Z-009T Has been withdrawn.

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

98S-219U-13 Deferred indefinitely, by applicant.
2000S-114G-06 Deferred two weeks, by applicant.
2000S-119G-10 Deferred indefinitely, by applicant.
2000Z-052U-10 Deferred indefinitely, by applicant.
2000M-037U-14 Deferred indefinitely, by applicant.

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

APPROVAL OF MINUTES

Councilmember Ponder moved and Ms. Nielson seconded the motion, which unanimously passed to approve the minutes of the regular meeting of April 13, 2000.

RECOGNITION OF COUNCILMEMBERS

Councilmember James Dillard spoke in favor of 2000S-125G-04, Robert L. Sylar Property, stated there was no opposition in the neighborhood, staff is recommending approval and asked the Commission to go along with staff's recommendation.

Councilmember Brenda Gilmore spoke in favor of 99S-353U-03, Creekside Trails, and stated she had held 4 community meetings and the concerns were traffic, flooding and size and pricing of the new homes.

Councilmember Feller Brown spoke in favor of 2000Z-007T regarding changing sanitary landfills from a permitted use to a special exception use in IR and IG districts.

Councilmember Janis Sontany spoke in favor of 2000Z-058U-13, rezoning several parcels on Ezell Pike to commercial.

ADOPTION OF CONSENT AGENDA

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

SUBDIVISION AND BOND PROPOSALS

99S-301U-10

Vanderbilt University, Resubdivision of Lot 2
Map 104-3, Parcels 258 and 259
Subarea 10 (1994)
District 18 (Hausser)

A request for final plat approval to subdivide two lots into three lots abutting the south margin of West End Avenue, between Natchez Trace and 25th Avenue South (7.04 acres), classified within the MUG District, requested by Vanderbilt University, owner/developer, Gresham, Smith and Partners, surveyor.

Resolution No. 2000-370

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-301U-10, is **APPROVED (6-0).”**

99S-339G-06

Boone Trace at Biltmore, Section 5
Map 126, Parcel 137
Subarea 6 (1996)
District 23 (Bogen)

A request for final plat approval to create 31 lots abutting the northeast terminus of Boone Trace, approximately 155 feet northeast of Trading Post Court (14.91 acres), classified within the RS20 Residential Planned Unit Development District, requested by Fox Ridge Homes, Inc., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 2000-371

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-339G-06, is **APPROVED SUBJECT TO A BOND OF \$343,600.00 (6-0).”**

99S-353U-03

Creekside Trails, Phase 1 (formerly Eaton’s
Creek Subdivision)
Map 58, Part of Parcel 16
Subarea 3 (1998)
District 1 (Gilmore)

A request for final plat approval to create 24 lots abutting the west margin of Eaton’s Creek Road and the south margin of Briley Parkway (11.49 acres), classified within the RS15 Residential Planned Unit Development District, requested by Eaton’s Creek Real Estate Investor Fund, LLC, owner/developer, Thornton and Associates, Inc., surveyor. (Deferred from meeting of 3/30/00).

Resolution No. 2000-372

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-353U-03, is **APPROVED SUBJECT TO A BOND OF \$512,500.00 (6-0).”**

99S-374G-06

Boone Trace at Biltmore, Section 6
Map 126, Parcel 138

Subarea 6 (1996)
District 23 (Bogen)

A request for final plat approval to create 16 lots abutting the northeast terminus of Settler's Way, approximately 200 feet east of Boone Trace (5.93 acres), classified within the RS20 Residential Planned Unit Development District, requested by Fox Ridge Homes, Inc., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 2000-373

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-374G-06, is **APPROVED SUBJECT TO A BOND OF \$286,000.00 (6-0).”**

99S-387U-14
Dogwood Place, Section 1
Map 85-11, Part of Parcel 105
Subarea 14 (1996)
District 14 (Stanley)

A request for final plat approval for three lots abutting the northeast corner of the northeast margin of Wellington Square, approximately 321 feet northeast of Lebanon Pike (.69 acres), classified within the RS10 District, requested by Orlin J. and Margit Prosser, owners/developers, James L. Terry and Company, surveyor.

Resolution No. 2000-374

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-387U-14, is **APPROVED SUBJECT TO A BOND OF \$15,000.00 (6-0).”**

Request for Bond Release
84S-623G
Village by the Creek, Section 12
Robert E. Earheart, principal
Subarea 2 (1995)

Located abutting both sides of Standing Stone Drive and both sides of Standing Stone Court.

Resolution No. 2000-375

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 84S-623G, Bond No. 87BD-020, Village by the Creek, Section 12.”

Request for Bond Release
96S-314G
Chesney Glen, Phase 1-B
Phillips Builders, Inc., principal
Subarea 14 (1996)

Located abutting the south margin of Old Lebanon Dirt Road and both margins of Chesney Glen Drive.

Resolution No. 2000-376

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 96S-314G, Bond No. 96BD-056, Chesney Glen, Phase 1-B, in the amount of \$57,000.”

Request for Bond Release

96S-377U
Peninsula Pointe, Section 2
Centex Real Estate Corporation, principal
Subarea 13 (1996)

Located abutting both margins of Waterford Way, approximately 150 feet east of Milbridge Road.

Resolution No. 2000-377

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 96S-377U, Bond No. 97BD-019, Peninsula Pointe, Section 2, in the amount of \$37,000.”

Request for Bond Release

97S-471G
Newport
Newport LLC, principal
Subarea 14 (1996)

Located abutting the southeast margin of John Hager Road and the southwest margin of South New Hope Road.

Resolution No. 2000-378

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 97S-471G, Bond No. 97BD-084, Newport, in the amount of \$49,000.”

Request for Bond Release

99S-119G
Hampton Hall, Section 2
Phillips Builders, Inc., principal
Subarea 14 (1996)

Located abutting the east margin of New Hope Road, opposite Port Jamaica Drive.

Resolution No. 2000-379

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 99S-119G, Bond No. 98BD-043, Hampton Hall, Section 2, in the amount of \$53,500.”

Request for Bond Extension

97S-303U
Jarman Property, Section 1
WLB III-Brighton LLC, principal
Subarea 10 (1994)
[Buildout is at 33%]

Located abutting the south margin of Brighton Road, opposite Leonard Avenue.

Resolution No. 2000-380

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-303U, Bond No. 98BD-018, Jarman Property, Section 1, in the amount of \$14,500 to 4/15/2001 subject to the submittal of an amendment to the present Letter of Credit by **5/27/2000** 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-086G

Stone Creek Park, Section 3

Gillespie Land Development LLC, principal

Subarea 12 (1997)

[Buildout is at 0%]

Located abutting the northwest terminus of Holt Run Drive, approximately 130 feet northwest of Holt Grove Court.

Resolution No. 2000-381

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 99S-086G, Bond No. 99BD-073, Stone Creek Park, Section 3, in the amount of \$40,500 to 6/3/2001 subject to the submittal of an amendment to the present Letter of Credit by **5/27/2000** which extends its expiration date to 12/3/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Extension

99S-100G

Brookside Woods, Section 3

Larry W. Powell Builders, Inc., principal

Subarea 14 (1996)

[Buildout is at 13%]

Located abutting the northwest terminus of Brookside Woods Boulevard, approximately 140 feet northwest of Waynewood Lane.

Resolution No. 2000-382

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 99S-100G, Bond No. 99BD-037, Brookside Woods, Section 3, in the amount of \$40,000 to 4/14/2001 subject to the submittal of an amendment to the present Letter of Credit by **5/27/2000** which extends its expiration date to 10/14/2001. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Request for Bond Replacement

88S-206G

Peebles Subdivision

Katherine K. Peebles, principal

[Buildout is at 0%]

Located abutting the north side of Poplar Creek Road, approximately 421 feet east of Rolling River Parkway.

Resolution No. 2000-383

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 88S-206G, Bond No. 88BD-014, Peebles Subdivision, in the amount of \$8,000 subject to the submittal of appropriate security and the execution of the replacement bond by the new principal by 5/5/2000. **Failure of this new principal to provide the appropriate security and bond documents shall be grounds for collection of the present bond now in place without further notification.**”

ZONE CHANGE AND PUD PROPOSALS

2000Z-057G-13
Map 175, Parcel 104
Subarea 13 (1996)
District 29 (Holloway)

A request to change from AR2a to IR district property at 12751 Old Hickory Boulevard, approximately 1,300 feet north of the CSX Railroad (1.67 acres), requested by Max Puckett, appellant, for Ruby D. Hunter, owner.

Resolution No. 2000-384

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-057G-13 is **APPROVED (6-0)**:

This property falls within the Subarea 13 Plan’s Industrial (IND) policy calling for manufacturing, wholesaling, and distribution uses. The IR district is consistent with that policy and the zoning pattern to the south and east."

2000Z-059G-13
Map 150, Parcel 234
Subarea 13 (1996)
District 29 (Holloway)

A request to change from AR2a to RS10 district property at 2284 Hobson Pike, approximately 2,055 feet north of Hamilton Church Road (13.62 acres), requested by Joe McConnell, appellant, for Eleanor M. Lindsey, owner.

Resolution No. 2000-385

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-059G-13 is **APPROVED (6-0)**:

This property falls within the Subarea 13 Plan’s Residential Low Medium (RLM) policy calling for up to 4 units per acre. The RS10 district is consistent with that policy and the area’s emerging zoning pattern."

134-84-G
Arlington Green
Map 142-16-0-B, Parcel 44
Subarea 6 (1996)

District 35 (Lineweaver)

A request to revise the preliminary site plan and for final approval for a portion of one lot in the Residential Planned Unit Development District located abutting the north margin of Hicks Road, west of Old Hickory Boulevard, classified RS20 district (.21 acres), to permit a reduction for a portion of a rear yard from 10 feet to 6 feet to permit an existing deck constructed 4 feet into the required yard, requested by A. G. and Joseph Gallivan, owners.

Resolution No. 2000-386

BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 134-84-G-06 is given **APPROVAL (6-0).**”

98-85-P-14

Woodland Point (formerly Lakeside)
Map 121, Part of Parcel 74
Subarea 14 (1996)
District 13 (Derryberry)

A request to revise a portion of the preliminary plan and for final approval for Phase 2 of the Residential Planned Unit Development District located abutting the east margin of Bell Road, opposite Pleasant Hill Road, classified RM9 district, (38.69 acres), to redesign several streets, move several multi-family units, and to eliminate 35 single-family lots/units, reducing the total number of units from 847 to 812, and for final approval for 53 single-family lots in Phase 2, replacing 56 single-family lots, requested by LDI Design, Inc., for James Carbine, trustee, for Franklin Land Company, LLC, owner. (Also requesting final plat approval for Phase 2).

Resolution No. 2000-387

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98-85-P-14 is given **APPROVAL OF A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR PHASE 2; FINAL PLAT APPROVAL SUBJECT TO POSTING A BOND OF \$648,500.00 (6-0).** The following conditions apply:

1. Prior to the issuance of any building permits for any phase, the applicant shall record a final plat including the posting of all required bonds for necessary public improvements in that phase. The final plat for Phase 7 shall provide easements to the cemeteries located within this phase and identify continual maintenance of the cemeteries and landscaped medians by the Homeowners Association.
2. All future phases of this development containing single-family lots shall maintain a 50-foot lot frontage and 35-foot lot frontage for lots at the terminus of a cul-de-sac, measured from the right-of-way line.
3. Final plans for Phase 7 shall demonstrate that Street “J” and Street “K” meet turning radius requirements to accommodate emergency vehicles and meet all Fire Code requirements.
4. Prior to the completion of the 59th dwelling unit in any subsequent phase, and prior to the issuance of the first Use and Occupancy permit in each subsequent phase thereafter, the developer shall conduct traffic count surveys at Bell Road and the site entrance to determine when actual traffic volumes meet signal warrants for a traffic signal at Bell Road at the entrance to the site. These surveys shall be submitted to the Metro Planning Commission and the Metro Traffic Engineer for review and approval.

5. Once the signal warrant has been met for the traffic signal in Condition #4 above, the developer shall be responsible for the purchase, installation, and any other necessary improvements for that traffic signal, as required by the Metro Traffic Engineer.
6. Prior to the issuance of any Use and Occupancy permits, the three-lane cross-section between Pleasant Hill Road and the site entrance shall be constructed by the developer, and inspected and accepted by the Metro Public Works Department, as required by the Traffic Impact Study. This cross-section shall include the following turning lanes:
 - A southbound left-turn lane on Bell Road into the project site with 200 feet of storage and a transition 135 feet.
 - A northbound left-turn lane on Bell Road onto Pleasant Hill Road with 200 feet of storage and a transition of 150 feet.
 - A northbound right-turn lane on Bell Road into the site shall be constructed with 200 feet of storage and a transition of 180 feet.
7. 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.”

96P-014G-13
 Tru-Long Acres
 Map 150, Parcel 144
 Subarea 13 (1996)
 District 29 (Holloway)

A request for final approval of the Residential Planned Unit Development District located abutting the southeast margin of Mt. View Road, opposite Belle Oaks Drive, classified R15 district, (6.64 acres), to develop 27 single-family lots, requested by T. E. Turner Company, for Saeed Sassan, owner.

Resolution No. 2000-388

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-014G-13 is given **CONDITIONAL FINAL APPROVAL (6-0)**. 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 and bonds shall be posted for all necessary public improvements, including the on-site sewage pumping station.”

97P-029G-06
 Bellevue Property
 Map 115, Parcel 17
 Subarea 6 (1996)
 District 23 (Bogen)

A request to revise a portion of the preliminary plan and for final approval for a portion of the Residential Planned Unit Development District located abutting the western terminus of Saussy Place, west of Rodney Drive, classified R40 district, (37.5 acres), to develop 20 single-family lots where 20 single-family lots as approved, requested by DBS & Associates, for Old Hickory Real Estates Partners, owners.

Resolution No. 2000-389

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-029G-06 is given **APPROVAL OF THE REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL (6-0)**: 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 and bonds shall be posted for all necessary public improvements.”

MANDATORY REFERRALS

2000M-038G-04

Saunders Avenue Property Acquisition
Map 51-7, Part of Parcels 17, 17.01, 34 and 35
Subarea 4 (1998)
District 3 (Nollner)

A request to acquire portions of four parcels of property on Saunders Avenue, north of Due West Avenue West, zoned RS20, for the construction of storm drainage improvements by the Department of Public Works.

Resolution No. 2000-390

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 2000M-038G-04.”

2000M-041U-02

Ewing Creek Property Acquisition II
Map 60-1, Parcels 134 and 175
Subarea 2 (1995)
District 3 (Nollner)

A request to acquire two parcels of property, located at 3140 Gwynwood Drive and 3100 Ewingdale Drive, zoned RS7.5, to undertake the Ewing Creek Flood Mitigation Project by the Department of Public Works.

Resolution No. 2000-391

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 2000M-041U-02.”

This concluded the items on the consent agenda.

SUBDIVISION AND BOND PROPOSALS

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. (Deferred from meeting of 4/13/00).

Mr. Calleja stated staff is recommending approval of the preliminary plan. The applicant has requested a deferral for two weeks on the final plat. The Planning Commission conditionally approved this plan for 502 lots last year subject to the applicant making revisions to the plan. The revisions involved 10 foot green spaces between all the lots, and those have been removed. There have been some changes in the location of the roads and points of access into the subdivision. The applicant is now requesting approval for 498 lots. When they removed the green space from one area they relocated it to an area where there is a tributary that goes to Mill Creek. Under the new Stormwater Management Regulations there is a requirement that there be a 50 foot buffer along the creek, and they have redesigned the plan to provide a 75 foot buffer along the creek to make sure they meet the requirements from the edge of the bank. The other changes involve changing a through road to a cul-de-sac, and they have extended a road to the north to provide an additional future point of access.

No one was present to speak at the public hearing.

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

Resolution No. 2000-392

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-253G-12, is **APPROVED FOR THE PRELIMINARY PLAN; THE FINAL PLAT IS DEFERRED BY APPLICANT; PUBLIC HEARING CLOSED (6-0).”**

2000S-040U-13 (Public Hearing)

Hazelwood, Section 9A
Map 148-12, Parcel 187
Subarea 13 (1996)
District 28 (Alexander)

A request for preliminary approval for three lots abutting the southeast corner of Aeolia Drive and Artelia Drive (1.24 acres), classified within the RS7.5 District, requested by Margrette B. Woodroof, owner/developer, James L. Terry and Company, surveyor. (Deferred from meetings of 3/16/00 and 3/30/00).

Mr. Calleja stated this applicant has requested a two week deferral. They are still working with the Councilmember and the neighborhood.

No one was present to speak at the public hearing.

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

2000S-112G-02 (Public Hearing)

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

A request for preliminary approval for 41 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. (Deferred from meeting of 4/13/00).

Mr. Stuncard stated staff is recommending approval. This item was deferred from the April 13th meeting to give the developer time to work out some accessibility. The issues that necessitated the deferral were primarily concerned with the Fonnice Drive extension, which at the first revision did continue on through, but is now cul-de-sac. That is to avoid the variance needed because of the grade. The other addition consists of a stub, which now extends to the west boundary back towards Dickerson Pike and there are 2 less lots. The site is utilizing the Cluster Lot Option as outlined in the Zoning Ordinance. The lots range in size anywhere from 10,000 to 43,000 square feet. It provides the required open space, predominately in the center and along the east boundary with required buffer strips running to the south, west and along the north. A valley area is being left in its natural state and also an area with steep topography is being left in its natural state. The open space being provided is approximately double what is required.

Mr. Kevin West, Ms. Yolanda Bennett, Mr. Carroll Chambliss, Mr. Thomas R. Daily, Ms. Judy Beatty, Ms. Jessica Lions, Ms. Cynthia Brown and Ms. Faye Cotts expressed concerns regarding drainage, the cleanup and length of the project, traffic, trash, torn up streets, construction damage to existing homes, size of the lots, construction noise waking up night workers and the wildlife.

Councilmember Ron Nollner stated he had held a couple of meetings to address the concerns but that he didn't know if anything could be restricted because this all meets the law. Half as many homes would be half as much headache for the neighbors and the traffic concerns are something we are going to have address anyway. When this development is completed Curtis and Fonnice will be connected and this will no longer be a dead end subdivision, which will allow us to install – NO U TURN – signs.

Mr. Stuncard stated that at this preliminary stage the fine engineering details regarding drainage are not required. When we proceed to final the specifics of the drainage issues will be worked out, which of course will be reviewed by the Public Works engineers. He stated he would keep Mr. West in the loop as far as the drainage issues are concerned at the final approval.

Ms. Neilson moved and Mr. Small seconded the motion, which carried unanimously, to close the public hearing.

Ms. Warren stated this is an instance of homeowners having wonderful open space to enjoy, but eventually it is going to be developed. The best thing this Commission can do is make the developers go with what is in the zoning regulations. This developer has fulfilled all those needs and in the final can work with drainage and traffic. Now he has the right to develop that land and that is what's going to happen throughout Davidson County.

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

Resolution No. 2000-393

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No.2000S-112G-02, is **APPROVED; PUBLIC HEARING CLOSED (6-0).”**

2000S-125G-04
Robert L. Sylar Property
Map 63, Parcel 10
Subarea 4 (1998)
District 9 (Dillard)

A request for final plat approval to subdivide one parcel into two lots abutting the west margin of Neelys Bend Road, approximately 520 feet south of Hidden Acres Drive (5.57 acres), classified within RS40 District, requested by Robert L. and Evelyn Sylar, owners/developers, Gresham, Smith and Partners, surveyor.

Mr. Calleja stated staff is recommending approval of this 2 lot subdivision plat subject to a variance from 3 times the lot size. The zoning is RS40 and the combined acreage of the 2 lots is about 5.57 acres. One of the lots exceeds the maximum of 120,000 square feet by about 5,000 square feet. One lot has sewer on it and the other lot is being proposed for septic because of the topography. In addition, there is a blue line stream on the property and they have been required to maintain the appropriate buffer based on the Stormwater Management Regulations. Access to the property is off of a small cul-de-sac.

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

Resolution No. 2000-394

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-125G-04, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS (6-0).”**

Request for Bond Release

97S-058U

Townhomes of Fredericksburg, Phase 1, Section 2

Pulte Homes TN, L.P., principal

Subarea 12 (1997)

Located abutting the south margin of Old Hickory Boulevard and the northeast margin of Fredericksburg Way West.

Mr. Calleja stated this item was pulled from the consent agenda. Staff is recommending approval for the release of this performance bond. The bond covers drainage, water and sewer. We have received letters from Public Works and Water Services indicating all the items covered under the bond have been completed to their specifications.

Ms. Ann Bell, Townhomes of Fredericksburg, showed the Commission pictures of drainage problems that have occurred and explained the problems. She stated she had spoken with Public Works and they said that since this community is private their hands are tied.

Chairman Lawson stated that in order for Public Works to recommend release of the bond it would have to be up to city standards but this appears not to be.

Mr. Calleja stated that because this is a condominium community all the streets are private. The bond only covered one specific improvement that was supposed to be done that would be turned over to Nashville, Davidson County for them to maintain.

Councilmember Ponder asked what specific improvement the bond covered.

Mr. Jim Armstrong, Public Works, stated it covered a traffic signal and turn lane. There was also a phase before this that had the traffic signal and turn lane in it and there was a bond, done by public works, for a public road, which has been released already. There was then another bond established for the next phase based on the estimate from the private engineers for the overall drainage of the facility because there is a big main drain adjacent to this. There is a creek that runs by the lower side of the units and that has worked

satisfactorily. There have been problems with the units but they are not associated with the main public drainage system so much as roof drains and some of the construction. But we don't bond the quality of the contractor or the house builder. What we bond are the public improvements and the public interests in regards to the overall area, like the creeks and streets.

The bond notification says drainage and detention pond and stormwater drainage.

Mr. Armstrong stated he understood that was complete.

Ms. Warren told Mr. Armstrong he said this bond, in particular, was regarding the traffic signal, but it doesn't say anything about that.

Mr. Armstrong apologized and stated that was for a different phase.

Councilmember Ponder asked for clarification.

Mr. Armstrong stated work down by the creek was the only public improvement on the plan.

Chairman Lawson stated the bond Public Works has recommended to be released deals only with the portion that impacts the public drainage and not internally.

Mr. Armstrong stated Public Works did not determine that bond. The bond was determined by the private engineer for the project because it didn't have any public roads.

Chairman Lawson stated he did not feel comfortable with what he was hearing. He asked Mr. Calleja when the bond was due to expire.

Mr. Calleja stated it was a non-expiring security so if the Commission would want to defer this for two weeks it would not be a problem.

Councilmember Ponder moved and Mr. Small seconded the motion, which carried unanimously, to defer this matter for two weeks to get the Commission a clear understanding of what the bond covers, what is not covered, why it is not covered and to have Codes give some evaluation why some of the existing conditions have been allowed under the construction.

Mr. Small stated there are potentially multiple bonds on this project and to be sure to clarify what bonds are out there, what they are for, what have already been released and what bonds are remaining.

Ms. Warren stated she would like an explanation for herself and for the homeowners of what sense it is private or public and what is protected and what is not protected with their dealings with the builder, in the bond issue part.

Request for Bond Extension

98S-072U

Cambridge Forest, Section 2

Double M Partners LLC, principal

Subarea 13 (1996)

[Buildout is at 91%]

Located abutting both margins of Edencrest Drive, approximately 80 feet northwest of Edenfield Court.

Mr. Calleja stated staff is recommending disapproval of the request for the extension and request authorization for collection of the performance bond unless final paving, sidewalk and off site detention ponds are completed by July 27, 2000.

Mr. William Bainbridge, representing the developer, explained the delay was due to nonconformance to ADA standards. He stated we were very surprised and disappointed to learn that staff would not recommend an extension of the performance bond for Cambridge Forest, Section 2, that we did not intend to request. An onsite meeting was held in early March with a representative from Public Works to do a punch list inspection. We wanted to identify any loose ends, finish the bonded work and request a release. We were told at this onsite meeting that in February, the preceding month, that Public Works had adopted a policy that all sidewalks must conform to ADA standards and most sidewalks, including ours, would not comply. At this point most of our sidewalks were in, built under the previous months standards. They would have been satisfactory prior to February. Due to rain, I do not believe it is possible to build or rebuild these sidewalks to ADA standards, whatever that means. As of yesterday there have been no official standards determined by Public Works. This is a mess. This is not the only subdivision affected. We just had the misfortune of being among the first. Many subdivision sections nearing completion will be before you with this same situation until this is resolved. What is the answer? What can be done? Either the Commission can allow bond extensions to anyone trapped in this situation or Public Works can grandfather subdivisions with work in progress under the previous sidewalk guidelines. I realize the planning staff and the planning commission may be reluctant to grant an extension in this case because of precedent. However, staff can do nothing but agree that this is most likely the first of many requests. If our sidewalks are not accepted and our bond is called then Metro steps into our shoes. If they can't tell us how to build a sidewalk in compliance then how can they build them? Further, if Public Works builds sidewalks with bond proceeds it costs an additional \$40 per linear foot. I fear this will trigger a sack full of lawsuits. It is not a threat, it's just a fact. Surely, common sense and some degree of equity would strongly suggest that the Commission temporarily relax its no extension rule for anyone caught in this trap. Only until such time that Public Works is able to approve what is buildable and can share with us the revised standards.

We submit our plans to Public Works before work is begun and they approve them. Then at the completion of the subdivision, when you get beyond the 70%, they are called out to inspect the sidewalks, the roads and storm drainage, which we were prepared for. ADA is on Metro's case. Public Works did not instigate this. They were mandated that they and all public facilities, including sidewalks, had to meet ADA standards.

Mr. Armstrong stated the question Public Works has with the sidewalks of this proposal is at the driveway area, where the driveway crosses the sidewalk, there is need for driveway ramps. If they are built to the driveway ramp specs of the plans, we are okaying them for bond release. That is, at this point, sufficient to meet ADA. However, we are also under the understanding that is not going to be allowed in the future. We have not established that new standard that is yet to replace it.

Chairman Lawson stated he understood what Mr. Armstrong was saying but there appears to be the paradox of that when you are making the statement that you are allowing builders to complete the projects and sidewalks based upon what was originally on the plan and bonded, but in this case it appears that is not quite accurate.

Mr. Armstrong stated that where these sidewalks were crossed with driveways, there was not always a strict enforcement of the driveway ramp. Driveway ramps are required but have not been enforced. Where we have not strictly enforced it we're now going to have to go back and pay for correcting it and on the ones that are coming up we are going to be looking at strictly meeting that plan.

Ms. Nielson stated the Commission could not expect the builder to exceed anymore than what we have approved.

Ms. Shechter stated that was not entirely correct, but that is not the issue in this case. In fact, developers are under the ADA as long as those infrastructure improvements will be dedicated to the public just as we are and are required to know the law. The fact our standards are not what they needed to be doesn't excuse the complying with it regardless of whether we approved it mistakenly or not. Just because the plan was approved doesn't mean we can't require the ADA requirements being met because that is what the law mandates. She suggested the Commission defer this matter for two weeks.

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

ZONE CHANGE AND PUD PROPOSALS

2000Z-005T

Council Bill No. BL2000-202

A council bill to amend Section 17.08.030 (District Land Use Table) of the Zoning Regulations to delete automobile service as a permitted (P) use in the CL district, sponsored by Councilmember Michelle Arriola.

Ms. Regen stated staff is recommending disapproval of this bill, it is going to be withdrawn on Tuesday night at Council because it was drawn up incorrectly.

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

Resolution No. 2000-395

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-005T is **DISAPPROVED (6-0)**:

This council bill amends the Zoning Ordinance by eliminating “automobile service” from the CL zoning district (e.g. Firestone, Goodyear). This bill should be disapproved since automobile service was not intended to be prohibited in the CL district. Council staff has indicated this bill will be withdrawn at the Metro Council public hearing. The Commission approved BL2000-203 which prohibits “vehicle sales, limited” in the CL district on April 13, 2000.”

2000Z-007T

Council Bill No. BL2000-241

A council bill to amend Section 17.08.030 (District Land Use Table) of the Zoning Regulations by changing sanitary landfills as a permitted (P) use to a special exception (SE) use in the IR and IG districts, sponsored by Councilmembers David Briley and Feller Brown.

Ms. Regen stated this is a text amendment to make sanitary landfills a special exception use. This would make all sanitary landfills a special exception use in our Zoning Ordinance. Right now sanitary landfills are permitted by right in the industrial zoning districts. By doing this it would mean the Council would have to pre-approve the location of a sanitary landfill before it goes to the Board of Zoning Appeals for approval. It would also treat all landfills so that they would have some sort of setback from residential areas.

Councilmember-At-Large David Briley spoke in favor of the bill and asked the Commission for their support.

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

Resolution No. 2000-396

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-007T is **APPROVED (6-0)**:

This bill does not adversely impact landfill opportunities within Davidson County and will help to strengthen and protect residential areas located near industrial districts."

2000Z-008T

Council Bill No. BL2000-244

A council bill to amend Section 17.04.060 (Definitions) of the Zoning Regulations by modifying the definition of "medium manufacturing" to include outdoor assembly and storage of products, and outdoor manufacturing of raw materials into compost primarily for commercial resale, sponsored by Councilmembers Chris Ferrell and Betty Balthrop.

Ms. Regen stated this bill is to create a definition for composting facilities within the Zoning Ordinance. It is to classify that sort of use as a medium manufacturing use; the medium manufacturing uses are permitted in the IR and IG zoning districts. Staff is recommending approval.

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

Resolution No. 2000-397

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-008T is **APPROVED (6-0)**:

With this change, a composting use which includes a sludge operation would be prohibited from operating in an agricultural district. That type of use would be permitted only in the IR and IG zoning districts. This bill protects rural areas of the county from manufacturing operations."

2000Z-058U-13

Council Bill No. BL2000-259

Map 134, Parcel 147 (.98 acres) and 150 (.25 acres)

Map 134-8, Parcels 5 (1.14 acres), 6 (.99 acres), 7 (.94 acres), 8 (.84 acres), 9 (.74 acres), 10 (.75 acres), 11 (.78 acres), 12 (.81 acres), 32 (.99 acres), 33 (.99 acres), 34 (.99 acres), 35 (1.14 acres), 36 (1.14 acres), 37 (1.14 acres), 38 (1.14 acres), 39 (1.17 acres), 40 (1.17 acres), 43 (1.03 acres), 44 (1.01 acres)

Map 134-12, Parcel 1 (.90 acres)

Subarea 13 (1996)

District 27 (Sontany)

A council bill to rezone from AR2a and R10 districts to CS district properties at 404, 412, 414, 416, 418, 420, 423, 424, 425, 428, 429, 432, 433, 434, 437, 439, 440, 441, 442, 443, 444 Ezell Pike and Ezell Pike (unnumbered), abutting both the east and west margins of Ezell Pike between Harding Places and Southwind Drive (21.03 acres), requested by Linda Demith-Sulinski, appellant, for Parker Rentals, L.P., Thurman W. Allred et ux, Malcolm L. Barrett Sr. et ux trust, Daniel B. Shearer et ux, Troy C. Varney, Margo J. Varney, Troy A. Varney, Juanita Ervin, J. R. Foster et ux, E. M. Headrick et ux, Betty G. Shore, Marshall E. Mullis et ux, Mohamed R. and Hanauk Abogamiza, Don C. and Margaret A. Bruce, III, James R. and Cynthia A. Henry, Charles F. Harrison et ux, James H. Connelly et ux, Malcolm L. Barrett et ux, James K. Haynes et ux, Peter J. Sulinski, Jr., Robert N. Copeland et ux, Ray C. Pulley et ux, owners.

Ms. Regen stated staff is recommending approval of this rezoning, which is for 22 properties along Ezell Pike. The request is for CS zoning and some of these properties are zoned agricultural and some residential single family or duplex. This property is surrounded by an industrial park, local materials quarry and the airport. This area is within the Subarea 13 industrial policy, so the intent has always been to transition these homes from residential to an industrial use. The applicant has worked for several months trying to acquire as many property owner's consent as possible. Staff feels this CS zoning is a good step towards the ideal

industrial zoning. These properties are impacted by the airport and quarry and are surrounded by industrial uses.

Ms. Linda Demith spoke in favor of the proposal.

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

Resolution No. 2000-398

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-058U-13 is **APPROVED (6-0)**:

These properties fall within the Subarea 13 Plan's Industrial (IND) policy calling for manufacturing, wholesaling, and distribution uses. The CS district is an incremental step forward in achieving that policy. The CS zoning is appropriate for this single-family residential pocket adjacent to warehousing and office uses to the west and a quarry to the east. The CS district's light manufacturing and small warehousing opportunities will provide for a gradual transition to industrial uses."

2000Z-060U-03

Council Bill No. BL2000-222

Map 71-14, Parcels 380 (3.81 acres), 381 (7.4 acres)
and 387 (3.13 acres)

Subarea 3 (1998)

District 2 (Black)

A council bill to rezone from IR and IWD districts to IG district properties at 1311 and 1325 Vashti Street and 1326 Baptist World Center Drive, abutting the east margin of the Cumberland River (14.34 acres), requested by Carl Kewyrod, appellant, for James D. and Mark Steven Meadows and Carl E. Jones, owners.

Ms. Regen stated the applicant has requested to defer this item until May 11th, in order to work out some things with the Councilmember, surrounding businesses and the residential neighborhood that abuts this property. Staff is recommending disapproval of this item and because it is a public hearing item the Commission needs to take an action on it today.

There is an adjacent residential neighborhood that is part of an MDHA strategy area. Currently the applicant, Nashville Ready Mix, is using the property for a maintenance facility for their cement trucks. They operate a separate area for their batch plant. They are trying to consolidate on one piece of property. There are numerous produce distributors in the area in opposition with concerns regarding the proposal. Staff is recommending disapproval to IG because the Subarea 3 Plan does have this area in an industrial policy but that policy is suggesting something that is compatible with the surrounding residential area and with the existing warehousing and distribution uses.

Mr. Karl Kurzok, with Nashville Ready Mix, explained the history of the property and their future plans.

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

Resolution No. 2000-399

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-060U-03 is **DISAPPROVED (6-0)**:

The heavy manufacturing uses permitted in the IG district are not consistent with the Subarea 3 Plan's Industrial (IND) policy calling for manufacturing, warehousing, and distribution uses which are compatible with the residential neighborhoods to the east. Due to the potential adverse impact on abutting residential areas and the produce distribution warehouses, the IG district should be restricted to industrial locations which have good access to collector/arterial streets. These streets are built to local standards. The IWD district is preferred to continue the established distribution and warehousing uses in this area and protect them from heavy manufacturing uses."

2000Z-061U-14
Map 95-4, Parcel 92
Subarea 14 (1996)
District 15 (Loring)

A request to change from RS10 to ON district property at 2501 Crossfield Drive, abutting the east margin of McGavock Pike (.37 acres), requested by Karla Hewitt, appellant, for Mabel G. Hooper, owner.

Ms. Regen stated staff is recommending disapproval as contrary to the General Plan. In 1999, if the Commission remembers, we had a dentist who operated across the street that came in and wanted to rezone this for his dental office and wanted to apply CL zoning. The Commission recommended disapproval as contrary to the General Plan, finding Crossfield Drive as the dividing line between the commercial uses at Lebanon Pike/McGavock intersection and the residential uses that fall within a residential policy in the Subarea 14 Plan. The adjacent residential properties are rental and duplex properties and if one is rezoned, it will create a domino effect.

Ms. Stephanie Hatchett spoke in favor of the proposal and stated this house had been on the market for 9 months and there is no residential buyer in sight and would be a horrible residence. This would be a good buffer zone for the residential neighborhood.

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

Resolution No. 2000-400

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-061U-14 is **DISAPPROVED** as contrary to the General Plan (6-0):

This property falls within the Subarea 14 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre. The ON district is not consistent with that policy. Crossfield Drive is the boundary between the Commercial Arterial Existing (CAE) policy around the McGavock Pike/Lebanon Pike intersection and the Residential Low Medium (RLM) policy to the south. Extending commercial zoning across Crossfield Drive would encroach into this residential neighborhood and would set the stage for additional rezonings along the east margin of McGavock Pike."

MANDATORY REFERRALS

2000M-039U-11
Council Bill No. BL2000-248
TVA Easement Donation/Solar Project Agreement
Map 105-2, Part of Parcel 446
Subarea 11 (1999)
District 19 (Wallace)

A council bill approving an easement for the Tennessee Valley Authority (TVA) and a contract between the Metropolitan Government and the TVA, the Nashville Electric Service and the Cumberland Museums, Inc., both relating to the installation of a small solar powered electricity generating facility on property at 640 Bass Street, east of Interstate 65, requested by the Metropolitan Government, owner.

Ms. Warren stated this had already been done. She had a problem with letting an organization use property where TVA is going to charge for the service they are going to be getting off of this property and are then going to sell it to NES who is then going to sell it to the citizens of Nashville. There is nothing the Commission can do because this deal has already been made. I just have an issue with us letting somebody use property, them charging somebody else to use it and them charge us to use it.

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

Resolution No. 2000-401

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 2000M-039U-11."

OTHER BUSINESS

1. Executive Director Job Description

Chairman Lawson stated the Commission had received the final draft of the Executive Director Job Description and he would need a motion to approve it.

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

Resolution No. 2000-402

Chairman Lawson announced there were approximately 30 applicants for the position and those have been filtered down to 3 to 6 top candidates, and are looking forward to introducing them, to this Commission, next Friday.

Councilmember Ponder stated the Commission would be provided with a list of questions that cannot be asked.

Mr. Cochran asked for a biography on each candidate.

Chairman Lawson stated that would be provided.

2. Legislative Update

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

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:30 p.m.

Chairman

Secretary

Minute Approval:
This 11th day of May, 2000