

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: November 9, 2000
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Frank Cochran
William Manier
Ann Nielson
Vicki Oglesby
Douglas Small
Marilyn Warren

Absent:

Mayor Bill Purcell
Tonya Jones
Councilmember Phil Ponder

Executive Office:

Richard C. Bernhardt, Executive Director
Karen P. Nicely, Assistant Executive Director
Carolyn Perry, Secretary III

Current Planning & Design Division:

Theresa Carrington, Planning Division Manager
Fred Colvert, Planner III
Jennifer Regen, Planner III
John Reid, Planner II
Robert Leeman, Planner I
Jeff Stuncard, Planner I
Jimmy Alexander, Planning Technician II

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Advance Planning & Research:

Jeff Lawrence, Planner III

Others Present:

Jim Armstrong, Public Works

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

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-235U-07 Deferred two weeks, by applicant.
2000S-329G-14 Deferred indefinitely, by applicant.
2000S-358G-03 Deferred two weeks, by applicant.
2000Z-099U-07 Deferred four meetings, by applicant.
2000P-010U-07 Deferred four meetings, by applicant.
2000Z-124U-03 Deferred indefinitely, by applicant.
2000Z-126G-12 Deferred two meetings, by applicant.
2000Z-129U-03 Deferred indefinitely, by applicant.
2000Z-140J-12 Deferred two weeks, by applicant.
94P-009U-12 Deferred two weeks, by applicant.
2000Z-141U-11 Deferred indefinitely, by applicant.
88P-029G-01 Deferred two weeks, by applicant.
2000M-122U-09 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 October 26, 2000.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver spoke in favor of Proposal 153-79-G-06, Galleries at Bellevue, and Proposal 93-86-P-06, The Meadows.

Councilmember Nollner spoke in favor of Zone Change Proposal 2000Z-134G-04, on Old Hickory Boulevard.

ADOPTION OF CONSENT AGENDA

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

SUBDIVISION PROPOSALS

2000S-216G-14

Union Planters Bank - Hermitage
Map 75-10, Parcel 56
Subarea 14 (1996)
District 12 (Ponder)

A request for final plat approval to consolidate a deeded parcel and a reserve parcel into one lot abutting the southeast corner of Tyler Drive and Lebanon Pike (.88 acres), classified within the CS District, requested by Union Planters Bank, National Association, owner/developer, Cherry Land Surveying, Inc., surveyor. (Deferred indefinitely from meeting of 7/6/00).

Resolution No. 2000-809

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-216G-14, is, **APPROVED (7-0).”**

2000S-311G-14

Greer Meadows at Cedar Creek, Section 3
Map 75, Parcel 101
Subarea 14 (1996)
District 12 (Ponder)

A request for final plat approval to create 34 lots abutting the northwest terminus of Scott's Creek Trail and the northwest terminus of Greer Station Drive (16.53 acres), classified within the RS10 Residential Planned Unit Development District, requested by Southeastern Development Company, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. (Deferred from meetings of 9/28/00, 10/12/00 and 10/26/00.)

Resolution No. 2000-810

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-311G-14, is **APPROVED SUBJECT TO A BOND OF \$541,500 (7-0).”**

2000S-340U-14

Riverstone Condominiums
Map 85-14, Parcel 19
Subarea 14 (1996)
District 14 (Stanley)

A request for final plat approval to record a condominium with 56 units abutting the northwest margin of Lebanon Pike, approximately 254 feet northeast of Guill Court (7.43 acres), classified within the R10 Residential Planned Unit Development District, requested by Caliber Development Group, L.P., owner/developer, Dale and Associates, Inc., surveyor. (Deferred from meeting of 10/26/00.)

Resolution No. 2000-811

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-340U-14, is **APPROVED SUBJECT TO A BOND OF \$80,000.00 (7-0).”**

2000S-353U-13
Antioch Plaza
Map 134-15, Parcels 2, 3 and 4
Subarea 13 (1996)
District 27 (Sontany)

A request for final plat approval to consolidate three parcels into one lot abutting the east margin of Antioch Pike, opposite Perimeter Hill Drive (2.02 acres), classified within the CS District, requested by Five Star Investments, L.P. et al, owners/developers, Dale and Associates, Inc., surveyor.

Resolution No. 2000-812

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-353U-13, is **APPROVED (7-0).”**

2000S-360U-10
Walter Stokes Home Place, Resubdivision
of Part of Lot 1 and Tract of Land
Map 117-7, Parcel 19
Subarea 10 (1994)
District 25 (Shulman)

A request for final plat approval to subdivide part of one lot and a tract of land into three lots abutting the northeast margin of Lombardy Avenue, approximately 45 feet southeast of Hillsboro Place (1.25 acres), classified within the R10 District, requested by Jane J. Buffaloe, owner/developer, Walter Davidson and Associates, surveyor.

Resolution No. 2000-813

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-360U-10, is **APPROVED (7-0).”**

2000S-365G-02
Millard Bridges Property
Map 25, Parcel 26
Subarea 2 (1995)
District 10 (Balthrop)

A request for final plat approval to subdivide one parcel into two lots abutting the northeast margin of Dry Creek Road, approximately 2,275 feet northwest of Hasty Drive (5.46 acres), classified within the R20 District, requested by Millard Bridges et ux, owners/developers, Alpha 2000 Group, LLC, surveyor.

Resolution No. 2000-814

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-365G-02, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS (7-0).”**

ZONE CHANGE AND PUD PROPOSALS

2000Z-132U-13
Map 120-1, Part of Parcel 153

Subarea 13 (1996)
District 13 (Derryberry)

A request to change from R10 to CL district a portion of property at 1208 Murfreesboro Pike, approximately 350 feet south of Kermit Drive (.52 acres), requested by Frank Tanksley, appellant, for Mary Elizabeth Tanksley Uthman, owner.

Resolution No. 2000-815

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-132U-13 is **APPROVED (7-0)**:

This property falls within the Subarea 13 Plan's Commercial Arterial Existing (CAE) policy calling for office, residential, and commercial uses along Murfreesboro Pike. The CL district is consistent with this policy and is also appropriate for parcel 167 to the north since these properties are surrounded by other commercial uses and a steep hill."

2000Z-133U-08
Map 81-4, Parcels 85-96, 98-100, 103-107,
111, 113, 114, 122, 123, 124 and 125
Subarea 8 (1995)
District 20 (Haddox)

A request to change from R6 and OR20 districts to MUL district 27 properties between MetroCenter Boulevard, Clay Street, and Dominican Drive (approximately 4.16 acres), requested by Wood Caldwell of Southeast Venture, LLC, appellant, for various owners.

Resolution No. 2000-816

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-133U-08 is **APPROVED (7-0)**:

These properties fall within the Subarea 8 Plan's Mixed Use (MU) policy calling for residential, office, and commercial uses. The MUL district is consistent with that policy."

2000Z-136U-14
Map 95-15, Parcels 8 (1.44 acres), 9 (.43 acres)
and 10 (1.08 acres)
Subarea 14 (1996)
District 15 (Loring)

A request to change from R10 to CL district properties at 619 McGavock Pike, McGavock Pike (unnumbered), and 2506 Elm Hill Pike (2.95 acres), requested by Atul Gordhan, appellant, for Atul N. Gordhan and Guntant Patel et al, and Emma M. White et al, owners.

Resolution No. 2000-817

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-136U-14 is **APPROVED (7-0)**:

These properties fall within the Subarea 14 Plan's Office Concentration (OC) policy calling for office uses as well as retail uses which cater to office workers in convenient locations. The CL district is consistent with the OC policy, the zoning pattern to the west, and the surrounding commercial and office uses."

2000Z-142G-02
Map 7, Parcel 25
Subarea 2 (1995)
District 10 (Balthrop)

A request to change from AR2a to RS20 district property at 1542 Springfield Highway, abutting the north margin of Old Springfield Pike (1.04 acres), requested by Sandra Lanius, appellant, for Sandra Fare and Kristie S. Lanius, owners.

Resolution No. 2000-818

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-142G-02 is **APPROVED (7-0)**:

This property falls within Subarea 2 Plan's Residential Low Medium (RLM) density policy calling for up to 4 units per acre. The RS20 district is consistent with that policy and the emerging zoning pattern in the area."

2000Z-143U-13
Map 150, Parcels 123 (3 acres) and 124 (3 acres)
Subarea 13 (1996)
District 29 (Holloway)

A request to change from AR2a to RS10 district properties at 3187 Hamilton Church Road and Hamilton Church Road (unnumbered), approximately 2,100 feet east of Murfreesboro Pike (6 acres), requested by Jim McLean, appellant, for Pauline Randolph, owner.

Resolution No. 2000-819

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-143U-13 is **APPROVED (7-0)**:

These properties fall within the Subarea 13 Plan's Residential Medium (RM) density policy calling for 4 to 9 units per acre. The RS10 district is consistent with that policy and the predominant development pattern to the north."

2000P-009U-13
Hamilton Church Road Property
Map 150, Parcels 123 and 124
Subarea 13 (1996)
District 29 (Holloway)

A request for preliminary approval for a Planned Unit Development located abutting the south margin of Hamilton Church Road, 370 feet east of Owendale Drive, classified AR2a and proposed for RS10, to permit the development of 22 single-family lots, requested by Wamble and Associates, for Pauline Randolph, owner.

Resolution No. 2000-820

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2000P-009U-13 is given **CONDITIONAL PRELIMINARY PUD APPROVAL (7-0)**. 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. Approval of preliminary PUD and associated zone change (Zone Change Proposal #2000Z-143U-13) by the Metropolitan Council.
3. Prior to or in conjunction with the submittal of any final PUD plan, the applicant shall submit a PUD boundary plat to the Planning Commission for approval and recordation.
4. Prior to the issuance of any building permits, a final plat shall be recorded, including all necessary bonds for public improvements, including a sidewalk along the frontage of Hamilton Church Road.”

2000Z-149G-01
 Map 22, Part of Parcel 61
 Subarea 1 (1997)
 District 1 (Gilmore)

A request to change from R15 to SCC district a portion of property at 3564 Old Clarksville Pike, approximately 550 feet east of Eatons Creek Road (24.44 acres), requested by Larry McClanahan, appellant, for Joe N. Smith et al, owners.

Resolution No. 2000-821

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-149G-01 is **APPROVED (7-0)**:

This property falls within the Subarea 1 Plan’s Retail Concentration Community (RCC) policy calling for community-scale office, retail, and commercial uses. The SCC district is consistent with that policy."

113-78-U-07
 Mary Queen of Angels
 Map 103-15, Part of Parcel 1
 Subarea 7 (00)
 District 24 (Summers)

A request to revise a portion of the preliminary plan and for final approval for a phase of the Residential Planned Unit Development District located abutting the northeast corner of White Bridge Road and Post Road, classified RM40 (14.15 acres), to permit the development of a 96 unit, 82,335 square foot assisted living facility, replacing a 96 unit 82,801 square foot assisted-living facility, and a 12,920 square foot memory impaired facility, requested by Littlejohn Engineering Associates, for Mary Queen of Angels, owner.

Resolution No. 2000-822

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 113-78-U-07 is given **APPROVAL TO REVISE A PORTION OF THE PRELIMINARY PLAN AND CONDITIONAL FINAL PUD APPROVAL FOR A PORTION (7-0)**. The following condition applies:

Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.”

153-79-G-06
 Galleries at Bellevue
 Map 142, Parcel 320
 Subarea 6 (1996)

District 35 (Lineweaver)

A request to revise the preliminary plan of the Commercial (General) Planned Unit Development District located abutting the south margin of Memphis Bristol Highway, east of Coley Davis Road, classified SCR and CL (1.37 acres), to permit the development of a 1,440 square foot fast-food restaurant and a 100 square foot ATM, replacing 12,700 square feet of retail uses, requested by Barge, Waggoner, Sumner and Cannon, for Montclair Investment Corporation.

Resolution No. 2000-823

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 153-79-G-06 is given **CONDITIONAL APPROVAL FOR A REVISION TO THE PRELIMINARY PUD PLAN FOR A PHASE (7-0)**. 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. In conjunction with the submittal of any final PUD plan for the restaurant or ATM, a five-foot wide sidewalk, with a four-foot grass strip, shall be provided along the frontage of parcel 320 that abuts Memphis Bristol Highway.”

98-85-P-14

Woodland Point (formerly Lakeside)
Map 122, Parcel 102 and Part of Parcel 74
Subarea 14 (1996)
District 13 (Derryberry)

A request to revise portions of the preliminary plan of the Residential Planned Unit Development District located abutting the east margin of Bell Road, opposite Pleasant Hill Road, classified RM9 (112.37 acres), to permit 49 single-family lots in Phase 6, an increase of 3 single-family lots, 40 single-family lots in Phase 5, an increase of 1 single-family lot, and 240 multi-family units in Phase 11, a decrease of 60 multi-family units, reducing the total number of lots/units from 812 to 756 lots/units, requested by LDI Design Inc., for Bell Road Development Company GP.

Resolution No. 2000-824

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98-85-P-14 is given **CONDITIONAL PRELIMINARY PUD APPROVAL FOR A PORTION (7-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, a final subdivision plat shall be recorded including the posting of a bond for all required public improvements.
2. 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.
3. With the submittal of any final PUD plans to the Metropolitan Planning Commission for review and approval, the applicant shall provide all drainage calculations and plan details for this phase that comply with Metro Stormwater Management Regulations, including Water Quality compliance.
4. Prior to the completion of the 59th dwelling unit in the overall development, 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 and the entrance to the site. These surveys shall be submitted to the Metro Planning Commission and the Metro Traffic Engineer for review and approval. Once the signal warrant has been met, 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.

5. 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.”

93-86-P-06
The Meadows
Map 141, Parcel 14
Subarea 7 (00)
District 35 (Lineweaver)

A request for final approval for a phase of the Residential and Commercial Planned Unit Development Districts located abutting the south margin of Coley Davis Road at Dona McPherson Drive, classified CL (1.5 acres), to add 35 parking spaces to an existing assisted-living facility, requested by Ragan-Smith Associates, for Lakeshore Estates, Inc.

Resolution No. 2000-825

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93-86-P-06 is given **CONDITIONAL FINAL PUD APPROVAL FOR A PORTION (7-0)**. The following condition applies:

Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.”

97P-041U-10
West End Extended-Stay America
(formerly Homestead Village)
Map 104-6, Parcel 168
Subarea 10 (1994)
District 18 (Hausser)

A request to revise the preliminary plan for the undeveloped Planned Unit Development District located between West End Avenue and Orleans Drive, classified ORI (1.68 acres), to permit a 4-story, 51,020 square foot, 114 room extended-stay hotel, replacing an un-built 4-story, 127 room, 61,556 square foot hotel on the approved preliminary plan, requested by Ragan-Smith Associates, for Extended-Stay America, Inc., owner. (Deferred from meeting of 10/26/00.)

Resolution No. 2000-826

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-041U-10 is given **CONDITIONAL APPROVAL OF A REVISION TO THE PRELIMINARY PUD PLAN (7-0)**. 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. In conjunction with the submittal of any final PUD plan, the face of the plan shall include all of the following conditions which memorialize the agreements reached between the owner/developers, Councilmember and the Hillsboro West End Neighborhood Association:
 - a) The façade of the hotel structure shall be a combination of “stucco like” material and red brick, with a “brick band” on the first-floor elevation facing West End Avenue and wrapping around the sides of the hotel structure to the transition point where the hotel’s parking garage arches begin. No brick band shall be required on the rear of the building at the first-floor level. In addition to the first floor brick band, the hotel structure’s facade facing West End Avenue shall have brick siding to the top of the building on the two gabled sections. The brick color shall match as closely as possible the facade of the office building on the same side of the street at the corner of 33rd Avenue and West End Avenue.
 - b) Ornamental stone caps shall be placed over all windows of the hotel structure’s elevation that faces West End Avenue, except at the top row of windows that are not in the gabled section since the roof line does not provide enough space to permit the stone caps.
 - c) One double-faced, ground monument sign not exceeding 8 feet in total height shall be permitted on West End Avenue bearing the hotel logo. The sign shall be supported by a solid column base of brick. The brick shall be of the same color used on the hotel structure’s façade as provided in “A” above. Within the 8-foot tall sign, a vertical space measuring no more than two feet tall may be devoted to a reader board for hotel advertising.
 - d) The hotel sign to be placed on the top of the hotel structure shall not be placed on the rear of the hotel structure facing Orleans Drive.
 - e) A cut stone wall with a height of six feet shall be constructed along the back excavation line (or 3 feet or 4 feet from that line, if necessary for safety) of the property facing Orleans Drive and along the property line adjacent to St. Charles Place. From Orleans Drive to the alley, the wall shall be six feet in height. From the alley to West End Avenue, the wall shall step down in height incrementally to where the wall intersects with the public sidewalk on West End Avenue, ending with a height of approximately two feet. The developer may use a wrought iron “cap” of pickets as a substitute for the last foot of the wall if deemed necessary for safety purposes. This wall will be heavily landscaped along Orleans Drive and beside the St. Charles Place condominium complex to the east with evergreens and other ornamental plants as agreed to in the original PUD plans. A designee from Orleans Avenue and St. Charles condominiums will work with the landscape designer on the selection of the landscaping plants.
 - g) A 5-foot sidewalk with a 4-foot landscaped strip between the sidewalk and Orleans Avenue curb face, as required by the Subdivision Regulations (amended on 10/26/00).
 - h) The trash dumpster for the hotel shall be located on the west side of the property along the boundary with the Crystal Terrace office building.
 - i) All parking lot and perimeter site lighting shall be located and directed inwards away from the side and rear property lines. Accent lighting will be directed towards the hotel structure only.

- j) Any increase in the height of the structure in excess of five feet from the height indicated on the Council approved plan of 1998 (O98-1103) shall require a PUD amendment and Council approval.
- k) The hotel shall not have a swimming pool.
- l) All vehicular and pedestrian ingress and egress to the hotel both during construction and after the hotel is open shall be limited to West End Avenue.
- m) A temporary construction fence shall be installed along the property line abutting St. Charles Place condominiums and at the rear of the property abutting Orleans Avenue.
- n) The hotel shall not have a restaurant or other retail sales business except for limited sundry items as may be customary for extended-stay facilities.
- o) All landscaping on the hotel property shall be maintained in a healthy condition at all times. Any diseased or dead material shall be replaced with similar material at the cost of the owner/developer. Proper maintenance shall include fertilization of all trees, shrubs, etc. to promote healthy growth material.”

MANDATORY REFERRALS

2000M-071U-07

Close Portion of Redmon Street
 Map 104-1, Parcels 140.03, 145.02 and 169
 Subarea 7 (00)
 District 24 (Summers)

A request to close a portion of Redmon Street from its terminus to the eastern property lines of parcels 145.02 and 140.03 on tax map 104-01, located east of 37th Avenue North, requested by Phillip Holmes of Volunteer Surveying for Robert E. Clement, abutting property owner. (Easements are to be abandoned). (Previously approved on 7/20/00).

Resolution No. 2000-827

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-071U-07."

2000M-129U-09

Rename 11th Avenue Industrial Boulevard
 Map 93
 Subarea 9 (1997)
 District 19 (Wallace)

A request to rename 11th Avenue Industrial Boulevard lying between Charlotte Pike and Broadway to "11th Avenue North" and the section lying between Broadway and 12th Avenue South to "11th Avenue South", requested by the Interim Director of Public Works for improved E-911 efficiency and response.

Resolution No. 2000-828

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-129U-09."

2000M-130U-11

Close Portion of Willowbrook Drive
Map 119-15, Parcels 123 and 124
Subarea 11 (1999)
District 16 (McClendon)

A request to close an unused portion of Willowbrook Drive lying between parcels 123 and 124 on tax map 119-15, requested by Virginia Ezell, abutting property owner. (Easements are to be retained).

Resolution No. 2000-829

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-130U-11."

2000M-132U-13
Metro Airport Sewer Line and Easement Abandonment II
Map 108, Parcel 66
Map 121, Parcel 4
Subarea 13 (1996)
District 13 (Derryberry)

A request for a sewer line (approximately 3,184 feet in length) and easement to be abandoned and then converted to a private service line by the Metropolitan Nashville Airport Authority located on Donelson Pike, south of I-40, classified within the AR2a and IWD Districts on 1,625 acres, requested by the Department of Water Services.

Resolution No. 2000-830

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (7-0)** Proposal No. 2000M-132U-13."

OTHER BUSINESS

1. MPO contract with the City of Portland for technical assistance to support on-going planning activities for Fiscal Year 2001

Resolution No. 2000-831

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the MPO contract with the City of Portland for technical assistance to support on-going planning activities for Fiscal Year 2001."

2. MPO contract with the City of Lebanon for technical assistance to support on-going planning activities for Fiscal Year 2001

Resolution No. 2000-832

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the MPO contract with the City of Lebanon for technical assistance to support on-going planning activities for Fiscal Year 2001."

3. MPO contract with the Greater Nashville Regional Council (GNRC) for technical assistance to support on-going planning activities for Fiscal Year 2001

Resolution No. 2000-833

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the MPO contract with the Greater Nashville Regional Council (GNRC) for technical assistance to support on-going planning activities for Fiscal Year 2001."

This concluded the items on the consent agenda.

SUBDIVISION PROPOSALS

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 indefinitely from meeting of 5/11/00).

Mr. Stuncard stated staff is recommending approval with a variance to this plan. The variance is for the maximum lot size requirement of the Subdivision Regulations. There is an existing structure on lot 2, in the center, which staff feels justifies the variance to meet existing setbacks.

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 approve the following resolution:

Resolution No. 2000-834

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-040U-13, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS; PUBLIC HEARING CLOSED (7-0)."**

2000S-188G-06 (Public Hearing)

Max Vinson Property (Revision)
Map 141, Parcels 45 and 46
Subarea 6 (1996)
District 35 (Lineweaver)

A request for preliminary approval for 45 lots abutting the north terminus of Morton Mill Road and the north terminus of River Bend Road (39.62 acres), classified within the RS20 District, requested by Max Vinson, owner/developer, Batson and Associates Engineering, Inc., surveyor. (Previously approved on 9/28/00).

Mr. Stuncard stated staff is recommending conditional approval of this plan subject to written approval from the departments of Public Works and Water Services. This plan was recommended to be reheard at the October 26, 2000, meeting, to give everyone time to develop a more suitable plan. That plan has since been resubmitted and shows the through road, which was objected to by the neighborhood, as a cul-de-sac and Morton Mill Road being extended along the river to the north of the boundary. This plan has meet approval of Councilmember Lineweaver and the homeowners association of the neighboring property owners.

Mr. Tim Meehan, president of the Riverbend Homeowners Association, and Councilmember Lineweaver spoke in favor of the proposal.

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

Resolution No. 2000-835

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-188G-06, is **APPROVED SUBJECT TO APPROVAL OF PUBLIC WORKS AND WATER SERVICES DEPARTMENTS; PUBLIC HEARING CLOSED (7-0).”**

2000S-354G-06 (Public Hearing)
Bluffs at Bellevue
Map 128, Parcel 14
Subarea 6 (1996)
District 23 (Bogen)

A request for preliminary approval for 114 lots abutting the east margin of Sawyer Brown Road, approximately 507 feet north of Meadow Lane Drive (49.5 acres), classified within the R15 District, requested by Danny Hodges, owner/developer, Dale and Associates, Inc., surveyor.

Mr. Stuncard stated staff is recommending approval of this plan subject to a variance to the maximum dead end street length. This site is riddled with poor topography, and steep hillsides abound the terminus of all the cul-de-sacs, which is preventing continuing stubs in most directions. There is one stub leading to a neighboring property owner.

Councilmember Bob Bogen stated his constituents had concern regarding the one stub extension and the soil.

Mr. Ed Casey, Ms. Sharon Stebbins, Ms. Dinese Fields and Ms. Glenda Oveer expressed concerns regarding the extent and location of the development, soil landslides, traffic, the future extension of Holt Valley Road, wanting to keep the a dead end road, safety for children, and school overcrowding.

Councilmember Bogen presented the Commission with a petition in opposition to the proposal and stated he was opposed to the proposal because of the overcrowding of the schools. The developers should be able to contribute to the support of public schools through a type of impact fee. He asked if the Planning Commission has a role in developing a long range plan for figuring in the cost of public education from subdivisions.

Chairman Lawson stated that topic is very high on the Commission's agenda and there are certain recommendations the Commission can make.

Mr. Roy Dale, representing the property owner, stated this piece of property is about 50 acres and the density that is indicated here nowhere reaches what would be allowable on this property. It doesn't, because in order to meet the perfunctory requirements, which the Planning Commission has set fourth, you can not achieve that density. There will be no development on the property that is immediately adjacent to Holt Valley Road. We will hire a geo technical engineer and make sure everybody is comfortable as far as concerns of slopes or soils.

Mr. Manier stated he had seen many landslide situations and most were related to dellrose soil and the slope did not have to be extreme. It could be very a very slight slope and the slides are catastrophic to homeowners. He asked if Public Works or Planning staff have the internal rules applicable to protect the public in this situation. There may be areas that should not be developed just because of this jeopardy.

Mr. Bernhardt stated it is perfectly within the purview of this Commission to make sure, not as part of this approval, that sufficient evidence should be given, as part of the final plan, that those issues have been addressed to a reasonable level of certainty.

Mr. Manier stated that made good sense.

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

Resolution No. 2000-836

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-354G-06, is **APPROVED SUBJECT TO SUBMISSION OF GEOTECHNICAL INFORMATION REGARDING STABILITY OF SOILS WITH THE FINAL PLAT, AND WITH A VARIANCE TO SECTION 2-6.2.1G OF THE SUBDIVISION REGULATIONS; PUBLIC HEARING CLOSED (7-0).”**

2000S-355U-12 (Public Hearing)

May Lands
Map 160, Parcel 27
Subarea 12 (1997)
District 33 (Turner)

A request for preliminary approval to subdivide one lot into two lots abutting the southeast corner of Hill Road and Stone Box Lane (4.9 acres), classified within the R40 District, requested by Noel Smith, owner/developer, Volunteer Surveying, surveyor.

Mr. Colvert stated there is an existing residence on lot 1 and they are subdividing off one lot to construct an additional residence. Staff is recommending approval and a variance from the maximum lot size requirement for lot 1.

Mr. Ted Sanders stated he was not in opposition to the proposal, but that he just wanted to find out what was happening.

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

Resolution No. 2000-837

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-355U-12, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS; PUBLIC HEARING CLOSED (7-0).”**

2000S-356U-09 (Public Hearing)

Edgehill Estates Subdivision
Map 93-14, Parcels 580 and 586
Subarea 9 (1997)
District 19 (Wallace)

A request for preliminary approval to reconfigure two lots abutting the south margin of Division Street, opposite 7th Avenue South (1.33 acres), classified within the CF District, requested by Susan Lamb Bates, owner/developer, Volunteer Surveying, surveyor.

Mr. Colvert stated the existing structure at this location is a carpet warehouse. The property is being reconfigured and staff is recommending approval.

No one was present to speak at the public hearing.

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

Resolution No. 2000-838

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-356U-09, is **APPROVED; PUBLIC HEARING CLOSED (7-0).”**

2000S-357G-03 (Public Hearing)
Ole Orchard Subdivision
Map 49, Part of Parcel 52
Subarea 3 (1998)
District 1 (Gilmore)

A request for preliminary approval for 13 lots abutting the south margins of Lloyd Road, approximately 217 feet west of Whites Creek Pike (5.87 acres), classified within the RS15 District, requested by Country Maid Farms, Inc., owner/developer, Walter Davidson and Associates, surveyor.

Mr. Colvert stated this request for 13 lots is directly across the street from the Alex Green Elementary School and does meet the requirement of the zoning district.

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. 2000-839

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-357G-03, is **APPROVED; PUBLIC HEARING CLOSED (7-0).”**

2000S-359G-02 (Public Hearing)
Hidden Valley Subdivision
Map 32, Parcel 124
Map 33, Parcel 45
Subarea 2 (1995)
District 10 (Balthrop)

A request for preliminary approval for 69 lots abutting the south margin of Campbell Road and the north margin of Lowes Lane (41.94 acres), classified within the R20 District, requested by Patricia A. and Thomas L. Cunningham, owner/developer, Burns and Associates, Inc., surveyor.

Mr. Colvert stated this item has been requested for an indefinite deferral to resolve design issues.

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 defer indefinitely.

ZONE CHANGE AND PUD PROPOSALS

2000Z-134G-04

Map 42-11, Parcels 81 (1.77 acres) and 82 (1.80 acres)

Subarea 4 (1998)

District 3 (Nollner)

A request to change from RS20 to R10 district properties at Old Hickory Boulevard (unnumbered), opposite Heritage Drive (3.57 acres), requested by Earl G. Pate, Jr., appellant, for Earl G. Pate, Jr., and Earl G. Pate, Sr., owners.

Ms. Regen stated these properties fall within the Subarea 4 Plan residential low policy. That policy was updated in 1998 and calls for no more than 2 units per acre. Staff is recommending disapproval because the R10 district is not consistent with the Subarea Plan.

Councilmember Nollner stated the lot that is directly across from a new traffic light is the vacant lot. If this property were approved for R10 and the development next door would close their ingress/egress it would allow all the homes to go in and out at the traffic light.

Mr. Roy Dale stated there is a development adjacent to this property that is 3 or 4 units per acre. The original plan was to do something with a cluster option under the R20 zoning but the owner does not have the 10 times the base zoning. He said they could go back and do a PUD if it would make a difference on how staff would look at it.

Mr. Bernhardt stated that if deferral is an option that he would like to look at it and see if an R20 cluster might work.

Mr. Dale stated it would, but they didn't qualify for it.

Ms. Regen stated they would qualify if they did a PUD.

Ms. Nielson moved and Mr. Manier seconded the motion, which carried unanimously, to defer this matter indefinitely.

2000Z-135G-13

Map 175, Parcel 23

Subarea 13 (1996)

District 29 (Holloway)

A request to change from AR2a to IWD district property at 12814 Old Hickory Boulevard, abutting the south margin of the CSX Railroad and the east margin of Interstate 24 (249.82 acres), requested by Joe McConnell, appellant, for Loretta Ann Bonds et al, owners.

Ms. Regen stated the Commission may recall that about a year ago there was a rezoning request for this same property, where someone wanted to rezone this from agricultural to commercial and the Commission recommended disapproval. This property all falls within an industrial policy in the Subarea 13 Plan. This applicant wants to rezone this property to industrial as the plan calls for. Staff is recommending approval for industrial on a portion of the property. The Southeast Arterial will come through this property. When that comes through there will be a cloverleaf at Interstate 24. There are no final construction drawings, but our contacts with TDOT have indicated that approximately 22 to 25 acres of land will be needed in this area. Staff is recommending not rezoning a portion of this property to industrial because that will increase the cost when TDOT purchases the property. Two other conditions are that when any portion of this is platted, they must dedicate right-of-way for the future Southeast Arterial, as well as to dedicate right-of-way for Crossings Boulevard.

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

Resolution No. 2000-840

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-135G-113 is **APPROVED (7-0)** subject to submission of a traffic impact study with a preliminary plat and dedication of right-of-way for Crossings Boulevard and the Southeast Arterial with the first final plat:

This property falls within the Subarea 13 Plan's Industrial (IND) policy calling for manufacturing, distribution, and warehousing uses. The IWD district is consistent with that policy and the emerging industrial zoning pattern in this area, but a portion of this property (22 acres) should not be rezoned since it is needed as right-of-way for the future Southeast Arterial interchange. Rezoning that portion for industrial use would increase future project construction costs of the Southeast Arterial for TDOT. This property is an important link in improving the road network in this area since it will accommodate the Southeast Arterial, a major limited access highway, and the extension of Crossings Boulevard to Old Hickory Boulevard. In addition to the requirement of a Traffic Impact Study (TIS) as recommended by the Traffic Engineer prior to subdivision or building permit approval, the following condition should apply:

In conjunction with the submittal of the first final plat for any portion of parcel 23, the applicant shall dedicate sufficient right-of-way for Crossings Boulevard and the Southeast Arterial as required by the Public Works Department and Traffic Engineer. The bonding for Crossings Boulevard shall be done with the first final plat submitted for any portion of parcel 23."

2000Z-138U-10
Map 117-13, Parcel 98
Subarea 10 (1994)
District 34 (Williams)

A request to change from R20 to R10 district property at 2409 Abbott Martin Road, abutting the western terminus of Caylor Road (7.98 acres), requested by Don Williams of Littlejohn Engineering, appellant, for the Frank R. Leu Revocable Trust, owner.

184-84-U-10
Abbotsford
Map 117-13, Parcel 98
Subarea 10 (1994)
District 34 (Williams)

A request to amend the preliminary plan of the Residential Planned Unit Development District located on the south margin of Abbott Martin Road, opposite Sugartree Place, classified R20 and proposed for R10 (7.98 acres), to permit the addition of 7.98 acres and a 25 unit single-family development to the 151 unit single-family development, requested by Littlejohn Engineering Associates, for Frank R. Leu, owner.

Ms. Regen stated staff is recommending approval of the R10 zoning. This property falls within the residential low-medium policy of the Subarea 10 Plan and the R10 zoning is consistent. This development is trying to be similar in design to the existing PUD that was built off of a private drive. Staff is requiring the developer to provide a sidewalk along Abbott Martin Road and to provide private pedestrian access easements to that sidewalk. The applicant has agreed to provide those access easements and staff is asking they be paved and 5 feet in width so they will noticeable linkages to the sidewalks. The homeowners association does not support those sidewalks being paved. They would prefer something else.

Mr. John Rowe, attorney representing the applicant, stated his client was agreeable to all the recommendation with one reservation. As mentioned one of the requirements, along with meeting the requirements of the Commission, is to work with the existing homeowners association because for this to be developed as part of that PUD we have to get their approval of these plans also. The homeowner's preference would be for those connectors not to be paved. At this time that area will be common area and will be owned by the association.

Ms. Regen stated a paved surface would allow for more ADA accessibility.

Chairman Lawson stated there would be no applicable ADA compliance issues here.

Ms. Regen stated that was true because it is private property.

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

Resolution No. 2000-841

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-138U-10 is **APPROVED (7-0)**:

This property falls within the Subarea 10 Plan's Residential Low Medium (RLM) policy calling for 2 to 4 units per acre. The R10 district is consistent with that policy and the predominant development pattern of the surrounding residential PUDs in the area."

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 184-84-U-10 is given **CONDITIONAL APPROVAL TO AMEND THE PRELIMINARY PUD PLAN (7-0)**. 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. Approval of the PUD amendment and associated zone change (Zone Change Proposal #2000Z-138U-10) by the Metropolitan Council.
3. Prior to or in conjunction with the submittal of any final PUD plan, the applicant shall submit a revised PUD boundary plat to the Planning Commission for approval and recordation.
4. Prior to the issuance of any building permits, the applicant shall submit a final plat to the Planning Commission for review and approval showing the proposed 25 single-family units as condominium lots in a horizontal property regime on that final plat. The final plat shall show all open space areas and roadways as private access easements, and public utility and drainage easements, in conformance with this preliminary PUD plan. It shall include a five-foot wide public sidewalk along this project's frontage on Abbott Martin Road meeting the Subdivision Regulations requirements as amended on October 26, 2000 at the Metropolitan Planning Commission, and two five-foot (5) wide, concrete, private, pedestrian access easements from Abbott Martin Road into the development, as shown on the preliminary PUD plan. The private pedestrian access easement shall be paved and perpetually maintained by the Homeowner's Association, and kept unobstructed for pedestrian traffic. All necessary bonds for public improvements shall be posted prior to recording."

2000Z-139U-10

Map 131-2, Parcels 10 (.17 acres), 11 (.17 acres),
12 (.17 acres), 13 (.17 acres) and 15 (.38 acres)

Subarea 10 (1994)
District 25 (Shulman)

A request to change from OR20 to MUL district properties at 4101, 4103, 4105, 4107, and 4013 Hillsboro Circle, opposite Hillsboro Drive (1.06 acres), requested by Carol Stein, appellant, for Carol A. Stein, John C. and Laura H. Romersa, Ann M. Perrone, Reza Farazmand et ux, and Griswold Enterprises, L.P., owners.

Ms. Regen stated this property all falls within the Urban Design Overlay District proposed for the Green Hills area. Staff is recommending disapproval of this rezoning at this time, finding that it is premature until the Urban Design Overlay District for this area is approved. The property falls within the regional activity center around the mall so MUL zoning would be appropriate and consistent with the goals for walk ability, a mixture of uses, having activity on both sides of the street, trying to get transit improvements, and trying to get more density. One of the properties is a parking lot and adjacent to that is a house that is not included in the rezoning and the owner of that property, who lives in the house fulltime, is in opposition to the zone change. Staff is recommending disapproval until the Green Hill Urban Design Overlay is adopted by both the Commission and Council, and the Subarea 10 Plan is updated as well, to reflect that UDO.

Mr. Thad Burns, representing SunTrust Bank, stated the bank is not in favor of this request and asked the Commission to accept staff's recommendation.

Ms. Judy Condet, president of the Hobbs House Homeowners Association, spoke in opposition to the proposal, submitted a petition in opposition, and stated they would greatly affected by any change in the zoning. The petition will be amended because signatures are still being gathered.

Mr. Phillips Turner, Jr., opposed the zone change and stated he was the resident referred to earlier that lives in the home next to the parking lot.

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

Resolution No. 2000-842

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-139U-10 is **DISAPPROVED (7-0)**;

These properties fall within the Subarea 10 Plan's Regional Activity Center (RAC) policy calling for an urban village of retail, restaurant, office, institutional, and higher density residential uses around the Green Hills Mall. To accomplish the intent of that policy, a greater mixture of uses is called for to encourage pedestrian activity on both sides of Hillsboro Circle as well as pedestrian linkages to the adjacent residential developments to the west. An Urban Design Overlay (UDO) district is an essential tool of the Zoning Ordinance to accomplish the urban village concept while ensuring compatible development and redevelopment within Green Hills. The MUL district within an adopted UDO would be consistent with the urban village concept of the RAC policy. Therefore, this request is premature since a UDO should be adopted for the Green Hills area before the MUL district is applied to these properties."

MANDATORY REFERRALS

2000M-126U-12
Lease Agreement Between Metro Government
and Grassmere Zoo, Inc.
Map 133, Parcel 4
Subarea 12 (1996)
District 26 (Arriola)

This is a request to modify the existing lease agreement between The Metropolitan Government of Nashville and Davidson County and the Nashville Zoo, Inc., to allow for the creation of a future middle school site. (Previously approved on 10/5/00).

Mr. Lawrence stated the Commission had previously heard and approved this item. It is a request to amend the existing lease between Metro and the Grassmere Zoo to create an 18 acre parcel from the existing 195 acre parcel where the zoo exists. The amendment states that the actual parcel configuration will be determined at a future date if the agreement is amended. There is an existing capital improvements project to build a school in the Overton High School district. That school does have funding and is part of the school improvement program. The amendment also stipulates that both Grassmere and Metro Schools will take good faith efforts to create a nature study program into the curriculum at the school, at times that do not conflict with the school's schedule or activities. The AR2a base zoning on this parcel does allow for schools to be permitted with conditions and the conditions basically set requirements on the size of the parcel needed to allow for the school building.

Councilmember Arriola stated she had this item sent back to the Commission because there were no notices sent out to any of the Councilmembers, that she wanted to know exactly where the school was going to be built, and to see the site plan. She also wanted to know about road improvements and sidewalks.

Mr. Arnold Von Hagen, Director of Planning and Construction for the Board of Education, stated there is not any additional information other a verbal agreement identifying the area of the site.

Chairman Lawson stated what the Commission is being asked to do is to reaffirm their previous decision and forward that recommendation to Council.

Mr. Lawrence stated the amendment requires changing the lease to allow the School Board to configure an 18 acre parcel specifically to be determined at a later date.

Mr. Bernhardt stated this request is back before the Commission, as Councilmember Arriola requested, because the first time there were no notice sent to Councilmembers or to surrounding property owners.

Mr. Manier expressed his disapproval of the way this item was handled because of the uncertainty of the location and two conflicting legal opinions regarding the will.

Mr. Bernhardt stated the issue of site plan review of new schools, in most communities is a legitimate role for the Commission, but this Commission has not recommended nor has the Council acted to require site plan review of a potential school site. The only site plan review that is done in the city is through the normal acquiring of a building permit. It would be appropriate to make a recommendation to Council that the Zoning Code be amended to require site plan review.

Councilmember Arriola stated there are two different legal opinions and some of the neighbors will be filing lawsuits against this proposal. She asked if it was correct to say, for the record, that developers and government agencies do not have to follow the same guidelines.

Mr. Bernhardt stated that was basically true, but there are a number of situations, in terms of commercial development, that does not come into the purview of this Commission.

Councilmember Arriola stated she had a copy of the will with her if the Commission would like to see it.

Mr. Brooks Fox, Metro Legal, stated Mr. Tom Cross had briefed him on the appropriateness of maintaining the intent of the original grantor. It is not a will, it is a deed, and that makes a lot of difference in the legal opinion. Since it was a deed, it is the position of the Legal Department that the conditions stated therein "to maintain an area for a nature study center" is a personal covenant as opposed to a covenant that runs with the land. Which means, that if successors in interest weren't privy to the original personal covenant then they are not bound by it.

Ms. Oglesby stated that when this first came before the Commission, the Commission was told they should look at this specifically from the standpoint of whether or not this is a proper area for a school to be located, and that the legal battle would be fought in a different arena.

Ms. Oglesby left at this point in the agenda, at 3:30 p.m.

Mr. Small moved and Mr. Cochran seconded the motion, which carried with Mr. Small, Mr. Cochran, Ms. Nielson and Chairman Lawson in favor, and with Ms. Warren and Mr. Manier in opposition, to approve the following resolution:

Resolution No. 2000-843

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (4-2)** Proposal No. 2000M-126U-12:

In addition, a second motion was made as follows: **Staff should prepare a zoning text amendment regarding site plan review and approval of new schools to be considered on December 7, 2000 (6-0).**"

OTHER BUSINESS

4. Legislative update

PLATS PROCESSED ADMINISTRATIVELY

October 12, 2000 through November 8, 2000

- | | |
|-------------------|---|
| 96S-156U | LONG HUNTER CHASE, Phase 3, Section 1, First Revision
Revises building envelopes on four lots |
| 2000S-168U | A. B. MONTGOMERY LANDS, Resubdivision of Part of Lot 1
Subdivides one lot into two lots |
| 2000S-209G | SHANNON PLACE, Section 3, First Revision
Corrects deed reference |
| 2000S-255G | UNDERWOOD SUBDIVISION
One parcel into two lots |
| 2000S-288G | J. HENLEY SUBDIVISION
Creates one lot |
| 2000S-302U | BELLE MEADE TOWER, Condominium Plat Revision
Combines two units into one |
| 2000S-308U | BEULAH M. WADE THREE LOT SUBDIVISION
Plats one lot as a cellular tower site with restrictions |
| 2000S-309U | MAYBERRY
Reconfigures two lots |
| 2000S-313G | IVES SUBDIVISION |

Subdivides one parcel into two lots

2000S-332U **STANFORD COUNTRY CLUB ESTATES, Section 4**
Subdivides one lot into two lots

2000S-334U **WHITWORTH, Phase 3, Section 3, Revision of Lot 22**
Creates an easement for an existing entrance sign

2000S-347U **METROCENTER, Resubdivision of Tract 8D**
Subdivides one lot into two lots

2000S-351G **CLEVELAND HALL, Phase 1, Resubdivision of Lots 156 and 157**
Minor revision to interior lot line of two platted lots

2000S-361U **TERRACES at BRENTWOOD CHASE**
(Formerly Old Towne at Brentwood Chase)
Minor revision to building layout

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:40 p.m.

Chairman

Secretary

Minute Approval:
This 9th day of November, 2000

