

MINUTES OF THE MEETING
OF THE
METROPOLITAN PLANNING COMMISSION

Date: Thursday, April 6, 1995
Time: 1:00 p.m.
Place: Howard Auditorium

ROLL CALL

Present:

Gilbert N. Smith, Chairman
Jimmy Allen
William Harbison
Janet Jernigan
William Manier
Ann Nielson
Councilmember Larry McWhirter

Absent:

Mayor Philip Bredesen
Arnett Bodenhamer
James Lawson

Also Present:

Executive Office:

T. Jeff Browning, Executive Director and Secretary
Carolyn Perry, Secretary I

Current Planning and Design Division:

Edward Owens, Planning Division Manager
John Bracey, Planner III
Mitzi Dudley, Planner III
Tom Martin, Planner III
Shawn Henry, Planner II

Advance Planning and Research Division:

John Palm, Planning Division Manager
Deborah Fleming, Planner II

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Paul Johnson, Planner II

Others Present:

Jim Armstrong, Public Works Department
Leslie Shechter, Legal Department

Chairman Smith called the meeting to order

ADOPTION OF AGENDA

Mr. Allen moved and Ms. Jernigan seconded the motion, which was unanimously passed, to adopt the agenda.

ANNOUNCEMENT OF DEFERRED ITEMS

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

28-79-G - Deferred indefinitely by request of applicant.

Mr. Owens announced this item had been on the agenda several times and a request had been made each time for deferral.

Ms Jernigan moved and Ms. Nielson seconded the motion for deferral which passed unanimously. The Commission directed that the matter should be captioned on another agenda only if verification is presented that the petitioner has purchased the required sewer capacity. Mr. Bill Lockwood spoke for the petitioner and agreed with this condition.

APPROVAL OF MINUTES

Mr. Browning stated there was one amendment to the minutes recommended by the Department of Law, regarding the Bosley Springs issue on page 18. The last sentence of Resolution No. 95-229 stating “The evidence does not satisfy condition 17.124(E)...” should be stricken because it was not part of the Commission’s motion.

Ms. Jernigan moved and Mr. Harbison seconded the motion to approve the minutes as amended, which carried unanimously.

RECOGNITION OF COUNCILMEMBERS PRESENT

Chairman Smith recognized Councilman Ockerman who was present to speak against Appeal Case No. 95B-042U. He expressed his concern regarding the application and its proposed use. He asked the Commission to deny or defer the request until all details of the application are complete.

ADOPTION OF CONSENT AGENDA

Mr. Owens stated that before he announced the consent agenda he would like to update the Commission on the status of the sewer issue in the Harpeth Valley Utility District, because several items on the agenda lie within that utility’s jurisdiction. He stated he and Mr. Browning had met with representatives from Metro Water and Sewer. At the meeting they reached consensus that at this point in time Metro Government and the Planning Commission specifically should continue to conduct business as usual in the HVUD service area until Water Services has further discussion with HVUD to work out the problems between them with sewage flow and the contracts regulating sewage flow.

Mr. Harbison moved and Ms. Nielson seconded the motion to adopt the following items on the consent agenda, which was unanimously passed.

APPEAL CASES:

Appeal Case No. 95B-044U
Map 118-11, Parcel 164
(Subarea 11)
(26th District)

A request for a conditional use permit under the provisions of Section 17.124.250 (Group assembly extensive activities) as required by Section 17.80.030 and for a conditional use permit under the provisions

of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct a 35,000 square foot non-residence building for multipurpose assembly use with maximum seating of 1,500 within the IR District, on property located on the southwest corner of Thompson Lane and Powell Avenue (21.62 acres), requested by Garry M. Batson, for The Crown Group LLC, appellant, Baptist Sunday School Board, owner.

Resolution No. 95-240

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-044U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-034U
Map 105-3, Parcels 288 and 289
Subarea 11)
(16th District)

A request to change from R6 District to OP District certain property abutting the east margin of Second Avenue South, approximately 600 feet south of Chestnut Street (.48 acres), requested by Robert J. Deal, owner.

Resolution No. 95-241

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-034U is APPROVED.

The office and parking (OP) district is consistent with the "mixed-use" policy adopted in the Subarea 11 Plan. The property can be used as a residence and an office."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

District Applications and Finals:

Proposal No. 94-71-G
Baptist Bellevue Medical Center
Map 128, Parcel 148
(Subarea 6)
(35th District)

A request for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the north margin of the Memphis-Bristol Highway, approximately 1,750 feet northwest of Sawyer Brown Road (3.48 acres), to permit the development of 65,000 square feet of medical offices, requested by Hart-Freeland-Roberts, Inc., for Baptist Hospital, owner.

Resolution No. 95-242

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94-71-G is given CONDITIONAL FINAL APPROVAL FOR A PHASE. The following condition applies:

Written confirmation of final approval from the Stormwater Management and Traffic Engineering section of the Department of Public Works."

Proposal No. 83-85-P

Cracker Barrel Corner Market
(Ransom Place Commercial PUD)
Map 135-14-B, Parcel 91
(Subarea 13)
(28th District)

A request for final approval of the final site development plan for the Commercial (General) Planned Unit Development District abutting the northwest corner of Ransom Way and Murfreesboro Pike (.79 acres), to permit the development of a restaurant, requested by Design and Engineering, Inc., for Ransom Place Homes, Inc., owner.

Resolution No. 95-243

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 83-85-P is given CONDITIONAL FINAL APPROVAL FOR A PHASE. The following condition applies.

Written confirmation of approval from the Stormwater Management and Traffic Engineering Sections of the Metropolitan Department of Public Works."

Proposal No. 90P-010U
Texaco Foodshop and Carwash
Map 162-9, Parcel 103
(Subarea 12)
(31st District)

A request for final approval of the Commercial (General) Planned Unit Development District abutting the northwest corner of Old Hickory Boulevard and Eulala Drive (1.39 acres), to permit the development of a 3,360 square foot foodshop/carwash, requested by James E. Stevens and Associates, for J. B. Weimar, Inc., owner.

Resolution No. 95-244

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 90P-010U is given CONDITIONAL FINAL APPROVAL. The following conditions apply:

1. Written confirmation of approval from the Stormwater Management and Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Receipt of modified plans complying with the Fire Marshall's memorandum dated March 22, 1995."

Proposal No. 94P-026U
Hill Place
Map 116-2, Parcels 9, 9.1 and 21
Map 116-5, Parcel 31
Map 116-6, Parcels 1 and 45
(Subarea 7)
(23rd District)

A request for final approval for a Residential Planned Unit Development District abutting both margins of Post Road, between Davidson Road and Fransworth Drive (141.13 acres), classified RS40, to permit the development of 99 single-family lots, requested by Gresham, Smith and Partners, for H. G. Hill Realty Company, owner. (Also requesting final plat approval).

Resolution No. 95-245

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-026U is given CONDITIONAL FINAL PUD APPROVAL; PLAT APPROVAL SUBJECT TO POSTING A BOND IN THE AMOUNT OF \$4,091.00. The following condition applies:

Receipt of written confirmation of approval from the Storm Water Management and Traffic Engineering sections of the Department of Public Works."

Request to Revise/Amend a Site Development Plan:

Proposal No. 61-72-G
Bell Ridge-Home Depot
Map 163, Parcels 73 and 77
(Subarea 12)
(31st District)

A request to revise the final site development plan of the Commercial (General) Planned Unit Development District abutting the north margin of Bell Road, approximately 800 feet west of Cane Ridge Road (.05 acres), to permit the development of a 2,000 square foot tool rental facility, requested by Barge Waggoner, Sumner and Cannon, Inc., for Home Depot USA, Inc. owner.

Resolution No. 95-246

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 61-72-G is given CONDITIONAL FINAL APPROVAL. The following conditions apply:

1. Receipt of written confirmation of approval from the Storm Water Management and Traffic Engineering sections of the Department of Public Works.
2. Receipt of written confirmation of approval from the Department of Water Services.
3. Approval of the building expansion by the Building Code Appeals Board prior to the issuance of any permits."

Proposal No. 153-79-G
Galleries of Bellevue-Home Depot
Map 142, Parcels 310 and 311
(Subarea 6)
(35th District)

A request to revise the final site development plan of the Commercial (General) Planned Unit Development District abutting the southeast margin of Coley Davis Road, approximately 150 feet southwest of the Memphis-Bristol Highway (.05 acres), to permit the development of a 2,047 square foot tool rental facility, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Home Depot USA, Inc., owner.

Resolution No. 95-247

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 153-79-G is given CONDITIONAL FINAL APPROVAL. The following conditions apply:

1. Written confirmation of approval from the Stormwater Management and Traffic Engineering Section of the Metropolitan Department of Public Works.
2. Approval of the building expansion by the Building Code Appeals Board prior to the issuance of any permits."

Proposal No. 69-83-G

Baptist Medical Center East
Map 75, Parcels 162 and 35
Map 86, Parcel 161
(Subarea 14)
(13th District)

A request to revise the preliminary site development plan and for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the northwest corner of Juarez Drive and Old Hickory Boulevard, to permit the development of a 30,686 square foot health care facility (2.6 acres), requested by SEC, Inc., for Baptist Hospital, owner. (Deferred indefinitely from meeting of 10/20/94).

Resolution No. 95-248

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 69-83-G is given APPROVAL OF THE REVISION TO PRELIMINARY AND CONDITIONAL APPROVAL OF THE FINAL FOR A PHASE. The following condition applies:

Written confirmation of final approval from the Stormwater Management and Traffic Engineering Section of the Metropolitan Department of Public Works."

Proposal No. 84-87-P
The Crossings at Hickory Hollow
Map 174, Parcels 338 and 361-363
(Subarea 13)
(29th District)

A request to revise a portion of the preliminary site development plan and for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the southwest corner of Crossings Place and Crossings Boulevard (5.0 acres preliminary, 2.89 acres final), to permit the development of a 110,000 square foot motel, requested by Hodgson and Douglas and Walter Davidson and Associates, for American General Corporation and Harco Hospitality LLC, owners.

Resolution No. 95-249

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-87-P is given CONDITIONAL APPROVAL TO REVISE PRELIMINARY; FINAL APPROVAL FOR A PHASE. The following conditions apply:

1. Written confirmation of approval from the Stormwater Management and Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to Final PUD approval, receipt of modified plans complying with the Fire Marshall's memorandum dated March 22, 1995."

SUBDIVISIONS:

Final Plats:

Subdivision No. 95S-042U
MetroCenter, Tract 23
Map 81-4, Parcel 226
(Subarea 8)
(20th District)

A request to subdivide a lot into three lots abutting the north margin of Dominican Drive between Athens Way and Ninth Avenue North (24.99 acres), classified within the CS District, requested by Barge, Waggoner, Sumner and Cannon, Inc., surveyor. (Deferred from meetings of 03/09/95 and 03/23/95).

Resolution No. 95-250

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-042U, be APPROVED subject to posting a performance bond in the amount of \$7,100.00."

Subdivision No. 70-85-P
Kensal Green, North
Map 150, Part of Parcel 41
(Subarea 13)
(29th District)

A request to create 32 lots abutting the northwest margin of Mt. View Road, approximately 270 feet southwest of Huntingboro Trail (10.87 acres), classified within the R10 Residential Planned Unit Development District, requested by Phillips Builders, Inc., owner/developer, R. L. Spears and Company, surveyor.

Resolution No. 95-251

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 70-85-P, be APPROVED subject to posting a performance bond in the amount of \$285,300.00."

Subdivision No. 95S-034U
Noel's Subdivision of Watkins Grove
Resubdivision of Lots 194 and 222
Map 117-7, Parcels 73 and 89
(Subarea 10)
(25th District)

A request to subdivide two lots into four lots located between Golf Club Lane and Benham Avenue, approximately 225 feet north of Woodmont Boulevard (1.84 acres), classified within the R20 District, requested by Cumberland Interests, Inc., owner/ developer, Wamble and Associates, surveyor.

Resolution No. 95-252

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-034U, be APPROVED subject to posting a performance bond in the amount of \$6,900.00."

Subdivision No. 95S-068U
Revco Subdivision
Map 58, Part of Parcel 115
(Subarea 3)
(1st District)

A request to create a lot abutting the northwest corner of Kings Lane and Clarksville Pike (1.27 acres), classified within the CS District, requested by Betty Corlew Thomas, owner/developer, Ragan-Smith-Partners, surveyor.

Resolution No. 95-253

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-068U, be APPROVED subject to posting a performance bond in the amount of \$21,000.00."

Subdivision No. 95S-072U
Howard R. Strickland Property

Map 71-14, Parcels 214 and 216-236
(Subarea 5)
(5th District)

A request to consolidate 22 lots into one lot abutting the southeast margin of Vashti Street, between Spurgeon Avenue and Victoria Avenue (2.23 acres), classified within the CG District, requested by Howard R. Strickland, owner/developer, IDE Associates, surveyor.

Resolution No. 95-254

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-072U, be APPROVED."

Subdivision No. 95S-073U
Nashville Housing Authority Subdivision No. 2,
Resubdivision of Lot 4
Map 82-6, Parcel 80
(Subarea 5)
(5th District)

A request to subdivide a lot into three lots abutting the west margin of North First Street, opposite Grace Street (1.43 acres), classified within the CS District, requested by Nashville Homebuilders Association, owner/developer, F. W. Associates, surveyor.

Resolution No. 95-255

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-073U, be APPROVED."

Request for Bond Release:

Subdivision No. 92S-123U
Lake Towne Park, Section Seven
Houston Ezell Corporation, principal
(Request received 03/20/95)

Located abutting both margins of Lake Towne Drive, approximately 185 feet southeast of Oak Timber Drive.

Resolution No. 95-256

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 92S-123U, Lake Towne Park, Section Seven, in the amount of \$5,000.00, as requested."

Subdivision No. 92S-182U
Lake Towne Park, Section Eight
Houston Ezell Corporation, principal
(Request received 03/20/95)

Located abutting both margins of Maple Timber Drive approximately 175 feet south of Lake Towne Drive.

Resolution No. 95-257

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 92S-182U, Lake Towne Park, Section Eight, in the amount of \$5,000.00, as requested."

Request for Bond Extension:

Subdivision No. 87-166-G
Chitwood Downs
Fox Ridge Homes, Inc., principal
(Request received 03/09/95)

Located on the west side of Old Hickory Boulevard, opposite Second Street.

Resolution No. 95-258

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 87-166-G, Chitwood Downs, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$45,000.00 by May 10, 1995 and extending the expiration date to April 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 88S-207G
Northgate Business Park
Northgate Business Park Assoc., principal
(Request received 03/06/95)

Located on the east side of Myatt Drive, approximately 280 feet north of Myatt Boulevard.

Resolution No. 95-259

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 88S-207G, Northgate Business Park, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$41,950.00 by May 10, 1995 and extending the expiration date to April 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 90P-008G
Chandler Grove
Brent A. Campbell, principal
(Request received 03/09/95)

Located abutting the south margin of Chandler Road, approximately 2,410 feet east of Tulip Grove Road.

Resolution No. 95-260

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 90P-008G, Chandler Grove, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the reduced amount of \$223,000.00 by May 10, 1995 and extending the expiration date to April 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 90S-035G
Winston Estates, Section Two

Winston Walker, principal
(Request received 03/06/95)

Located on both sides of Winston Drive, approximately 180 feet southwest of Stevens Lane.

Resolution No. 95-261

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 90S-035G, Winston Estates, Section Two, until October 1, 1995, as requested, in the full amount of \$5,200.00."

MANDATORY REFERRALS:

Proposal No. 95M-030U

Alley No. 342 Closure
Maps 82-3 and 82-7
(Subarea 5)
(5th District)

A proposal to close Alley No. 342 between the east margin of Meridian Street and its eastern terminus, requested by Aubrey Mayhew, for adjacent property owners. (Easements are to be retained).

Resolution No. 95-262

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-030U.

Proposal No. 95M-031U

Jackson Street Closure
Map 82-13
(Subarea 9)
(20th District)

A proposal to Close Jackson Street between Sixth Avenue North and Eighth Avenue North, requested by David Moss, Barge, Waggoner, Sumner and Cannon, for the State of Tennessee Department of Finance and Administration, owner. (Easements are to be retained).

Resolution No. 95-263

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-031U.

Proposal No. 95M-035U

Alley No. 182 Closure
Map 93-14
(Subarea 9)
(19th District)

A proposal to close Alley No. 182 between Ash Street and Mulberry Street, requested by David Coode for 8 to 5 Corporation, adjacent property owner. (Easements are to be abandoned).

Resolution No. 95-264

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-035U.

Proposal No. 95M-036U

Alley No. 2083 Closure
Map 106-5 and 106-6
(Subarea 11)
(16th District)

A proposal to close Alley No. 2083 between Cleveland Avenue and Foster Avenue, and to close a segment of Alley No. 2084 between Alley No. 2083 and the northeast corner of Parcel No. 111 on Map 106-5, requested by Charles L. Hankla, for adjacent property owners. (Easements are to be retained).

Resolution No. 95-265

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-036U.

Proposal No. 95M-037U

Alley No. 600 Closure
Map 92-8
(Subarea 10)
(19th District)

A proposal to close a segment of Alley No. 600 between the east margin of 16th Avenue North and its eastern terminus, requested by Morris B. Haddox, Jr., adjacent property owner. (Easements are to be retained).

Resolution No. 95-266

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-037U.

Proposal No. 95M-038U

Talley Avenue and Unnumbered Alleys
Easement Abandonment
Map 119-9
(Subarea 11)
(26th District)

A proposal to abandon the public utility and drainage easements retained in the former rights-of-way of Talley Avenue and segments of two unnumbered alleys all of which were closed by Ordinance O74-911, requested by Grady Hensley, owner.

Resolution No. 95-267

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-038U.

Proposal No. 95M-040U

(Council Bill No. O95-1379)
Tele-Vue/Viacom Cable Franchise

A council bill granting a franchise to Tele-Vue, Inc. D/B/A Viacom Cable to construct, maintain and operate a cable communications system within Nashville and Davidson County under the provisions of Ordinance No. O95-1368.

Resolution No. 95-268

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-040U.

Proposal No. 95M-041U
(Council Bill No. O95-1375)
Lease Expansion: Medicaid Transport Services
2323 21st Avenue South
Map 104-15, Parcel 271

A council bill approving the amendment of a lease of premises at 2323 21st Avenue South by Metropolitan Government to provide expanded office space for Medicaid Program Transportation Services.

Resolution No. 95-269

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-041U.

Proposal No. 95M-045U
Property Acquisition: Grassmere Park
Map 133, Part of Parcel 4
(Subarea 12)
(30th District)

A mandatory referral from the Parks and Recreation Department for proposed acquisition of the Grassmere Park property on Nolensville Pike near Elysian Fields Road from the Nashville Children's Museum Association.

Resolution No. 95-270

BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-045U.

This concluded the items on the consent agenda.

APPEAL CASES:

Appeal Case No. 94B-192G
Map 20, Parcel 18
(Subarea 1)
(1st District)

A request for a conditional use permit under the provisions of Sections 17.124.190 (Extensive Impact) and 17.124.030 (Floodplain) as required by Sections 17.24.030 and 17.116.030 to expand a privately owned and commercially operated recreation area within the AR2a District, on property abutting the north and south margins of Lake Road, approximately 250 feet west of Marrowbone Lake Road (14 acres), requested by James E. Brown and Thomas Walker, appellants.

Mr. Henry presented the appeal case and stated he had one request to speak and four letters of opposition. Just before the meeting he had spoken with an abutting land owner who claimed she had an access easement across the property in question, although the submitted site plan does not show the easement.

Mr. Henry pointed out on the slides Marrowbone Lake which is controlled by Tennessee Wildlife Resources Agency and the subject property which includes Lake Louise. He discussed the proposed and existing uses on the site. He pointed out that this matter went to the Board of Zoning Appeals last week to determine exactly what uses were appropriate to consider as extensive impact recreational uses on the site. The Board of Zoning Appeals concurred with the zoning administrator that the wedding chapel, the mini golf course and the proposed rental cottages for transient habitation were commercial uses and therefore not appropriate for consideration under this application. The Board further directed that the restaurant should be accessory to the recreational uses on the site.

Mr. Henry stated the Commission is being asked to consider various camp sites, cabins and chalets on the property. There is an existing house on the property which the applicant is proposing to convert into three chalets. They are proposing to erect eight camping cabins or shelters, not serviced by any utilities. In addition there are sixteen proposed RV parking spaces or sites, an administrative office, some storage buildings, a bathhouse, picnic tables, and walk ways.

The information that was presented to staff an hour before meeting time indicated the bath house may be sitting on the access easement.

There are six residential structures bordering the site. Three of the residents in opposition live in those homes. The Subarea 1 Plan identifies this area for natural conservation. There are very steep slopes in the area and what residential development has occurred is along the access road.

Mr. Henry stated the compatibility issue revolves around the activities which will occur on the property. The proposal is for twenty-seven lodging units in the form of camp sites, cabins or chalets. The question is whether or not this proposal for commercial recreation is too intense for this site, given the fact the surrounding residential property and the subject property are situated in a bowl and sounds that emanate from this site are amplified. The staff is suggesting the Commission advise the Board of Zoning Appeals to consider limiting the hours of operation to daylight only. Should the Commission concur with limiting recreational activity to daylight hours, the need for camping and RV facilities or for cabins would be removed. The staff further suggested that the Commission advise the board there is an access easement alleged to extend from the end of Lake Road to neighboring property and this easement should be shown on the plan and protected from encroachment.

Ms. Neilson pointed out that limiting hours of operation would eliminate further consideration of any additional recreational facilities requested. Mr. Allen concurred that would be the effect of limiting hours of operation.

Mr. Henry stated it would leave the restaurant, the administrative office, the picnic tables, the storage and maintenance building and the lake which is used for fishing, swimming and non motorized boating. Mr. Henry informed the Commission that use of Marrowbone Lake is limited to day hours only.

Mr. Allen stated he had been to the site the day before and it looked like the developer had a large investment in the property and it would seem like a shame to close them down completely because it looked like an improvement.

Mr. Steven Henry, an area resident, stated he was on the Citizen Advisory Committee for Subarea 1 planning and the natural conservation area was one of his interests. He stated the primary objection to the proposal is the possibility of introducing recreational uses that will involve considerable noise and night time activity that will be objectionable to surrounding residents. As Mr. Allen said they spent a lot of money on the property and he didn't know if they spent the money first and then tried to get the permit or what. He didn't think the neighbors should have to pay for that.

Mr. Allen stated that it seemed like everything the owner had requested was the same as what they had back in 1955 and 1956. He said at that time they had a club built out on the lake for dinner and dancing. There were also cabins for rent. It seemed to him they were cleaning up the area and it was a great improvement.

Mr. Harbison stated that he understood that the neighbors would want some limitations and asked if the Commission could recommend limitations on noise.

Chairman Smith stated the staff had suggested the Commission consider several things and they could add noise, daylight or evening activity, camp sites and the access easement.

Mr. Harbison said the Commission should send a recommendation to the Board of Zoning Appeals concerning noise instead of day light hours of operation.

Mr. Manier asked what the letters staff received concerned.

Mr. Henry stated they generally mentioned noise and the lighted sign that would be on the property and traffic coming in and out at all hours of the day. They also mentioned they appreciated the investment that the owner has made on the property, but at the same time they are concerned how it might grow and become more impactful on their adjacent residential properties.

Ms. Nielson suggested they should make a recommendation concerning signage as well.

Mr. Harbison stated the Commission should advise the Board of Zoning Appeals that this use could be appropriate on the property but with appropriate limitations on noise, signage, and lights, and with due regard to setbacks and easements.

Chairman Smith suggested their advisement should say the area should be for residential use and not for commercial use.

Ms. Nielson said it would be commercial use if there is a restaurant and cabin rental on the property.

Councilman McWhirter asked how it was handled on Lake Marrowbone.

Mr. Allen said they had one small facility with concessions.

Councilman McWhirter asked if any neighbors from the area were present.

Mr. Henry stated the abutting property owner that has the access easement was present.

Chairman Smith stated the Commission was in agreement to protect her easement.

Mr. Harbison moved and Ms. Nielson seconded the motion , which was passed unanimously, to approve the following resolution:

Resolution No. 95-271

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 94B-192G to the Board of Zoning Appeals:

The Subarea 1 Plan applied the "natural conservation" policy for this part of the county to conserve the low-density, rural residential character of the area.

The Planning Commission opined that the use of this property for recreational purposes would be appropriate under the natural conservation policy, so long as noise and lighting from, and signage within, the property do not adversely affect current and future residents of the area, and the proposed development complies with minimum required building setbacks and respects all easements existing on the property."

Appeal Case No. 95B-042U
Map 82-16, Parcel 374
Subarea 5)
(6th District)

A request for a conditional use permit under the provisions of Section 17.124.090 (Group Care) as required by Section 17.24.030 to use an existing building as a group care facility for 12 adults within the RM8 District, on property located on the northwest corner of Shelby Avenue and South Ninth Street (.25 acres), requested by Raymond Richardson, for TKR Residential Carehome, LLC appellant/owner.

Mr. Henry presented the proposal reminding the Commission that this was the proposal Councilman Ockerman had spoken to them about earlier. He stated the subject property was in the RM8 district. All the properties along this stretch of Shelby Avenue are zoned RM8. The Planning Commission is asked to advise the Board of Zoning Appeals on the site plan and the compatibility of the proposed use with the surrounding area. This site has been used as a group care facility for twelve mentally handicapped individuals since 1982. It has had three approvals by the Board of Zoning Appeals, the last one as recently as 1991.

It is back before BZA because they are changing ownership. They are doing a minor alteration of interior walls and are seeking the BZA approval through the conditional use permit process to operate the facility. There are a few items that are not in the file which are required before BZA can approve the proposal. Demonstration that this facility is not on the same block or across the street from a similar facility, a purpose statement as to how the facility will operate, and statements regarding supervisory staff; twenty-four hour staff is required. Staff recommends the Commission advise the BZA that the site plan seems to comply with the conditional use criteria; however, they need to obtain the items previously listed.

Ms. Nielson stated it was her understanding that the zoning ordinance limits the number of group care type facilities that can occur within proximity to each other. She asked Councilman Ockerman to verify if the property next door were used as a hospice facility. Mr. Ockerman confirmed that usage. Both Ms. Nielson and Mr. Ockerman questioned if both facilities are allowed by the zoning ordinance this close to each other.

Ms. Jernigan asked if the facility proposed cared for persons with mental retardation, or for persons with emotional or behavior problems. Mr. Henry stated the planning staff was under the impression the facility was for the former, but could not confirm that from the application.

Ms. Jernigan pointed out that facilities for persons with retardation are exempt from local regulations when the facility is housing eight or fewer residents. Mr. Henry pointed out this facility is proposing to house 12 residents.

Councilman Ockerman pointed out the subject building takes up the entire lot and there is no open space available for outside access.

Chairman Smith asked Mr. Henry if they decided to defer the application until they could get more information through Codes, would that affect the BZA's actions.

Mr. Henry stated the BZA had already advertised the case for public hearing which will occur on April 13.

Chairman Smith questioned if they could act without a recommendation from the Commission.

Councilman Ockerman said they could hold the public hearing but they could not act.

Mr. Browning pointed out that the application was filed with the Board of Zoning Appeals and referred to the Commission for a recommendation. It would be appropriate for the Commission to advise the Board that there are several questions unanswered by the application, and the Board should defer any approval until all of these questions are satisfactorily addressed.

Mr. Ockerman stated he did not want the Commission to abdicate any of its review responsibility.

Mr. Browning said he was not suggesting the Commission not review the application. However, in recognition that the application was made to the Board of Zoning Appeals, the Commission's role is to advise the Board of Zoning Appeals of planning and site plan related issues that should be considered before approval is given.

Chairman Smith asked if it would be appropriate to suggest to the Board that it hold its public hearing and refer the matter back to the Commission before making a final decision.

Mr. Browning and Councilman Ockerman agreed that would be reasonable.

Councilman Ockerman said he thought that would be the appropriate action to take and that there was one item that he wanted to make sure the Commission is not misconstruing. This property has not been in continuous use for this purpose. It has been vacant for the last two years.

Ms. Nielson moved and Mr. Allen seconded the motion, which was approved unanimously, to approve the following resolution:

Resolution No. 95-272

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-042U to the Board of Zoning Appeals:

The Planning Commission determined the site plan contains inadequate information to evaluate the merits of the application, specifically: proposed staffing plans, particularly whether or not staff will be present on site 24 hours per day; the availability of adequate outdoor recreational area for 12 adults; the facility's proximity to other identical uses, and whether these locational relationships meet Metro Zoning requirements; and the length of time this use has remained in continuous operation at this location.

The Metropolitan Planning Commission advises the Board that these questions should be answered in a manner satisfactory to the Board and that the site plan be re-referred to the Planning Commission before granting the requested conditional use."

Appeal Case No. 95B-053U

Map 91-2, Parcel 277

(Subarea 7)

(22nd District)

A request for a conditional use permit under the provisions of Section 17.124.120 (Community Assembly) as required by Section 17.24.030 to construct a 10,200 square foot gymnasium within the R6 District, on property located on the northwest corner of California Avenue and 56th Avenue North (.7 acres), requested by Joe Bacon, for St. Luke's Community House, appellant/owner.

Mr. Henry stated St Luke's has existed in the community for several years. However, the proposal before the Board of Zoning Appeals and the Commission at this time is to build a large gymnasium on properties that have been purchased and cleared of dwellings more recently. Mr. Henry stated the proposal creates several variances. The gymnasium will violate sky exposure plane on both the north side (toward other St. Luke's property) and the south side (along California Avenue) across from other residential properties. Staff recommends that the gymnasium be shifted northward to move the building away from existing residences as much as possible. This would have the effect of eliminating one sky exposure plane variance.

Other variances involved the arrangement of the parking lot. The entrance drive is located too close to the intersection of 56th Avenue North and California Avenue. The traffic engineer has stated the variance is acceptable since this driveway ramp will be for entrance only. The parking lot is located within area defined as front yard area, a violation of the zoning ordinance. Staff suggests this location is the best possible for parking and the most compatible with the neighborhood. Finally, the site plan proposes fewer parking spaces than should be supplied. Since much of St. Luke's clientele are bused or walk to the facility, the traffic engineer agrees it is reasonable to reduce the number of parking spaces.

Mr. Browning stated it was his understanding the architect had agreed to move the building to the north which will make the sky exposure plane variance to the alley more significant but it may even remove the sky exposure plane on California Avenue.

Mr. Henry stated the applicant had not agreed to that.

Mr. Browning said since they had not agreed to that the Commission should consider whether or not the building would be compatible with the residential development along California.

Mr. Randy Dover, architect for the project stated last year they had applied for OP rezoning because they could not apply for a variance while also seeking conditional use approval for a community facility. The OP zoning would have permitted the desired gymnasium without requiring a conditional use permit. The Commission did not believe the rezoning was in order. Therefore, the zoning ordinance was amended to allow variances to be considered even when a conditional use is being requested. Mr. Dover stated the applicant is agreeable to moving the building farther from California Avenue.

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

Resolution No. 95-273

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-053U to the Board of Zoning Appeals:

The Subarea 7 Plan designates this area for "residential" conservation and infill development. The Metropolitan Planning Commission determined the Saint Lukes facility has existed in the community for many years. The proposed gymnasium will be a larger and more imposing building, and its compatibility within the community should be evaluated carefully. The Planning Commission suggests the gymnasium should be moved closer to the interior alley to reduce the impact of this structure on the residential properties across California Avenue. While this shift will increase the sky exposure plane variance on the alley side, it should eliminate the need for a sky exposure plane variance along California Avenue.

Based upon the traffic engineer's recommendation the Planning Commission concurs the negative impacts of variances for the one way driveway entrance and the encroachment of parking into the front yard have been minimized. Further, the Commission concurs that a reduction in the required number of parking spaces is appropriate for this facility."

ZONE CHANGE PROPOSALS:

Text Amendment:

Zone Change Proposal No. 95Z-002T
(Council Bill No. O95-1362)

An amendment to the Zoning Regulations to increase the maximum penalty from \$50 to \$500 for any violation of Title 17 "Zoning", sponsored by Councilmember Larry McWhirter.

The increase in maximum fines is intended to deter violations of the zoning code and is recommended."

Mr. Henry stated this bill increases the fines for violations of the zoning provisions of the Metropolitan Code of Laws. He stated other portions of the Code already have been amended to increase fines. The zoning provisions required separate action by the Planning Commission.

Chairman Smith asked if the fine was per occurrence or per day.

Mr. Henry Stated it was per day.

Mr. Allen moved and Ms. Nielson seconded the motion, which was passed unanimously, to approve the following resolution:

Resolution No. 95-274

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-002T is APPROVED.

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Request to Revise/Amend a Site Development Plan:

Proposal No. 157-81-U
Opryland Hotel and Complex
Map 73, Parcel 17
(Subarea 14)
(15th District)

A request to modify earlier conditions of approval relating to the timing of roadway improvements for the Commercial (General) Planned Unit Development District, south of McGavock Pike (33.0 acres), requested by Barge, Waggoner, Sumner and Cannon, Inc., for Opryland USA, owner.

Mr. Martin reminded the Commission that in July 1993, Opryland came to the Planning Commission asking for approval of modifications to the master plan which provided for a significant increase to the facility. The approval was granted and construction has begun. In those final approvals, Opryland agreed to certain conditions which required McGavock Pike to be improved from the intersection of Music Valley Drive west to the Opryland employee entrance to a five lane section before opening any of the new hotel rooms. Opryland now is in a position to open part of the rooms in October of this year. They have worked with their consultant and worked out a plan to revise the timing for road improvements and have submitted a traffic impact study to the Metropolitan traffic engineer to justify phasing the opening of the hotel addition in phases, along with phased improvements of McGavock Pike.

The Metro traffic engineer has reviewed the traffic impact analysis and he concurs with the proposal. If the Commission accepts this proposal, the schedule for road improvements will be modified to stipulate that McGavock Pike will be widened to a five lane cross section from Music Valley Drive to the entrance to the Outlets Mall prior to opening the first phase (320 rooms) of the hotel addition (with the exception of the final layer of pavement). In addition Opryland will install a traffic signal at the Outlets Mall intersection and will build the improvements to the south leg (their own entrance) of the McGavock Pike/Music Valley Drive intersection. Prior to opening the second phase (271 rooms) of the hotel expansion, McGavock Pike will be widened by Opryland farther west to its employee parking lot entrance. Prior to opening any additional rooms in the third phase, Opryland will install the final layer of pavement on the entire project and complete striping of the road. All parties are in agreement to this proposal and staff recommended approval.

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

Resolution No. 95-275

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 157-81-U is given CONDITIONAL FINAL APPROVAL. The following conditions apply:

1. Compliance with the agreement between Opryland and the Metropolitan Government regarding the Phasing of off site road improvements as outlined in a letter to Mr. Mickey Sullivan of the Metropolitan Department of Public Works dated March 31, 1995. The following terms apply to the phasing schedule:

a. Prior to the issuance of a final U & O permit for the Phase A 320 room expansion, Opryland will construct the widening of McGavock Pike to five lanes from the hotel entrance to just west of the outlet mall entrance except for the surface course of paving. This work includes the installation of the traffic signal at the outlet mall entrance and completion of the modification to the hotel entrance as described in the traffic study.

- b. Prior to the issuance of a final U & O permit for the Phase B 271 room expansion, Opryland will construct the remainder of McGavock Pike widening westward to the employee entrance, (except for the surface course).
 - c. Prior to the issuance of a final U & O permit for the remaining 402 rooms in the hotel expansion, Opryland will complete the paving of the McGavock Pike widening by adding the surface course and marking for the entire widening project.
2. The applicant may need to increase the size of the 60" diameter pipe extension shown on the plans, depending upon the results of studies now being conducted for the drainage basin upstream."

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 95S-064U
 Woodmont Lane Homesites, Block D
 Resubdivision of Lot 20
 Map 116-12, Parcel 98
 (Subarea 10)
 (25th District)

A request to subdivide a lot into two lots abutting the north margin of Abbott Martin Road, approximately 150 feet east of Auburn Lane (.46 acres), classified within the R10 District, requested by C. Craig Sargent, owner/developer.

Mr. Bracey announced this item required a public hearing. He explained the petitioner wishes to divide an existing lot into two lots. His proposal, however, would create one of the lots with less square footage (9,500 square feet) than is required in the R10 zoning district. In addition, the proposed lots do not meet the lot frontage and area comparability requirements for the area.

Mr. Bracey stated the petitioner has requested a two week deferral to correct the area problem, if the Commission finds that appropriate variances to the comparability requirements are in order.

Craig Sargent, owner, was present to answer any questions. He stated he was willing to redraw the lot line dividing his property into two lots in a manner which would yield the minimum 10,000 square feet needed in each lot.

Mr. Browning stated if the Commission finds this proposal meets comparability, he would suggest the Commission approve the subdivision with the condition that the plat be drawn in a manner to make both lots conforming to zoning lot area requirements.

Ms. Nielson moved and Mr. Harbison seconded the motion, which was passed unanimously, to approve the following resolution:

Resolution No. 95-276

"BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 95S-064U, be given PRELIMINARY approval with waiver of comparability, and FINAL APPROVAL subject to final plat providing minimum lot areas required by zoning."

Subdivision No. 95S-066U
 Overton Park, Section Two
 Map 146-15, Parcel 121
 (Subarea 12)
 (32nd District)

A request to create four lots abutting the south margin of Hogan Road, opposite Stillwood Drive (2.2 acres), classified within the R20 District, requested by Naiel S. Hamid S. Al-Barak, owner/developer, The Harpeth Group, Inc., surveyor. (Also requesting final plat approval).

Mr. Bracey stated this item also required a public hearing. This proposed subdivision is a portion of a subdivision first approved in 1988. The portion of this subdivision under consideration on the agenda has not had any activity since 1990. They have reapplied for preliminary and final plat approval and staff recommends approval.

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

Resolution No. 95-277

"BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 95S-066U, be given PRELIMINARY and FINAL approval subject to posting a performance in the amount of \$44,000.00."

Subdivision No. 95S-069U
West Meade Farms, Section 13
Resubdivision of Lot 931
Map 129-5, Parcel 36
(Subarea 7)
(23rd District)

A request to subdivide a lot into two lots abutting the east margin of Rolling Fork Court, approximately 650 feet south of Rolling Fork Drive (5.34 acres), classified within the RS40 District, requested by Albert E. Ambrose, Jr. et ux owners/developers.

Mr. Bracey stated this was the final item requiring a public hearing. The property is a hillside lot and the building site is at the crest of the ridge which is a flat area. As noted in the status report the lot fails to meet comparability. It has eighty-five feet of frontage and seventy-two percent of the amount needed to meet frontage comparability. If approved the actual location of the future home would be one hundred seventy feet above the existing homes in the area. The area has very steep terrain, and constructing a driveway to the building site will be one of the most difficult accomplishments to make this lot buildable. If the Commission chooses to approve the application, staff suggests there should be a condition on the final plat requiring the driveway construction plans be certified by a geotechnical engineer.

Mr. Albert Ambrose, owner, stated they were trying to get enough street frontage to allow access to the building site.

Mr. Bracey stated a frontage variance would be in order in this area. Due to the rough topography, the lots are laid out in odd arrangements with widely varying frontages.

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

Resolution No. 95-278

"BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 95S-069U, be given PRELIMINARY approval subject to the following conditions:

1. Any Final plat shall designate both lots as critical lots.
2. A licensed Geotechnical Engineer shall certify the driveway design at the time a "critical lot" development plan is submitted for Planning Commission staff approval.

Final Plats:

Subdivision No. 95S-052A

Lot 75, Chatham Pointe
Map 151-1-A, Parcel 75
(Subarea 13)
(29th District)

A request to amend the minimum building setback line on a lot abutting the northwest margin of Bridgeton Cove Court, approximately 145 feet west of Bridgeton Cove (.15 acres), classified within the R15 Residential Planned Unit Development District, requested by Eugene T. Collins, owner/developer.

Mr. Bracey stated the application is requesting a reduction in the front yard. The house is built and encroaching up to three feet into the required twenty foot front yard. The plot plan was properly presented and permit properly issued. Field inspections did not catch the encroachment and the applicant is seeking relief.

Mr. Rick Shepard from Codes was present to address any questions. He stated that last year in Davidson County alone, almost two thousand single family home permits were issued and they were working with the same amount staff as always. He said the building inspectors were instructed on how to stake and measure the lots and sometimes they had situations where the stakes were put in the wrong place by the engineers. He stated that the trend has gone to larger homes on smaller lots and that does not leave any margin for error.

Mr. Browning stated he would like better understanding about the report they received indicating the permit was issued correctly and the error occurred after that. It also indicated the footing/foundation inspections were made, but made more from a structural point of view and maybe not from a zoning point of view. He asked Mr. Shepard if that was correct information.

Mr. Shepard stated the one and two family dwelling inspectors understand it is absolutely their responsibility to verify setbacks. What happens on a house like the proposal at issue is that if it is a curved lot, like on a cul-de-sac, the setbacks are measured from a line drawn straight between the two front corners. This method of measurement does not take into account the curvature to the front of the lot. The result is the setback is inaccurately established. This appears to have happened in this case. Mr. Shepard agreed appropriate corrective action would be to ensure accurate delineation of the front setbacks.

Mr. Harbison moved and Ms. Nielson seconded the motion, which was passed unanimously, to approve the following resolution:

Resolution No. 95-279

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-052A, be APPROVED."

MANDATORY REFERRALS:

Proposal No. 95M-032U

Sign at 166 Second Avenue North
(Laser Quest)
Map 93-6-2, Parcel 67
(Subarea 9)
(19th District)

A mandatory referral from the Department of Public Works proposing the construction of an 8' by 20' sign over the sidewalk in front of 166 Second Avenue North, requested by Skipper Brown of Cummings Sign Company, for Jerry Free, Laser Quest/C & F Partners, proprietors. (Deferred from meeting of 03/23/95).

Proposal No. 95M-026U

Sign at 166 Second Avenue North
(O'Charley's)
Map 93-6-2, Parcel 67
(Subarea 9)
(19th District)

A mandatory referral from the Department of Public Works proposing the construction of a 10' by 20' sign over the sidewalk in front of 166 Second Avenue North, requested by Stacy Steagald, for O'Charley's, Inc.

Ms. Dudley presented the two sign proposals and stated both signs met the technical requirements of the zoning ordinance and the sign regulations. The granting of encroachments into public rights of way is a privilege not a right and the Metropolitan Charter specifically requires that the Planning Commission make a recommendation to Council on whether these encroachments should be granted based on a comprehensive general plan.

One specific goal of the Subarea 9 Plan, which covers the downtown area and is part of the General Plan, is that the historic preservation of Second Avenue be maintained. Although Second Avenue has never adopted protective historic zoning, the Historic Zoning Commission along with several of the merchants along Second Avenue have adopted specific design guidelines for signs that would be in keeping with the historic nature of Second Avenue. Staff has received a letter from the Historic Commission advising that these two signs do not meet those guidelines and expressing further concern that the Tennessee Historic Commission has warned that inappropriate additions, such as these signs could threaten the status of Second Avenue on the listing of the National Register of Historic Places. This is of particular concern because one of the benefits of those listings include tax incentives for building owners in the area.

Based on these concerns staff recommends these signs are not in keeping with the goals of the Subarea 9 Plan for this area nor with the recommendation of the Historic Commission and recommend disapproval.

Ms. Ann Reynolds, Director of the Historic Commission and Mr. Gary Everton, Chairman of the District Design Committee were present to address the Commission asking them to disapprove the sign proposal.

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

Resolution No. 95-280

"BE IT RESOLVED by the Metropolitan Planning Commission that it DISAPPROVES Proposal Nos. 95M-032U and 95M-026U.

While the signs meet technical requirements, the granting of encroachments is a privilege, not a right. The Metropolitan Charter requires that the Planning Commission make its recommendation to Council based on the comprehensive general plan (a component of the general plan) to preserve the historic character of Second Avenue North.

The Historic Commission, along with many merchants in the area, have adopted design guidelines for signs that would be consistent with historic preservation standards. The Historic Commission advises that this sign fails to meet these standards. The Tennessee Historical Commission has warned that inappropriate signage will contribute to a loss of historic integrity jeopardizing the area's listing on the National Register of Historic Places."

OTHER BUSINESS:

1. Policy for Funding Phased Off-site Improvements. (Deferred from meetings of 03/09/95 and 03/23/95).

Mr. Browning stated he had talked to Tom White, the legal council to the home builders on this item. Mr. White was out of town for a week and has asked for one more deferral regarding this matter. He is arranging a meeting with some of the large developers in the area whose developments will be subject to the off-site improvements policy.

Ms. Nielson moved and Mr. Manier seconded to motion to defer, which carried unanimously.

2. Presentation of the Housing Functional Plan.

Ms. Deborah Fleming explained the relationship of the Housing Plan to the General Plan, Concept 2010. She outlined the housing goals in the General Plan and presented socio-economic data which was used as background material in the development of the Housing Plan. The current and future housing market in Davidson County was discussed, along with housing actions under the purview of the Planning Commission. Policy recommendations in the areas of housing choice, preservation and affordability were presented.

Copies of the Housing Plan document were distributed to Commission members and Ms. Fleming indicated that the staff would be back in two weeks to answer questions and receive comments. Mr. Browning explained that the Planning Commission would need to set a public hearing in order to adopt the Plan.

3. Visioning.

Mr. Browning introduced Mr. Paul Johnson from the Community Plans Division, who had prepared a visioning session on the process for preparing a neighborhood plan. Mr. Johnson explained that he had two brief presentations, one on neighborhood planning and one on the format differences between the first four subarea plans and the last nine.

Mr. Johnson began his presentation on the neighborhood planning process by explaining that it had two parts. He would first provide an overview of the proposed process and then discuss the suggested methods of citizen participation. He stated that the process was divided into five phases. The first phase was an inventory of existing conditions, including a review of socio-economic data, environmental conditions, and urban design features. The second and third phases were the identification of issues and the development of a set of goals. Both of these would be categorized by general type, such as housing, land use, crime, etc. These categories would then serve as the focus for phases four and five, the creation of an action plan and the development of an implementation schedule. The implementation schedule would include a timeline with major benchmarks, the responsible parties, a preliminary cost estimate, and possible funding sources.

Mr. Johnson next presented the methods of citizen participation to be employed during the planning process. A wide variety of avenues would be used to accommodate people who only want to spend 10 minutes filling out a survey and those who want to be heavily involved throughout the entire process. Notable opportunities for citizen participation included the formation of a steering committee, resident interviews, a series of open houses, several neighborhood-wide meetings, and finally a public hearing before the Metropolitan Planning Commission.

Mr. Johnson stated that the next step was to solicit comments from other interested parties, particularly Metro Council, the Metropolitan Development and Housing Agency, and the Nashville Neighborhood Alliance. If there were no major changes suggested, staff would begin the preparation of the first neighborhood plan. The area bounded by Interstate 40, Jefferson Street, 8th Avenue N., and U.S. Tobacco had been discussed at an earlier visioning session as a possible candidate. Mr. Johnson said that staff would undertake a more detailed evaluation of that area to determine if the neighborhood planning process is the appropriate mechanism for revitalizing that area.

Mr. Smith asked if the process was only intended for residential areas. Mr. Johnson explained that the Community Plans Division is developing a small area planning program of which neighborhood planning is one component. They will also be working on a process for developing small area commercial revitalization plans. This is intended to be for older commercial districts such as 12th Avenue South,

downtown Madison, and similar areas. Many of these districts have been identified as needing planning assistance during the subarea planning process.

Mr. Manier asked if the process included how the selection of neighborhoods is to occur. Mr. Johnson explained that this question had been discussed by staff and with MDHA, particularly in how it could relate to their Neighborhood Strategy Areas. However, there are no specific guidelines proposed at this time. Mr. Manier stated he supported the proposed process but saw where there could be conflicts with MDHA regarding who is responsible for what. Mr. Jerry Fawcett suggested that there probably would have to be a memorandum of understanding between the MPC and the MDHA in areas where a collaborative effort is envisioned.

Mr. Browning pointed out that in regard to the suggested area between Jefferson Street and U.S. Tobacco, Metro Council has not yet been consulted and this will have to occur before staff can start the preparation of a plan. Mr. Browning also explained that there is some concern that that area may be more suitable for a redevelopment plan rather than for a neighborhood plan. This will be part of staff's evaluation of that specific area. He also stated that Metro made a commitment to upgrade the general area surrounding the Bicentennial Mall when the State settled on that project.

Mr. Allen asked how the boundaries of neighborhoods are defined. Mr. Johnson explained that staff would have a working idea of the boundaries of any selected neighborhood. However, that is open to interpretation by the participants in the planning process, and in some instances the study area would be expanded or contracted as need be.

Mr. Smith asked where funding is anticipated to come from. Mr. Johnson explained that this is an important issue that will be dealt with during the process as the types of improvements that need to be made are identified. There should be both public and private funding involved and these should be identified as early in the planning process as possible.

Mr. Johnson next began his presentation on the different formats used for the first four subarea plans versus the last nine. He explained that the first four plans contained concept plan maps with general policy guidelines, and detailed land use policy maps with a suggested implementation approach for specific areas. A major shortcoming of the concept plan maps was the limited policy menu available at the time. There were also problems in using the detailed land use policy maps. These maps are at parcel level detail and suggest only one way to implement policy when the Planning Commission has the option of choosing between several different implementation approaches, all of which would follow the policy guidelines established in the concept plan. Mr. Browning pointed out that the detailed maps are so detailed that the distinction between policy and zoning becomes confused.

Mr. Johnson explained that these concerns are what prompted a change in the format of subarea plans. He illustrated the format of the last nine subarea plans and stated that the major difference was the removal of the detailed maps. However, the policy guidance provided by those detailed maps was incorporated into the new format in several ways. These ways included: the use of an expanded policy menu; an enhanced written portion of the plans that provide further guidance for areas of special concern, and; the inclusion of design plans for areas where the relationships between different land uses are critical.

Mr. Browning pointed out that the residential policies shown in the later subarea plans are described by density ranges, rather than by an exact density as found in the earlier plan's detailed maps. This gives the Planning Commission and Council a greater degree of flexibility in how the general policy can be implemented. Mr. Johnson added that the text of the newer plans may indicate a preferred density within the policy range for developed residential areas that are intended to be preserved. The intent of the newer format is to get away from being totally reliant upon policy maps; the maps are to be used in conjunction with the text of the plan to get a fuller understanding of how policy can be implemented for specific areas.

Mr. Smith asked if the update of the first four subarea plans will require a Citizen Advisory Committee in light of these changes. Mr. Browning answered that in some cases the reformatting of the older plans will be a simple conversion. He gave as an example an area suggested for two dwellings per acre would be placed in a residential low-medium density policy (two to four dwellings per acre). Mr. Manier and Mr. Smith agreed with the practicality of that approach, but expressed concerns about how the community

would view this. Mr. Jerry Fawcett explained that staff is completing the process for Subarea 14 of identifying those areas that can be easily converted and those areas that will probably require further discussion. Staff will be presenting this to the Commission and then forwarding it to the public for comment. Following that, it will be decided what level of public participation will be required in the update process. It is anticipated that it will be either level two or three.

Mr. Johnson finished by explaining that staff prepares an informal zoning plan after adoption of the newer subarea plans. These plans are used only by staff to identify those zoning districts that best implement policy. In some developed areas there may be only one or two preferred districts, while in undeveloped or developing areas there may be a wider range of recommended districts.

4. Legislative Update.

Ms. Dudley presented the legislative report for March 21st and April 4.

One resolution considered was requesting The General Assembly to permit legislative bodies to rezone conditionally. She stated that resolution was deferred indefinitely because it was too late to introduce the bill into this session of The General Assembly. She state it would be considered for another session.

There was an approved resolution for funds to acquire property in Bells' Bend for a sanitary landfill.

Funds were approved for two Shelby Bottoms Greenway projects.

There were approved funds for a new men's jail, \$8,250,000 and \$600,000 for improvements and upgrade for a pre-release center.

There was a resolution asking Mayor Bredesen to prepare a detailed plan addressing the funding and scheduling of needed infrastructure improvements, which was approved and partial funding for a passenger train between Memphis and Nashville in time for the State Bicentennial.

Bills on first reading:

There were several mandatory referrals. In response to the failure at the March 21st meeting of the bill acquiring property for the relocation of Antioch High School, there was a bill introduced requiring a public hearing on all matters having to do with the adoption of an ordinance acquiring property for a new or relocated school.

Twenty-two bills were introduced to be heard at the May public hearing, one of which is a bill to rezone land to RM8 in a Hickory Hollow activity center. Councilman Kincaid resisted a multi-family subdivision, but the developer eventually persuaded him that he would do a single family subdivision in a multi-family zone (which the zoning regulations will permit). A new zoning ordinance is proposed to close that loop hole.

Bills on second reading:

There were also several mandatory referrals. One was an ordinance exempting Metro arenas from the distance requirements for location of sites for beer sales (deferred until 2nd meeting in May).

Bills on third reading:

By the April 4th meeting, all of the bills that made it passed the March public hearing, passed third and final reading, except Councilman Kincaid's R8 rezoning bill. That bill has been deferred until the 2nd meeting in April.

Approved were bills increasing the fine to \$500 for certain violations of the Metro code, and raising the fine for parking in handicapped zones to \$100.

PLATS PROCESSED ADMINISTRATIVELY:

- 95S-049U Arrowhead Lake, Phase 1
Creates one condominium lot containing 7 units within a residential PUD

- 95S-060G Davis Farm, Section 1
Creates one 2 acre lot

- 95S-078U Francis Gore Property
Creates one 2 acre lot

- 95S-079U Resub of lots 37 and 38, Iroquois of Nashville
Relocates common line between two lots

- 95S-080G Pointer Subdivision
Combines two lots into one lot

- 95S-083G Lot 36, Hunter's Point
Creates a zone lot division

- 95S-096G Lot 35, Hunter's Point
Creates a zone lot division

- 95S-098U Resub lots 1 and 3, Rivershore Industrial Park
Resubdivides two lots into two lots improving the frontage street orientation

Before adjournment Chairman Smith announced that last week the Commission had passed resolution 95-234, regarding Jimmy Vance's property that they had approved with conditions with advisement to Council regarding the capacity issue in the Harpeth Valley Utility District and since they had received new information, they would like to advise Council through Councilman McWhirter that the Commission is comfortable their decision.

Chairman Smith also reported on a meeting he had attended earlier for the Urban Design Center which was a project that several architects were involved with. The U T Architectural School staff, Sandra Duncan from the Mayor's office, Christine Kreyling, a newspaper reporter, and several others were present. The concept was regarding using Metro money in some fashion to fund the U T Architectural staff and some students to be available for consultation or project work or designing. As the meeting went along it appeared that they may or may not want to work under the Planning Commission and may or may not want to advise us on our ordinances or move us into design criteria. As that conversation evolved, it appeared there may be some differences of opinion about whether to set up a review structure consisting of a board or commission. He was asked about the Planning Commission's preliminary opinion. He responded by saying there were a lot of unanswered questions. This has been working in Chattanooga and they have redeveloped and it may be due to the design center. Whether or not the same or a similar concept would work in Nashville should be given further study.

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:10 p.m.

Chairman

Secretary

Minute approval:
This 20th day of April, 1995