

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: May 4, 1995
Time: 1:00 p.m.
Place: Howard Auditorium

ROLL CALL

Present:

Gilbert N. Smith, Chairman
Arnett Bodenhamer
William Harbison
Ann Nielson
William Manier
Councilmember Larry McWhirter

Absent:

Jimmy Allen
Janet Jernigan
James Lawson
Mayor Philip Bredesen

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
Mitzi Dudley, Planner III
Tom Martin, Planner III
Shawn Henry, Planner II
Charles Hiehle, Planning Technician II

Advance Planning and Research Division:

John Palm, Planning Division Manager
Deborah Fleming, Planner III

Community Plans Division:

Gary Dixner, Planner III
Robert Eadler, Planner II

Others Present:

Jim Armstrong, Public Works Department
Joe Mouer, Legal Department

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Ms. Nielson moved and Mr. Harbison seconded the motion which was unanimously passed, to adopt the agenda including the addendum items, Subdivision No. 146-83-G and the policy for funding off-site improvements captioned under Other Business.

ANNOUNCEMENT OF DEFERRED ITEMS

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

- 70-85-P, Somerset, Phase Five A - Staff requested deferral.
- 70-85-P, Somerset, Phase Five B - Staff requested deferral.
- 95S-081G, Peppertree Forest, Section Fifteen - Staff requested deferral.
- 93S-083G, Peppertree Forest, Section Seventeen - Staff requested deferral

Ms. Nielson moved and Mr. Harbison seconded the motion for deferral which carried unanimously.

APPROVAL OF MINUTES

Mr. Bodenhamer moved and Mr. Manier seconded the motion, which was unanimously passed, to approve the minutes of the regular meeting of April 20, 1995, with one change on page 29 to reflect Commissioner Harbison's abstaining on the motion to adopt the capital improvements program.

RECOGNITION OF COUNCILMEMBERS PRESENT

Councilman Frank Harrison, Jr., was present to request a second deferral on 95Z-036U regarding the rezoning of certain property on Brick Church Pike. He stated he had spoken with the owner of the property and that the owner indicated he did not have any specific plan for the property. Councilman Harrison said he was involving people from MDHA to help the residents with a plan for development on the property.

Councilman Roy Dale stated he would wait and speak when the Subarea 14 Plan public hearing was opened.

ADOPTION OF CONSENT AGENDA

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

APPEAL CASES:

Appeal Case No. 95B-064G
Map 175, Parcel 141
(Subarea 13)
(29th District)

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct a 3,675 square foot, one-story steel building addition within the IR District, on property located on the east margin of J P Hennessy Drive, approximately 900 feet north of Corporate Place (4.7 acres), requested by William J. Walsh, for Rebel Steel, Inc., appellant/owner.

Resolution No. 316

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-064G to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-039U
Map 149, Part of Parcel 171
(Subarea 13)
(29th District)

A request to change from AR2a District to CS District certain property approximately 260 feet south of Murfreesboro Pike, approximately 525 feet north of Forestview Road (approximately .5 acres), requested by A. O. Hibler, for U Wash Auto Systems, Inc., owner.

Resolution No. 317

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-039U is APPROVED:

This area is designated with commercial mixed arterial policy in the Subarea 13 Plan. The CS district is appropriate to implement this policy and this site is surrounded by CS and CG zoning."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

District Applications and Finals:

Proposal No. 96-81-G
Red Kap Industries, Phase Two
Map 31, Parcel 112
(11th District)

A request for final approval for Phase Two of the Industrial Planned Unit Development District abutting the east margin of Hickory Hills Boulevard, approximately 920 feet north of Old Hickory Boulevard (25.36 acres), to permit the development of an additional 95,450 square feet of warehouse/office area, requested by Littlejohn Engineering Associates, for Red Kap Industries, owner.

Resolution No. 318

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96-81-G is given CONDITIONAL FINAL APPROVAL FOR PHASE TWO. 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. 47-86-P
Briley Parkway Business Center
Map 50, Part of Parcel 21

(Subarea 3)
(11th District)

A request for final approval for a phase of the Industrial Planned Unit Development District abutting the south margin of Brick Church Lane, opposite Briley Park Boulevard North (15.0 acres), to permit grading only, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Corcoran and Maddox Development Company, owner. (Deferred indefinitely at 12/15/94 meeting).

Resolution No. 319

BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 47-86-P is given CONDITIONAL FINAL PUD 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. Existing easements within the site should be abandoned by Council action prior to or concurrent with final approval of buildings for the site, as building permits cannot be issued until the easements have been abandoned.”

Proposal No. 72-72-G
Priest Lake Shopping Center
Map 136, Parcel 158
(Subarea 13)
(29th District)

A request to revise the approved final site development plan of the Commercial (General) Planned Unit Development District located abutting the northwest margin of New Smith Springs Road and Anderson Road, to permit a seasonal food service facility (sno-cone stand), requested by Donna Holliday, Edsel Fleming, owner.

Resolution No. 320

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 72-72-G is given APPROVAL.

SUBDIVISIONS:

Final Plats:

Subdivision No. 88P-025G
Hickory Chase
(formerly Caldwell Place)
Map 42-11, Parcel 83
Map 42-16, Parcel 1
(3rd District)

A request to create 24 lots abutting the south margin of Old Hickory Boulevard, approximately 227 feet west of Donna Drive (6.6 acres), classified within the RS20 Residential Planned Unit Development District, requested by David Wachtel, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 321

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 88P-025G be APPROVED subject to posting a performance bond in the amount of \$221,800.00.”

Subdivision No. 95S-087U

S. J. Formosa Property
Map 131-1, Parcel 120
(Subarea 10)
(33rd District)

A request to create three lots abutting the east margin of Trimble Road, approximately 120 feet south of Castleman Drive (.45 acres), classified within the R20 District, requested by Salvatore Joseph Formosa, owner/developer, Marty Cantrell, surveyor.

Resolution No. 322

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-087U, be APPROVED.”

Subdivision No. 95S-105U

Hill's Commercial Corner
Map 133-2, Parcels 93-101
(Subarea 11)
(26th District)

A request to consolidate nine lots into three lots abutting the northeast margin of Nolensville Pike between Thuss Avenue and Antioch Pike (1.73 acres), classified within the OG, OP and CS Districts, requested by H. G. Hill Realty Company, owner/ developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 323

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-105U, be APPROVED.”

Subdivision No. 95S-106U

Fessler Interstate Business Center
Map 94-13, Parcel 125
(Subarea 11)
(16th District)

A request to consolidate 25 lots into one lot abutting the northeast corner of Rundle Avenue and Orr Avenue (5.44 acres), classified within the CG District, requested by Sam D. Hodges, III, Trustee and Roy C. Flowers, owners/developers, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 324

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-106U, be APPROVED.”

Subdivision No. 9-87-P

River Plantation, Phase Two, Section Ten
Map 142, Part of Parcel 124
(Subarea 6)
(35th District)

A request to create a phase abutting the southwest margin of Sawyer Brown Road, approximately 915 feet southeast of General George Patton Road (4.86 acres), classified within the R15 Residential Planned Unit Development District, requested by Haury and Smith Contractors, Inc., owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 325

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 9-87-P, be APPROVED subject to posting a performance bond in the amount of \$176,772.00.”

Subdivision No. 206-83-G
Chelsea Village Addition, Section Three
Map 149, Part of Parcel 339
(Subarea 13)
(29th District)

A request to create 32 lots abutting both margins of Oak Forest Drive, approximately 150 feet east of Split Oak Drive (13.46 acres), classified within the R15 Residential Planned Unit Development District, requested by Jerry Butler, owner/ developer, MEC, Inc., surveyor.

Resolution No. 326

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 206-83-G, be APPROVED subject to posting a performance bond in the amount of \$260,000.00.”

Subdivision No. 89P-017G
Bradford Hills, Section 17
Map 172, Parcel 207
(Subarea 12)
(31st District)

A request to create three lots abutting both margins of Cobble Street, approximately 1,161 feet south of Bradford Hills Drive (1.31 acres), classified within the R20 Residential Planned Unit Development District, requested by J & Y L.P., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 327

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 89P-017G, be APPROVED subject to posting a performance bond in the amount of \$13,000.00.”

Subdivision No. 93P-011G
Holt Woods, Section Three
Map 172, Part of Parcel 162
(Subarea 12)
(31st District)

A request to create 12 lots abutting both margins of Cobble Street, approximately 1,252 feet south of Bradford Hills Drive (3.34 acres), classified within the R20 Residential Planned Unit Development District, requested by Hurley-Y, L.P., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 328

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 93P-011G, be APPROVED subject to posting a performance bond in the amount of \$117,000.00.”

Subdivision No. 146-83-G
The Lakes of Bellevue
Map 129, parcel 16
Map 143, Parcels 3, 45 and 47
(Subarea 6)
(23rd District)

A request to consolidate four deed parcels into one platted lot for property abutting the northwest margin of Memphis-Bristol Highway, approximately 2,135 feet southwest of Brookmont Terrace (125.1 acres), classified within the R15 Residential PUD District, requested the Teachers Retirement System, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 329

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 146-83-G, be APPROVED.”

Request for Bond Extension:

Subdivision No. 312-84-G
Poplar Creek Estates, Phase Three-A
Poplar Creek Development Company, principal
(Request received 03/28/95)

Located abutting the northwest terminus of Forest Oaks Drive, approximately 110 feet northwest of Forest Oaks Court North.

Resolution No. 330

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 312-84-G, Poplar Creek Estates, Phase Three-A until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the reduced amount of \$35,000.00 by June 8, 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. 83-85-P
Ransom Village
Ransom Village, Inc., principal
(Request received 03/31/95)

Located on the west margin of Una Antioch Pike, approximately 750 feet southwest of Murfreesboro Pike.

Resolution No. 331

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 83-85-P, Ransom Village until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the reduced amount of \$55,400.00 by June 8, 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. 31-86-P
Grove at Whitworth
HSW Whitworth I, L.P., principal
(Request received 03/31/95)

Located abutting the northeast margin of Elmington Avenue, approximately 335 feet southeast of Richardson Avenue.

Resolution No. 332

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 31-86-P, Grove at Whitworth until September 15, 1995, in the amount of \$10,400.00, as requested."

Subdivision No. 102-86-P
Riverside, (Phase One)
Rochford Realty and Construction
Company, Inc., principal
(Request received 03/27/95)

Located at the southwest corner of Old Harding Pike and Morton Mill Road.

Resolution No. 333

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 102-86-P, Riverside (Phase One) until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$228,800.00 by June 8, 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. 102-86-P
Riverside, Phase One-B
Rochford Realty and Construction
Company, Inc., principal
(Request received 03/27/95)

Located on the south side of Northridge Drive, opposite Glenleigh Court.

Resolution No. 334

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 102-86-P, Riverside, Phase One-B until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$5,000.00 by June 8, 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. 102-86-P
Riverside, Phase Two
Rochford Realty and Construction
Company, Inc., principal
(Request received 03/27/95)

Located abutting both margins of Glenridge Drive, approximately 145 feet south of Northridge Drive.

Resolution No. 335

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 102-86-P, Riverside, Phase Two until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$100,000.00 by June 8, 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
Magnolia Hills
J & J Development, Inc., principal
(Request received 03/24/95)

Located abutting the north margin of Old Harding Pike, approximately 1,000 feet east of Collins Road.

Resolution No. 336

"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, Magnolia Hills until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the reduced amount of \$85,000.00 by June 8, 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. 93S-141U
Adkisson Estates
Billy D. Morton, Jr., principal
(Request received 03/27/95)

Located abutting the east terminus of Adkisson Lane, approximately 490 feet east of Templeton Drive.

Resolution No. 337

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 93S-141U, Adkisson Estates until October 1, 1995, in the amount of \$7,500.00, as requested."

Request for Bond Release:

Subdivision No. 102-86-P
Riverside, Phase One-A
Rochford Realty and Construction
Company, Inc., principal
(Request received 03/27/95)

Located abutting the northwest margin of Old Harding Pike and the southwest side of the Harpeth River.

Resolution No. 338

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 102-86-P, Riverside, Phase One-A, in the amount of \$5,000.00, as requested."

Subdivision No. 94S-318G
Lellyett and Rogers Subdivision
Pat Brumfield, principal
(Request received 04/12/95)

Located between Lebanon Pike and Lebanon Pike Circle.

Resolution No. 339

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 94S-318G, Lellyett & Rogers Subdivision, in the amount of \$33,000.00, as requested."

Subdivision No. 87-201-G
Chatham Pointe
Leader Enterprises, Inc., principal
(Request received 04/17/95)

Located on the north side of Smith Springs Road, approximately 1,200 feet from the east terminus.

Resolution No. 340

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 87-201-G, Chatham Pointe, in the amount of \$30,000.00, as requested."

Subdivision No. 11-87-P
Stonemeade, Section Two
Centex Real Estate Corporation, principal
(Request received 04/19/95)

Located abutting both margins of Millbrook Drive, approximately 168 feet southwest of Stonemeade Drive.

Resolution No. 341

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 11-87-P, Stonemeade, Section Two, in the amount of \$25,000.00, as requested."

Subdivision No. 92S-094U
Oakwood Subdivision, Phase Six, Section One
Centex Real Estate Corporation, principal
(Request received 04/19/95)

Located abutting both margins of Johnson Ridge Road, approximately 655 feet southeast of Treetop Drive.

Resolution No. 342

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 92S-094U, Oakwood Subdivision, Phase Six, Section One, in the amount of \$5,000.00, as requested."

Subdivision No. 94S-089U
MetroCenter, Tract 22
MetroCenter Holdings, Inc., principal
(Request received 04/19/95)

Located between Athens Way and MetroCenter Boulevard.

Resolution No. 343

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 94S-089U, MetroCenter, Tract 22, in the amount of \$12,000.00, as requested."

Subdivision No. 92S-145U
Ashcroft Place
Hilton Wickham, principal
(Request received 04/24/95)

Located abutting the south margin of Abbott Martin Road, approximately 250 feet west of Dorcas Drive.

Resolution No. 344

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 92S-145U, Ashcroft Place, in the amount of \$5,000.00, as requested."

Bond Authorization:

Proposal No. 68-87-P
Northside Station (Krogers)
Map 69, Parcels 37 and 119
Map 69-4, Parcel 226
(Subarea 3)
(2nd District)

A request to authorize a performance bond and escrow agreement for the Commercial (General) Planned Unit Development District abutting the east margin of Clarksville Pike, opposite Fairview Drive (22.16 acres), in the amount of \$185,000, requested by The Kroger Company, owner.

Resolution No. 345

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES establishment of a performance bond for Subdivision No. 68-87-P, Northside Station (Krogers) for off-site road improvements including a traffic signal in the amount of \$160,000.00 and an escrow account in the amount of \$25,000.00 for other roadway improvements."

MANDATORY REFERRALS:

Proposal No. 95M-046U
Church Street and Printers Alley Encroachments
Map 93-6-1
(Subarea 9)
(19th District)

A mandatory referral from the Department of Public Work proposing the installation of a sign with underground footings over the right-of-way of Church Street immediately east of Printers Alley, the installation of eight banner brackets attached to the facades of various buildings and encroaching into the west margin of Printers Alley, and the replacement of three light fixtures on the facades of various buildings and encroaching into the east margin of Printers Alley, requested by M.D.H.A.

Resolution No. 346

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-046U."

Proposal No. 95M-048U
Old Hickory Boulevard Closure
Map 64
(Subarea 14)
(12th District)

A request from the Department of Public Works proposing to close a segment of Old Hickory Boulevard between Shute Lane and Old Hickory Boulevard. (Easements are to be retained).

Resolution No. 347

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-048U."

The Commission advises Metropolitan Council, however, that consent from one affected property owner is not on file."

Proposal No. 95M-050U
(Council Bill No. O95-1413)
Easement Conveyance: Remote Terminal Cabinet
Brick Church Elementary School
Map 60, Parcel 4
(3rd District)

A council bill granting a permanent easement from the Metropolitan Government to Bellsouth Telecommunications for the construction and maintenance of a remote terminal cabinet on the Brick Church Elementary School property.

Resolution No. 348

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-050U."

Proposal No. 95M-052U
West McKennie Avenue Sewer Extension
(Subarea 5)
(7th District)

A mandatory referral from the Department of Water Services for extension of approximately 125 feet of 8-inch sanitary sewer main to serve property abutting West McKennie Avenue near Laurent Street. (Project 95-SG-33).

Resolution No. 349

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-052U."

Proposal No. 95M-058U
(Ordinance O94-991, as amended)
Lease For New Farmers Market
(Subareas 8 and 9)
(20th District)

An ordinance authorizing the leasing of space by Metropolitan Government for a new Farmers Market in facilities owned by the State of Tennessee adjacent to the Bicentennial Mall.

Resolution No. 350

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-058U."

Surplus Property:

Proposal No. 95M-51U
(Council Bill No. O95-1412)
805A West McKennie Avenue
Map 71-16, Parcel 315
(Subarea 5)
(5th District)

Resolution No. 351

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95M-51U, located at 805A West McKennie Avenue Map 71-16, Parcel 315, is recommended to be declared surplus and sold."

This concluded the items on the consent agenda.

PUBLIC HEARING:

Subarea 14 Citizen Participation Level.

Mr. Robert Eadler made the staff presentation regarding the level of citizen participation for the Subarea 14 Plan update.

Mr. Eadler began by stating that the planning commission has initiated the process of updating the Subarea 14 Plan and that an important early step in that process is determining which one of three possible levels of citizen participation is appropriate for the updating of the Subarea 14 Plan. He stated that the purpose of this public hearing is to provide interested persons the opportunity to express their views about the level of citizen participation they believe is appropriate.

In regard to making the public aware of the public hearing, Mr. Eadler said that several steps had been taken, as follows. First, a news release was provided to five newspapers and that two of those community papers had printed articles about the update and the public hearing. Also, he noted that a notice of the hearing was published in the two major papers about two weeks prior to the hearing. He stated that multiple copies of the current Subarea 14 Plan and a summary of the review conducted by staff regarding the level of citizen participation had been placed in the Donelson and Old Hickory Branch libraries for public review. Third, he stated that copies of the summary of staff's review had been sent to 111 people including former Citizen Advisory Committee members, and individuals representing religious and other institutions; neighborhood, civic and professional organizations; and major employers. He noted that staff had received no written communication but had received some calls and that only one caller indicated that he was in favor of a Level Three type of citizen participation.

Mr. Eadler then explained the differences among the three possible levels of participation. He said that Level One would involve very few open community meetings, would not include a formally appointed citizen committee, and would end with a public hearing; he noted that Level One is intended for subareas in which the plan is expected to need very few if any revisions. He then stated that Level Two would have the same kind of open community meetings as Level One but there would be more of them, and that the final meeting would also be a public hearing. He said that Level Two is intended for subareas in which the plan is considered to be fundamentally sound, but it is expected to need moderate revisions. He then said that unlike Levels One and Two, Level Three would involve the formation of a Citizen Advisory Committee like the ones formed for the preparation of the original subarea plans. He indicated that Level Three citizen participation is intended for subareas that have experienced so much change not expected in the plan that a major overhaul of the plan would be needed and the ability of the current plan to meet the planning needs of the subarea is questionable.

Mr. Eadler then reiterated that this public hearing is part of the process for determining the appropriate level of citizen participation for a particular plan update. He then stated that another part of this process is staff's review of the changes that have occurred since the plan was adopted, how that change compares with what was expected in the plan, and based on the findings, what level of participation staff considers appropriate for the update of the subarea plan being updated. He stated that staff reviews 10 different factors in terms of the impact they have on the plan. He said that if a particular factor could or definitely would result in the need to substantively revise the plan, it was considered "significant"; otherwise, it is considered "not significant." Then he indicated that the need for a more intensive citizen involvement process could be justified by either a higher number of significant factors, or a more widespread effect of a smaller number of factors.

Mr. Eadler next noted that in its review, staff had found three factors to be significant: reformatting of the plan, environmental conditions related to airport generated noise, and potential changes in transportation plans. He then displayed a slide that illustrated all of the areas within Subarea 14 that would or could be affected by any of these three factors. He noted that the areas affected were concentrated primarily in the Pennington Bend area, in the Hermitage area, and the state property that contains the school for the blind and Cloverbottom. Referring to a series of three slides, he then pointed out which specific locations were affected by each of the three factors. He indicated that (1) most of the areas where revisions would be needed are due to reformatting of the plan; (2) that areas in Donelson, near I-40 and Dodson Chapel Road and along Couchville Pike at the edge of noise contours could be affected, and (3) that policies for north Pennington Bend and the areas along the currently planned light-rail and possible commuter rail corridors could also be affected by changes in transportation plans. He then showed a slide that illustrated the portion of Subarea 14 that is not affected by reformatting and noted that those areas comprise over 91% of the subarea. Next he showed a slide of the current and forecasted 2015 airport noise contours and the fringes of those areas where, due to reduced noise in the future, revisions of land use policy may be appropriate to consider.

Mr. Eadler then showed a slide that listed the seven factors that were found by staff not to be significant. He briefly noted that population and employment changes (two of the factors) were less than forecasted in the Subarea 14 Plan, that there had not been any major unanticipated changes in land use, zoning, or public

facilities. He stated also that there had not been any changes involving large employers or institutions and that the one area that was controversial in the originally adopted plan - a strip of residential development along Pennington Bend Road next to the river north of McGavock Pike - was already due to be reviewed because of reformatting.

Mr. Eadler concluded the presentation by stating that based on staff's review and findings, it appeared that moderate revisions would be needed to the plan and staff concluded that Level Two would be the appropriate one for the update of this plan.

Councilman Roy Dale suggested that some type of plan between level two and level three would be appropriate for the study. There are several areas that need evaluation and input from neighbors and the business community. There should be some type of organization or committee formed, other than a citizens advisory committee, to study the portions of the plan that are most impacted. The determination of which level of participation should be based on the specifics in the Pennington Bend area with its employment growth, unanticipated major changes in infrastructure, the sewer expansion, major changes in the land use, some unanticipated growth by the expansion Outlets Mall and people living on the river that want to stay there.

Chairman Smith stated a level three study would not allow concentrating the time and effort in those specific areas where change is anticipated and study is needed. Level Two is superior in this regard.

Mr. Jim Robinson, pastor of Pennington United Methodist Church, stated there is a great deal of interest in the Pennington Bend area for public participation.

Ms. Lou Ann Brown a resident of the area stated she thought it would be better not to have a Citizens Advisory Committee because it would leave the common people out. She also asked a specific question regarding the relocation of Harding Place because it would cross her property. She said the airport was showing her property as a future business development area.

Mr. Browning said that was a second area that needs further analysis and that it would be studied.

Mr. Dick Bradley, a resident near McGavock High School, was concerned with the Pennington Bend area and stated he thought the CAC did not work too well in the first round of subarea planning.

Mr. Charles McKelroy, a twenty year resident of the Bend area, suggested that several types of environmental impacts should be considered such as both highway traffic on the interstates and arterial roads, and boat traffic on the Cumberland River.

Mr. Jerry Box, a resident of Hermitage and Lay Leader of Pennington United Methodist Church, expressed his concern that the citizens have the opportunity to be proactive rather than reactive so they could work together for the good of the community.

Ms. Sherry Lawler, a resident of Pennington Bend, stated that in view of what happened last time, she would not like to have a Citizens Advisory Group. She said it was too hard for non-members to have input into this process.

Mr. Eadler stated that all of the community meetings would be evening meetings, normally from 7:00 to 9:00 p.m.

Mr. Scott Frakes, a resident of Pennington Bend, stated his home was on the river and he did not want to move.

Mr. Dan Haskel of Gaylord Entertainment stated that whatever method was chosen they would like to participate in the procedure.

Mr. John Stern, president of the Nashville Neighborhood Alliance and a resident of Hermitage, expressed concerns regarding meeting notifications and holding an area meeting before the public hearing so the citizens could have some more specific information.

Ms. Nielson asked Councilman Dale if he would agree to a Level Two citizen involvement.

Councilman Dale stated he would be comfortable with that decision but he wanted to make sure that the public would be well informed and also comfortable with the process. It was also pointed out that, as the process got underway, the Planning Commission could change the method of citizen participation if it was found the current method provided inadequate opportunity for citizen input.

Mr. Harbison stated he felt level two was the right level of review for individual input and that he was ready to vote on it today..

Mr. Manier moved and Mr. Bodenhamer seconded the motion to close the public hearing and approve the Level Two method of citizen participation in the update of the Subarea 14 plan. The motion was approved by a unanimous vote.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-036U
Map 71-10, Parcels 83, 84, 86, 87 and 88
(Subarea 3)
(5th District)

A request to change from R6 District to CS District certain property abutting the northwest corner of Weakley Avenue and Brick Church Pike (.74 acres), requested by R. C. Calligan, for IMFM, Inc., and M. H. Webb, owners. (Deferred from meeting of 04/20/95).

Ms. Dudley stated this was the zone change Councilman Harrison had spoken to the Commission about. Ms. Dudley stated the current zoning is CG and CS further south of the subject properties. The design plan for Subarea 3, for long term, recommends for this area is to be in industrial policy, and suggests that the commercial arterial existing policy be applied along the frontage of Brick Church Pike all the way back to Bessie, with the rest of the area staying in residential policy.

Ms. Dudley stated the difficulty with this rezoning is not its lack of conformity to policy, but with the incremental approach to rezoning that is being requested. Staff agrees it would be more consistent with general plan policy if a larger area were being requested for commercial rezoning. However, the petitioner does not own or control the remaining land; therefore, he is requesting rezoning of only a portion of the property in the area. Through this incremental approach there is not guarantee that the remaining land can be developed commercially without adversely impacting surrounding residential areas. This is the concern of Councilman Harrison as well.

Mr. Bodenhamer stated he had visited the area and it was mostly residential with a lawn care center and a radio station. Directly behind the property there were houses and he didn't understand why the Commission would want to zone it commercial.

Ms. Nielson said that since the owner had no plans for the property she would like to defer this matter until the owner and MDHA and Councilman Harrison had the opportunity to talk.

Mr. Harbison moved and Ms. Nielson seconded the motion which carried unanimously, to defer this matter for further negotiaton among the councilman, the petitioner and appropriate Metro agencies.

Zone Change Proposal No. 95Z-038U

Map 91-12, Parcels 123-124
(Subarea 7)
(22nd District)

A request to change from R6 District to OP District certain property abutting the southwest corner of Georgia Avenue and 46th Avenue North (.46 acres), requested by Billie D. Lundy et ux, owner.

Ms. Dudley stated the subject area is surrounded by OP, CH, CS and R6 zoning. The OP property is either vacant or has residential uses on it, and there is one office on one of the seven parcels zoned OP. It is the primary goal of the Subarea 7 plan in this area to conserve the residential character of the surrounding area. In order to do that it has applied residential policy to this site and all the sites beyond the commercial properties. She stated staff recommends disapproval for these reasons.

Mr. Bill Lundy, owner of the property, was present to ask the Commission for approval of the zone change.

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

Resolution No. 352

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-038U is DISAPPROVED:

The overall goal of the Subarea 7 Plan for this area is to conserve the existing housing and neighborhood. This request would move in the opposite direction from which is intended by the plan, exposing additional properties to commercial uses. The zoning pattern that exists today provides a clearly defined boundary between the commercial and residential areas, and should not be disturbed except to convert some of the underutilized OP districts back to residential uses.

There are ample opportunities to provide for office uses in this area; of the seven parcels already zoned OP, only one contains an office, one is vacant, and the rest contain single family homes. All but one of those lots have been zoned OP since 1974. Just on the basis of demand and absorption of land for office uses, additional OP is not justified."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

District Applications and Finals:

Proposal No. 91P-008G
Oakmont, Phase Three
Map 172, Part of Parcel 117
(Subarea 12)
(32nd District)

A request for final approval for Phase Three of the Residential Planned Unit Development District abutting the south margin of Cloverland Drive, approximately 350 feet west of Edmondson Pike (4.42 acres), to permit the development of 14 single-family lots, requested by Wamble and Associates, for Tiara Development, owner.

Mr. Martin stated this PUD was ready for approval with conditions. However, the applicant had left four lots off the southern end of Phase Three, which provide future opportunity for expansion to the south. Staff

would suggest that in the motion the Commission reiterate its previous position that this PUD should not be expanded to the south because of a substandard road system.

Mr. Browning reminded the Commission that this was a subdivision that has forty-eight or forty-nine lots in it. The developer choose to install a forty foot wide right-of-way and twenty-four foot wide street. By subdivision regulations, the maximum number of lots that can be put on a street of this standard is fifty. Future extension of the street would violate this standard by enlarging the subdivision to more than 50 lots.

Ms. Nielson asked if the owner understood the conditions of the four lots.

Mr. Owens stated staff had explained the conditions and the owner does understand.

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

Resolution No. 353

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 91P-008G is given CONDITIONAL APPROVAL AND REAFFIRMED THAT THERE WILL BE NO FUTURE STREET EXPANSION. The following conditions apply:

1. Receipt of revised plans which show driveway culverts for lots 31-39 which are resized to standards acceptable to the Stormwater Management Section, Department of Public Works.
2. Receipt of written confirmation of approval from the Traffic Engineering Section of the Department of Public Works.
3. Receipt of written confirmation of sewer capacity purchase from the Department of Water Services.
4. Recording of a plat and the posting of bonds as may be required for the necessary public improvements.”

Request to Revise/Amend a Site Development Plan:

Proposal No. 154-73-G
Hermitage Creste
Map 86, Parcel 92
(Subarea 14)
(13th District)

A request to revise the preliminary and final site development plan of the Residential Planned Unit Development District abutting the east margin of Andrew Jackson Parkway, approximately 930 feet south of Old Lebanon Dirt Road (21.52 acres), to permit the removal of the planned extension of Market Square through the site for connection with Andrew Jackson Way, requested by Ragan-Smith-Associates, Inc., for Hermitage Creste Apartments, L.P., owner. (Also requesting final plat approval).

Mr. Martin stated the proposal is to eliminate a roadway which would have been the extension of Market Square to Andrew Jackson Way and instead replace it with a cul-de-sac. The Commission approved this plan several months ago with a through roadway. The residents and the Councilman have had discussions about the issue and have addressed it to staff and with the traffic engineer who have assessed the situation and all believe there is no compelling need for a through road here because there are alternative means of

ingress and egress to the subdivision. Staff recommends conditional approval of the preliminary and final plat with elimination of the street extension, and further recommends reduction of the bond from approximately \$91,000 to \$72,100.

Ms. Nielson moved and Mr. Harbison seconded the motion to approve the following resolution:

Resolution No. 354

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 154-73-G is given CONDITIONAL PUD APPROVAL, PLAT APPROVAL WITH ADJUSTED BOND IN THE AMOUNT OF \$72,100.00. The following condition applies.

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

The motion carried with all voting in favor except Mr. McWhirter who abstained because of concern that the elimination of the road precluded needed access to the subdivision.

MANDATORY REFERRALS:

Proposal No. 95M-053U
(Council Bill No. O95-1396)
School Site Acquisition Public Hearings

A council bill requiring the holding of a public hearing prior to the adoption of an ordinance authorizing the acquisition of real estate for a new or relocated public school.

Mr. Palm stated this ordinance would require the Planning Commission to advertise a public hearing in newspapers of general circulation across Davidson County every day for two consecutive weeks in those instances when a school site was being selected. The Council would conduct the public hearing. Staff suggested the ordinance should be modified to make the notification process more consistent with other forms of public hearing notification. Instead of requiring a daily notice for two weeks, staff suggested the proposed ordinance be amended to require one notice at least two weeks prior to the public hearing.

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

Resolution No. 355

"BE IT RESOLVED by the Metropolitan Planning Commission that it DISAPPROVES Proposal No. 95M-053U.

The Commission feels that the bill requires more notice advertisements than necessary. The Commission suggests an amended bill requiring one announcement in the newspapers and the posting of signs on the subject property."

OTHER BUSINESS:

1. Amendment to contract with TDOT for Intelligent Transportation Systems (ITS) Early Deployment Plan.

Mr. Palm stated this amendment would amend the manner in which the Commission would pay the matching requirements to the contract and would not affect the financial terms of the contract or the work

elements. This contract is for a National Demonstration Grant Program for Intelligent Vehicles and Highway Systems.

Ms. Nielson moved and Mr. Harbison seconded the motion which carried unanimously to approve the amendment to the contract with the Tennessee Department of Transportation.

2. Third Quarter Work Program - Budget Status Report.

Ms. Nicely presented the Third Quarter Work program stating this report shows the Commission is well within the budget, detailed some of the expenditures the Commission has made, and gave a progress report on the Work Program.

Chairman Smith asked why several things are behind schedule.

Ms. Nicely stated the maintenance of the maps was behind schedule because an experienced mapper left and it was six months before he was replaced. The zoning ordinance rewrite has been delayed because the current planning applications have been above normal and that has decreased the time that could be spent on the ordinance. The subarea rezoning work has not progressed as fast as had been hoped because of additional time needed to complete the remaining subareas.

Chairman Smith asked Mr. Owens if the zoning ordinance rewrite meetings were continuing.

Mr. Owens stated they were and they had concluded the last chapter of new material. He stated the committee asked about a month ago to be able to extend the process. The meetings were originally scheduled through March but they were going through it very methodically and it was clear that they would have to speed through the rest of it or add additional meetings.

3. Visioning.

PARKS, RECREATION, AND OPEN SPACE FUNCTIONAL PLAN

Gary Dixner first explained that the purpose of the presentation was to give a brief overview, highlighting the features of the draft plan that had been mailed to Planning Commissioners. The plan consists of six chapters. The first two contain introductory and background information and the following four chapters include policies for provision of recreation facilities, open space, greenways, and pedestrian and bicycle facilities.

The plan provides an overview of the current method of determining parks needs and the historical development of Nashville's municipal park system leading to the current total of over 7,000 acres of Metro park land. Since the 1920's the ratio has been within the nationally accepted guideline of 100 persons per acre of parkland. However, more recent recommendations of the National Parks and Recreation Association suggest that facility standards depending on particular community needs and preferences be developed.

Surveys were conducted by staff to determine local recreation preferences. It was found that recreation choices in Nashville follow the national trend toward individual passive activities such as walking, bicycling and relaxing in a natural environment.

Each of the policy chapters contain specific recommendations, and are designed to be used either as part of the whole document or independently. The parks facility chapter provides guidelines for more detailed parks needs analysis during the subarea planning update process. The open space chapter provides information for management of contiguous open space networks and efficient stormwater planning. The greenways chapter includes a basic framework that has been adopted by the Greenways Commission and

the pedestrian and bicycle facilities chapter is intended for inclusion in the Metropolitan Transportation Organization's long range plan.

Following the conclusion of the staff presentation Chairman Smith stated that, although the plan is a good start, it needs a lot of work. He observed that there should be more attention given to the revenue side of parks planning. Golf courses generate revenue through user fees and demand is sufficiently high to support additional facilities. Mr. Manier stated that a chapter dealing with funding mechanisms would be helpful. Chairman Smith also said that the plan ignored horseback riding, which is a very popular form of recreation in the region as a whole.

Discussions were concluded with recommendations that staff add an implementation chapter to the plan and modify the text according to suggestions made by commissioners. Any further comments commissioners wish to make will be forwarded for additional attention. No date was set for a follow-up meeting.

4. Legislative Update.

Of the twenty-three zoning bills having public hearing before Council on May 2, 1995, only two were disapproved by the MPC. Those were the bills changing the base zoning and applying a residential PUD to the property located on Memphis Bristol Highway and Brookmont Terrace to permit development of ninety-six multi-family units.; MPC disapproved these because density was considered too high at this location. Neighboring property owners agreed, and when a hoped for compromise could not be reached, Council defeated both bills.

A bill rezoning just off Eighth Avenue at Benton, adjacent to the Waverly Belmont Historic area to allow an additional parking lot for a business on Eighth was deferred because neighbors feared the CS district and the uses that allows. The applicant's original request was for OP and the bill will probably be amended to the OP District.

A bill to change property from CS and OP to RM8 on Charlotte Pike was deferred and re-referred to MPC because of concerns about traffic. It is unknown why there is concern that RM8 will result in more traffic than the existing OP and CS districts. The Commission will be asked to make a recommendation on this issue at the June 1st meeting.

Councilmember Carney Patterson postponed to July, the public hearing on two bills allowing the development of two hundred thirty-eight single-family houses on property on Edmondson Pike at the county line in the Brentwood area. There is a lot of community concern about the small lot sizes proposed as well as traffic generation.

A CG bill in Councilmember Lillard's district was deferred so that the developer could continue to work out a solution to resituate a graveyard located on this site. The developer plans to construct a new graveyard nearby.

A Councilmember At Large handled three bills in Kincaid's district permitting multi-family development because Mr. Kincaid has stated his unwillingness to approve any more multi-family development in his district until after Bell Road is widened. All three bills were approved on second reading.

5. Policy for Funding Phased Off-site Improvements. (Deferred from Meetings of 03/09/95, 03/23/95, 04/06/95 and 04/18/95).

Mr. Browning stated he had met with Mr. Tom White and three other people from engineering firms on the Planning Commission's policy for bonding off-site infrastructure. The result of that meeting was that they agree with the Commission's continuation with the policy to require financial contribution on an incremental basis, with the following stipulations: The Planning Commission and the Department of Law should pursue the issue of how to define what is a reasonable inclusion of responsibility. Additionally, it is

necessary to understand who has the final say in determining what the developer's required contribution is to the infrastructure. The representatives from the development industry stated they preferred that the final decision be in the hands of an appointed body such as the Planning Commission.

The group agreed that the policy should require contribution from new subdivisions which begin development and would use the required infrastructure, even if the total cost of the improvement has been assigned to but not yet paid by an earlier development. The Commission was informed the staff agrees with this stipulation when the subsequent subdivision appears before all financial contributions have been made. To assess infrastructure costs on subsequent subdivisions after the improvements are paid for would require including a reimbursement procedure into the policy. Staff recommended the Commission commit to investigating the feasibility of this practice.

The representatives from the development community expressed their support for using bonds and other surety means which minimized the need for actual cash outlay. Staff stated the Commission has followed this practice in the past and would suggest continuing the use of bonds as the primary surety for off-site improvements.

Following the staff report the Commission agreed to continue its current policy of requiring contribution to off-site improvements. In addition, the Commission agreed to pursue answers to the questions raised by the representatives of the development community.

PLATS PROCESSED ADMINISTRATIVELY:

04/20/95 - 05/03/95

- 94S-115G River Plantation, Section 10 Phase one, Condominiums
A plat amendment to redefine the floodplain boundary.
- 95S-170G Traceside, Section One, Resubdivision
A plat amendment to change the right-of way dedication along Highway 100 to match TDOT construction plans.
- 94S-278G Tribble Subdivision
A plat to create one lot.
- 94S-372G Stateland Baptist Church Property
A plat combining two lots into one.
- 95S-114G Rivergate Station, Phase Five, Section 2
A plat to divide one lot into two.
- 95S-115G Cheek Properties, Lots 3 and 4
A plat to resubdivide two lots into two lots

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:45 p.m.

Chairman

Secretary

Minute Approval:
This 18th day of May, 1995