

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: May 18, 1995
Time: 1:00 p.m.
Place: Howard Auditorium

ROLL CALL

Present:

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

Absent:

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

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Gary Dixner, Planner III

Others Present:

Jim Armstrong, Public Works Department
Leslie Shechter, Legal Department

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Lawson moved and Mr. Allen seconded the motion which was unanimously passed, to adopt the agenda without item 95Z-003T which was withdrawn by Council on Tuesday, May 16.

ANNOUNCEMENT OF DEFERRED ITEMS

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

- 95Z-036U - Staff requested deferral.
- 95P-015G, New Hope Pointe - Applicant requested deferral.
- 95S-030G, High Valley Subdivision - Applicant requested deferral.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to defer the above matters.

APPROVAL OF MINUTES

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which was unanimously passed, to approve the minutes of the regular meeting of May 4, 1995.

RECOGNITION OF COUNCILMEMBERS PRESENT

Councilman Charles French was present to speak in favor of Zone Change Proposal 95Z-055U.

Councilman Horace Johns was present to ask for a deferral regarding Zone Change Proposal 95Z-055U. He stated he would like to meet with area residents to discuss the requested rezoning.

Councilperson Edith Langster was present to speak in favor of Zone Change Proposal 95Z-047U. She stated she had met with the Subarea Eight committee members and Patrick Emery. The subarea members were pleased with the plan and had asked that the design be upscale housing, that landscaping be in place and that they would like to take a tour of the Werthan Bag building before the project commences.

Councilman Vic Varallo was present to speak in favor of Zone Change 95Z-040G and also in favor of 95Z-055U.

Councilman Jeff Ockerman was present to speak in favor of Zone Change proposal 95Z-041U. He also verified that as sponsor of the text amendment, 95Z-003T, that bill was indeed withdrawn from Council and Planning Commission consideration.

Councilman Jay West was present to speak in favor of Zone Change Proposal 95Z-055U.

ADOPTION OF CONSENT AGENDA

Mr. Lawson 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-082U

Map 85, Parcel 3
(Subarea 14)
(15th District)

A request for a conditional use permit under the provisions of Section 17.124.090 (Intermediate Impact) as required by Section 17.24.030 to install a new 80' cable TV transmission tower, three satellite dishes and 350 square foot equipment building within the RS20 District, on property located at the north terminus of Toddway Court and the south terminus of Lealto Court (7.57 acres), requested by James E. Sanders, for ICS Communications, appellant, Edsel Crotzer et al, owner.

Resolution No. 356

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-082U to the Board of Zoning Appeals.

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-040G
Map 86, Part of Parcel 309
(Subarea 14)
(13th District)

A request to change from R15 District to CS District certain property abutting the southwest margin of Old Hickory Boulevard and the north margin of the CSX Railroad, approximately 1,660 feet south of Panama Drive (approximately 2.5 acres), requested by Jeffrey A. Smith, MS-Cot, owner.

Resolution No. 357

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-040G is APPROVED.

This property is located along Old Hickory Boulevard in Hermitage and is sandwiched between the CSX railroad and Stoners Creek. The Subarea 14 Plan policed this stretch for non-residential development. The back of this property is currently zoned CG and the front is proposed for CS. The CS district is appropriate to implement the subarea land use policy."

Zone Change Proposal No. 95Z-041U
(Resolution No. R95-1598)
Map 82-16, Parcels 364-375, 377-400 and 402-405
Map 93-4, Parcels 13-21, 23-50, 55-62 and 132
(Subarea 5)
(6th District)

A request to change from RM8 District to R8 District certain property abutting the north and south margins of Shelby Avenue between Boscobel Street and South Tenth Street and properties on the north margin of Sylvan Street between South Eighth Street and South Ninth Street (17.35 acres), requested by Councilmember Jeff Ockerman for various owners.

Resolution No. 358

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-041U is APPROVED.

This application to rezone 85 parcels along Shelby Avenue began when Metro Council passed a resolution requesting the Planning Commission to approve changing these properties from RM8 to R8. The mass rezoning will fulfill the specific objective of the Subarea 5 Plan by implementing the 'medium-density residential' land use development policy. Seven properties will become non-conforming because they exceed the two-dwelling unit per lot maximum."

Zone Change Proposal No. 95Z-042U
Map 148-16, Parcel 102
(Subarea 13)
(29th District)

A request to change from CS District to CG District certain property approximately 150 feet north of Antioch Pike and 1,620 feet south of Reeves Road (.39 acres), requested by John Ellis, owner.

Resolution No. 359

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-042U is APPROVED.

This Antioch property lies within the Subarea 13 Plan. Although designed, but not yet funded, the Hickory Hollow Parkway/Antioch Pike realignment project will greatly change the accessibility of this area. Hickory Hollow Parkway will effectively replace this portion of Antioch Pike by extending northward across the Antioch High School site, paralleling Antioch Pike.

Last year the commission considered a similar request for CG north of this site and recognized that the triangle of land bounded by Reeves Road, Antioch Pike and L&N Railroad will no longer be suitable for retail trade once the roadway plans become reality. More suitable uses in such an area may be warehousing and wholesaling activities, such as are anticipated to the west of this site, adjacent to I-65."

Zone Change Proposal No. 95Z-044U
Map 91-14, Parcel 73
(Subarea 7)
(24th District)

A request to change from R8 District to CS District certain property abutting the north margin of O'Brien Avenue, approximately 130 feet west of Robertson Avenue (.18 acres), requested by Richard D. Jones of HPT and Associates, for Linda Nash, owner.

Resolution No. 360

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-044U is APPROVED.

Last year, the commission approved a request for CS on the two parcels next door to the subject site. The same applicant is back for CS intending to consolidate the three parcels. The Subarea 7 Plan recommends non-residential zoning be applied to other similarly situated parcels lying between O'Brien Avenue and I-40. The CS district implements the General Plan."

Zone Change Proposal No. 95Z-045U
Map 163, Parcels 1, 212 and 213
(Subarea 13)

(29th District)

A request to change from AR2a District to RS8 District certain property abutting the northeast corner of Moss Road and Una-Antioch Pike (9.23 acres), requested by Houston T. Ezell, for Houston Ezell Corporation.

Resolution No. 361

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-045U is **APPROVED**.

Three parcels in Antioch are proposed for RS8 and the Subarea Plan's 'low-medium density residential' policy supports this request. The property will yield about 4 single-family dwelling units per acre."

Zone Change Proposal No. 95Z-047U
Map 81-12, Parcel 415
(Subarea 8)
(20th District)

A request to change from IR District to MU District certain property abutting the south margin of Hume Street, the north margin of Taylor Street, the east margin of Eighth Avenue North and the west margin of Fifth Avenue North (20.5 acres), requested by Patrick Emery, for Werthan Packaging Company, owner, The Urban Partnership, optionee.

Resolution No. 362

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-047U is **APPROVED**.

The Subarea 8 Plan recommends 'mixed-use' policy in this area of north Nashville. The intent is to encourage reinvestment and redevelopment within Germantown. This property is specifically mentioned in the plan as a candidate for a mixture of uses within the older brick structure of Werthan Packaging Company. The applicant intends to do just that. The limited manufacturing activity will be relegated to the eastern part of the site and the building facing 8th Avenue South will be converted to loft apartment space (129 units initially).

Zone Change Proposal No. 95Z-048G
Map 114, Parcel 204.01
(Subarea 6)
(23rd District)

A request to change from CH District to CS District certain property abutting the east margin of Old Hickory Boulevard, approximately 300 feet north of Tolbert Road (.65 acres), requested by Bill Anderson, for Gloria Ann Kraag, owner.

Resolution No. 363

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-048G is **APPROVED**.

The Subarea 6 Plan identifies the Old Hickory Boulevard/I-40 interchange as a 'sub-regional scale commercial node' and this request to replace CH with CS will implement that long-range development concept."

Zone Change Proposal No. 95Z-056G
Map 74, Parcel 28
(Subarea 4)
(10th District)

A request to change from RS2a District to AR2a District certain property abutting the east margin of Neelys Bend Road, approximately 1,950 feet south of Overton Road (18.32 acres), requested by Billy Joe Willis et al, owners.

Resolution No. 364

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-056G is **APPROVED**.

This site is at the bottom of Neely's Bend, in Subarea 4, within 'interim non-urban' policy, since urbanization is not expected to occur within the 20 year planning period. Additionally, this site is partially encumbered by floodplain, has no sewer availability, and is outside the Urban Services district. All of these factors support the requested AR2a zoning."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

District Applications and Finals:

Proposal No. 103-79-G
Riverfront Shopping Center
Map 53, Part of Parcel 29
(Subarea 14)
(12th District)

A request for final approval of a phase of the Commercial (General) Planned Unit Development District abutting the southwest margin of Robinson Road, opposite Martingale Drive (1.4 acres), to permit the construction of a private driveway and grading only, requested by Waste Water Engineers, for Riverfront Development, L.P., owners.

Resolution No. 365

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 103-79-G is given **CONDITIONAL APPROVAL**. The following condition applies:

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

Request to Revise/Amend a Site Development Plan:

Proposal No. 140-73-G
Priest Lake Shopping Center
Map 149, Parcels 134, 235, 236, 245, 250 and 265
(Subarea 13)

A request to amend the preliminary site development plan of the Commercial (General) Planned Unit Development District abutting the east margin of Rural Hill Road and the southwest margin of Murfreesboro Pike (14.36 acres), to permit the expansion of the existing retail/restaurant facilities, requested by Ragan-Smith Associates, Inc., for Nashville Limited Partnership, owner.

Resolution No. 366

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 140-73-G is given APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE. The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and Traffic Engineering sections of the Metropolitan Department of Public Works.
2. Revised preliminary plans which demonstrate that no conflicts exist between buildings and sewer and drainage lines.
3. The appropriate amount of right of way shall be dedicated along the northwest boundary of the PUD to maintain a 60 foot right of way along Rural Hill Road.
4. The recording of a revised boundary plat and plat of subdivision along with the posting of bonds as may be required for public improvements with final plan submittal.
5. Any subsequent final approval request shall reserve necessary right of way for proposed road improvements to Murfreesboro Pike and Bell Road.”

Proposal No. 44-83-U
USET Cultural Center
Map 97, Parcel 34
(Subarea 14)
(13th District)

A request to revise the approved final site development plan of the Commercial (General) Planned Unit Development District abutting the east margin of Stewarts Ferry Pike, north of Bell Road (.02 acres), to permit a cellular telephone communications antenna and a 295 square foot equipment building, requested by Contel Cellular One, for Calumet Motel Limited, owner.

Resolution No. 367

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 44-83-U is given CONDITIONAL APPROVAL OF REVISED FINAL. The following condition applies:

A letter from the Federal Aviation Administration granting approval for the construction of this 90 foot communication tower at this location.”

Proposal No. 89-86-P
Brittany Park
Map 162, Parcels 171 and 241-244
(Subarea 12)
(31st District)

A request to revise the preliminary site development plan, to revise the final site development plan for Phases 1 and 2, and for final approval for Phase 3 of the Residential Planned Unit Development District abutting the north margin of Bell Road, approximately 1,430 feet west of Blue Hole Road (19.43 acres), to permit the development of a 108 single-family unit residential complex, requested by Mauldin-Parnell, Inc., for Carlton Enterprises, Inc., owner.

Resolution No. 368

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 89-86-P is given CONDITIONAL 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. Recording of a final plat of subdivision and posting of bonds as may be required for public improvements.
3. Recording of a boundary plat.”

Proposal No. 101-82-G
Belle Forge Village, Phase 5
Map 163, Parcel 297
(Subarea 13)
(29th District)

A request to rescind the September 23, 1987 approval of a “revised” preliminary site development plan for the Residential Planned Unit Development District abutting the north margin of Mount View Road, approximately 670 feet east of Belle Forge Parkway (12.06 acres), and to revert back to the preliminary site development plan originally approved by Council Bill No. 086-1396, to permit the development of a 96 unit multi-family housing complex, requested by Jack Nixon, owner.

Resolution No. 369

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 101-82-G is given APPROVAL TO RESCIND PREVIOUS REVISED PRELIMINARY PLAN; REVERT BACK TO PRELIMINARY APPROVED BY COUNCIL BILL NO. 086-1396. 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. On plans submitted for Final Approval:
 - a) Detention shall be required.
 - b) The median in the entrance drive on Mt. View Road will be removed and the entrance design will conform to the Traffic and Parking Code.
 - c) Dumpster locations and required screening will be designated and properly detailed.
 - d) An eastbound left turn lane on Mt. View Road will be required.
 - e) The recorded restrictive covenants for Belle Forge Village, Sections 1 through 4, shall be amended to define the relationship of the owner of Belle Forge Village Apartments Phase 5 to the existing Belle Forge Village Homeowners Association with consideration towards protecting the rights of the original

Homeowners Association. The Executive Officer of the existing Homeowners Association shall submit written confirmation of these agreements.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 94S-257G

Woodside Subdivision (formerly Cumbie Heights)
Map 142, Parcel 89
(Subarea 6)
(35th District)

A request to create 12 lots abutting the northeast margin of Hicks Road, opposite Patten Lane (5.45 acres), classified within the R15 District, requested by Ayers-North America, LLC, owner/developer, Walker Engineering, surveyor.

Resolution No. 370

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 94S-257G, be APPROVED subject to posting a performance bond in the amount of \$44,000.00."

Subdivision No. 95S-058G

S & J Subdivision
Map 52-1, Parcels 343 and 344
(Subarea 4)
(9th District)

A request to create eight lots abutting the west margin of Forrest Park Drive, approximately 350 feet north of Neely's Bend Road (1.46 acres), classified within the R6 District, requested by Joe Garza and Samuel Adamez, owners/developers, George C. Gregory, surveyor.

Resolution No. 371

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-058G, be APPROVED subject to posting a performance bond in the amount of \$52,100.00."

Subdivision No. 95S-089G

Tennessee Christian Medical Center
Map 52-3, Parcels 124, 137, 141, 153 and 174
Map 52-4, Parcel 88
Map 52-7, Parcels 107 and 110
(Subarea 4)
(10th District)

A request to consolidate seven lots into three lots abutting the east margin of Larkin Springs Road between Manzano Road and Neeley's Bend Road (64.72 acres), classified within the R8, R10 and MO Districts, requested by South Adventist Health and Hospital Systems, Inc., owner/developer, Cherry Land Surveying, surveyor.

Resolution No. 372

Resolution No. "BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-089G, be APPROVED."

Subdivision No. 95S-119U

West End Development Company, L. P. Property
Map 92-15, Parcels 140, 141 and 149-152 (Subarea 10)
(18th District)

A request to consolidate six lots into two lots located between Elliston Place and West End Avenue, approximately 50 feet west of 23rd Avenue North (1.84 acres), classified within the MRO District, requested by West End Development Company, L.P., owner/developer, Walter Davidson and Associates, surveyor.

Resolution No. 373

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-119U, be APPROVED."

Subdivision No. 95S-125U

Love Built Subdivision
Map 161, Part of Parcel 65
(Subarea 12)
(32nd District)

A request to create one lot abutting the northeast terminus of Andrew Rucker Lane, opposite Thriple Springs Drive (.77 acres), classified within the R10 District, requested by Christ Church Pentecostal, owner/developer, Walker Engineering surveyor.

Resolution No. 374

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-125U, be APPROVED subject to posting a performance bond in the amount of \$6,000.00."

Subdivision No. 70-85-P

Somerset, Phase Four
Map, 150, Parcel 251
(Subarea 13)
(29th District)

A request to create 57 lots abutting the northwest margin of Mt. View Road, approximately 90 feet northwest of Huntingboro Trail (14.09 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. 375

"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 \$382,200.00."

Subdivision No. 31-86-P

Whitworth, Phase 3, Section Two

Map 104-14-H, Parcels 34-64
(Subarea 10)
(25th District)

A request to resubdivide 31 lots abutting the southwest corner of Woodlawn Drive and Compton Road (7.4 acres), classified within the R10 Residential Planned Unit Development District, requested by Clement-Bartosh Interest, Inc., owner/developer, Gresham, Smith and Partners, surveyor.

Resolution No. 376

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 31-86-P, be APPROVED."

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

A request to create lots (6 lots in Section Four and 31 lots in Section Five) abutting the east margin of Holt Road (private), approximately 1,061 feet north of Holt Road (9.12 acres), classified within the R20 Residential Planned Unit Development District, Hurley-Y, L.P., owner/developer, Anderson-Delk and Associates, surveyor.

Resolution No. 377

"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 \$86,800.00 for Section 4; and be APPROVED subject to posting a performance bond in the amount of \$459,800.00 for Section 5."

Subdivision No. 93P-016G
Traceside, Section A
Map 169, Part of Parcel 69
(Subarea 6)
(35th District)

A request to create 55 lots abutting the northeast margin of Union Bridge Road, 320 feet southeast of Pasquo Road (25.1 acres), classified with the R30 Residential Planned Unit Development District, requested by Centex Homes, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 378

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 93P-016G, be APPROVED subject to posting a performance bond in the amount of \$565,000.00."

Subdivision No. 93P-021G
Holt Woods, Section Six
Map 172, Part of Parcels 188 and 206
(Subarea 12)
(31st District)

A request to create six lots abutting the west margin of Holt Road (private), approximately 1,061 feet north of Holt Road (1.62 acres), classified within the R20 Residential Planned Unit Development District, Hurley-Y, L.P., owner/developer, Anderson-Delk and Associates, surveyor.

Resolution No. 379

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 93P-021G, be APPROVED subject to posting a performance bond in the amount of \$257,500.00.”

Request for Bond Extension:

Subdivision No. 180-83-G
Waterford, Phase Five-A
Waterford Associates, principal
(Request received 04/14/95)

Located abutting both margins of Waterford Drive, approximately 200 feet northeast of Riverway Drive.

Resolution No. 380

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 180-83-G, Waterford, Phase Five-A, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the reduced amount of \$49,400.00 by **June 22, 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. 180-83-G
Waterford, Phase Five-B
Waterford Associates, principal
(Request received 04/14/95)

Located abutting both margins of Waterford Drive, approximately 200 feet northeast of Riverway Drive.

Resolution No. 381

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 180-83-G, Waterford, Phase Five-B, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the reduced amount of \$165,000.00 by **June 22, 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. 87-476-U
Woodland Forest, Section One
Eagle Crest, principal
(Request received 04/19/95)

Located on the south side of Charlotte Pike, approximately 300 feet east of Forest Valley Drive.

Resolution No. 382

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 87-476-U, Woodland Forest, Section One, until October 1, 1995, as requested, said approval being contingent upon submittal of a letter by **June 22, 1995**

from the Reliance Insurance Company agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 82-41-U
The Summit, Section One
GBT Investments, principal
(Request received 04/20/95)

Located between Old Hickory Boulevard and Stonebrook Drive.

Resolution No. 383

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 82-41-U, The Summit, Section One, until October 1, 1995, in the amount of \$11,600.00, as requested, said approval being contingent upon posting an amendment to the present Letter of Credit by **June 22, 1995** which states: "Drafts may also be drawn at NationsBank, One NationsBank Plaza, Nashville, Tennessee 37219. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 85-693-U
The Summit, Section Two
GBT Investments, principal
(Request received 04/20/95)

Located on the west side of Stonebrook Drive, opposite Fox Ridge Drive.

Resolution No. 384

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 85-693-U, The Summit, Section Two, until October 1, 1995, in the amount of \$70,700 00, as requested, said approval being contingent upon posting an amendment to the present Letter of Credit by **June 22, 1995** which states: "Drafts may also be drawn at NationsBank, One NationsBank Plaza, Nashville, Tennessee 37219. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Request for Bond Release:

Subdivision No. 89P-012U
St. Lukes A.M.E. Community
St. Luke Neighborhood Association
(Request received 04/20/95)

Located abutting the north margin of Michigan Avenue, west of 40th Avenue North.

Resolution No. 385

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 89P-012U, St. Lukes A.M.E. Community, in the amount of \$11,350.00, as requested."

Subdivision No. 70-85-P
Somerset, Phase Five-A
Phillips Builders, Inc., principal
(Request received 05/11/95)

Located abutting the northwest margin of Mt. View Road, approximately 5,200 feet northeast of Hamilton Church Road. **(Deferred from meeting of 05/04/95.)**

Resolution No. 386

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 70-85-P, Somerset, Phase Five-A, in the amount of \$17,000.00, as requested."

Subdivision No. 70-85-P
Somerset, Phase Five-B
Phillips Builders, Inc., principal
(Request received 05/11/95)

Located abutting the southeast terminus of Cove Creek Road, approximately 70 feet southeast of Country Way Road. **(Deferred from meeting of 05/04/95.)**

Resolution No. 387

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 70-85-P, Somerset, Phase Five-B, in the amount of \$25,000.00, as requested."

Subdivision No. 93S-081G
Peppertree Forest, Section Fifteen
Jerry Butler, principal
(Request received 05/11/95)

Located abutting both margins of Trailwater Drive, approximately 95 feet southeast of Peppertree Drive. **(Deferred from meeting of 05/04/95.)**

Resolution No. 388

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 93S-081G, Peppertree Forest, Section Fifteen, in the amount of \$13,300.00, as requested."

Subdivision No. 93S-083G
Peppertree Forest, Section Seventeen
Jerry Butler, principal
(Request received 05/11/95)

Located abutting both margins of Water Oak Court, approximately 110 feet southeast of Peppertree Drive. **(Deferred from meeting of 05/04/95.)**

Resolution No. 389

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 93S-083G, Peppertree Forest, Section Seventeen, in the amount of \$12,000.00, as requested."

MANDATORY REFERRALS:

Proposal No. 95M-055U
Sign at 300 Second Avenue South
Map 93-6, Parcel 39
(Subarea 9)
(16th District)

A mandatory referral from the Department of Public Works proposing the installation of a 13.5' by 20' sign over the sidewalk in front of 300 Second Avenue South (Music City Mix Factory), requested by Perry A. March, attorney for Paul Eichel, Manager.

Resolution No. 390

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-055U.

Proposal No. 95M-057U
NES Easement Conveyance
H. G. Hill Elementary School
Map 116-5, Parcel 30
(Subarea 7)
(23rd District)

A mandatory referral from the Division of Public Property Administration for the granting of a permanent easement from the Metropolitan Government to Nashville Electric Service on the H.G. Hill Elementary School property.

Resolution No. 391

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-057U.

OTHER BUSINESS:

1. Capital Budget Amendment.

Proposal No. 95CB-017

A request by the Mayor to amend the 1994-99 Capital Improvement Budget and Program by changing the amount of funding for one sanitary sewer project:

From:
I.D. No. 89SC0007
Upper Mill Creek Trunk Sewer Extension

\$1,300,000 Miscellaneous Funds*
FY 1994-95
To:
I.D. No. 89SC0007
Upper Mill Creek Trunk Sewer Extension
\$3,000,000 Miscellaneous Funds*
FY 1994-95

Water and Sewer Extension and Replacement Fund

Resolution No. 392

“BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95CB-017.

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-049U
Map 162, Parcel 119 and Part of 118 and 120
(Subarea 12)
(31st District)

A request to change from AR2a District to CS District certain property abutting the southwest corner of Bell Road and Blue Hole Road (25 acres), requested by David Coode, for Bell Road, L. P. and Kenneth D. Warren, et ux, owners.

Zone Change Proposal No. 95Z-051U
Map 162, Parcel 222 and Parts of 117,
118 and 120
(Subarea 12)
(31st District)

A request to change from AR2a District to RS8 District certain property abutting the southwest corner of Bell Road and Blue Hole Road (53.4 acres), requested by David Coode, for Bell Road, L. P. and Landmark Properties, owners. **(See PUD Proposal No. 95P-016U).**

Zone Change Proposal No. 95Z-052U
Map 162, Part of Parcels 117 and 120
(Subarea 12)
(31st District)

A request to change from AR2a District to RS20 District certain property abutting the southwest corner of Bell Road and Blue Hole Road (33.07 acres), requested by David Coode, for Bell Road, L.P., owner. **(See PUD Proposal No. 95P-016U).**

Proposal No. 95P-016U
Millwood Commons
Map 162, Parcel 222 and Part of Parcels 117,

118 and 120
(Subarea 12)
(31st District)

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the west margin of Blue Hole Road, approximately 350 feet south of Bell Road (134.44 acres), classified within the AR2a and R15 Districts and proposed for RS8, RS20 and R15 Districts, to permit the development of a 688 multi-family development and 116 single-family lots, requested by Lose and Associates, for Bell Road L.P., owner. **(See Zone Change Proposal Nos. 95Z-051U and 95Z-052U).**

Ms. Dudley presented these three zone change proposals and also a PUD proposal together. She stated these proposals are in Subarea Twelve and in residential policy. Much of the area is also encumbered by flood plain. The Commission has been asked before to consider CS zoning for other sites in the immediate area and at that time the Commission had recommended disapproval as contrary to the General Plan. That was based on the fact that the CS request was clearly outside the commercial center of Hickory Hollow and staff again recommends disapproval because of this reason. Staff is also recommending disapproval for the two residential requests. The problem is that by the configuration of these residential proposals, it would leave in isolation the CS pad and in the future it would be viewed as a prime commercial strip site. Staff feels that the entire area should maintain its residential zoning, and further that the entire site under the control of this developer should be planned as a unit in order to avoid creating isolated pockets of property which could continue to be the subject of future requests for commercial zoning.

Mr. David Lose, with Lose and Associates, asked the Commission to consider each proposal separately. He stated the properties all had different owners. Mr. Lose acknowledged that development of these properties was being planned as a unit. Nevertheless, he stated he desired to have the residential portions approved even if the Commission decided to disapprove the commercial request. He compared this property to sites on Murfreesboro Road and on Highway Seventy South and stated the requested uses would be the best for these sites.

Ms. Dudley stated the staff recommendation had been based on good planning principles. She said the Commission is dealing with a planned unit development and staff does not feel that this area should be treated in such a fragmented way. Staff feels that the whole area should be developed comprehensively according to a plan and the unanswered questions not be left hanging concerning the use of the property proposed for CS.

Ms. Jernigan asked if they were to consider the residential application separately if it would change the staff's recommendation.

Ms. Dudley stated it would because the residential aspect of the request is in keeping with the Subarea Twelve Plan.

Mr. Owens stated there was no problem with the plan as far as it goes; it just does not go far enough. The PUD that has been put together is a combination of properties that had been combined to form this application and staff's point is that they should have combined all of the properties to have a cohesive development.

Mr. Owens stated staff had reviewed the PUD as submitted for conformance with all the technical regulations and for good design and were satisfied as far as the PUD goes. The fact that the PUD is ignoring or turning its back on what in essence will be left over as a strip commercial along the arterial is, in staff's view, simply putting off trouble.

Ms. Nielson asked if there had been some discussion as to why the owners wanted CS.

Mr. Owens stated staff had been working with the consultant for quiet some time. Staff believes the developer was keeping open his options for commercial development, despite staff's advice to plan the

entire site for residential development. Staff stated the developer had been advised not to submit a commercial element with this PUD.

Mr. Harbison said it was reasonable to him to consider all of the proposals together . He further voiced the opinion that the commercial element should not be approved because of its conflict with the general plan, and that the residential portions should not be approved until the entire site is planned comprehensively as a residential development.

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

Resolution No. 393

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-049U is DISAPPROVED as contrary to the General Plan, and Zone Change Proposal Nos. 95Z-051U, 95Z-052U are DISAPPROVED. "BE IT FURTHER RESOLVED that Proposal No. 95P-016U is DISAPPROVED.

The request for CS (Proposal 95Z-049U) along the frontage of Bell Road brings up the same issue the commission dealt with quite recently when a proposal for CS on the north-east corner of Bell Road and Blue Hole Road was considered. This site is just a short distance from the Hickory Hollow activity center whose western commercial boundary has been strongly defined. At the outer western edge of the commercial center is the Home Depot, and next to it on both sides of Bell Road are apartment complexes. Allowing commercial zoning at the Blue Hole Road intersection would break the nodal concept, in effect "leapfrogging" the established residential land uses. The commission disapproved this request as a violation of the General Plan.

These four applications were considered together. If viewed in isolation, the residential rezonings (Proposals 95Z-051U 95Z-052U), and the associated residential PUD (Proposal 95P-016U) could be considered consistent with the residential "medium-high", "medium", and "low-medium" policies of the Subarea 12 Plan. It is the companion proposal (95Z-049U) for CS zoning along the frontage of Bell Road, however, which warrants consideration of all four applications as an inter-related zoning decision.

To go forward with residential zoning and PUD approvals that exclude the frontage of Bell Road in this fashion is contrary to the principles of good land use planning and should be discouraged. From a practical standpoint, if incremental zoning is allowed to occur on these properties in a manner which isolates a long narrow band of property along Bell Road (as is proposed with the CS application), a parcel of that configuration and orientation will thereafter be viewed as a prime strip commercial site. Its potential for long term residential use (as recommended by the Subarea 12 Plan) would be compromised."

Zone Change Proposal No. 95Z-050U
Map 149, Part of Parcels 114 and 189
(Subarea 13)
(29th District)

A request to change from R10 District to CS District (extending the depth of already existing CS District) on certain property abutting the east margin of Murfreesboro Pike and the northwest margin of Forest View Drive (10.36 acres), requested by David Coode, for Parsottam J. Patel et ux, Kate B. Cain, Trustee and John E. Cain, owners. **(See PUD Proposal 24-85-P).**

Proposal No. 24-85-P
Forest View North
Map 149, Parcel 189

(Subarea 13)
(29th District)

A request to cancel a portion of the Residential Planned Unit Development District abutting the south margin of Anderson Road and the northwest margin of Forest View Drive (35.36 acres), and to redesign the remaining preliminary site plan to permit the development of a 350 unit residential complex, requested by Lose and Associates, for J. E. Cain, III, owner. **(See Zone Change Proposal No. 95Z-050U).**

Mr. Martin suggested to the Commission that these two matters be considered together, since they involve the same property. Mr. Martin stated the petitioner wishes to deepen the commercial zoning along Murfreesboro Road by lifting a portion of the residential planned unit development, and by rezoning that area CS. Mr. Martin stated the remaining part of the PUD would be revised appropriately to fit within the reduced site. Since there is PUD cancellation involved, Mr. Martin reminded the Commission that a public hearing must be held.

There was no one present to speak for or against the request.

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

Resolution No. 394

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-050U is APPROVED. BE IT FURTHER RESOLVED that Proposal No. 24-85-P is given APPROVAL to cancel a portion of the PUD and to redesign the remaining preliminary site plan, WITH CONDITIONS AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management Section of the Department of Public Works.
2. Provision of a Traffic Impact Study prior to or concurrent with any phase of final site plan submittal and incorporation of study recommendations in the final site plans.
3. Recording of a boundary plat and a plat of subdivision along with the posting of bonds as may be required for any public improvements at the time of final site plan submittal."

The Subarea 13 Plan calls for a concentration of community scale commercial development at this intersection of Murfreesboro Pike and Bell Road. This CS proposal would extend the depth of commercial zoning to one roughly matching the commercial PUD to the northwest. This will help fill out the commercial node pattern."

Zone Change Proposal No. 95Z-053G
Map 142, Parcels 46-48, 51-55, 230
and Part of Parcel 49
(Subarea 6)
(35th District)

A request to change from R15 District to RM8 District certain property abutting the south margin of the Memphis-Bristol Highway, approximately 300 feet west of Hicks Road (15.97 acres), requested by Paul W. Lockwood, of Barge, Waggoner, Sumner and Cannon.

Zone Change Proposal No. 95Z-054G
Map 142, Part of Parcel 49
(Subarea 6)

(35th District)

A request to change from R15 District to CS District certain property abutting the southwest corner of the Memphis-Bristol Highway and Hicks Road (approximately 3 acres), requested by Paul W. Lockwood, of Barge, Waggoner, Sumner and Cannon.

Mrs. Dudley presented these two rezoning requests together since they pertained to adjacent properties, and since many of the policy decisions were related. Ms. Dudley stated the Commission's role was to determine if commercial zoning is called for west of Hicks Road, and whether an increase to medium-high residential density is appropriate on properties surrounding the Hicks Road/U.S. 70 South intersection.

Ms. Dudley reminded the Commission that the land use policies for this specific area and a similar area at Sawyer Brown Road and U.S. 70 South were hotly debated during the Subarea 6 planning process five years ago. The issue then, and now, was whether or not the Highway 70 frontage should be allowed to commercialize, or whether residential policy should remain. When Subarea 6 was adopted, the residential policy and zoning was recommended by the citizen advisory committee, and the plan was adopted by the Planning Commission with residential policy.

This residential policy remained unchallenged until late 1994 when the Planning Commission rezoned the western end of Highway 70 (at Sawyer Brown Road) for office uses and medium high density residential use. The Commission at that time determined that the adopted policy called for flexibility in land use at that location sufficient to allow proper land use transition from the highly commercialized Bellevue Mall activity center to the residential development to the east. The Planning Commission determined that appropriate transition called for higher density residential and office development at the intersection of Highway 70 and Sawyer Brown Road.

Ms. Dudley suggested that the Commission's responsibility was to determine if similar flexibility in policy was appropriate to allow land use transition at the east end at the intersection of Highway 70 and Hicks Road. Ms. Dudley indicated that the history of the Subarea Plan suggests that the citizen advisory committee was clear that commercial policy was not intended to cross Hicks Road. The commercial node at Highway 70 and Old Hickory Boulevard was to remain east of Hicks Road. However, the Commission's action in late 1994 at Sawyer Brown Road indicated the Commission intended to interpret all of these boundaries with some degree of fluidity to allow for appropriate land use transitions and relationships.

The request for RM8 brings with it different issues. The Subarea Plan recommends densities for the general area in the medium policy range which is four to nine dwelling units per acre. The request for RM8 would implement the next higher policy category permitting nine to twenty units per acre. The Commission, when it was considering the area at Sawyer Brown Road decided to approve the RM8 district based on its proximity to the Bellevue Mall, its access to a major arterial and the fact that there were other developments with similar densities. The Commission must decide whether RM8 is appropriate at this site at the edge of the community scale node.

The General Plan sometimes advocates the use of RM8 in these edge situations to provide a transition between office or commercial uses and lower residential uses. On both proposals the Commission is being asked to determine its authority in interpreting the intent of the Subarea Six Plan and will need to weigh all the matters very carefully. There are eleven letters in opposition concerning the proposal and four also request to speak. The primary concern is traffic and there is concern that either proposal does not include a request for a PUD; its felt that a PUD could address design and traffic and drainage issues. There is also concern that approval of particularly the CS would establish a precedent that would lead to the stripping of Highway 70 South. There are also two letters in favor and both are requests to speak.

Councilman Charles Tygard stated he had asked the developers of the subject property to meet with the adjoining neighborhood associations. He asked the Commission to look closely at both ends of the area and to consider what would be best for the citizens of Bellevue.

Mr. Pat Emery stated he was on the Subarea Six Planning Committee and at that time they looked at how much commercial need was in the area. He said he felt that this proposal was one of compromise for everyone in the area and that the apartments west of Hicks Road would make an exceptional buffer for the commercial area. He asked for the Commission to be consistent to the established patterns that are already in the area, which is retail. The higher density residential will stop the commercial creep from going down Highway 70 South and felt that was the main issue.

Mr. Tom Price was present on behalf of the Bellevue Chamber of Commerce to express their unanimous feeling that this proposal would be an appropriate and responsible use of the site.

Mr. John Knowles, head of the Planning and Zoning Committee at Coronado Condominiums and Vice President of the Bellevue Area Citizens for Planned Growth, stated the request was not in keeping with the Subarea 6 plan, and should not be approved by the Planning Commission. He stated the request for CS zoning without a PUD in place was very dangerous. They had heard plans about a pharmacy and a bank but in fact what the Commission would be granting would be a possibility for anything permitted within the CS category, which could include billboards. He said there were traffic concerns and concerns about what this could open up in the future.

Mr. John Rumble, President of Bellevue Area Citizens for Planned Growth, expressed his concerns regarding the traffic. He also said the property could be used for residential and the board of directors of Citizens for Planned Growth along with their constituent groups oppose these requests and any development of the sites without PUDs. He stated the CS request contradicts both the Subarea Six Land Use Plan and the principals of land use application document by extending retail commercial policy into a residential area and by leap frogging over an existing office land use transition lying just east of Hicks Road. The policy boundary between residential and commercial on this end of the corridor was clearly defined through a lengthy process of subarea planning. He respectfully asked the Commission to reject the commercial request as contrary to the General Plan sitting this conflict in their motion to disapprove.

Mr. Wayne Whitt, a member of the Board of Directors for Ashley Green Homeowners Association, stated Ashley Green was immediately west of the proposal site. He expressed their concerns regarding traffic and said they were opposed to the commercial and particularly retail transition.

Mr. Tom White stated he felt this proposal was in the spirit of good compromise for the area. The uses for this property would not be regional; they would all be local and would not bring any more cars to the Bellevue area. He referred to the Commission's decision at Sawyer Brown Road in late 1994, and asked that the Planning Commission follow the same policy in this case.

Mr. Lawson asked if Mr. White's clients would consider a PUD.

Mr. White said they would, and that they had made a commitment to Councilman Tygard to meet with the neighborhood groups to discuss uses.

Mr. Harbison asked if he wanted them to make the policy decision now but subject to a PUD requirement.

Mr. White said it could be done as Mr. Harbison had mentioned or it could be done on the basis of an approval and if in fact there is an identification of the uses, such as at the public hearing at the Council, and Councilman Tygard and the other members of the Council are satisfied as to the specific uses, that accomplishes the purpose of the PUD.

Mr. Bodenhamer asked Mr. White why he thought this would not increase the traffic in the area.

Mr. White said it was insignificant enough that no one had even suggested a traffic study be done or that the LOS would be affected.

Mr. Rumble strongly disagreed. He stated that traffic engineers had informed him that this change in zoning could increase traffic from 420 trips per day to almost 3,500 trips per day.

Mr. Lawson asked Mr. Owens if a commercial PUD could be used rather than CS.

Mr. Owens stated a commercial planned unit development could be used to accommodate commercial development instead of applying CS base zoning. However, Mr. Owens emphasized that before the Commission can make the decision of how to accommodate commercial development, it must first decide if commercial development is appropriate in the first place - that is, does it conform to the policies for land use development embodied in the subarea plan. Mr. Owens further advised the Commission it would not be appropriate to use the PUD to limit the kinds of uses allowed in the commercial development. The PUD has proved to be effective in achieving improved design. It has not, however, proved effective in limiting the kinds of commercial land uses permitted in a development.

Chairman Smith asked if he thought it could be limited to a neighborhood use or if he thought it would become a magnet.

Mr. Owens said there is a neighborhood classification of PUD that could be employed. However, it will not accommodate the size of a Walgreens; therefore, a general commercial PUD must be applied. It is not the proper use of a PUD to try to control land uses. A PUD is a design tool more than it is a land use tool.

Mr. Harbison stated he felt he did not think it was possible to say this is the node forever and forever. He thought they had to bring some discretion to bear as time goes on and as conditions change, and that seemed to him is what the request is about. It is asking the Commission to consider what is in the best interest of the community now. The last time it was looked at was five years ago.

Mr. Allen said he had visited the area and he agreed with Mr. Harbison. It seemed to him that the area needed additional commercial opportunity.

Ms. Nielson questioned how well this parcel would lend itself to apartment development due to the narrowness of the site. She felt the apartments would be impacted by busy streets on three sides of the development.

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

Resolution No. 395

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal Nos. 95Z-053G and 95Z-054G are APPROVED.

The Commission determined that the RM8 district (proposal 95Z-053G) is appropriate to allow for multi-family development at the outer edge of the Bellevue commercial community center. The Commission also determined that the request for CS (proposal 95Z-054G) is an appropriate expansion of the commercial node, providing additional retail opportunities needed to serve the surrounding community."

Upon voting all voted in favor of the motion, with the exception of Mr. Manier who voted no.

Zone Change Proposal No. 95Z-055U
Map 103-6-A, Parcels 1-48
(Subarea 7)
(24th District)

A request to change from R6 District to RM8 District certain property abutting the southeast corner of Oakmont Circle and White Bridge Road (2.23 acres), requested by Tate Rogers.

Ms. Dudley stated this was an existing legally non-conforming apartment house. This parcel along with everything around it is zoned R6. She stated the reason for this request is because the owner wishes to house more than three people per apartment unit, which exceeds the definition of a family. It would be considered a rooming house and that is not permitted in any but the multi-family zoning districts and certain commercial districts. The General Plan advocates placing higher density residential or office uses along arterials like White Bridge Pike to prevent commercial stripping, but in this case the Subarea Seven Plan recommends applying residential low medium policy. This was done as a reflection of the predominant single family and duplex character in the area. When the subarea plan was developed for this part of the county, the citizen advisory committee felt it was more important to apply a broad base residential low density policy for the whole area to avoid land use intensification along White Bridge Pike. The requested RM8 policy exceeds those densities, and staff is recommending disapproval.

Mr. George Dean was present representing Mr. Tate Rogers, an owner of a number of the units in the condominium complex. Mr. Dean stated this condominium complex has fallen on very hard times. The home owners association and the surrounding community are very unhappy with the situation. It is not possible to attract people to live there who will keep up the property because of its location. Mr. Rogers feels it would be a good location for the placement of people who are coming out of alcohol and drug rehabilitation programs.

The Commission has heard from a number of the Councilmen and there is a lot of support from the Council for doing this. There are not very many places like this in the city.

Ms. Jo Ann North was present to speak in favor of this project and to ask the Commission to approve the proposal.

Mr. Dean indicated that several units within this complex currently are being used for this purpose, even though the use has been found to be in violation of the current zoning. This rezoning is being requested so that the use now occurring would not be contrary to zoning.

Chairman Smith asked if this was a commercial venture or if it was supervised.

Mr. Dean said it was a supervised effort and they were on site.

Mr. Bodenhamer asked how many units there were and if they were adjoining.

Mr. Tate Rogers said he owned seven units that were in different locations in the complex.

Mr. Rogers stated he had met with the entire homeowners association and they voted unanimously in favor of the project.

Mr. Bodenhamer said he thought it was a good project; however, Councilman Johns had asked the Commission for a deferral and asked Mr. Dean if he had any problem with a deferral.

Mr. Dean said they were agreeable with a deferral.

Mr. Lawson moved and Mr. Bodenhamer seconded the motion which carried unanimously, to defer the matter for two weeks.

Zone Change Proposal No. 95Z-057U
Map 163, Parcels 145, 146 and 343
Map 174, Parcels 26, 30 and 169
(Subarea 13)
(29th District)

A request to change from R10 District to RM8 District certain property abutting the south margin of Mt. View Road at Old Franklin Road (91.98 acres), requested by Allen Patton, for Hickory Downs Development, Inc. **(See PUD Proposal No. 84-87-P)**.

Proposal No. 84-87-P

The Crossings of Hickory Hollow
Map 163, Parcels 145, 146 and 343
Map 174, Parcels 26, 30 and 169
(Subarea 13)
(29th District)

A request to cancel a portion of the Commercial (General) Planned Unit Development District abutting the south margin of Mt. View Road, at Interstate 24 and Old Franklin Road (91.98 acres), and to redesign a portion of the remaining preliminary site development plan, to permit the development of commercial office showroom and community education facilities, requested by Hodgson and Douglas, for Hickory Downs Development, Inc., owner. **(See Zone Change Proposal No. 95Z-057U)**.

Ms. Dudley presented the zone change proposal and the PUD cancellation proposal together and reminded the Commission that because this request involve a cancellation of a portion of the PUD it would require a public hearing. She stated the applicant had requested a deferral but the public hearing notices had already been sent out. The request is to cancel a portion of the PUD and apply RM8 zoning, which is consistent with the commercial concentration policy around the Hickory Hollow area. They are also going to reconfigure part of the remaining PUD to allow some commercial uses. She pointed out a portion which had been carved out as a potential site for the Antioch High School. Since the Council chose a different site for the high school, the PUD would be revised to remove this feature. The petitioner had requested deferral to accomplish this revision.

Mr. Joe Hodgson of Hodgson and Douglas, representing the owner was present to explain why they were requesting deferral. They had a fifty acre site within the PUD that was shown as a future site for the Antioch High School. Since Council had chosen another site, there was no longer any purpose for showing any part of the PUD for this kind of use.

Mr. Hodgson stated the PUD, over the last three or four years has been divided into two separate ownerships, and the other owner has shown some concern about the pending changes to the PUD. He has indicated interest in discussing infrastructure improvements and how those would be implemented over time.

Mr. Wood Caldwell, with Southeast Venture Company, was present representing Hickory Hollow Limited, which first proposed this PUD. He stated he was not in opposition to the land use they are proposing. However, the contemplated changes will have significant impacts on the entire PUD, and these should be looked at in detail prior to committing to the changes. Specifically, Mr. Caldwell stated there were topographic grades that would have to be reconciled among various sections of the PUD. Further, the revised plans placed the continuation of certain roads in jeopardy. He stated these issues should be studied and worked out before the changes are made. Mr. Caldwell indicated support for a deferral.

Chairman Smith said they could accomplish that by leaving the public hearing open and directing staff to meet with the owners.

Mr. Bodenhamer moved and Ms. Jernigan seconded the motion, which carried unanimously to leave the public hearing open and to defer these matters for two weeks.

SUBDIVISIONS:

Final Plats:

Subdivision No. 95S-123A

Lot 13, Devon Glen, Section Two
Map 142-16-C, Parcel 47
(Subarea 6)
(35th District)

A request to amend the minimum setback line on a lot abutting the southwest margin of Glenway Court, approximately 236 feet northwest of Glenway Drive (.23 acres), classified within the R20 Residential Planned Unit Development District, requested by M.M.E. Limited Partnership, owner/developer.

Mr. Bracey presented this proposal which once again was a request for a front yard reduction because the home was constructed with a portion of the home encroaching two feet into the front yard. Mr. Bracey stated the encroachment appears to result from inaccurate measurement of the curved front setback lines.

This is very similar to the case before the Commission at the last meeting. At that time staff pointed out that they would continue to work with the Codes Department to determine ways of better defining the setbacks on cul-de-sac lots where the front setback line is curved. Several suggestions had gone back and forth and Mr. Shepard was present to answer any questions. He said this applicant was seeking a reduction in the front yard by two feet and staff was recommending approval.

Mr. Browning asked Mr. Bracey what progress was being made in determining how to solve this problem. He said the last encroachment was almost identical.

Mr. Bracey said it had been proposed to establish a spike in the center of the cul-de-sac, from which all setback lines could be measured. Those have been discussed with the Codes officials including the department head.

Mr. Rick Shepard from the Codes Department said they had discussed the situation. There had been a suggestion of setting a pin in the center of the cul-de-sac and measuring from that point. He said there could be too many problems with that procedure such as trucks, trees, gravel or blocks in the way. The Codes Department suggested that when the plat was filed that there be a definite measurement given along the two side lot lines which would define the minimum front setback line.

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

Resolution No. 396

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-123A, , be APPROVED."

OTHER BUSINESS:

1. APR Fund Appropriation.

Mr. Browning requested that the Commission approve the appropriation in the amount of one hundred and thirty-four thousand dollars for the APR Fund.

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

Resolution No. 397

BE IT RESOLVED by the Metropolitan Planning Commission that it approves the appropriation of funds in the amount of \$134,000.00 to the Advance Planning and Research Fund as follows:

Appropriation Balance - February 28, 1995	\$104,388.22
Resolution No. 95-397 adopted May 18, 1995	<u>+\$134,000.00</u>
Net Appropriation Balance	\$238,388.22

March 1995 Expenditures - Actual:

Salaries	\$ 6,201.16	
Advertising	786.96	
Consultant Services	27,556.07	
F. I. C. A.	454.62	
Group Health Insurance	722.88	
Employer's Pension	793.12	
Group Life Insurance	52.00	
Dental Insurance	28.48	<u>-\$36,595.29</u>

Net Appropriation Balance Less March Expenditures \$201,792.93

April 1995 Expenditures - Actual:

Salaries	6,201.16	
Data Processing Services	37.50	
Advertising	830.98	
Consultant's Services	22,326.06	
F. I. C. A.	454.62	
Group Health Insurance	722.88	
Employer's Pension Contribution	793.12	
Group Life Insurance	52.00	
Dental Insurance	28.48	<u>-\$31,446.80</u>

Net Appropriation Balance Less April Expenditures \$170,346.13

Net Expenditures Less April Expenditures \$170,346.13

May 1995 Expenditures - Projected:

Salaries	\$ 6,201.16	
Central Printing Services	420.00	
Consultant's Services	45,400.00	
F. I. C. A.	454.62	
Group Health Insurance	722.88	
Employer's Pension Contribution	793.12	
Group Life Insurance	52.00	

Dental Insurance	28.48	<u>-\$54,072.26</u>
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Net Appropriation Balance Less May Expenditures	\$116,273.87	
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June 1995 Expenditures Projected:

Salaries	\$ 6,201.16	
Central Printing Services	700.00	
Data Processing Services	37.50	
Advertising	1,100.00	
Consultant's Services	52,290.00	
F. I. C. A.	454.62	
Group Health Insurance	722.88	
Employer's Pension Contribution	793.12	
Group Life Insurance	52.00	
Dental Insurance	28.48	
Computer Display Equipment	4,000.00	<u>-\$66,379.16</u>
Net Appropriation Balance Less June Expenditures	\$49,894.71	

\$67,821.11 Amount of Reimbursement Requested 5-5-95.

2. Summer Intern Contracts.

Mr. Browning said there were three intern contracts for the Commission's review. One prospective intern was from TSU, one from Alabama A & M. and one from Georgia Tech. These students would be hired for a three month period, and one would be working in each division. Staff has tried to find jobs that would be related to their course of study.

Ms. Jernigan moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to approve contracts for three month internships for the following persons:

1. Amy L. Pierce.
2. Janet Marie Willis
3. DeForest K. Mapp

3. Election of Officers.

Chairman Smith announced the floor was open for nominations.

Ms. Nielson moved and Mr. Lawson seconded the motion that Chairman Smith serve another year as chairman. The motion carried unanimously.

Ms. Nielson moved and Mr. Bodenhamer seconded the motion that Vice Chairman James Lawson serve another year as vice chairman. The motion carried unanimously.

Mr. Lawson moved and Mr. Harbison seconded the motion that Mr. Arnett Bodenhamer be appointed the representative to the Parks Board. The motion carried unanimously.

4. Visioning.

Mr. Pat Emery and Mr. Gary Keckley were present to present the plans the Gulch Group has made for the gulch area. He said their had been several meeting of this group which were interested in upgrading the surrounding area. He stated many of the property owners in the gulch area are members of this committee. Mr. Emery introduced Mr. Keckley who presented graphics of their plans.

Mr. Keckley stated it was important to the gulch area to maintain ties to both the Music Row area and to the Lower Broadway/Second Avenue tourist area of downtown. In addition, it is important to both of these areas that they be tied together. For these reasons, the gulch group believes it is important to maintain a linkage along the existing Demonbreun viaduct. Both Mr. Keckley and Mr. Emery voiced concern that this road connection could be removed if the new south central business district arterial is relocated farther south.

The Commission asked its staff to continue working with the gulch group in formulating plans that are satisfactory to both and are supportive of strengthening the downtown area.

5. Legislative Update.

Council report May 16, 1995

Resolutions:

The awning for Wolfy's was approved after council became satisfied that the owner would be required to request variances from the Building Code Board to forgive its various violations to the Building Code.

A substitute Resolution approving the purchase of Grassmere Wildlife Park was approved after compromises were made to satisfy the concerns of some councilmembers. One of them provides that Metro will spend up to \$500,000 over a period of 15 months to determine if the park can be successfully operated. If after this time it is determined that the park cannot operate successfully without subsidies, then the park would close as a wildlife park and become a nature park or open space operated by the parks department.

Several resolutions were adopted appropriating Community Development Block funds for various redevelopment areas.

First Reading:

Three rezoning bills were introduced and will go to the July 11 Council public hearing. Two of them involve the project on Franklin Limestone Road near Murfreesboro Pike, permitting the development of a 55 unit residential complex. Several months ago the Planning Commission recommended disapproval of this request due to traffic concerns. This may be referred back to the Planning Commission for a second look.

Mr. Browning noted the Council sponsor is not the district council representative.

Second Reading:

There were 8 mandatory referrals, all previously approved by the Planning Commission. Some of these were street or alley closures, others were permission for awnings or signs, and others involved the sale or purchase of property. The bill requiring a public hearing before the approval of a new or relocated school was approved, after it was amended to change the notification requirements as recommended by the Planning Commission.

One of the bills allowing beer sales in the arena was approved.

Third reading:

Seventeen of the rezoning bills that had May public hearings were approved on third and final reading, including the RM8 rezoning for property across from the Hickory Hollow Mall in John Kincaid's district. Charles French sponsored this bill since Kincaid had promised his constituents that he would not approve additional multi-family zoning until after the widening of Bell Road. The Commission had disapproved an RS8 rezoning request on this land as contrary to the General Plan, due to its being part of an activity center where the General Plan encourages intense development to provide the economic base to develop mass transit. The developer has stated his intention of developing a single family subdivision on this site. But at least the opportunity for multifamily is now available.

Plats processed Administratively:

05/04/95 - 05/17/95

95S-129G Mary Jones Property
A plat to divide one lot into two.

95S-140U Rosedale Subdivision, Lot 29
A plat to relocate the common boundary between two lots.

ADJOURNMENT.

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:15 p.m.

Chairman

Secretary

Minute Approval:
This 1st day of June, 1995