

MINUTES OF THE MEETING
OF THE
METROPOLITAN PLANNING COMMISSION

Date: June 15, 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

Current Planning and Design Division:

Edward Owens, Planning Division Manager
Mitzi Dudley, Planner III
Tom Martin, Planner III
John Bracey, Planner III
Shawn Henry, Planner II
Charles Hiehle, Planning Technician II
Dolores Watson, Secretary I

Advance Planning and Research Division:

John Palm, Planning Division Manager

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Others Present:

Leslie Shechter, Legal Department
Jim Armstrong, Public Works Department

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Lawson moved and Ms. Nielson seconded the motion, which was unanimously passed, to adopt the agenda including the caption change for 95S-143U.

ANNOUNCEMENT OF DEFERRED ITEMS

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

41-85-P Applicant requested a two week deferral.

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

APPROVAL OF MINUTES

Mr. Lawson moved and Ms. Nielson seconded the motion, which was unanimously passed, to approve the minutes of the regular meeting of June 1, 1995.

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-093G
Map 41, Parcel 23
(Subarea 2)
(11th 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 new 1,292 square foot single-family residence within the R20 District, on property located on the southwest corner of Old Hickory Boulevard and Brick Church Pike (42.19 acres), requested by Larry Jacobs, for Sammy Kershaw, appellant/owner.

Resolution No. 95-446

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-093G to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 95B-099G
Map 51-6, Parcel 29

(Subarea 4)
(4th District)

A request for a conditional use permit under the provisions of Section 17.124.140 (Health Care) as required by Section 17.60.030 to construct a 22,440 square foot medical office building within the MO District, on property located on the east margin of Lentz Drive and the west margin of Briarville Road (4.58 acres), requested by Jimmy Yates, for Briarville Medical Group Joint Venture, appellant/owner.

Resolution No. 95-447

BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-099G to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria.”

Appeal Case No. 95B-102U
Map 82-2, Parcel 89
(Subarea 5)
(5th 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 20,000 square foot wholesale produce facility within the IG District, on property located on the east margin of Cowan Street at its northern terminus (approximately 4 acres), requested by Glenn E. Hickman, appellant.

Resolution No. 95-448

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-102U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria.”

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-070U
Map 163, Parcel 297 and Part of Parcel 119
(Subarea 13)
(29th District)

A request to change from AR2a and R10 Districts to R8 District certain property abutting the north margin of Mt. View Road, approximately 670 feet east of Belle Forge Parkway (12.06 acres), requested by Jack Nixon, owner/optionee. (See PUD Proposal No. 101-82-G, page 6).

Resolution No. 95-449

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-070U is **APPROVED**.

This zone change is a companion to PUD proposal 101-82-G, and is necessary to allow the slight intensification of density in the last phase of development. The density ranges proposed are in keeping with the residential ‘medium-high’ policy recommended by the Subarea 13 plan.”

Zone Change Proposal No. 95Z-072G
Map 181, Parcels 36 and 100

(Subarea 12)
(31st District)

A request to change from AR2a District to R15 District certain property abutting the south margins of Culbertson Road and Old Hickory Boulevard (114.9 acres), requested by Ellis Martin, owner.

Resolution No. 95-450

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. .95Z-072G is **APPROVED**.

This R15 proposal in Subarea 12 is in keeping with the residential ‘low-medium’ policy recommended for this general area.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT:

District Applications and Finals:

Proposal No. 28-79-G
Cambridge at Hickory Hollow
Map 163, Parcel 301
(Subarea 13)
(29th District)

A request for final site development plan approval for a portion of the Residential Planned Unit Development District abutting the east margin of Bell Road, approximately 600 feet north of Zelida Avenue (24.19 acres) to permit the development of a 360 unit multi-family complex , requested by Barge, Waggoner, Sumner and Cannon, Inc., for, Easterling Development Company, Inc., owner.

Resolution No. 95-451

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-79-G is given **CONDITIONAL FINAL APPROVAL**. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of Public Works.
2. Receipt of written confirmation of payment of sewer capacity fees paid on June 13, 1995.
3. By this phased approval and in lieu of preparing an updated Traffic Impact Study as required by the original approval of the Preliminary PUD proposal, the applicant offers to place into a non-interest bearing escrow fund the pro-rata share of all costs associated with certain remaining unbuilt traffic improvements identified as a part of the Preliminary PUD approval. Prior to the recording of a plat creating a building site or the issuance of any building permit for this phase, the applicant shall deposit the sum of \$24,000, representing 60.00% of a total traffic improvement estimate of \$40,000. Subsequent phases (if any) shall also make pro-rata contributions to this traffic improvement fund until the scope of developments results in funding of the necessary improvements. The use of associated funds shall be limited to the costs associated with traffic improvements listed below, and shall be refunded in full (without interest) if the improvements are not installed following completion of all phased development.

The improvement agreed in the preliminary approval which is related to this particular site and which remains to be completed is the ‘installation of a traffic signal at Bell Road and site access road [Hickory Highland Drive] intersection.’

4. Recording of the final plat of subdivision which creates the parcel as well as the posting of bonds required for any necessary public improvements.”

Proposal No. 94P-023U
Oxton Hill
Map 117, Parcel 258
(Subarea 10)
(25th District)

A request for final approval for a Residential (Reduced Site Size) Planned Unit Development District abutting the northeast corner of Graybar Lane and Boensch Street (2.75 acres), to permit the development of eight single-family lots, requested by Littlejohn Engineering Associates, for Dudley Warner, II, owner.

Resolution No. 95-452

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-023U is given **CONDITIONAL FINAL APPROVAL**. The following conditions apply:

1. Written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Metropolitan Department of Public Works.
2. Recording of a final plat of subdivision and posting of bonds as may be required for public improvements by the Metropolitan Department of Public Works and Metropolitan Department of Water Services.
3. Recording of a boundary plat.”

Request to Revise/Amend a Site Development Plan:

Proposal No. 98-73-G
Hickory Hills Commercial
Map 40, Parcel 36
(Subarea 3)
(11th District)

A request to revise a portion of the preliminary site development plan of the Commercial (General) Planned Unit Development District abutting the northwest quadrant of Old Hickory Boulevard and Hickory Hills Boulevard (27.0 acres), to permit the development of a 400,000 square foot wholesale facility, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Hickory Hills, Ltd., owner.

Resolution No. 95-453

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98-73-G 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. The owner committed to offsite traffic signal and roadway widening improvements with the 1989 approval of this development. Concurrent with the next final phase of development, a subsequent study shall be provided to address when installation of traffic signals are warranted at the intersections of Old Hickory Boulevard and Hickory Hills Drive and Old Hickory Boulevard and the I-24 westbound exit ramp. Until warrants are reached for all required off-site improvements, each phase of development for any portion of the PUD encompassed by the 1989 Traffic Impact Study shall contribute to funding those

improvements on a pro-rata basis. The traffic signal and road widening improvements shall be installed when vehicular volume counts demonstrate that improvements are warranted.

3. The operational characteristics of the proposed site use shall comply with the Metropolitan Zoning Regulations pertaining to the wholesale sales activity classification. Any final plan submittal shall include a detailed operational description of the proposed site use activities.

4. Posting of bonds as may be required by any final plan approval.”

Proposal No. 151-81-U

Opryland-Commissary

Map 73, Parcel 26

(Subarea 14)

(15th District)

A request to revise the final site development plan of the Commercial (General) Planned Unit Development District abutting the east margin of the Cumberland River, approximately 1,500 feet south of McGavock Pike (2.0 acres), to permit the development of a 32,250 square foot commissary facility, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Opryland USA, Inc., owner.

Resolution No. 95-454

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 151-81-U is given **CONDITIONAL APPROVAL**. 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. 15-82-G

Jackson Business Park (Watson’s, Lot 7)

Map 175, Parcel 146

(Subarea 13)

(29th District)

A request to revise the final site development plan of the Commercial (General) Planned Unit Development District abutting the northeast quadrant of the intersection of Old Hickory Boulevard and Owen Drive (3.76 acres), to permit the development of a 27,556 square foot retail facility, requested by Joseph Petrosky Associates, for Watson’s of Nashville, owner.

Resolution No. 95-455

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 15-82-G 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. Receipt of revised detention plans as approved by the Stormwater Management Section of the Metropolitan Department of Public Works.”

Proposal No. 101-82-G

Belle Forge Village Apartments

Map 163, Parcels 119 and 297

(Subarea 13)

(29th District)

A request to amend a portion of the preliminary site development plan for a Residential Planned Unit Development District abutting the north margin of Mt. View Road, approximately 670 feet east of Belle Forge Parkway (12.06 acres), classified AR2a and R10, for R8, to add additional land area and to permit the development of a 156 unit residential complex, requested by MEC, Inc., for Jack Nixon, owner. (See **Zone Change Proposal No. 95Z-070U, page 3**).

Resolution No. 95-456

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 101-82-G is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE**. 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. Plans for the realignment of Baby Ruth Lane shall be approved and bonded prior to the issuance of any building permits and shall be completed and accepted prior to the issuance of any use and occupancy permits.
3. A 150 foot eastbound left turn lane shall be constructed on Mt. View Road at the intersection with the realigned Baby Ruth Lane. This turn lane shall be approved and bonded prior to issuance of any building permits and shall be completed and accepted prior to the issuance of any use and occupancy permits.
4. Recording of a boundary plat to show the amended PUD boundary.
5. On final submittal, recording of a final plat of subdivision and posting of bonds as may be required for any public improvements.”

Proposal No. 239-84-G

Canter Chase
Map 135, Parcels 378, 385 and 386
(Subarea 13)
(28th District)

A request to revise the preliminary site development plan for a Commercial (General) Planned Unit Development District abutting the southeast corner of Murfreesboro Pike and Canter Chase (8.21 acres), to permit the development of a 51,400 square foot retail and food service facility, requested by Dale and Associates, for Kwik Sac, Inc., owner.

Resolution No. 95-457

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 239-84-G is given **CONDITIONAL APPROVAL**. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of Public Works.
2. With submittal of final plans, the applicant shall demonstrate means of stabilization of all slopes greater than 2:1 (horizontal:vertical).
3. Recording of a final plat of subdivision and posting of bonds as may be required for any necessary public improvements.”

Proposal No. 93P-005G

Poplarwood
Map 155, Parcel 72
(Subarea 6)
(35th District)

A request to rescind a previous final approval and to revise the approved preliminary site development plan for the Residential Planned Unit Development District abutting the south margin of Poplar Creek Road, approximately 166 feet west of Montcastle Drive (18.93 acres), to permit the development of 47 single family lots, requested by the Harpeth Group, Inc., for Nile Al-Barak, owner.

Resolution No. 95-458

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93P-005G is given **CONDITIONAL APPROVAL OF A REVISED PRELIMINARY PLAN**. The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and Traffic Engineering Section of the Metropolitan Department of Public Works.
2. The recording of a boundary plat concurrent with the first final phase of development.
3. The posting of performance bonds for all items which may be associated with any subsequent final approval.
4. Contribution to the Poplar Creek Road Improvement Fund in the amount of \$647 per acre at the recording of the Final Plat.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 95S-136G

Jackson Downs Commercial
Map 85, Parcel 55
(Subarea 14)
(14th District)

A request to create nine lots abutting the southeast corner of Lebanon Pike and Jackson Downs Boulevard (37.87 acres), classified within the CS and R8 Districts, requested by Mathews Partners, Inc., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. **(Deferred from meeting of 06/01/95).**

Resolution No. 95-459

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-136G, , be **APPROVED subject to posting a performance bond in the amount of \$1,385,650.00.**”

Subdivision No. 23-85-P

Forest Pointe, Phase Two, Section Two
Map 150, Part of Parcel 238
(Subarea 13)
(29th District)

A request to create 19 lots abutting the east terminus of Pointe Place, approximately 55 feet east of Pointe Place Court (7.97 acres), classified within the R10 Residential Planned Unit Development District, requested by Fox Ridge Homes, Inc., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 95-460

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 23-85-P be **APPROVED subject to posting a performance bond in the amount of \$167,800.00.**"

Request for Bond Extension:

Performance Bond No. 87BD-033

East Colony at Riverbend

East Colony at Riverbend, Joint Venture, principal

(Request received 05/17/95)

Located abutting the southeast corner of Poplar Creek Road and Old Harding Pike.

Resolution No. 95-461

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Performance Bond No. 87BD-033, East Colony at Riverbend, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$443,000.00 by **July 19, 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.**"

Performance Bond No. 89BD-014

Ransom Place, Phase One

Ransom Place Homes, Inc., principal

(Request received 05/15/95)

Located at the northwest corner of Una-Antioch Pike and Piccadilly Row.

Resolution No. 95-462

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Performance Bond No. 89BD-014, Ransom Place, Phase One, until October 1, 1995, in the amount of \$66,010.00, as requested."

Performance Bond No. 89BD-016

Still Spring Hollow, Section One, Phase One

Greater Middle Tennessee Development Partnership,

principal

(Request received 05/17/95)

Located east of Hicks Road, approximately 900 feet north of Highway 100.

Resolution No. 95-463

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Performance Bond No. 89BD-016, Still Spring Hollow, Section

One, Phase One, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$35,600.00 by **July 19, 1995** and extending the expiration date to April 1, 1996. Principal may extend the Letter of Credit to January 5, 1997 if he wishes. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Performance Bond No. 90BD-015

Little Creek Farm, Section One
I-24 Northwest Partners, principal
(Request received 05/17/95)

Located abutting the south margin of Old Hickory Boulevard, approximately 900 feet west of I-24 North.

Resolution No. 95-464

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Performance Bond No. 90BD-015, Little Creek Farm, Section One, until October 1, 1995, in the amount of \$26,900.00, as requested."

Performance Bond No. 92BD-046

Whitworth Apartments (Grove at Whitworth, Phase Two)
HSW Associates, L.P., principal
(Request received 05/17/95)

Located on the south side of Richardson Avenue and the west side of Sharondale Drive.

Resolution No. 95-465

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Performance Bond No. 92BD-046, Whitworth Apartments, until October 1, 1995, in the amount of \$27,700.00, as requested."

Performance Bond No. 93BD-018

Bridle Path, Section Two
David B. Taylor, principal
(Request received 05/10/95)

Located abutting both margins of Palomino Place, approximately 240 feet east of Granny Wright Lane.

Resolution No. 95-466

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Performance Bond No. 93BD-018, Bridle Path, Section Two, until October 1, 1995, in the amount of \$12,500.00, as requested."

Performance Bond No. 94BD-035

Bridle Path, Section Three
David B. Taylor, principal
(Request received 05/10/95)

Located on both margins of Thoroughbred Drive, approximately 290 feet east of Stewarts Ferry Pike.

Resolution No. 95-467

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Performance Bond No. 94BD-035, Bridle Path, Section Three, until October 1, 1995, in the amount of \$15,000.00, as requested."

Performance Bond No. 94BD-074

Sunset Oaks, Section Two
B & P Developments, principal
(Request received 05/08/95)

Located abutting the east margin of Old Tulip Grove approximately 424 feet north of Old Lebanon Dirt Road.

Resolution No. 95-468

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Performance Bond No. 94BD-074, Sunset Oaks, Section Two, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the reduced amount of \$180,675.00 by **July 19, 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.**"

Request for Bond Release:

Subdivision No. 78-87-P

Fredericksburg, Section One-A
Radnor Homes, Inc., principal
(Request received 05/31/95)

Located abutting the north margin of Cloverland Drive, opposite Cloverland Place.

Resolution No. 95-469

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Performance Bond No. 87BD-035, Fredericksburg, Section One-A, in the amount of \$4,500.00, as requested."

MANDATORY REFERRALS:

Proposal No. 95M-064U

(Council Bill No. O95-1450)
Easement Conveyance to NES
Map 82-5, Parcel 165
(Subarea 8)
(20th District)

A council bill approving conveyance of a permanent easement to Nashville Electric Service on property owned by the Metropolitan Government on Second Avenue North at Van Buren Street to permit construction of a substation to serve the new Central Wastewater Treatment Plant.

Resolution No. 95-470

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-064U.

Proposal No. 95M-067U

Resolution No. R95-1668

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

A resolution authorizing the installation of a 6' by 17' sign over the sidewalk in front of 166 Second Avenue North, for O'Charley's, Inc.

Resolution No. 95-471

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-067U.

This concluded the items on the consent agenda.

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 MUL 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 meetings of 04/20/95, 05/04/95, 05/18/95 and 06/01/95**).

Ms. Dudley stated this proposal had been deferred several times hoping that neighborhood meetings could resolve some of the community concerns in the area. The Subarea Three Plan anticipates transition to commercial uses over a long term. The request has been amended from CS to MUL which is better because of the MUL district's sensitivity to adjacent residential land use and its limitations on permitted uses. The community meeting which this proposal was deferred for has not yet occurred so all the issues have not been resolved. Ms. Dudley suggested this proposal was acceptable to approve. It does go in the direction of the Subarea 3 land use plan; Council and community could continue to deal with the issues of concern if the Commission decides to approve it and send it on to Council. She stated it would also be acceptable for the Commission to disapprove it if they felt the issues should be resolved before it reached Council.

Ms. Bodenhamer said he recalled that at the one meeting the applicant had with the citizens that they were going to meet again before it came back to the Commission.

Ms. Dudley stated that was also staff's understanding but that meeting had not taken place. The applicant was to initiate the meeting and he had indicated at the last Commission meeting that he would try to get a meeting together. Staff has not been contacted since then. Staff assumed the applicant would want staff there to explain the MUL district.

Councilman McWhirter asked if the reason staff suggested it was not a problem to go into this all residential section with MUL is because some of the land is vacant.

Ms. Dudley said that was true but was not the primary reason. The MUL district is designed to fit into residential settings so staff's position would be the same if the area were more developed residentially.

Mr. Bodenhamer stated he was not in favor of approving the proposal until the applicant and community have another meeting as promised.

Mr. Browning stated the MUL would allow retail, offices and the residential function in combination.

Ms. Dudley stated one advantage of the MUL in this area was that if it were to be developed purely commercial, the floor area ratio allowed would be only .2 which is less than the residential zone permits as far as the intensification of building area.

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

Resolution No. 95-472

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-036U is **DISAPPROVED**.

The community has expressed concerns about the timing and implementation of this transition from residential to commercial zoning. An expected community meeting to address those concerns has not yet occurred. Although the Planning Commission recognizes that the MUL district is an appropriate district to begin this transition as supported by the Subarea 3 Plan, they determined that it was premature to recommend approval of this request until community concerns are resolved."

Zone Change Proposal No. 95Z-067G

Map 6, Part of Parcel 15 and Parcel 16
(Subarea 2)
(11th District)

A request to change from AR2a District to CS District certain property abutting the west margin of Old Buck Hill Road at its terminus (8 acres), requested by John Frederick, for Elbert and Della A. Lassiter and Gene and Trena Gibbs, owners.

Ms. Dudley stated this site was presently being used illegally as an auto salvage storage yard. This site is Subarea 2, not yet adopted, but the Subarea 2 Plan will be recommending that the Commission apply natural conservation policy because the land is hilly, with steep topography, unstable soils and a lack of urban services. The request for CS is not appropriate here. The only appropriate location for CS in a natural conservation area would be prescribed by strict locational criteria and would have to be on local or collector roads that have a high degree of accessibility to the surrounding community. Its purpose would be to serve the needs of the surrounding community. This district site, with its eight acres is inappropriate for CS zoning in that it does not meet those criteria and the use it is being put to now is not a community based use. Part of this property being used this way is in Ridgetop and officials at the Ridgetop City Hall have informed staff that they are now taking the property owners to court because the use is illegal in their city as well as in Davidson County. Staff recommends disapproval as contrary to the General Plan.

Mr. Lawson asked how much of the property was in Ridgetop.

Ms. Dudley stated approximately five acres of the property was in Ridgetop.

Mr. Lawson moved and Ms. Nielson seconded the motion to disapprove.

Mr. John Frederick, the petitioner, stated that the property in question is not in the City of Ridgetop. He said he had a salvage car operation which is in the City of Ridgetop and has been in operation since 1956. The subject property abuts the salvage operation. The property in question by the City of Ridgetop is a parcel of land to the west of his property owned by another person that they have cited to court. The information staff presented is incorrect. He stated there is only one accessible road into the property through his salvage yard in Robertson County and asked the Commission to take another look at the property before recommending disapproval or talk to his Councilman Tim Garrett, regarding it.

Ms. Dudley stated she would like to make one clarification. When the application first came in, the proposal was for the entire parcel to be rezoned as CS and it was changed because half of the parcel requested for CS zoning was in Metro and half was in Ridgetop. Staff contacted Ridgetop to see if there was a zone change being requested in their city and they said there wasn't.

Chairman Smith asked where the City of Ridgetop's property line was located.

Ms. Dudley stated it was close to the curve in Old Buck Hill Road and indicated that location on the aerial photograph.

Mr. Allen said Old Buck Hill Road really doesn't go in the subject property.

Mr. Frederick said there was no access to it from Ridgetop.

Mr. Lawson stated his concern was how this met the land use plans for Davidson County and asked Ms. Dudley if according to the General Plan today, if the recommended zoning here is for natural conservation, as it currently stands.

Ms. Dudley stated it was important to remember that all of the Subarea Plans fall under the auspices of Concept 2010. The policy that the Subarea 2 Plan is proposing for this area is spelled out quite clearly in Concept 2010. When dealing in areas such as this, with steep topography and lack of urban services, the policies that will be applied to this area come directly from the General Plan. That is why staff is suggesting the proposal is contrary to the General Plan.

Mr. Owens stated the old salvage operation, according to Metro Codes, was never occurring within Metro's jurisdiction; it was on the other side of the line. That is why there has never been a so called non-conforming operation within our jurisdiction. The operation has never operated in Metro's jurisdiction. It is expanding into Metro's jurisdiction. That is why we have a zone change request, to legally allow it to come down into Metro's jurisdiction. In staff's recommendation to the Commission, we went back to the policy documents to determine if it is appropriate zoning to occur in Davidson County and the answer according to the General Plan is, no.

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

Resolution No. 95-473

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-067G is **DISAPPROVED** as contrary to the General Plan.

The forthcoming Subarea 2 Plan will be recommending 'natural conservation' policy for quite a large area in this portion of the county due to the preponderance of steep slopes, unstable soils, and a lack of urban services.

The CS district is inappropriate in this location. The only justification for applying any type of commercial zoning within 'natural conservation' policy would be to allow convenience retail services

to the surrounding community, and that allowable only if specified locational criteria are met. This proposal for CS zoning meets none of these tests.”

Zone Change Proposal No. 95Z-068U
Map 163, Parcel 188
(Subarea 13)
(29th District)

A request to change from R8 District to RM8 District certain property abutting the northeast margin of Hickory Hollow Parkway, approximately 1,400 feet south of Mt. View Road (39.59 acres), requested by Joe Meeks, for Resolution Trust Corp., owner.

Proposal No. 82-87-P
Hickory Hollow Mixed Use
Map 163, Parcels 66, 66.01, 64, 65, 67, 188
and Part of 55
(Subarea 13)
(29th District)

A request to cancel the Commercial (General) Planned Unit Development District abutting the northeast margin of Hickory Hollow Parkway, approximately 1,400 square feet south of Mt. View Road (62.50 acres), requested by Meeks Real Estates, owner of Parcel 188

Mr. Martin stated that the PUD cancellation request related to a large unbuilt commercial planned unit development near the Hickory Hollow Mall. In addition, there is a request for rezoning the largest parcel in the PUD from R8 to RM8 to allow the construction of multi-family homes. This is a large unbuilt PUD that dates back a number of years and was put together with options. A number of property owners still retain control of the various pieces but the cohesiveness of the approved PUD has gone away with the original applicant. Now we have a commercial PUD with several property owners, none of whom has made a move toward development of this overall PUD. The applicant has requested lifting this PUD overlay and placing parcel 188 under a RM8 zone district, which is appropriate under the Regional Activity Center policies for the area. Staff is recommending approval.

Councilman Roy Dale, engineer of the project, stated the staff presentation was clear and correct and that he would be happy to answer any questions from opposition.

Mr. Manier asked Mr. Dale what would happen to the relocation of the road.

Mr. Martin stated that in the original PUD, Mt. View Road was to be relocated across the top of the site. There is a plan for massive redesign for the intersection of several of the roads down by the railroad crossing to solve a lot of traffic problems. Mt. View Road will eventually terminate and have a cul-de-sac. One of the major features of the PUD was to relocate Mt. View and tie it back to Hickory Hollow Parkway. Mr. Meeks, the petitioner, has indicated to staff that he is willing to dedicate that piece of right-of-way.

Mr. Harbison asked what would happen to parcels that were originally in the PUD, but now are not going to be rezoned.

Mr. Dale said they would go back to the original zoning which was AR2a.

Mr. Ralph Mello, an owner of one of the parcels in the area, encouraged the Commission to cancel the PUD.

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

Resolution No. 95-474

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-068U is **APPROVED**.

This proposal is to cancel a commercial PUD and to change the underlying zoning district from R8 to RM8 district to allow multi-family development. This change to RM8 zoning is appropriate as this area is within the Hickory Hollow activity center, which encourages a mixture of high density residential, office and retail uses."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 82-87-P is given **APPROVAL FOR CANCELLATION**. The following condition applies:

Concurrence of the cancellation by the Metropolitan Council."

Zone Change Proposal No. 95Z-071G

Map 62, Part of Parcel 169
(Subarea 14)
(15th District)

A request to change from R15 District to CS District certain property abutting the north margins of Music City Circle and Music Valley Drive (.08 acres), requested by John W. Heibert, for William E. Oaks, owner.

Proposal No. 5-73-G

Music Valley PUD
Map 62, Part of Parcel 169
(Subarea 14)
(15th District)

A request to cancel a portion of the Commercial (General) Planned Unit Development District abutting the north margins of Music City Circle and Music Valley Drive (0.08 acres), requested by Heibert and Associates for, William Oakes, owner.

Ms. Dudley pointed out that a portion of the PUD is being proposed for cancellation and rezoning to CS. It is a forty by sixty foot portion of the PUD. The PUD was recently amended in Council and approved for motel and restaurant uses. The portion proposed for the cancellation is shown on the adopted plan as a landscape area associated with a restaurant. From a purely technical perspective, the removal of this tiny portion of the PUD will not effect the functionality of the remaining PUD.

Ms. Dudley gave some background information of the Pennington Bend area, stating it used to be rural farmland has been developed mostly under the provisions of planned unit developments. PUDs were used to address street deficiencies and other design concerns in the area and this form of development has benefited both the city and the developers. The city has been able to plan for and require adequate infrastructure in this area while developers have enjoyed design flexibility not available through straight rezoning. Despite the predominate development under planned unit development provisions, staff is not suggesting that the CS district is not appropriate in this commercial entertainment area. In this particular case, however, it is how the CS district is proposed to be applied that raises questions. The Commission has approved CS in this area before but those approvals have been for intact parcels proposing new development not for partial cancellation of a PUD for the benefit of some other provisions of the zoning ordinance. The primary purpose of the CS district is to allow for retail uses, which would be difficult to achieve on this tiny forty by sixty foot portion of property. The intended reason for carving out this section is to take advantage of the CS district's allowance of billboards. The Commission should consider whether, from a philosophical perspective, allowing these random manipulations of a PUD could propose a threat to all planned unit developments.

Ms. Dudley reminded the Commission that since this was a PUD cancellation, there would also be a need for a public hearing.

No one spoke in favor or in opposition to the cancellation of the PUD.

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

Resolution No. 95-475

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-071G is **DISAPPROVED**.

This site is within Pennington Bend entertainment area and is in commercial policy. The CS district would implement this policy classification, and though most of this area has developed under PUDs, the Commission has supported some CS zoning along Music Valley Drive in the past. The area proposed for CS is also that portion of the existing commercial PUD to be canceled. The cancellation would not affect the functionality of the remaining PUD, and would not result in any zoning violations. The Commission found it unacceptable to permit the PUD district boundary to be manipulated so that a small portion of the site could enjoy zoning permissions not possible under the PUD provisions, while the majority of the development remains the beneficiary of design flexibility through the PUD provisions."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 5-73-G is given **DISAPPROVAL**.

The Planning Commission determined that the previously established Planned Unit Development district is the appropriate zoning classification for this property."

Zone Change Proposal No. 95Z-074G
Map 121, Parcel 37
(Subarea 14)
(13th District)

A request to change from AR2a District to CG District certain property abutting the south margin of Pulley Road, approximately 5,000 feet west of Pleasant Hill (1.1 acres), requested by Jimmy Cornelius, Sr., owner.

Ms. Dudley stated that the surrounding property is zoned AR2a with a commercial PUD directly across the street. One parcel away from the subject parcel is the beginning of a CG zone. This general area is classified under industrial policy in the Subarea 14 Plan. This policy was applied for two main reasons. One was the proximity of the airport; this site is within the noise contours of the airport. The other reason was the relocation of Harding Place extended which is designed to go to the east of the property. Staff recommends approval of this request but does want to point out there has been community concern in the past. In 1994 the Commission recommended approval of CG zoning for properties in this general area. The Council has withheld approval for some properties fronting Couchville Pike. Councilman French, who may be the sponsor of this zone change bill, indicates that he is in support of this rezoning and he intends to have neighborhood meetings on both the rezoning of this parcel and some other parcels to see what the concerns of the neighborhood are before taking this bill on to Council.

Councilman McWhirter asked Ms. Dudley to clarify which parcels had not been through Council.

Mr. Browning said there were either four or five parcels fronting Couchville Pike that went through the January 1995 public hearing at Council and they were deferred indefinitely at that time because there was some concern about having more CG zoning in that part of the community.

Ms. Jernigan asked if all the structures in the picture were all residential.

Ms. Dudley said there were some residential properties in the area but that it was a pretty undeveloped area at the present time.

Councilman McWhirter said his main discomfort was that part of the area had been approved at the Commission level and at the PUD level but it was still sitting there vacant and that there was obviously no need for more CG. He also stated he was concerned because there was no active Councilman for that district at the present time.

Mr. Manier asked if the normal notification procedures were followed to alert the surrounding property owners.

Mr. Owens stated that had not been done. It is premature. That is a process of notification once a bill is progressing to the Council.

Mr. Harbison stated he thought it was consistent from a land use standpoint and moved and Mr. Manier seconded the motion which carried unanimously to approve the following resolution:

Resolution No. 95-476

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-074G is **APPROVED**.

This site is east of the airport, and just west of the proposed realignment of Harding Place extended. The policy recommended for this area is 'industrial', which the proposed CG district can implement."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT:

District Applications and Finals:

Proposal No. 95P-020G
Bellevue Hollow
Map 143, Parcel 37
(Subarea 6)
(23rd District)

A request to grant preliminary approval for a Commercial (Neighborhood) Planned Unit Development District abutting the north margin of the Memphis-Bristol Highway, approximately 2,400 feet east of Old Hickory Boulevard (1.88 acres), classified R15, to permit the development of a 14,500 square foot neighborhood retail facility, requested by Dale and Associates, for Randy and Dianne Knowles, owners.

Mr. Martin stated this was a request for a convenience retail facility. The issues to be decided were issues of land use. The Commission must deal with the appropriateness of placing this retail convenience facility in an area which is policed residential. He reminded the Commission that the retail local convenience policies are unmapped policies. The decision that must be made with any application for a retail local convenience is the appropriateness of the location. It is a strategic decision in each case and must be made on a case by case basis. There are two principal criteria for evaluation in the General Plan. Those two criteria are proximity to major intersections and relationship to other commercial facilities.

The property is one quarter to three eighths of a mile from other retail facilities to the west and staff believes this falls short of satisfying the spacing standards from other commercial facilities. The proposal

also fails to satisfy a standard that convenience retail centers should be located adjacent to an intersection of collector streets, if not a collector and an arterial. For these reasons, staff is recommending disapproval as failing to meet the locational criteria plan.

Mr. Martin also announced staff had received a petition in opposition by the Windsor Terrace Condominiums.

Mr. Roy Dale, representing the applicant, stated that in the subarea plan, this property is indicated as residential developing 4.5 which does allow convenience centers or neighborhood activities. He stated that the site is one thousand seven hundred and sixty-five feet or one fourth to three eighths of a mile from the boundary of a commercial property, Service Merchandise, which would certainly not be considered a convenience store or neighborhood activity location. This facility would be something similar to a convenience store, a dry cleaners or neighborhood oriented activities, not something large like Service Merchandise. He said he felt this property was best suited for this type use and asked the Commission for approval.

Mr. John Knowles stated the Service Merchandise store is not in operation any more and right across the street from that is the Kroger Center with the grocery store, restaurants and other shops. That particular area is a key structure in the subarea plan and putting something commercial very close to that node might start destabilizing the idea of holding commercial into that node and let it leapfrog and leak out into the neighborhood. He asked the Commission to go along with the staff's recommendation and disapprove the proposal.

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

Resolution No. 95-477

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-020G is given **DISAPPROVAL**.

The Planning Commission determined that convenience retail land uses are not appropriate at this residentially policed location.”

Proposal No. 95P-021U

Epiphone Guitar Assembly Facility
Map 94, Parcel 98 and Parts of Parcels 93 and 96
(Subarea 14)
(15th District)

A request to grant preliminary approval for a Commercial (General) Planned Unit Development District abutting the south margin of Lebanon Pike, opposite Clovernook Drive (5.01 acres), classified CS, OP and CG, to permit the development of a 65,000 square foot limited manufacturing facility, requested by Heibert and Associates, for The Epiphone Company, owner.

Mr. Martin stated this was a design issue in that the proposal failed to protect near by residential areas. The Subarea 14 Plan states that the residential area across the highway and developing residential areas to the east are to be protected. The plan provides industrial policies further to the south of Lebanon Pike, down to the Massman Drive area which is a large industrial area. For these two relatively incompatible policies to co-exist, the Subarea Fourteen Plan placed a band of commercial retail policy along the south margin of Lebanon Pike to function as a transition. In recent zoning actions, the Commission has placed CS and OP zoning on the property. The placement of the CS and the OP helps implement the land use policies. This application is for a commercial PUD, for a limited manufacturing use which is also permitted in the CS district. In CS however, limited manufacturing is restricted to ten thousand square feet. In the PUD, it is unlimited and the applicant has proposed a building of over fifty thousand square feet. The question, then is

whether or not this proposal uses the design flexibility of planned unit development to overcome the potential impact of this large facility on its neighbors. Staff believes the answer is no. The design does not orient this building towards the commercial area but instead orients it directly across the street to the residential area. Therefore, staff believes this is a poor design solution and recommends disapproval.

Ms. Nielson asked if it were oriented differently on the property would the analysis be different.

Mr. Martin stated it would depend on the solution.

Councilman Roy Dale stated if the Commission disapproved this proposal, he felt he could deal with it on a Council level and maybe get them to come back and move the building or do whatever needs to be done, as long as it is not disapproved as contrary to the General Plan. He said if it were disapproved he would meet with the petitioners and neighborhood to get opinions from both sides and that he felt this was an important industry for Nashville.

Councilman McWhirter asked Councilman Dale to have some look at what a building and operation of that size would generate in terms of left hand turning movements on Lebanon Road west bound. With people coming up and out of the curve, it could be dangerous.

Councilman Dale stated he thought there was a turning lane in Lebanon Pike at that location and even with that there is a property being developed next to it and there was a possibility that they could have some sort of joint access.

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

Resolution No. 95-478

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-021U is given **DISAPPROVAL**.

The Planning Commission determined that the design plan failed to adequately buffer adjacent residential areas.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 95S-137U
Percy Warner Boulevard Property
Map 129, Parcel 11
(Subarea 7)
(35th District)

A request to create 13 lots abutting the southwest margin of Percy Warner Boulevard, approximately 145 feet northwest of Highland Park Drive (2.94 acres), classified within the R8 District, requested by Joel Wilson, developer, Jewish Community Center, owner, Wamble and Associates, surveyor. **(Deferred from meeting of 06/01/95).**

Mr. Bracey announced this proposal had been deferred from the previous meeting and the public hearing was held open. He stated Public Works and the owner’s engineer had studied the problem and Mr. Jim Armstrong was present to report to the Commission.

Mr. Jim Armstrong stated that the applicant's engineer had done field survey investigation on cross sections of the drains and analyzed them for capacity to locate the worst problem areas. The designer came up with some possible solutions that would open up the ditch and allow water to flow through the main problem area. Public Works took that information and spoke with the area neighbors. Public Works is still requesting deferral at this point in order to allow additional dialogue with those property owners who would have to grant easements for any work not contained within the public right-of-way.

Chairman Smith asked if Public Works was willing to spend money on the project.

Mr. Armstrong stated that the estimated cost was \$15,000.00 and the developer had agreed to share the cost with a \$5,000.00 contribution. He stated that Mr. Marlin Keel, Director of Public Works, had indicated there were funds identified for the additional \$10,000.00 from Public Works.

Mr. Danny Wamble, surveyor, stated his client would agree to a two week deferral, but if the public hearing was going to be closed and the area residents were going to speak, then his client would also like to speak.

Chairman Smith said it would be better to leave the public hearing open to insure everyone has had a chance to view any plan changes.

Mr. Lawson moved and Ms. Jernigan seconded the motion, which carried unanimously, to keep open the public hearing and **defer** action for two weeks.

Subdivision No. 91S-080G

West Meade Property
Map 142, Parcel 16
(Subarea 6)
(35th District)

A request to subdivide a lot into three lots abutting the north margin of the Memphis-Bristol Highway, approximately 949 feet west of Hicks Road (2.81 acres), classified within the R15 District, requested by D. E. Ryan, owner/developer, Ken Arnold, surveyor.

Mr. Bracey stated this plan was first approved in 1991 and has had two extensions since that time primarily because the Harpeth Valley Utility District did not have sewer accessible to the property. Now the Harpeth Valley Utility District advises that sewer service is accessible and they will provide service any time the owner desires to do further development on the property, and staff recommends approval.

Mr. Lawson moved and Mr. Harbison seconded the motion, which carried unanimously, and to close the public hearing.

Resolution No. 95-479

“BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 91S-080G, be given **PRELIMINARY APPROVAL**.”

Subdivision No. 95S-148U

Hickory Highland Place
Map 163, Parcels 26, 174 and Part of 27
(Subarea 13)
(29th District)

A request to create 74 lots located between Moss Road and Mt. View Road, approximately 1,100 feet east of Ottenville Road (30.0 acres), classified within the R8 and RM8 Districts, requested by Harding University, Inc., owner, Davis Properties, developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Bracey stated there were two issues of design concern on this proposal. One is steepness of the property for the primary road. The second concern is a drainage channel flowing through an area of the property. Both of those items have been addressed by the applicant. Staff is recommending approval with conditions.

Chairman Smith announced the public hearing was open but there was no one present to speak.

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

Resolution No. 95-480

“BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 95S-148U, be given **PRELIMINARY APPROVAL** subject to the following conditions:

1. That Lots 1 through 4, Lots 22 through 25, and Lots 71 through 75 be designated critical lots on any final plat .
2. Any final plat application shall be accompanied by illustrations demonstrating the utility as building sites for these lots designated critical in relation to ultimate site and road grading.
3. Any final plat application shall contain notes that state no driveway access permitted to Mt. View Road.
4. This preliminary approval does not guarantee a final plat approval for 74 lots.

Subdivision No. 95S-149U

McGinn Property
Map 115-6, Parcel 88
(Subarea 7)
(23rd District)

A request to create six lots abutting the northeast margin of Davidson Drive, approximately 850' northwest of Clematis Drive (6.09 acres), classified within the RS40 District, requested by Kevin McGinn, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Bracey stated this was a relatively simple subdivision with the lots being roughly forty thousand and one hundred feet in size which is comparable to the surrounding lots. There are no issues associated with this subdivision and staff recommends approval.

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. 95-481

“BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 95S-149U, be given **PRELIMINARY APPROVAL**.”

Subdivision No. 95S-151U

Noel's Subdivision of Watkins Grove,
Resubdivision of Lots 195, 220 and 221
Map 117-11, Parcels 8 and 9
(Subarea 10)
(25th District)

A request to subdivide three lots into six lots abutting the north margin of Woodmont Boulevard, between Golf Club Lane and Benham Avenue (2.98 acres), classified within the R20 District, requested by Ashwood Church of Christ, owner/developer, Wamble and Associates, surveyor.

Mr. Bracey stated this plat was submitted in final plat form and staff is recommending approval.

Ms. Nielson asked if there was a condition that there would be no driveway allowed onto Woodmont Boulevard.

Mr. Bracey stated that was correct.

Mr. Browning asked if this proposal had been advertised for public hearing.

Mr. Bracey stated it was advertised and staff had received several phone calls regarding this matter.

No one was present to address the Commission.

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. 95-482

“BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 95S-151U, be given **PRELIMINARY AND FINAL APPROVAL subject to posting a performance bond in the amount of \$13,500.00.**”

Final Plat:

Subdivision No. 95S-143U
Monte Vista, Resubdivision of Lot 20
Map 61-16, Parcel 172, 70 and 71
(Subarea 5)
(9th District)

A request to resubdivide three lots into three lots abutting the southwest margin of McAlpine Avenue, approximately 965 feet northwest of Kennedy Avenue (2.8 acres), classified within the R10 District, requested by Wayne N. and Richard M. Camp, owners/developers, H and H Land Surveying, Inc., surveyor.

Mr. Owens stated this was the item he announced before the adoption of the agenda with the altered caption. He said staff was recommending approval of this amended plat because it had been modified after the staff report was sent out. This is in an area policed as low-medium density in the Subarea Five Plan, zoned R10 with ten thousand square foot lots. The lot patterns and sizes vary in this area. There will be one lot with about two and a half acres and two R10 lots consistent with zoning. This is not creating new building sites. It is only changing the size of the lots with the one lot getting bigger which will allow it to resubdivide in the future into more ten thousand square foot lots with a new cul-de-sac. This is as a final plat approval and has not been advertised as a preliminary because there are no new building sites and no new streets.

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

Resolution No. 95-483

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-143U, be **APPROVED.**”

OTHER BUSINESS:

1. Intern Contract for Mira Allyne Evans.

Mr. Browning reminded the Commission that one of the three summer interns had found employment elsewhere and Ms. Mira Allyne Evans had been chosen for his replacement. He stated she was a student at TSU in Architectural Engineering and will be working with Current Planning and Design division.

Ms Nielson moved and Mr. Bodenhamer seconded the motion, which carried unanimously to approve the contract for a three month internship.

2. Visioning.

Mr. Browning reported that the mayor’s recommended FY 96 budget for planning contains a slight increase over this year’s budget. It appears that it will pass council with no changes.

In looking to the coming fiscal year, Mr. Browning stated that there are particular work program items in each division that he would like the commission to concentrate on. In Advance Planning and Research, he would like to emphasize the new computer equipment and the increased capabilities provided by the mapping system. He stated that we are requesting additional 4% funding next fiscal year to provide improved access to the Land Information System data contributed by many metro departments. At present, we cannot access this database directly and are not able to use fully the wealth of data on permits, assessments, etc. contained in it.

Mr. Manier stated this information should also be available to the public by paying a reasonable fee or through the public libraries.

Mr. Browning stated that Mr. Lawson had asked him to bring up a point that had arisen in his service on the MPO Finance and Audit Committee. In its review of the consultant’s work on the five county Long Range Transportation Plan, the committee noted that successful completion of the plan would be aided by better cooperation on the part of the Tennessee Department of Transportation. Mr. Lawson suggested that he would like the commission to discuss this matter or form a task force to see if cooperation could be improved.

Mr. Browning continued with his report on areas of the work program he would like to emphasize in each division. He stated that in the Community Plans Division the most significant item is that on June 29th the commission will hold the public hearing on the last subarea. This project began a little over five years ago. Jerry Fawcett and his staff have kept it on line and have done a good job in completing it in this length of time. Organization for the update of the subareas has begun, with fourteen the first to be undertaken.

In addition, the study of the Phillips-Jackson redevelopment area just north of downtown is underway. In this study, we will be working with MDHA to implement the programs and looking for funding from local, federal, and private sources.

The two primary areas of emphasis in the Current Planning Division will continue to be maintaining the twenty-eight day review cycle and rewriting the zoning ordinance. Mr. Browning pointed out that once the text of the zoning ordinance is under way, we will begin to concentrate on adopting new maps.

Mr. Browning stated that there were two things he thought the commission needed to assess: the issue of how traffic fits in the development process and how subarea plans should be used or interpreted.

Mr. Manier responded that there should be more rationale regarding the decisions the commission makes since each decision has a long term effect on the community.

Mr. Bodenhamer stated that there are sometimes logical reasons to change a plan; five years is a long time to say there can't be any changes made.

Mr. Harbison stated that you really need to be careful in the subarea planning process. The community should participate, but you don't want to imply that you have made a contract with them.

Mr. Browning reminded the commission that the subarea process has an amendment procedure. If it has an amendment procedure, that implies it can be changed.

Mr. Jerry Fawcett, Community Plans Division Manager, said he was glad to see the Commission debate these issues and come to some conclusions. He added when you have a subarea plan the first thing you want to examine is what is the plan trying to do; what is its basic approach to things. In Bellevue they were very clearly trying to establish commercial areas as very well defined and with specific functions. So they laid out this so called nodal concept and had community scale retail at one location and then regional uses at another location and it made some logical sense in terms of functioning, But the basic premise was they wanted nodes; they wanted to avoid strip commercial. If you are trying to avoid strip commercial, boundary conditions become pretty important, so their concern is that if you are going to establish a boundary, it should have some good rationale; if you are going to change boundaries over what they are, that should also have a good planning rationale. In Subarea 6 what Bellevue citizens are nervous about is that if you are going to question a boundary that is in the plan, then it must imply that there is something not working and they felt that the boundary (around Hicks Road) was pretty well established. There are properties within the node that everyone accepts as being commercial but have not yet developed or that are in a position that they are going to redevelop. When you contain commercial areas as intended in the Subarea 6 Plan, it encourages redevelopment because there is only so much land made available. Basically the subarea plans are out there to say all right we have done some preliminary work that says this is a good direction to go in and now let's monitor it and see how it is working. If it is working all right, then let's not fool with it; if it isn't working all right, then let's fix it where it is wrong. Basically you have said to the community to tell you what they think is necessary within the guidelines that you give them and you will work with their recommendations and see how it goes. There are places where it is quite appropriate to interpret and there are those cases where interpretation has got to be very carefully done. Wherever there are these cases then there needs to be very good reasons given for what is done.

Mr. Harbison said he thought that was very well put but one place you get pressure areas are in the nodes, with not much transition of land usage, what are you going to do with the little end pieces that are left over that are up against an intersection, for example. He said what appealed to him about that particular item in Bellevue was that it provides a transition, it provides an end. Also, part of the proposal is to multi family that transitions into other residential so that seems that transitioning is somewhat like buffering.

Mr. Fawcett said it was but first you have to ask the question -- is there already a transition there? He said he thinks the community of Bellevue felt that because there was a office building already there, it was there for transitional use. You are always going to have cases where you don't have ideal boundaries.

Mr. Harbison said he thought that is what makes the tough calls.

Mr. Fawcett said whether or not a street can serve as a boundary is always debatable.

3. Legislative Update.

Ms. Dudley stated there had been two Council meetings since the last meeting, June 6th and June 13th.

On June 6th two bills were on public hearing: The East Bank Redevelopment plan that the Commission approved with three amendments at the June 1st MPC meeting. This was deferred after an amendment incorporating your recommendations was adopted and the public hearing was closed.

The second bill was an ordinance adopting the Capital Improvements Budget which was approved on third reading at a special Council meeting June 13.

Resolutions:

Ludye Wallace sponsored a resolution requesting the Mayor, MDHA, the Traffic and Parking Commission, and the Planning Commission to conduct a feasibility study to determine if it would be appropriate to close 2nd Avenue and Lower Broadway to vehicular traffic at certain times in order to promote business and entertainment in the area. This was approved.

Several resolutions were approved appropriating money for various redevelopment areas. (Jefferson Revitalization District, Phillips-Jackson Redevelopment area and Elkins Park Neighborhood Strategy area.)

A resolution permitting signs and awnings for Wendy's on 2nd Avenue was approved. A resolution permitting O'Charlie's sign was deferred awaiting your recommendation, which you approved on consent today. (The sign was modified to meet the historic commissions design guidelines.)

First Reading:

A bill on 2nd reading that was deferred but which might interest you, would require the dismissal of any person serving on a board or commission after several unexcused absences.

Two bills were introduced and are scheduled for the July 11th public hearing. One has not yet been before you and is scheduled for your June 29 meeting. This is a text amendment changing notification requirements for public hearing from 15 days to 28 days. We will be discussing the ramifications of this change with you at the next meeting.

Second Reading:

A bill changing the zoning on property on Charlotte Pike near Old Hickory Boulevard from OP and CS to RM8 was defeated after several council deferrals. There was a lot of community concern about traffic generation of the proposed apartments, even though the Traffic and Parking Commission determined that the traffic generated by apartments would be less than that generated by a CS and OP development.

Third Reading:

The bill requiring a public hearing before the relocation or a new school was approved, after it was amended to incorporate your suggestions about more appropriate notification requirements.

Eleven mandatory referrals were approved, some closing streets or alley, some abandoning utility easements, some approving the sale or acquisition of property, and one approving the lights and banners for Printer's Alley.. All of them were approved by the Commission.

As everyone knows two bills exempting distance requirements were adopted on third reading. One merely exempted arenas from those requirements, while the other exempted the entire downtown area from those requirements. The Mayor vetoed the second one. We will see what the Council does about this at the next council meeting.

The special meeting held June 13 was primarily to adopt the Capital Improvement budget. Nothing else was on the agenda except some routine bills those bills were all on third reading.

Things should get much more exciting by the time the July 11 public hearing rolls around. since this will be the last public hearing until November due to the election, everybody is busy trying to get their property rezoned or to change the zoning code in the nick of time. Some of these requests actually make sense , as you will see on your next agenda.

Mr. Browning stated staff had met with the Mayor on the Franklin Corridor. The Mayor also met with Mr. Pat Emery who made a presentation to this Commission and to the Mayor and the appropriate route would be on that was adopted by the Commission that would follow Franklin Street in the original concept. So that is the one for which the EIS is being submitted to the federal government and that is the one that will remain in the pipeline for further discussion.

Plats Processed Administratively:

- 95S-145A GLOUCESTER SQUARE
Plat revises setback lines in accordance with the Board of Zoning Appeals approval.

- 95S-170G WILLIAM BUNKALL PROPERTY
Plat documents deed parcel created in 1956..

- 103-79GRIVERFRONT SHOPPING CENTER EASEMENT PLAN
Plat revised to update easement plan for commercial center.

ADJOURNMENT.

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

Chairman

Secretary

Minute Approval:
This 29th day of June 1995