

MINUTES OF THE MEETING
OF THE
METROPOLITAN PLANNING COMMISSION

Date: Thursday, July 27, 1995
Time: 1:00 p.m.
Place: Howard Auditorium

ROLL CALL

Present:

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

Absent:

Mayor Philip Bredesen
Jimmy Allen

Also Present:

Executive Office:

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

Current Planning and Design Division:

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

Advance Planning and Research Division:

John Palm, Planning Division Manager
Marie Darling, Planner I

Community Planning Division:

Jerry Fawcett, Planning Division Manager
Gary Dixner, Planner III

Others Present:

Jim Armstrong, Public Works
Leslie Shechter, Legal 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.

ANNOUNCEMENT OF DEFERRED ITEMS

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

95P-006U	Deferred two weeks by request of applicant.
134-84-G	Deferred two weeks by request of applicant.
95S-180U	Deferred two weeks by request of applicant.
95S-203G	Deferred two weeks by request of applicant.

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

APPROVAL OF MINUTES

Mr. Harbison moved and Ms. Jernigan seconded the motion, which was unanimously passed, to approve the minutes of the regular meeting of July 13, 1995.

RECOGNITION OF COUNCILMEMBERS PRESENT

Councilman Gary Odom was present to speak in opposition to proposal 95B-127G and presented a petition from approximately 100 property owners in the River Road area opposed to use of the property as a cemetery. He also spoke in opposition to proposals 95Z-053G and 95Z-054G located at Hicks Road and Highway Seventy South.

Councilman Durward Hall was present to speak in favor of 95Z-006U and the accompanying planned unit development, 95P-003U, Forge Ridge, located on Franklin Limestone Road stating he had held five community meetings regarding this proposal and everyone involved seemed to be in agreement and asked the Commission for approval.

Councilman Tandy Wilson spoke in favor of 95S-207G, High Ridge Subdivision. He stated the developers had held a neighborhood meeting and agreements had been reached to satisfy the neighbors.

Councilman Aaron Holt spoke in reference to 95S-192G asking for approval.

Councilman Charles French was present to ask the Commission to approve alley closure 95M-081U.

ADOPTION OF CONSENT AGENDA

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

APPEAL CASES:

Appeal Case No. 95B-130U
Map 71-14, Parcel 399
Subarea 3
District 5

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 office/warehouse within the CG District, on property located on the northeast corner of Victoria Avenue and Vashti Street and the southeast corner of Spurgeon Avenue and Vashti Street (2.23 acres), requested by Howard R. Strickland, appellant/owner.

Resolution No. 95-554

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-130U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

District Applications and Finals:

Proposal No. 89P-003G
Still Spring Hollow, Phase 2, Section 1
Map 128, Part of Parcel 76
Subarea 6
District 35

A request for final approval for Phase 2, Section 1 of the Residential Planned Unit Development District abutting the north terminus of Still Spring Hollow Court, 450 feet northwest of Still Spring Hollow Drive (0.99 acres), to permit the development of three (3) single-family residential lots, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Greater Middle Tennessee Development Partnership, owner. **(Also requesting final plat approval).**

Resolution No. 95-555

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 89P-003G is given **CONDITIONAL FINAL PUD APPROVAL; APPROVAL OF THE FINAL PLAT SUBJECT TO POSTING A BOND IN THE AMOUNT OF \$2,000.00.** The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of Public Works.
2. Recording of the final plat of subdivision along with the posting of bonds as may be required for any necessary public improvements."

Proposal No. 28-79-G
Hickory Manor Apartments, Phase 1
Map 163, Parcel 128

Subarea 13
District 29

A request for final approval for a phase of the Residential Planned Unit Development District abutting the west margin of Hamilton Church Road, approximately 50 feet north of Zelida Drive (12.93 acres), to permit the development of a 152 unit residential complex, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Hickory Manor Limited, owner.

Resolution No. 95-556

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-79-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. 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 \$10,132.00, representing 25.33% of a total traffic improvement estimate of \$40,000.00. 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 traffic improvements are not warranted upon completion of this and other developments reasonably expected to use the traffic facility.

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

Proposal No. 94P-021G
Hanover Park of Sheffield
Map 141, Parcel 42
Subarea 6
District 35

A request for final approval for the Residential Planned Unit Development District abutting the west margin of Somerset Place and the south terminus of River Fork Drive (23.3 acres), to permit the development of 51 single-family lots, requested by Anderson-Delk and Associates, for Phillips Builders, Inc., owner.

Resolution No. 95-557

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-021G 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. Recording of a final plat of subdivision together with the posting of bonds as may be required for any necessary public improvements.
3. Contribution to the Poplar Creek Road improvement fund in the amount of \$647 per acre at the time of recording of the final plat.”

Request to Revise/Amend a Site Development Plan:

Proposal No. 95P-022G
Sudekum Homes Retail
Map 93-15, Parcels 106, 108 and 111
Map 93-16, Parcels 41 and 150
Subarea 11
District 16

A request to revise the approved preliminary site development plan for a phase of the Residential Planned Unit Development District abutting the east and west margin of Charles E. Davis Boulevard, north of Lafayette Street, to permit the development of a 7,700 square foot general retail sales facility.

Resolution No. 95-558

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-022G is given **CONDITIONAL APPROVAL OF A REVISION TO THE APPROVED PRELIMINARY PLAN.** The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of Public Works.
2. At the time of final plan submittal, the plans shall include turnarounds at the end of dead-ended parking bays.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 23-85-P
Forest Pointe, Phase One
Map 150, Part of Parcel 238
Subarea 13
District 29

A request to create 17 lots abutting the east terminus of Pointe Place and both margins of Pointe Place Court (4.39 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. 95-559

“**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 \$151,500.00.”

Subdivision No. 74-87-P
The Peninsula, Phase One (Revision)
Map 97-16-A, Parcels 1-38
Map 97, Part of Parcel 138
Subarea 14
District 13

A request to revise the plat of an entire phase for the purpose of modifying two lots and a portion of the open space abutting the south margin of John Hager Road, approximately 1,310 feet southwest of New Hope Road (10.21 acres), classified within the R15 Residential Planned Unit Development District, requested by The Peninsula, owner/developer, Crawford Land Surveyors, surveyor.

Resolution No. 95-560

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 74-87-P, be **APPROVED.**”

Subdivision No. 75-87-P
River Glen, Phase 2C, Section 3
Map 52, Part of Parcel 2
Subarea 14
District 15

A request to dedicate a street portion and define a 23 unit condominium phase abutting both margins of Alandee Street and both margins of Sonar Street (2.97 acres), classified within the R15 Residential Planned Unit Development District, requested by Julius Doochin, Trustee, owner/developer, Crawford Land Surveying, surveyor.

Resolution No. 95-561

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 75-87-P, be **APPROVED**, subject to posting a performance bond in the amount of \$10,000.00.”

Subdivision No. 79-87-P
Calumet, Phase Three
Map 150, Part of Parcel 102
Subarea 13
District 29

A request to create nine lots abutting both margins of Calumet Drive, approximately 120 feet northwest of Preakness Court (1.33 acres), classified within the RS10 Residential Planned Unit Development District, requested by James A. Fischer, Jr., owner/developer, Wamble and Associates, surveyor.

Resolution No. 95-562

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 79-87-P, be **APPROVED** subject to posting a performance bond in the amount of \$40,000.00.”

Subdivision No. 88P-046G
Poplar Ridge, Section Three
Map 141, Parcel 95
Subarea 6
District 35

A request to create four lots abutting the south margin of Colely Davis Road, approximately 400 feet east of Poplar Ridge Drive (1.74 acres), classified within the RS20 Residential Planned Unit Development District, requested by Sunflower Properties, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 95-563

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 88P-046G, be **APPROVED** subject to a \$616.00 contribution to the Coley Davis Road Improvement Program.”

Subdivision No. 94P-019U

George Blair’s Revision of Belmont Heights,
Resubdivision of Lot 58 and Part of Lot 59
Map 104-16, Parcel 56
Subarea 10
District 18

A request to dedicate additional alley right-of-way abutting the north margin of Ashwood Avenue, approximately 450 feet east of 21st Avenue South (.44 acres), classified within the R8 Commercial Planned Unit Development District, requested by Credit Bureau of Nashville, owner/developer, Crawford Land Surveyors, surveyor.

Resolution No. 95-564

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 94P-019U, be **APPROVED.**”

Subdivision No. 95S-192G

Ken Brumit
Map 113, Parcels 77, 155 and 192
Subarea 6
District 23

A request to consolidate three lots into two lots abutting the northeast margin of Manning Hollow Road, approximately 3,286 feet southeast of Old Charlotte Pike (4.99 acres), classified within the AR2a District, requested by Kenneth Paul and Jessica D. Brumit, owners/developers, Mark Goodman, surveyor.

Resolution No. 95-565

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-192G, be **APPROVED.**”

Subdivision No. 88P-067G

Brandywine Pointe, Phase 12, Section 2
Map 64, Part of Parcel 8
Subarea 14
District 12

A request to create 13 lots abutting the north margin of Shute Lane, approximately 210 feet east of Brandywine Pointe Boulevard (7.75 acres), classified within the R20 Residential Planned Unit Development District, requested by Brandywine Pointe Partners, L.P., owner/developer, Gresham, Smith and Partners, surveyor.

Resolution No. 95-566

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 88P-067G, be **APPROVED** subject to posting a performance bond in the amount of \$87,000.00.”

Request for Bond Extension:

Subdivision No. 103-79-G
Riverfront Shopping Center, Section Two, Lot 3
Riverfront Development Ltd. Partnership, principal

Located abutting the south margin of Central Pike, approximately 240 feet west of Old Hickory Boulevard.

Resolution No. 95-567

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 103-79-G, Bond No. 94BD-062, Riverfront Shopping Center, Section Two, Lot Three, until October 1, 1995, in the amount of \$90,100.00 as requested."

Subdivision No. 88P-067G
Brandywine Pointe, Phase Six, Section Two
Brandywine Pointe Partners, L.P., principal

Located at both margins of Safety Harbor Cove, approximately 135 feet northeast of Brandywine Pointe Boulevard.

Resolution No. 95-568

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 88P-067G, Bond No. 94BD-077, Brandywine Pointe, Phase Six, Section Two, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$5,000.00 by August 31, 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. 88P-067G
Brandywine Pointe, Phase Seven, Section Two
Brandywine Pointe Partners, L.P., principal

Located on both margins of Safety Harbor Cove, approximately 135 feet northeast of Brandywine Pointe Boulevard.

Resolution No. 95-569

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 88P-067G, Bond No. 94BD-078, Brandywine Pointe, Phase Seven, Section Two, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$8,550.00 by August 31, 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. 89S-178U
Brick Church Business Park, Phase Two
Brick Church Business Park, Joint Venture, principal

Located abutting both margins of Brick Church Park Drive and the south terminus of Aldrich Lane.

Resolution No. 95-570

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 89S-178U, Bond No. 90BD-002, Brick Church Business Park, Phase Two, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$61,800.00 by August 31, 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. 93P-023G
Gateway of Hermitage
Shurgard-Freegard Hermitage, J.V., principal

Located abutting the south margin of Central Pike, approximately 240 feet west of Old Hickory Boulevard.

Resolution No. 95-571

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 93P-023G, Bond No. 94BD-015, Gateway of Hermitage, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$156,400.00 by August 31, 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."

MANDATORY REFERRALS:

Proposal No. 95M-071U
Alley 1837 Closure
Maps 118-8 and 118-12
Subarea 11
District 26

A request to close Alley No. 1837 from Cruzen Street north for approximately 400 feet to its terminus, requested by Charles Tygard for various property owners. (Easements are to be retained).

Resolution No. 95-572

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-071U.

Proposal No. 95M-075U
Sewer Line and Easement Abandonment
Centennial Medical Center, Inc.
Map 92-11, Parcel 390
Subarea 10
District 19

A mandatory referral from the Department of Water Services to abandon three sanitary sewer lines and easements on property of Centennial Medical Center, Inc., at 25th Avenue North and Patterson Street.

Resolution No. 95-573

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-075U.

Proposal No. 95M-076U
Council Bill No. 095-1514
Sale of Property for Right-of-Way
Portion of Donelson Middle School Property
Map 96-2, Part of Parcel 40
Subarea 14
District 14

A council bill authorizing the sale to the State of Tennessee of a portion of the Donelson Middle School property at Stewarts Ferry Pike and Donelsonwood Drive for intersection realignment right-of-way.

Resolution No. 95-574

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-076U.

Proposal No. 95M-077U
Sewer Line and Easement Abandonment
David Lipscomb Campus
Map 117-16, Parcels 122, 123, 124 and 163
Subarea 10
District 25

A mandatory referral from the Department of Water Services to abandon approximately 300 feet of sanitary sewer line and easement on property of the David Lipscomb Campus between Mayfair and Ferndale Avenues.

Resolution No. 95-575

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-077U.

Proposal No. 95M-078U
Easement abandonment - Former Ramsey Street
Map 82-15
Subarea 5
District 6

A proposal to abandon the public utility and drainage easements retained in the former right-of-way of Ramsey Street which was closed by Ordinance No. 64-257, requested by Tom Purcell, for Newton G. Welch, Jr., owner.

Resolution No. 95-576

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-078U.

Proposal No. 95M-079U

Alley 287 Closure
Map 82-16
Subarea 5
District 6

A proposal to close Alley No. 287 between Fatherland Street and Alley No. 260, requested by Jon Clouse, for adjacent property owners. **(Easements are to be retained).**

Resolution No. 95-577

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-079U.

Proposal No. 95M-080U
Council Bill No. O95-1519
Utility and Drainage Easements Abandonment
Map 93-14, Parcel 571
Subarea 9
District 19

A council bill abandoning public utility and drainage easements on property of Edgehill Estates, Lot No. 1, Section 67, at 810 Division Street.

Resolution No. 95-578

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-080U.

Proposal No. 95M-082U
(Resolution No. R95-1732)
Balconies over Printers Alley
Map 93-6-1
Subarea 9
District 19

A resolution authorizing the construction of two decorative balconies over the right-of-way in front of 220 Printers Alley.

Resolution No. 95-579

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-082U.

This concluded the items on the consent agenda.

APPEAL CASES

Appeal Case No. 95B-127G
Map 66, Parcel 93
Subarea 6

District 23

A request for a conditional use permit under the provisions of Section 17.124.190 (intermediate impact) as required by Section 17.24.030 to construct a 1,000 square foot building and use existing parcel for a cemetery within the AR2a District, on property located on the southwest margin of River Road Pike, approximately 1,350 feet north of Cub Creek Road (5.02 acres), requested by Richard Elurfali, for Islamic Center Cemetery, appellant/optioneer.

Mr. Henry stated the Board of Zoning Appeals' considerations for this request included location, size, design, compatibility with and screening from surrounding properties, and traffic and parking considerations. Mr. Henry stated the site plan complies with the conditional use criteria and recommended approval.

Ms. Jernigan asked where the one hundred people live that signed the petition presented by Councilman Odom.

Mr. Henry stated he did not know because he had not seen the petition.

Mr. Harbison stated that was not part of the Commission's inquiry at this level. The Commission should only advise the Board of Zoning Appeals whether the proposal meets all criteria.

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

Resolution No. 95-580

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-127G to the Board of Zoning Appeals.

The site plan complies with the conditional use criteria.

Appeal Case No. 95B-128U
Map 147-16, Parcel 23
Subarea 12
District 32

A request for a conditional use permit under the provisions of Section 17.124.120 (Community Assembly) as required by Section 17.24.030 and 17.60.030 to expand lights to a second ball field within the R10 and CS Districts, on property located on the west margin of Nolensville Pike, approximately 525 feet north of McMurray Drive (6.08 acres), requested by Karen Dolan, for Tusculum South Hills Little League, appellant.

Mr. Henry stated the subject site has two Little League ball diamonds on the property and they are asking to install lights on the smaller diamond. This property is next door to Tusculum Elementary School and the property access and parking area belong to Metro Schools. The ball diamonds have been used since the 1970's but no official agreement has been made between Metro Schools and the property owner to allow use of the access and parking area. Staff recommends advising the Board of Zoning Appeals that the issue of parking and access should be worked out prior to issuing a conditional use permit which would allow further investment in this facility.

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

Resolution No. 95-581

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation

for Appeal Case No. 95B-128U to the Board of Zoning Appeals.

The site plan complies with the conditional use criteria if an access and parking agreement with the Board of Education is formalized.”

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-006U
Council Bill No. O95-1438
Map 135, Parcels 22 and 23
Subarea 13
District 28

A request to change from AR2a District to R10 District certain property abutting the northwest margin of Franklin Limestone Road, approximately 600 feet southwest of Murfreesboro Pike (15.23 acres), requested by Dewey Pedigo, Trustee, for James L. Huggins, et ux, and Margaret York Dillon, et al, owners.

Proposal No. 95P-003U
Council Bill No. O95-1439
Forge Ridge
Map 135, Part of Parcels 22 and 23
Subarea 13
District 28

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the north margin of Franklin Limestone Road, approximately 460 feet west of Rice Road (14.51 acres), classified AR2a and proposed for R10, to permit the development of 55 single-family lots, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Dewey Pedigo, Jr., Trustee, owner.

Mr. Martin stated this proposal was recommended for disapproval by the Commission earlier. At that time there were concerns about the ability of Franklin Limestone Road to handle traffic. This council bill has been heard on second reading and has been referred back to the Commission for reconsideration. There is an amended plan which includes a sidewalk along Franklin Limestone Road from the development’s entrance to Murfreesboro Road, which the applicant has agreed to install.

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

Resolution No. 95-582

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-006U is **APPROVED**.

This zone change and the accompanying residential PUD (95P-003U) are in keeping with the residential densities proposed by the Subarea 13 plan. The plan has been amended to require sidewalks from this project to Murfreesboro Pike and the traffic engineer is satisfied that this project will not lower Franklin Limestone Road’s level of service.”

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-003U 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 plans approved by the Metropolitan Traffic Engineer which show appropriate sight distance easements and pavement widths.
3. Prior to Final PUD approval, detailed sidewalk plans shall be provided and approved by the Stormwater Management Section of the Metropolitan Department of Public Works.”

Zone Change Proposal No. 95Z-053G
Council Bill No. O95-1469
Map 142, Parcels 46-48, 51-55, 230
and Part of Parcel 49
Subarea 6
District 35

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. **(Re-referred from Metro Council 07/11/95),**

Zone Change Proposal No. 95Z-054G
Council Bill No. O95-1468
Map 142, Part of Parcel 49
Subarea 6
District 35

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 three acres), requested by Paul W. Lockwood of Barge, Waggoner, Sumner and Cannon. **(Re-referred from Metro Council 07/11/95).**

Chairman Smith stated several letters had been received from people who wished to be heard by the Commission regarding these two matters. He indicated it was not always obvious from the letters what each person’s position is on these petitions. He requested that the speakers take care not to repeat information provided by others.

Mr. Gary Dixner presented the staff report on both petitions. Mr. Dixner reminded the Commission that it had recommended approval of both rezonings on May 18, 1995. He indicated the matters were re-referred to the Commission from Council on July 11, 1995 in order for the Commission to clarify its reasons for approval.

Mr. Dixner showed the current land use pattern along U.S. 70S from Hicks Road to Sawyer Brown Road. He indicated the predominant land use pattern is residential, with single family along the north side, and multi-family along the south side. Around the intersection with Colice Jean Road are three churches and a public park.

Mr. Dixner informed the Commission that the Subarea Six plan, like the other early subarea plans, was prepared with geographically specific boundaries illustrated on detailed land use maps contained within the plan. The subarea plan likewise allows the Planning Commission flexibility in re-interpreting these boundaries so long as the re-interpretation does not alter the basic precepts of the subarea plan.

To prepare for reconsideration of this matter, Mr. Dixner proceeded to give the Commission an overview of the Subarea 6 policies germane to this issue. Mr. Dixner reminded the Commission that the Subarea 6 plan called for four commercial nodes. The three along I-40 would provide more regionally oriented commercial opportunities, and the one community scale node at the intersection of U.S. 70S and Old Hickory Boulevard was intended to provide retail and service needs basically to residents of Bellevue. Mr. Dixner then showed the Commission the specific boundaries of the community scale node, and indicated Hicks Road was established as the boundary in the area of these two petitions. He pointed out the portions of the node which are vacant and could accommodate additional growth within the node.

Mr. Dixner stated the subarea plan calls for the community scale retail concentration node to contain between 100,000 and 500,000 square feet of leasable area, and is expected to serve a population of 30,000 to 100,000 persons. He stated this commercial node currently contains about 460,000 square feet of commercial space, and serves a population within the Bellevue community of about 35,000 persons. He further stated vacant properties within the commercial node could accommodate an additional 210,000 square feet of floor area. Mr. Dixner stated the subarea plan originally projected the 2010 population in Bellevue to be about 56,000; however, population adjustments have lowered that figure to 39,000 persons, a figure more in line with current population growth trends for the county.

Mr. Dixner reminded the Commission that a basic precept of the Subarea 6 plan is that the residential character of U.S. 70S frontage should be maintained, and that strip commercial development should not be allowed to develop between Hicks Road and Sawyer Brown Road. With that basic premise in mind, the Commission on May 18, 1995 determined a more appropriate boundary interpretation of the western edge of the community commercial node should be the back (westerly) line of properties fronting on and having access to Hicks Road, rather than Hicks Road itself. The Commission took this action because it felt a rear lot line boundary between residential and commercial properties was preferred over a street boundary which would have residential and commercial development facing each other across Hicks Road.

Mr. Dixner concluded by saying it is important for the Commission to articulate if the rear property line is not only the preferred zoning line, but also the appropriate line to demarcate commercial and residential policy. He suggested that the Commission clarify this point. Mr. Dixner stated the rezoning to RM8 as requested in application 95Z-053G has not been called into question to the extent the CS rezoning has been questioned. Therefore, Mr. Dixner suggested the Commission should take special care to articulate its reasons for placing CS zoning on the approximately three acres of property west of and fronting on Hicks Road.

Councilman Tygard was present to address the Commission. He stated that, in spite of the amount of discussion and the number of neighborhood meetings that have been held related to these matters, he felt there were still issues that needed to be clarified and discussed. He asked the Commission to respond to three questions: (1) What changes have occurred in the Bellevue community retail node which justify extending the nodal lines; (2) Have changes occurred in the commercial conditions in this area or in the population figures for Bellevue which would have provided strong evidence for amending the Subarea 6 plan, had an amendment process, including a public hearing, been held; (3) What precedent may be established for extending commercial zoning farther along U.S. 70S by extending the commercial boundary west of Hicks Road?

Chairman Smith then called upon Tom White, the attorney representing the developer. Mr. Smith stated that since these matters are re-referrals, it would be appropriate that Mr. White make an abbreviated statement about these petitions, after which those with opposing views would be heard. Mr. Smith suggested Mr. White should be heard from at the end to clarify any comments made during discussion of these petitions.

Mr. Tom White stated these re-referrals are unique in that these matters were sent back to the Commission seeking specific clarification of the Commission's position on interpreting the boundary of the community scale retail node. He further stated that clarification is sought to verify that the Commission's intent is to allow a contained extension of commercial zoning west of Hicks Road without compromising the basic tenet of precluding strip commercial development along U.S. 70S between Hicks Road and Sawyer Brown Road.

Mr. White suggested that it would appear on first impression that specific boundaries were used to delineate the community scale commercial node. However, that boundary was determined in 1990 when specified opportunities for additional commercial development were available, and this reinterpretation of boundary is the response to additional commercial need when those other alternative sites are no longer available. Mr. White asserted that it is appropriate that the Planning Commission maintain the flexibility to interpret

subarea plans as necessary to reflect change in the community. He pointed out that the Planning Commission reinterpreted the boundary on May 18, 1995 by approving both rezoning requests by a vote of eight in favor with one vote cast in opposition.

Chairman Smith, with concurrence from the Commission, opened the floor for public comment.

Ms. Karen Webb, president of the Cross Timbers Neighborhood Association was present to speak in opposition to the rezonings. She presented a petition containing signatures of surrounding property owners who were requesting disapproval of the rezonings. She stated opposition results from the following concerns: (1) the precedent these rezonings will establish for additional strip commercial rezonings along U.S. 70S; (2) the equity issues that may arise as a result of placing commercial and higher density residential zonings on only this portion of property fronting on U. S. 70S; and (3) the weak reasoning used to justify the rezoning requests by basing the need for the additional commercial zoning on predictions of growth and population increase that have not taken place.

Ms. Webb stated that if the additional commercial zoning is being justified by growth that has not been realized, then this same questionable reasoning could be used in the future to justify additional strip commercial zoning along U. S 70S; she stated the precedent would have been set by this rezoning. Ms. Webb further asserted that no boundaries in the Subarea 6 plan are vague. The Subarea 6 plan clearly intended to stop commercial zoning east of Hicks Road.

Mr. David Buntsman of Ashley Green development stated the peaceful environment of his development would change if the commercial and higher density residential rezoning adjacent to Ashley Green were approved. He appealed to the Planning Commission to take into consideration his concerns as it reconsidered its position on these rezonings.

Ms. Tammy Greer of the Moss Creek Homeowners Association was present to voice that organization's opposition to the rezonings. She stated the community's attitude on these issues has not been divided; most of the residents of Bellevue are opposed to these rezonings.

Mr. John Knowles Of Coronado Condominiums voiced his opposition to the rezoning requests. Mr. Knowles repeated some facts presented by Mr. Dixner, which indicated the current community scale commercial node is large in terms of the amount of developed square footage, while the population base it serves is small. Mr. Knowles pointed out this would indicate there should not be demand for additional commercial square footage in the Bellevue community.

Mr. George Dean, attorney for several surrounding residents, asserted that Subarea 6, like several of the earlier subarea plans, does not afford the Planning Commission the same degree of flexibility that is allowed in some of the later subarea plans. He suggested one reason for this lack of flexibility was the intent of the Subarea 6 Citizen Advisory Committee to be very specific to exclude strip commercial development along U. S. 70S between Hicks Road and Sawyer Brown Road. Mr. Dean asserted Hicks Road is the preferred dividing line between commercial and residential policies, and suggested that crossing this line would be in violation of the General Plan.

Mr. Dean stated that if the Commission were to alter the policy boundaries, that alteration should be justified by a change in the subarea that was unforeseen by the subarea plan. Mr. Dean suggested no evidence had been presented which indicated such unforeseen change had occurred to warrant imposing additional commercial zoning in the community scale node. To the contrary, Mr. Dean opined that the continued growth of this node resulted from its continuing to provide commercial services beyond the community scale. By allowing for expansion of this node perpetuated this broader function, and postponed scaling this commercial node to its intended community scale.

John Crisp stated he was a member of the Subarea 6 Citizen Advisory Committee, and had cast the deciding vote on keeping the U. S. 70S frontage under residential policy. He stated he made this decision based upon the community's expressed will to contain commercial growth within specified areas in order to

provide land use stability. Mr. Crisp pointed out that it would be more appropriate to debate a commercial zoning expansion during re-evaluation of the Subarea 6 plan, which is scheduled to begin in late 1995, rather than provide for expansion through a Planning Commission interpretation.

Mr. Wayne Whitt, a member of the Ashley Green Homeowners Association, voiced his concern with and opposition to the rezonings. He stated many Ashley Green owners had purchased their property since passage of the Subarea 6 plan in 1990, and these people bought in Ashley Green partly based upon the serenity and security anticipated from the kind of growth projected in the Subarea 6 plan. He stated the error was not in placing commercial or higher density residential zoning in this particular location, but in doing so without a General Plan amendment. He asked the Planning Commission to reconsider its position approving the two rezonings without benefit of the General Plan amendment process.

Chairman Smith stated all who had expressed interest in addressing the Commission regarding these two rezonings had been heard. Mr. Smith did point out to the Commission members that Councilman Kleinfelter had written a letter in opposition to the commercial rezoning, and stated Mr. Kleinfelter had asked that his letter be made part of the Planning Commission's record.

Chairman Smith called upon the proponents, Mr. Pat Emery and Mr. White, to summarize their positions prior to final debate by the Commission. Mr. Emery stated he also was a member of the Subarea 6 Citizen Advisory Committee. Mr. Emery pointed out portions of the Subarea 6 Plan which anticipate the need for flexibility in establishing and interpreting policy boundaries. He further pointed out that the plan recognized that certain minor shifts in policy boundaries would be appropriate to more reasonably represent logical land use relationships.

On the other hand the document recognizes that more massive changes in land use involving considerable (several hundred) acres of non-residential policy where none was contemplated by the plan would constitute a major change in the subarea plan requiring amendment of the document. Mr. Emery pointed out that the amount of commercial rezoning requested is only three acres, not in the magnitude justifying a significant change in the subarea plan. He further pointed out that the RM8 rezoning established a land use transition that would guarantee that commercial zoning would not continue along U.S. 70S. Mr. Emery stated these rezonings would establish the same land use transition that had been established on the other end of U.S. 70S at Sawyer Brown Road.

Mr. Emery commented on the movement of businesses within the Bellevue area. He stated several regional scale businesses were relocating to the regional nodes along Interstate 40. As some of these uses moved from the community scale node in Bellevue, commercial vacancies were created. However, he expressed the opinion that this process was not creating an inordinate amount of vacant space, and further opined that the amount of space for commercial expansion in the community scale node was not excessive.

Mr. Tom White stated every issue raised during this time of public comment was raised at the May 18, 1995 meeting when the Commission approved both rezonings by a vote of eight to one. Mr. White stated there is as much support within Bellevue for the rezonings as there is opposition, judging by the cards the councilmember provided within the community for public comment. Mr. White refuted earlier statements that deed restrictions are ineffective in restricting the use of these properties for the protection of surrounding properties. He stated the restrictions would run with the land, and would not end if the property owner committing to the restrictions should sell the property. Finally, Mr. White stated that the purpose of the re-referral was not to solicit a different recommendation from the Planning Commission, but to seek clarification from the Commission concerning what changes have occurred since adoption of the Subarea 6 plan which would justify reinterpretation of the commercial boundary to the west of Hicks Road.

At this time, having heard from the public, the Planning Commission began debating the issues among its members. Mr. Manier stated he concurred with those who believe the Commission has the authority to make minor revisions in the plan. On the other hand major revisions, assuming the difference between minor and major revisions can be articulated, should be subjected to the amendment process. However, Mr. Manier stated concern that no one had yet established the need for additional commercial zoning. He further

stated that the land use pattern in the Subarea 6 plan had recognized a transitioning of land use that already exists with office zoning on the east side of Hicks Road. To cross Hicks Road with CS zoning would upset the land use transition that has been put in place. Mr. Manier stated that his opposition to the rezonings is strengthened because no arguments justifying the rezonings based upon changed circumstances have been offered.

Ms. Jernigan asked Mr. Crisp where the boundary of the community scale node would have been had he voted for a more expansionary policy. Mr. Crisp responded that decision never had to be made since the expansionary policy was never pursued.

The Commission asked staff to articulate what commercial rezonings have been approved in the Bellevue area in the recent past. Mr. Owens stated a similar rezoning to OP office zoning and medium-high residential zoning on the west end of U.S. 70S was approved by the Planning Commission. Another request to the east of Old Hickory Boulevard was disapproved because it did not adhere to the nodal concept.

Mr. Harbison stated it was his intention, and he thought that of the entire Commission, to adhere to the nodal concept even when the rezonings currently before the Commission were recommended for approval. Mr. Harbison stated the re-interpretation of the nodal boundary was not an attempt to depart from the nodal concept, and was not intended to lend any justification for stripping U.S. 70S with commercial development. He stated that if that was the concern of those in opposition to these rezonings, he would suggest that the Commission reaffirm its May 18, 1995 approval of rezoning 95Z-053G and 95Z-054G, and further reaffirm its intentions to adhere to the nodal concept for commercial development.

Ms. Nielson stated she agreed with Mr. Harbison. She stated the rezoning of properties to RM8 solidified the residential boundary west of Hicks Road.

Mr. McWhirter asked Mr. Browning if additional rezonings to CS would be appropriate so long as the new rezoning request were contiguous to an existing CS zone. Mr. Browning responded that such a zoning pattern would not be appropriate because it could constitute strip commercial zoning which the Subarea Plan prohibits. He stated that past testimony by the Commission had indicated that the property currently being considered for rezoning was viable for commercial zoning because of its proximity to (across Hicks Road from) the existing commercial node, and because of its access to Old Harding Pike, Hicks Road and Highway 70S. However, as one would move farther west, where the distance from the current commercial node increased, and access to several major streets in the area was no longer available, the property attributes justifying commercial rezoning would no longer exist, and commercial zoning would no longer be supported by the requirements of the Subarea 6 plan. Mr. Browning stated it was the Commission's responsibility to articulate whether or not this is its rationale for recommending the rezonings under consideration.

Mr. Harbison stated this was his rationale for recommending favorably on the two rezonings, and believed it was the rationale adhered to by the Commission.

Mr. McWhirter asked Mr. Dean about the strength of restrictive covenants in limiting the use of property. Mr. Dean responded that the unilateral imposition of conditions could be unilaterally removed and were therefore of limited utility in restricting the use of property. Mr. Lon West with the Department of Codes and Ms. Leslie Shechter with the Department of Law agreed with Mr. Dean and further stated that the Metropolitan government would provide no assurance of enforcement of deed restrictions.

Mr. White clarified that the deed restrictions would not be unilateral, but would be agreements between the developer or property owner and another party who would be empowered to enforce the restrictions.

Mr. Bodenhamer stated his support for the subarea planning process. However, he acknowledged these plans are long range in nature, and boundaries cannot be permanently locked in place.

Mr. Lawson stated he had heard no additional information that would change his previous position in support of the two rezonings before the Commission. Mr. Lawson stated the Commission was not confronted with uncontrolled commercial development. The pattern of commercial zoning contemplated in the General Plan and being implemented constitutes appropriate zoning discretion by the Commission.

Ms. Jernigan stated neither she nor any member on the Commission intended to strip commercialize Highway 70S. Ms. Jernigan stated she did not believe imposing commercial zoning on the piece of property in question would lead to strip development along U.S. 70S. Ms. Jernigan stated she believed the staff presentation provided more information than was given on May 18.

Mr. McWhirter stated he would change his position to oppose the development because he did not believe the restrictive covenants would be enforceable. Further, he felt there was a matter of trust involved whereby the residents of Bellevue had come to rely on what they believed were firm boundaries with land use. He believed that supporting these rezonings would violate the community's expectations for future land use development.

Mr. Manier suggested that, regardless of what position the Commission took, it should articulate clearly its reasons for that decision.

Mr. Bodenhamer asked when the Subarea 6 Plan would be ready for review. Mr. Browning stated it would be reviewed in the fall of 1995.

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

Resolution No. 95-583

"BE IT RESOLVED by the Metropolitan Planning Commission that the **previous approval** of Zone Change Proposal No. 95Z-053G is **Reaffirmed**.

The Commission determined that it is appropriate to allow higher density residential development close to a commercial node."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that the **previous approval** of Zone Change Proposal No. 95Z-054G is **REAFFIRMED**.

The Commission reaffirmed its previous recommendation to approve with the clarification that the Commission is interpreting the nodal boundary and not departing from the nodal concept."

The motion carried with Commissioners Bodenhamer, Harbison, Lawson, Nielson and Smith voting in favor of the motion, and Commissioners Jernigan, Manier and McWhirter voting against the motion.

SUBDIVISIONS:

Preliminary Plats:

Public Hearing Items

Subdivision No. 95S-195U
Bordeaux Hills Addition, Section II
Map 80, Parcel 52
Subarea 3
District 1

A request to create 49 lots abutting the southeast margin of Hinkle Drive and the east terminus of Viking Road (14.9 acres), classified within the R8 District, requested by St. James Missionary Baptist Church, owner, Bobby Walls Construction, developer, Young and Associates, surveyor.

Mr. Bracey stated this subdivision was relatively standard and met the general subdivision regulation requirements. As noted in the staff report there may be an interest in creating a greenway along the river. The representatives of the Greenway's Commission and representatives of the owner, the St. James Missionary Church, have met and have agreed on the greenway matter. The owner has agreed to dedicate a fifty foot easement to the Metro Greenway's Commission in exchange for being relieved of the requirement to construct sidewalks. The Greenway's Commission, by letter, and staff recommended approval. The Planning staff likewise recommended approval, stating that the sidewalk that would have been built within the street right-of-way would be adequately replaced with the pedestrian facilities in the greenway.

Mr. Robert Stout, minister of the St. James Missionary Baptist Church, agreed with Mr. Bracey's comments and also asked the Commission for approval of the proposal.

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

Resolution No. 95-584

“BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 95S-195U, be given **PRELIMINARY APPROVAL** subject to the following conditions:

Waiver of sidewalk installation in return for an offer of 50' wide greenway easement dedication along the Cumberland River for the length of the subdivision.

Subdivision No. 95S-201U
Brooklyn Heights Subdivision
Map 71-5, Parcels 182-195 and 236
Subarea 3
District 5

A request to subdivide 15 lots into 20 lots abutting both margins of Edgewood Avenue, between Haynes Street and Liberia Street (3.09 acres), classified within the R6 District, requested by Metropolitan Development and Housing Agency, owner/developer, John Coleman Hayes, surveyor. **(Also requesting final plat approval).**

Mr. Bracey stated the Housing Authority has undertaken the project to reconstruct the street. As part of this plat application, they have included an offer of dedication of five additional feet of right of way on either side of the street for installation of sidewalks. This subdivision meets all requirements and staff recommends approval.

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

Resolution No. 95-585

“BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 95S-201U, be given **FINAL APPROVAL.**”

Subdivision No. 95S-207G
High Ridge
Map 159, Parcels 49, 50, 55 and 120
Subarea 10
District 33

A request to create 35 lots abutting the east margin of Granny White Pike, approximately 660 feet south of Camelot Road (49.97 acres), classified within the R40 District, requested by URBCON, optionee, Ragan-Smith Associates, Inc., surveyor.

Mr. Bracey stated the staff was prepared to recommend approval of the plan of subdivision which was prepared for Metro's review and would connect the new streets and lots into the existing Camelot Subdivision. Mr. Bracey reminded the Commission that considerable discussion occurred about the eventual platting of this property when an adjacent piece of property was subdivided recently. The earlier subdivision was not connected to the currently proposed subdivision, because it was stated then that the subdivision now under review more appropriately should be connected with Camelot Subdivision.

Mr. Bracey informed the Commission that the staff had become aware only within the last 24 hours that a different plan of subdivision was being considered, one which would not connect this subdivision into Camelot Subdivision, but would design the proposed subdivision to have only one means of access from Granny White Pike. Mr. Bracey stated staff had not had the opportunity to review this subdivision, but he did inform the Commission that the new design would violate the subdivision regulations. He stated the one dead end street leading into the development would be 2,000 feet long and the regulations allowed dead end streets to be no more than 750 feet long.

Mr. Browning pointed out to the Commission that the revised concept which was agreed to in the community meeting had not been seen by the Planning staff and that during the public hearing the Commission should keep in mind that no Metro agency had reviewed the compromise plan.

Mr. Randy Caldwell, with Ragan-Smith Surveyors and Engineers, stated that they began to hear from adjacent residents concerns about access and drainage provisions and presented the Commission with a list of items the developer would be willing to do to satisfy neighborhood concerns. These included not connecting the new street network into Camelot Subdivision.

Mr. Howard Whyner, with McCohen Development, stated they had not had the time to go before Public Works with the revised plan, but in the interest of time he asked that the Commission grant preliminary approval contingent upon acceptance of the plan by Public Works.

Ms. Elaine Gannick, a property owner representing the neighborhood stated they were concerned about any kind of new development that could potentially impact the neighborhood both environmentally and sociologically. She stated that the majority of the home owners that attended the meeting came away with a feeling that their concerns had not only been heard but appropriately addressed. She stated that Camelot Acres had no through streets and the joining of Camelot Road with the proposed High Ridge Drive was one of the main concerns, along with traffic and drainage.

Patrick Molton also stated his concerns regarding traffic, drainage and the proposal of making Camelot Road a through street.

Chairman Smith asked if Mr. Molton thought the area residents were aware when they bought their property that Camelot Road went to the end of the property for the purpose to continue.

Mr. Molton stated he knew that but he couldn't speak for everyone in the area.

Mr. Haywood Winter, representing his father who lives on Granny White Pike, stating that if the development is passed, his father's land will be lots 33, 34 and 35 and that is where the water will go. He said that since Camelot had been built, his father has had drainage problems and there was no way it would improve unless there were massive corrections to the drainage.

Mr. Cal Holland stated he and his family had moved to Camelot one year ago. Part of the reason they chose that property was because it was on a dead end street and felt it would be safer with their young children.

Mr. Eddie Arnold stated he had the right to sell and develop his property but he wanted his neighbors to be happy. He stated he and the developers would work with the neighbors to insure their approval.

Mr. Larry Marnett stated his main concern was safety in the neighborhood and that he felt to join Camelot Road and High Ridge Drive would increase risks.

Mr. Randy Caldwell stated that the developer had been in contact with the authorities of Radnor Lake and there were plans for a buffer between the development and the lake.

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to leave the public hearing open and to defer the above matter for two weeks.

Final Plats:

Subdivision No. 78-87-P
Fredericksburg, Section 4, Lot 226
Map 171-3-A , Parcel 98
Subarea 14
District 12

A request to amend a lot abutting the southwest corner of Fredericksburg Way East and Potomac Lane (.18 acres), classified within the R20 Residential Planned Unit Development District, requested by Radnor Homes Inc., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Mr. Bracey stated this was an application for a reduction in the front and side yard because the house was built encroaching over one foot in the front yard and two feet in the side yard. He said that after the house was staked, the home buyer requested some reorientation of the house which resulted in the encroachment. Staff had noted that this was also an encroachment into a site distance easement for public safety at the intersection and that staff is recommending a two week deferral.

Mr. Mike Anderson of Anderson and Delk, stated this matter had just been brought to his attention at the meeting and that the driveway entrance off of Fredericksburg Way East seems to be the problem, but that there was no condition placed on the plat prohibiting an entrance from that point.

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

MANDATORY REFERRALS:

Proposal No. 95M-081U
Council Bill No. 095-1545
Church Street Alley Closure
Map 92-12
Subarea 10
District 19

A council bill closing Church Street Alley (Alley No. 378) between Alley No. 375 and the east property line of Parcel 229 on Map 92-12. **(Easements are to be retained).**

Ms. Dudley stated staff was recommending disapproval of this bill because the proposal was to close only a segment of the alley. Public Works pointed out that would leave two segments of an alley dead-ended with no cul-de-sacs. Ms. Dudley stated the applicant was seeking permission to enclose two pieces of property with a fence for security reasons. The fence would cross the alley, and the petitioner was attempting to

solve this problem by closing the alley. Staff informed the Commission that it had recommended the applicant apply for temporary closure at night.

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

Resolution No. 95-586

"BE IT RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES** Proposal No. 95M-081U.

The closure of this alley as proposed would leave two discontinuous segments of public right-of-way without vehicular turn around capability."

OTHER BUSINESS:

1. Consultant contracts for MPO transportation planning program.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the Trolley Transit System Study for the City of Brentwood and the Intelligent Transportation System contracts.

2. Visioning. Development Monitoring and Fiscal Impact.

Due to the late hour this matter was deferred for two weeks. Mr. Browning also informed the Commission that the staff would like to restructure the presentation to emphasize the development monitoring aspects of the study.

3. Legislative Update. July 18, 1995 Council

Resolutions:

There were several resolutions appropriating funds for neighborhood redevelopment areas, including park improvements for the South Inglewood Neighborhood Strategy Area, and 5 resolutions appropriating funds for different aspects of the Jefferson Street Commercial Revitalization District.

First Reading:

This meeting was the last one to introduce bills that can make it through this council, as there are only two Council meetings left. Any bills not completed will automatically be killed after the August 15 Council Meeting.

Those that will require Commission recommendation include several acquisitions of property for different infrastructure improvement programs, sale of surplus properties, an office lease agreement for Community Corrections, and 4 bills dealing with street and alley closures. Those that were not on today's agenda will be placed on the August 10th agenda.

Second reading:

Ludye Wallace withdrew his bill removing board or commission members after several unexcused absences, since this procedure already is covered in the Charter.

There were more street and alley closure bills. The zoning bills on Hicks Road in Bellevue were deferred and rereferred for this Commission's reconsideration, which was done today.

Not referred to this Commission, but perhaps of interest, was a bill allowing persons to drip water in their homes during freezing weather to prevent pipe freezing.

Third Reading:

Thirty seven zoning bills that went to the July 11th public hearing were on third reading. All but five had Commission approval. Eleven were deferred and four of these were referred back to the Commission. Two of these, applying a residential PUD and changing the zoning to permit 55 single family lots on Franklin Limestone Road, were on the agenda today. The other two will be on the August 10th agenda. Several of the deferrals occurred so that neighborhood meetings could be held. The bill to apply the CS district on Old Hickory Boulevard in former Councilmember Randy Kennedy's district failed. There had been a lot of discussion about the purpose of this rezoning, which was to allow access to a concrete batching plant. Even though this parcel is surrounded by commercial zoning or land used as a quarry, there was concern expressed about the safety of large trucks pulling out on this part of Old Hickory Boulevard so close to a railline.

Another controversial bill was deferred in Councilmember Frank Harrison's district. This bill extends existing CS zoning so that Ellis Jakes' wholesale produce business could expand. At the council public hearing several residents in the area were in opposition, expressing concerns about noise and heavy truck traffic.

The bill to change the notification schedule for council public hearing was deferred, and will be amended to require 21 days advance notification instead of 28. Twenty-one days is the time period we were proposing in the zoning ordinance re-write.

Plats Processed Administratively: July 13 through 26, 1995

- 44-83-U Metro Airport Center, Phase 4, Section 6
Plat resubdivides two lots into two lots within Commercial PUD.
- 95S-209U Harborside, Section 2, Lot 171
Plat creates zone lot division within lot 171
- 95S-211U Ashford Crossing, Section 1, Lot 283
Plat dedicates utility easement for Phone Company facilities.

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 10th day of August, 1995