

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: Thursday, August 24, 1995
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Philip Bredesen
William Harbison
Janet Jernigan
James Lawson

Also Present

Executive Office:

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

Current Planning and Design Division:

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

Advance Planning and Research Division:

Deborah Fleming, Planner III
Jeff Lawrence, Planner III
Marie Darling, Planner I

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Others Present:

Jim Armstrong, Public Works
Leslie Shechter, Legal

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens stated items 95Z-086U and 95P-023U had been withdrawn from the agenda by the applicant.

Ms. Nielson moved and Mr. Manier seconded the motion, which unanimously passed, to adopt the agenda without the two above items.

ANNOUNCEMENT OF DEFERRED ITEMS

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

95S-180U Deferred two weeks by applicant.

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

APPROVAL OF MINUTES

Mr. Manier moved and Ms. Nielson seconded the motion, which was unanimously passed, to approve the minutes of the regular meeting of August 10, 1995.

RECOGNITION OF COUNCILMEMBERS

Councilman Durward Hall was present to speak in favor of Proposal No. 206-83-G for a temporary cul-de-sac in the Chelsea Village Addition, Section 3.

ADOPTION OF CONSENT AGENDA

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

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-083U
Map 104-2, Parcels 212 and 213
Subarea 10
District 21

A request to change from RM8 District to RM6 District certain property abutting the northeast margin of Acklen Park Drive, approximately 100 feet southeast of Hillcrest Place (.46 acres), requested by John Gianikas, for The Corporeal Group, owner.

Resolution No. 95-617

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-083U is **APPROVED.**

The Subarea 10 Plan designates the area bounded by Hillcrest Circle, Hillcrest Place, Acklen Park Drive and I-440 with residential “high” density policy (20 plus units an acre). The RM6 district is appropriate to implement this policy, permitting up to 36 dwelling units an acre.”

Zone Change Proposal No. 95Z-084U
Map 150, Parcel 78
Subarea 13
District 29

A request to change from AR2a District to RS10 District certain property abutting the west margin of Mt. View Road, approximately 4,400 feet north of Hamilton Church Road (.96 acres), requested by Chris G. Harmon, owner.

Resolution No. 95-618

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-084U is **APPROVED**.

The Subarea 13 policy for this area is residential “low-medium” density (2 to 4 dwelling units an acre) This is a triangular shaped parcel that is bordered on two sides by either R10 or RS10 zoning. This request is both consistent with the established zoning pattern and the low-medium policy.”

Zone Change Proposal No. 95Z-087U
Map 117-15, Part of Parcel 155
Subarea 10
District 25

A request to change from OP District to CS District certain property abutting the south margin of Glen Echo Road, approximately 400 feet east of Hillsboro Pike (.17 acres), requested by Dr. Larry T. Arnold, owner.

Resolution No. 95-619

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-087U is **APPROVED**.

This developed parcel, located at the edge of the Green Hills activity center, is currently bisected by OP and CS zoning. The commission finds no practical benefit in retaining a small amount of OP zoning on the subject property. The adjacent Hillsboro High School campus provides a strong land use buffer between the retail corridor along Hillsboro Pike and the established residential community to the east.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

District Applications and Finals:

Proposal No. 93P-011G
Holt Woods, Section Two

Map 172, Part of Parcel 162
Subarea 12
District 31

A request for final approval for Section Two of the Residential Planned Unit Development District abutting the southern terminus of Call Hill Road (1.496 acres), to permit the development of 10 single family lots, requested by Anderson-Delk and Associates, for Paul Johnson, owner. **(Also requesting final plat approval).**

Resolution No. 95-620

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93P-011G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE, AND FINAL PLAT APPROVAL SUBJECT TO POSTING A BOND IN THE AMOUNT OF \$173,400.00.** The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat upon the posting of a bond in the amount of \$ 113,400 for all water and sewer line extensions as required by the Metropolitan Department of Water and Sewer Services and \$ 60,000.00 for all road improvements as required by the Metropolitan Department of Public Works.”

Request to Revise/Amend a Site Development Plan:

Proposal No. 302-84-G
Bellevue West Shopping Center
Map 142, Parcel 278
Subarea 6
District 35

A request to revise the approved final site development plan of the Commercial (General) Planned Unit Development District abutting the northeast margin of the Memphis-Bristol Highway, opposite Coley Davis Road, to permit a public street along the western boundary of the site, the addition of a driveway to the rear of the center, and to rearrange the front parking area, requested by Barge, Waggoner, Sumner and Cannon, for Bellevue West Shopping Center, L.L.C.

Resolution No. 95-621

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 302-84-G is given **CONDITIONAL APPROVAL OF REVISION TO FINAL.** The following conditions apply:

1. Written conformation of final approval from the Stormwater Management and Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Submittal to the staff of the Planning Commission a revised plan which includes changes to correct a sight distance problem on the rear driveway and to the proposed public road which are acceptable to the Traffic Engineering Section of Public Works.
3. The recording of a revised plat which includes a R.O.W. dedication for the public road along the western boundary of the site.”

Proposal No. 306-84-U
Country Suites Hotel
Map 160, Parcel 56

Subarea 12
District 32

A request to amend the approved preliminary site development plan for the Commercial (General) Planned Unit Development District abutting the northeast corner of Old Hickory Boulevard and Franklin Pike Circle (1.89 acres), to permit the development of a 112 room hotel, requested by Thomas, Miller and Partners, for National Lodging Companies, owner.

Resolution No. 95-622

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 306-84-U is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE**. The following condition applies:

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

Proposal No. 95P-005U
The Overlook at Hickory Hollow
Map 163, Parcels 100, 101, 264 and Part of 187
Subarea 13
District 29

A request to revise the approved preliminary site development plan for the Residential Planned Unit Development District abutting the west margin of Bell Road, opposite Zelida Avenue (41.64 acres) classified R8, to permit the development of 516 multi-family units, requested by Ragan-Smith Associates, for Chelsea Financial Services, Inc., owner.

Resolution No. 95-623

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-005U is given **CONDITIONAL APPROVAL OF A REVISION TO PRELIMINARY**. The following conditions apply:

1. Receipt of written confirmation of approval from the Storm Water Management and Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Installation of the traffic improvements recommended in the applicant’s Traffic Impact Study, dated January 26, 1995.
3. Submittal of a Boundary Plat and a plat of Subdivision with the submittal of any final plan and the posting of all bonds as may be required for public improvements.”

Proposal No. 95P-022U
Dollar General Store (Sudekum Homes Retail)
Map 93-15, Parcel 108
Subarea 11
District 16

A request for final site development plan approval for a portion of the Residential Planned Unit Development District abutting the north margin of Lafayette Street, 300 feet west of Charles E. Davis Boulevard (1.86 acres), to permit the development of a 7,718 square foot retail facility, requested by Lose and Associates, Inc., for M. D. H. A., owner. **(Also requesting final plat approval).**

Resolution No. 95-624

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-022U is given **CONDITIONAL FINAL PUD AND FINAL PLAT 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. Revised plans which show a proper driveway design as approved by the Metropolitan Traffic Engineer.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 95S-204U
I. L. Pendelton Subdivision,
Resubdivision of Lots 53-56
Map 92-10, Parcels 165, 166 and 167
Subarea 8
District 19

A request to resubdivide four lots into four lots abutting the northeast corner of Minden Street and 31st Avenue North (.98 acres), classified within the R6 District, requested by Metropolitan Development and Housing Agency, owner/developer, John Kohl and Company, surveyor.

Resolution No. 95-625

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 95S-204U, be **APPROVED.**”

Subdivision No. 93P-011G
Holt Woods, Section Eight
Map 172, Part of Parcels 188 and 206
Subarea 12
District 31

A request to create 24 lots abutting both margins of Cobble Street, approximately 100 feet northeast of Crosswind Drive (6.16 acres), classified within the R20 Residential Planned Unit Development District, requested by Hurley-Y, L.P., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 95-626

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 93P-011G, be **APPROVED** subject to posting a performance bond in the amount of \$327,000.00.”

Subdivision No. 93S-343G
McCrorry Heights
Map 155, Parcels 54 and 55
Subarea 6
District 35

A request to create 29 lots abutting the northeast margin of McCrory Lane and the west terminus of Greenvale Drive (18.63 acres), classified within the RS20 District, requested by Roy Flowers, owner/developer, Dale and Associates, Inc., surveyor.

Resolution No. 95-627

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 93S-343G, be **APPROVED** subject to posting a performance bond in the amount of \$346,834.00.”

Subdivision No. 78-87-P
Fredericksburg, Section 5C
Map 171, Part of Parcel 89
Subarea 12
District 32

A request to create 20 lots abutting both margins of Fredericksburg Way East, approximately 100 feet east of Loudon Place (9.11 acres), classified within the R20 Residential Planned Unit Development District, requested by Radnor Homes, Inc., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 95-628

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 78-87-P, be **APPROVED** subject to posting a performance bond in the amount of \$232,000.00.”

Subdivision No. 91P-008G
Oakmont, Phase 2, Revision of Lots 23-26
Map 172-5-A, Parcels 23-26
Subarea 12
District 31

A request to resubdivide four lots abutting the southwest corner of Red Feather Lane and Grand Oak Way (1.11 acres), classified within the RS30 Residential Planned Unit Development District, requested by Tiara Development, owner/developer, Wamble and Associates, surveyor.

Resolution No. 95-629

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 91P-008G, be **APPROVED.**”

Subdivision No. 84-87-P
The Crossings at Hickory Hollow, Section One
Resubdivision of Lot Three
Map 163, Parcel 332
Subarea 13
District 28

A request to subdivide a lot into two lots abutting the west margin of Crossings Boulevard, between Mt. View Parkway and Crossings Place (2.84 acres), classified within the R10 Commercial Planned Unit Development District, requested by Hickory Hollow Associates, owner/developer, Cherry Land Surveying, surveyor.

Resolution No. 95-630

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 84-87-P, be **APPROVED** subject to posting a performance bond in the amount of \$11,900.00.”

Request for Bond Replacement:

Subdivision No. 89P-003G
Still Spring Hollow, Section One, Phase One
Greater Middle Tennessee Development
Partnership, principal

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

Resolution No. 95-631

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for replacement of the performance bond for Subdivision No. 89P-003G, Bond No. 89BD-016, Still Spring Hollow, Section One, Phase One, in the amount of \$35,600.00, as requested, said approval being contingent upon submittal of security approved by Metro Legal and execution of the replacement bond by September 28, 1995. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Request for Bond Release:

Subdivision No. 57-84-U
Valley Brook Townhouses (Roads)
Valley Brook Limited Partnership, principal

Located abutting the south margin of Old Hickory Boulevard and both margins of Zermatt Drive.

Resolution No. 95-632

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 57-84-U, Bond No. 93BD-088, Valley Brook Townhouses (Roads), in the amount of \$20,000.00, as requested."

Subdivision No. 89S-065G
Pebble Trail, Section One
Raymond Ferreira, principal

Located east of Una-Antioch Pike, south of Pebble Creek Drive.

Resolution No. 95-633

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 89S-065G, Bond No. 89BD-010, Pebble Trail, Section One, in the amount of \$18,850.00, as requested."

Subdivision No. 91-71-G
Lenox Square, Lots 1 and 2
Ben Tobin Revocable Trust, co-principal
J. E. Crain and Son, Inc., co-principal

Located abutting the northeast corner of Lebanon Pike and Shute Lane.

Resolution No. 95-634

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 91-71-G, Bond No. 93BD-071, Lenox Square, Lots One & Two, in the amount of \$68,000.00, as requested."

Subdivision No. 180-83-G
Waterford, Phase Three
Waterford Associates, principal

Located abutting both margins of Waterford Drive, approximately 120 feet southeast of Merritt Street.

Resolution No. 95-635

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 180-83-G, Bond No. 94BD-008, Waterford, Phase Three, in the amount of \$16,000.00, as requested."

Subdivision No. 180-83-G
Waterford, Phase Four-B
Waterford Associates, principal

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

Resolution No. 95-636

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 180-83-G, Bond No. 94BD-030, Waterford, Phase Four-B, in the amount of \$35,000.00, as requested."

Subdivision No. 89P-017G
Bradford Hills, Section Ten
Gillespie Meadows, Inc., principal

Located abutting the west margin of Nolensville Pike, approximately 1,600 feet south of Kinhawk Drive.

Resolution No. 95-637

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 89P-017G, Bond No. 93BD-001 Bradford Hills, Section Ten, in the amount of \$7,500.00, as requested."

Subdivision No. 89P-017G
Bradford Hills, Section Eleven
Gillespie Meadows, Inc., principal

Located abutting the west margin of Nolensville Pike, approximately 1,600 feet south of Kinhawk Drive.

Resolution No. 95-638

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 89P-017G, Bond No. 93BD-002 Bradford Hills, Section Eleven, in the amount of \$5,000.00, as requested."

Subdivision No. 89P-017G
Bradford Hills, Section Twelve
J & Y, L.P., principal

Located abutting the north terminus of Call Hill Road, approximately 80 feet north of Seesaw Road.

Resolution No. 95-639

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 89P-017G, Bond No. 89BD-030 Bradford Hills, Section Twelve, in the amount of \$5,000.00, as requested."

Subdivision No. 94P-006U
Gables at Brentwood
Gables-Tennessee Properties, principal

Located abutting the north margin of Church Street, approximately 1,360 feet east of Summit View Place.

Resolution No. 95-640

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 94P-006U, Bond No. 94BD-065 Gables at Brentwood, in the amount of \$23,000.00, as requested."

Request for Bond Reinstatement:

Hickory Woods Subdivision
Section 1 (87-51-G)
Section A (87-371-G)
Section C (87-341-G)
Taylor Duncan Interests, Inc., principal

Located on the east side of Murfreesboro Road, approximately 610 feet south of Lavergne-Couchville Pike.

Resolution No. 95-641

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for reinstatement of a performance bond for Subdivision No. 87-51-G, Hickory Woods, Section One, Subdivision No. 87-371-G, Hickory Woods, Section A, and Subdivision No. 87-341-G, Hickory Woods, Section C in the amount of \$260,000.00 for remaining work in Phases One, A & C, as requested."

MANDATORY REFERRALS:

Proposal No. 95M-087U
Park Circle/West End Place Name Change
Maps 104-5 and 104-6
Subarea 10
District 24

A mandatory referral from the Department of Public Works proposing to change the name of Park Circle between West End Avenue and Murphy Avenue to "West End Place."

Resolution No. 95-642

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-087U.

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-085U
Map 90-12, Parcel 361
Subarea 7
District 22

A request to change from CS and R6 Districts to CG District certain property abutting the south margin of Robertson Avenue, approximately 160 feet east of Croley Drive (1.02 acres), requested by Harold H. Batson, owner.

Ms. Dudley stated this property was in Subarea 7 which places residential policy in this area. She further stated this area has been subject to several very difficult zoning decisions in the past, which partially explains why there so many mixed zoning districts in the area. Therefore when the subarea plan was being developed a lot of attention was given to this area, and part of the plan's intent was to reclaim the area for residential uses. The plan of the applicant in requesting this CG zoning was to construct mini storage facilities. Ms. Dudley pointed out there is land available in this area for mini storage opportunities and staff is recommending disapproval of adding additional commercial zoning in the area.

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

Resolution No. 95-643

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-085U is **DISAPPROVED**.

This proposal is within an area of the Subarea 7 Plan that is policed for residential "medium" density development (4 to 9 dwelling units an acre). Historically, the Robertson Avenue area has been the subject of some very difficult land use decisions, and consequently has developed a very mixed zoning pattern.

Quite a lot of attention was given to this Robertson Avenue area during the development of the Subarea 7 plan. The intent of the plan is clear. The general area along Robertson Avenue is to be residential in character. Commercial and industrial properties that have been inappropriately zoned and are vacant or only marginally used should be rezoned and reclaimed for residential development. At the very least those vacant CG properties farther east should be utilized for the type of use being proposed instead of applying a more intensive commercial district to this immediate area."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Request to Revise/Amend a Site Development Plan:

Proposal No. 206-83-G
Chelsea Village Addition, Section 3
Map 149, Part of Parcel 339
Subarea 13
District 29

A request to revise the approved final site development plan of the Residential Planned Unit Development District abutting the western terminus of Oak Forest Drive, to allow the construction of a cul-de-sac in a temporary turnaround easement in lieu of a through street, requested by MEC, Inc., for Jerry Butler, owner.

Mr. Martin stated this was a case of homeowners in one subdivision not wanting their street connected through to an adjacent development because of concerns of traffic cutting through to reach commercial areas on Murfreesboro Pike. There is concern that a temporary closure may become a permanent closure and also a selective closure of streets would lead to further attempts to cut off other links in the overall network. Therefore, staff recommends disapproval.

Chairman Smith asked how many homes were in each development.

Mr. Martin stated the Oakwood Subdivision contained 385 lots and the Chelsea Village was somewhat larger.

Mr. Manier asked if this situation had ever come up before where a subdivision regulation was deferred for an indefinite period of time and how that would be handled.

Mr. Browning stated he could not recall an occasion where the connection of two public streets had been postponed for some indefinite period of time.

Mr. Owens stated usually the request was for a permanent disconnection. Mr. Owens further stated this closure started out as a request for permanent closure. Due to resistance from the staff the application was actually submitted as a temporary closure.

Ms. Nielson asked what type of mechanism would the Commission have, if in fact it were temporary, to make sure it was temporary. Ms. Nielson also asked how a specified time period could be established after which the streets would be connected.

Mr. Owens stated the term temporary would need to be defined if the Commission were to entertain that approach, because there is nothing in the application that attempts to define that term in a time since. In addition to that, in order to take care of the ultimate cost of making the connection whenever that period of time arrives, it would be advisable to establish in the bonding of this phase the stipulation that some of that bond might have to remain in effect for quite a while to cover that ultimate connection.

Mr. Steve Smith stated this item needed to be dealt with today and not deferred to another body or commission.

Councilman McWhirter said he would not have a problem if the two streets cul-de-saced against each other as long as the possibility were still there to come through to Dover Glen. This pattern would provide some degree of circulation without creating a short cut to Murfreesboro Pike.

Chairman Smith agreed with Mr. Steve Smith that the issue should be dealt with now and that it had been planned for years with these streets connected.

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

Resolution No. 95-644

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 206-83-G is given **DISAPPROVAL**.

The Commission determined that the proposed street termination would not be consistent with objectives of the Subdivision Regulations relating to public safety and the efficient provision of services”

Proposal No. 96-81-G

Red Kap Industries
Map 31, Parcel 112
Subarea 2
District 11

A request to establish the tree planting requirements for the Industrial Planned Unit Development District located abutting the east margin of Hickory Hills Boulevard, 920 feet north of Old Hickory Boulevard, requested by Littlejohn Engineering, for Red Kap Industries, owner.

Mr. Owens stated this application dealt with the new tree ordinance. This PUD was originally approved in 1981 and the tree ordinance was passed in 1994. Years ago the first phase of this PUD started development and back earlier this spring phase two came in which was a building expansion. There is a third phase already approved for this property in the original PUD and there will be some additional building expansion in the future. When the phase two final was approved in May 1995, a landscaping plan was also approved but the plan was not adequately reviewed in compliance with the tree ordinance. When these plans were sent to the Codes Department, it was reviewed by the Urban Forester who determined the tree ordinance requirements were not being met and sent it back to the Planning Commission.

In re-reviewing this application to arrive at an appropriate planting requirement, staff has paid particular attention to three different aspects of it. First of all it is appropriate to look at the ultimate development plan in applying the tree ordinance. Staff suggests that all built and potential building area should be subtracted from the total acreage before calculating the tree requirements. Staff further advised this procedure is intended by the tree ordinance.

The second thing staff looked at was how to deal with trees that were planted a few years ago with phase one. The tree ordinance is silent in this regard because it only talks about existing trees and new trees and gives more credit to new trees. Staff feels it is entirely appropriate in administrating this ordinance to consider the trees that were planted with the first phase as new trees. By calculating the trees as new trees, the applicant would receive higher credit towards the overall tree requirement.

The third issue involves a feature of the PUD that is not typical of most industrial sites. Because of this PUD’s proximity to residential areas to the north, the PUD was required to retain on its northern boundary a buffer consisting of dense undergrowth and small trees. No credit toward the tree ordinance was granted for this buffer because most of the trees are smaller than the minimum size for receiving credit. Because no development is allowed within the buffer, and because it must be retained in its natural state, staff suggested to the Commission that some credit toward the tree ordinance should be received from the buffer. Staff suggested that credit should be given at half the rate applicable to complying trees.

The staff pointed out that this action would constitute granting a variance to the tree requirements, which is within the purview of the Planning Commission. Staff further stated that this kind of variance would be similar to an action taken recently by the Board of Zoning Appeals when special dispensation was given to a development which had extensive wetlands areas that could not be disturbed for development. In that case the Board of Zoning Appeals acted to cut in half the amount of tree coverage the development was required to supply.

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

Resolution No. 95-645

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96-81-G is given **APPROVAL OF FIFTY PERCENT CREDIT (AS REPLACEMENT TREES) FOR ALL EXISTING TREES IN REQUIRED LANDSCAPE BUFFER.** The following condition applies:

The applicant shall provide updated landscape plans which incorporate the tree survey and tree density calculations as submitted on August 22, 1995, prior to release of building permit.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 95S-147U *(Public Hearing)*
Charlestowne, Section Three
Map 150, Parcel 17
Subarea 13
District 29

A request to create 62 lots abutting the west margin of Anderson Road, approximately 268 feet north of West Towne Village Court (25.2 acres), classified within the R10 District, requested by J. B. Knight, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Mr. Bracey informed the Commission that the petitioner had asked for indefinite deferral of this matter to allow additional redesign to adapt to a major drainage course running through the property. Mr. Bracey advised the Commission that the public hearing should be held, since public notices had been mailed. However, following the public hearing, the Commission could defer action.

Mr. Bracey pointed out that the proposed development did not appear to interconnect with the surrounding area’s street pattern. In reviewing the engineering for the subdivision, both the developer and Metro Public Works determined that connecting with adjacent streets would compromise the storm drainage channel running across the property. Alternative designs were investigated which would still achieve street interconnections, though not the same ones contemplated over the years as surrounding subdivisions were developed. More recent information has been forthcoming to suggest that further redesign should be investigated.

Ms. Nielson pointed out several streets that currently dead end without cul-de-sacs. She asked if there would be a cul-de-sacs required at the ends of these streets.

Mr. Bracey stated typically that would be required. However, several of the dead ends were so close to the channel or adjacent houses to preclude adding the turn-arounds.

No one was present to speak for or against the subdivision. The Commission unanimously agreed to accept the indefinite deferral.

Subdivision No. 95S-184G *(Public Hearing)*
Morgan Estates, Section Three
Map 21, Parcel 81
Subarea 1
District 1

A request to create 19 lots abutting the southwest terminus of Creasy Drive, approximately 300 feet southwest of Clarksville Pike (20.78 acres), classified within the R40 District, requested by W. C. Allen and Associates, Inc., owner/developer, Ragan-Smith Associates, Inc., surveyor. **(Also requesting final plat approval).**

Mr. Bracey stated the subdivision was completely constructed, including the streets, but not in compliance with plans which were approved by the Planning Commission. The preliminary plan approved in 1986 called for extending the street to the adjacent property. However, the street was constructed short of the property line as a cul-de-sac. Mr. Bracey stated that the street network in the area could be redesigned to provide acceptable access. However, a utility easement should be required to extend a larger water line from the end of the cul-de-sac to the adjacent property. Mr. Bracey stated that easement had been incorporated into the subdivision plan.

Mr. Bracey recommended that the subdivision be approved after public hearing contingent upon providing a bond of \$32,300 for extending the water line.

Mr. Browning stated this application came in as a request for final plat approval and was put back on the agenda as a preliminary plat because the concept had been changed and staff felt there should be notification to surrounding property owners.

Mr. Manier asked how this happened.

Mr. Owens stated Public Works and Water Services both acknowledged they made a mistake by issuing permits for street construction since there was not a valid preliminary approval at the time.

Mr. Manier stated it would be hard or naive to believe the developer was not aware of this situation.

Mr. Owens stated staff did not get the sense there was any ulterior motive on the part of the developer, Public Works or Water Services.

Mr. Pete Ragan, principal from Ragan-Smith Associates, Inc., stated under no circumstances did the owner intend to start developing this property without proper approvals. This plan was originally developed by another local firm. Sections one and two were developed under that plan and Ragan-Smith was under the impression that this plan did have prior approval.

Mr. Robert Fuqua was also present to ask the Commission to approve the staff recommendation.

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

Resolution No. 95-646

“BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 95S-184G, be given **PRELIMINARY AND FINAL APPROVAL** subject to posting a performance bond in the amount of \$32,300.00.”

OTHER BUSINESS:

1. Visioning. Development Monitoring, Marie Darling, Advanced Planning and Research **(Deferred from meeting of 07/27/95).**

Development Monitoring is a useful tool in providing population estimates and helping the staff planners evaluate the Subarea Plans during the update process. Subareas 6 and 12 were used as prototype subareas for this demonstration. The presenter and the Commissioners discussed residential developments that have been approved since the *Subarea 6 Plan* and the *Subarea 12 Plan* were passed. Also discussed was the impact of this growth on the elementary schools with enrollment zones in those subareas.

During the visioning presentation a quorum was lost when Mr. Steve Smith left the meeting. Therefore no actions could be taken by the Commission.

2. Authorization to enter into two contracts with the Tennessee Department of Transportation, on behalf of the MPO, for federal transportation planning funds.
3. Employee Contract - A. Marie Darling.
4. APR Fund Appropriation.
5. Legislative Update.

Mitzi Dudley provided an update on the current legislative status of items previously considered by the Commission.

PLATS PROCESSED ADMINISTRATIVELY

- | | |
|----------|-----------------------------------------------------------------------------------------------|
| 95S-217U | Inglewood Place
A plat to divide one lot into two. |
| 95S-239G | Kenneth Snider Lots
A plat to divide one lot into two. |
| 117-83-U | Music City Outlet Center
A plat to divide one lot into two and define a wetlands easement. |

ADJOURNMENT:

Upon motion made, seconded and passed, the meeting adjourned at 3:55 p.m.

Chairman

Secretary

Minute Approval
This 7th day of September, 1995