

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: Thursday, September 7, 1995
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Philip Bredesen
Councilmember Larry McWhirter

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
Shawn Henry, Planner II
John Reid, Planner I
Charles Hiehle, Planning Technician II

Advance Planning and Research Division:

Deborah Fleming, Planner III

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Others Present:

Jim Armstrong, Public Works
Leslie Shechter, Department of Law

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Ms. Nielson moved and Mr. Manier seconded the motion, which was unanimously passed, to adopt the agenda.

RECOGNITION OF MR. JIMMY ALLEN

Chairman Smith presented Mr. Allen with a plaque in recognition of his term served from June 1991 to August 1995.

ANNOUNCEMENT OF DEFERRED ITEMS

There were no items to be deferred.

APPROVAL OF MINUTES

Mr. Lawson moved and Mr. Manier seconded the motion, which was unanimously passed, to approve the minutes of the regular meeting of August 24, 1995.

ADOPTION OF CONSENT AGENDA

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

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-088U
Map 160, Parcels 33, 34 and 35
Subarea 12
District 32

A request to change from R40 District to R20 District certain property abutting the north margin of Kelly Road, approximately 600 feet east of Franklin Pike Circle and the east margin of Franklin Pike Circle, approximately 500 feet north of Kelly Road (8.39 acres), requested by Michael St. Charles, for Martha Denton, Catherine R. Hale and May W. Riggan, owners.

Resolution No. 95-647

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-088U is **APPROVED**.

This area is designated within residential "low-medium" density policy in the Subarea 12 Plan. The requested R20 district will permit densities within this policy classification (2-4 dwelling units an acre)."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 18-84-P

Burton Hills (Village of Cherry Glen)
Map 131-6-A, Parcels 16 and 19
Subarea 10
District 33

A request for final approval for a phase of the Residential Planned Unit Development District abutting the southern terminus of Cumberland Place and the western margin of Compton Trace (20.21 acres), to permit the development of 95 single-family lots, requested by Gresham-Smith and Partners, for Cherry Glen Partners, L.P., owners.

Resolution No. 95-648

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 18-84-P is given **CONDITIONAL FINAL APPROVAL FOR A PHASE**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat upon the posting of a bond for all road improvements as required by the Metropolitan Department of Public Works and all water and sewer line extensions as required by the Metropolitan Department of Water and Sewer Services.
3. The recording of a final plat that brings the overall development into full compliance with the open space requirements of the Zoning Ordinance, prior to or concurrent with the first platting of lots for this phase.
4. Submittal to the staff of the Planning Commission revised plans which remove the construction entrance to the site from Compton Trace.
5. Designation of lots 22, 23, and 24 as critical lots on the final subdivision plat.”

Proposal No. 291-84-U
Lakeview Ridge Office Park
Map 95-12, Parcel 133
Map 95-16, Parcels 18, 36 and 37
Subarea 14
District 15

A request to amend the approved preliminary site development plan for the Commercial (General) Planned Unit Development District abutting the north margin of Elm Hill Pike, 260 feet east of Emery Drive, to add .47 acre of land area to the existing development, requested by Barge, Waggoner, Sumner and Cannon, for Ridge Development LLC, owners.

Resolution No. 95-649

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 291-84-U is given **APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE**. The following condition applies:

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

Proposal No. 302-84-G
Bell South Mobility

Map 128, Part of Parcel 18
Subarea 6
District 23

A request to revise the approved final site development plan for the Commercial (General) Planned Unit Development District abutting the north margin of Highway 70S and the south margin of Interstate 40 (3.5 acres), to permit the development of a 120 foot cellular tower and two appurtenant equipment buildings, requested by Margaret Behm, for Bruce Davis, trustee.

Resolution No. 95-650

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

1. Written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Metropolitan Department of Public Works.
2. Revised plans which provide an adequate amount of fire hydrants as approved by the Fire Marshall.”

Proposal No. 95P-002G
Heritage Meadows
Map 75, Parcel 55
Subarea 14
District 12

A request to revise the approved preliminary site development plan for the Residential Planned Unit Development District abutting the east margin of Andrew Jackson Parkway, approximately 300 feet northeast of Weber Road (48.8 acres), classified R10, to permit an internal reconfiguration of 128 single-family lots and associated streets, requested by B & P Development, Inc.

Resolution No. 95-651

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-002G is given **CONDITIONAL APPROVAL**. The following conditions apply:

1. Written confirmation of approval from the Stormwater Management and Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The Final Plat of the first section of Heritage Meadows shall show the granting to the Metropolitan Government of a 12 foot strip of property for Right of Way along the total length of the Heritage Meadows frontage on Andrew Jackson Parkway. In addition to the 12 foot strip just mentioned, sufficient slope and Temporary Construction Easements for the proposed widening is also to be shown and granted on the Final Plat.
3. As a part of the entrance construction into Heritage Meadows from Andrew Jackson Parkway, a 12 foot widening of Andrew Jackson Parkway, (fill, stone, paving, curb and gutter) will be done along the west PUD boundary frontage from approximately 260 feet south of the proposed entrance. A transition back to the existing pavement and curb and gutter width will be made from the south end of the widening of the 260 foot section (along the west PUD boundary) to the south for a reasonable distance.
4. Lots 72 through 78 and 41 through 44 shall be designated as critical lots.

5. The contract for the construction of the first phase of Heritage Meadows shall include the construction of a continual right turn lane from Old Hickory Boulevard to Andrew Jackson Parkway. This construction is to be done completely within the existing intersection's Right of Way and is not to exceed a \$20,000 commitment to the improvement by B&P Developments, Inc. Relocation of the existing signal pole will be the responsibility of the Metropolitan Department of Public Works.

6. The recording of a PUD boundary plat and a final plat of subdivision, along with the posting of bonds as may be required for any public improvements.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 95S-238G
Gardner's One Lot Subdivision
Map 22, Part of Parcel 149
Subarea 1
District 1

A request to create a lot abutting the east margin of Whites Creek Pike, approximately 3,390 feet north of Swindle Road (2.03 acres), classified within the AR2a District, requested by Nelson R. and Linda T. Gardner, owners/developers, Frank V. Neeley, surveyor.

Resolution No. 95-652

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 95S-238G, be **APPROVED** subject to posting a performance bond in the amount of \$2,000.00.”

Subdivision No. 151-82-G
Somerset Farms, Phase 1, Section 4
Map 141, Part of Parcel 15
Subarea 6
District 35

A request to create 25 lots abutting both margins of Somerset Farms Drive and both margins of Roslyn Court (4.48 acres), classified within the R10 Residential Planned Unit Development District, requested by Somerset Farms Joint Venture, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 95-653

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 151-82-G, be **APPROVED** subject to posting a performance bond in the amount of \$194,000.00.”

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

A request to create 13 lots abutting the southwest margin of Calumet Drive, both margins of Shoemaker Court (2.08 acres), classified within the RS10 Residential Planned Unit Development District, requested by James A. Fischer, Jr. and James T. McLean, Sr., owners/developers, Wamble and Associates, surveyor.

Resolution No. 95-654

“**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 \$67,850.00.”

Subdivision No. 93P-016G

Traceside, Section Three
Map 169, Part of Parcel 69
Subarea 6
District 35

A request to create 14 lots abutting both margins of Traceway Drive, approximately 100 feet northeast of Traceside Drive (6.31 acres), classified within the R30 Residential Planned Unit Development District, requested by Centex Homes, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 95-655

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 93P-016G, be **APPROVED** subject to posting a performance bond in the amount of \$202,000.00.”

Subdivision No. 95S-081U

Tosha’s Court, Section Three
Map 70-2, Part of Parcel 24
Subarea 3
District 2

A request to create 13 lots abutting both margins of Tosha’s Court, approximately 158 feet south of Stokers Lane (3.82 acres), classified within the R10 District, requested by Audie J. Johnson, owner/developer, Land Surveying, Inc., surveyor. (**Deferred from meeting of 04/20/95**).

Resolution No. 95-656

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 95S-081U, be **APPROVED** subject to posting a performance bond in the amount of \$132,000.00.”

Request for Bond Release:

Subdivision No. 93S-008U

Percy Priest Meadows Addition, Section Two
PSA Development, principal

Located abutting both margins of High Rigger Drive, approximately 143 feet north of Lera Jones Drive.

Resolution No. 95-657

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 93S-008U, Bond No. 93BD-023 Percy Priest Meadows Addition, Section Two, in the amount of \$18,300.00, as requested."

MANDATORY REFERRALS:

Proposal No. 95M-089U
Cable over Division Street
Map 93-14
Subarea 11
District 19

A mandatory referral from the Department of Public Works proposing the installation of a telecommunication cable over the right-of-way of Division Street, approximately 125 feet east of Ninth Avenue South.

Resolution No. 95-658

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-089U.

Proposal No. 95M-090U
Baby Ruth Lane Closure
Map 163
Subarea 13
District 28

A request to close a segment of Baby Ruth Lane from Mount View Road north for 750 feet, requested by Houston Ezell, adjacent property owner. **(Easements are to be abandoned).**

Resolution No. 95-659

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES with conditions** Proposal No. 95M-090U.

Approval is conditioned upon:

1. **Completion of a replacement road segment and water line.**
2. **Inspection and approval of those replacement facilities by the Department of Public Works and the Department of Water Services.**
3. **And dedication of new right-of-way and associated easements by recorded plat."**

Proposal No. 95M-091U
Woodland Street Stormwater Separation
Subarea 5
District 6

A mandatory referral from the Department of Water Services to install approximately 1,300 feet of 8 inch sanitary sewer main and 875 feet of storm drainage pipe to replace combined sanitary and storm sewers in public alleys paralleling Woodland and Russell Streets between Interstate Drive and South Second Street. **(Project No. 90-SC-159A).**

Resolution No. 95-660

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-091U.

Proposal No. 95M-092U

Briley Parkway Water and Sewer Relocation
Subarea 2
District 3

A mandatory referral from the Department of Water Services to install approximately 800 feet of eight inch sanitary sewer main and 3,000 feet of eight inch water main along Briley Parkway between Brick Church Pike and Dickerson Pike in conjunction with the completion of Briley Parkway through this area. **(Project Nos. 95-SG-30 and 95-WG-32).**

Resolution No. 95-661

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-092U.

Proposal No. 95M-093U
Stewarts Ferry Water and Sewer Relocation
Subarea 14
District 14

A mandatory referral from the Department of Water Services to relocate approximately 14,500 feet of 8 and 12 inch water main and 1,300 feet of 8 and 10 inch sanitary sewer main along Stewarts Ferry Pike and Donelsonwood Drive in conjunction with realignment and intersection improvements at Lebanon Pike. **(Project Nos. 94-SC-15 and 94-WG-19).**

Resolution No. 95-662

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-093U.

This concluded the items on the consent agenda.

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 28-79-G
Cambridge Forest
Map 149, Parcels 47, 319 and 337
Subarea 13
District 28

A request for final approval for a phase of the Residential Planned Unit Development District abutting the northwest margin of Rural Hill Road, approximately 800 feet southwest of Rice Road (14.75 acres), to permit the development of a 42 lot single-family residential development, requested by Anderson-Delk and Associates, Inc., for Double M Partners, owner.

Mr. Owens stated that in December of 1994 the Commission approved a revised preliminary plan for this project for a total of 438 lots. At that time it was recognized that Rural Hill Road was a substandard facility and the developer, the Planning Commission and Metro agreed jointly at the time of that preliminary approval to participate in a program to widen sections of Rural Hill Road that cuts through the front of this property, in order to give traffic a good means of access back to Bell Road.

There was a condition of approval placed on the preliminary approval that called for this joint participation project. The agreement on the preliminary approval was that the developer would dedicate additional right-of-way within the project to realign the road, pay for engineering services and also donate \$85,000 cash.

Metro would contribute \$350,000 of money that was already set aside for some Rural Hill Road improvements, use its condemnation authority, if necessary, to acquire any additional right-of-way that was beyond the property of this project, and manage the construction bids and the reconstruction of the road.

The current status of that agreement is that the engineering plans have been developed and reviewed by Public Works and they are satisfactory. The next step involved is that Public Works will send these construction documents out to bid and the Legal Department is currently finalizing the language of that bid document. In addition to that process, there must be an ordinance adopted by the Council that approves the joint participation agreement between Metro and the developer and that is targeted for completion in November.

This application represents one of two steps the developer has to take. The developer has to have final PUD approval and in addition he has to have all of these agreements worked out with Metro. All the developer is trying to do right now is to get the PUD approval completed so that when the roadway agreements are worked out, he can begin construction. Because both of these components have to be in place, it is important that if the Commission approves this PUD today, it must be approved with very specific conditions that it is only one half of the package and there is no development right until the second half of the package is in place.

Condition number two reads - "No grading, zoning or construction permit shall be issued nor shall a final plat or subdivision be approved or recorded prior to finalization of all agreements between the applicant and the Metro Government necessary to insure the timely reconstruction of Rural Hill Road on the easterly margin of the development, all in fulfillment of condition one of the preliminary approval of December 1994."

All Metro agencies are comfortable with the conditions and staff is recommending approval.

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

Resolution No. 95-663

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-79-G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE**. 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. No grading, zoning or construction permit shall be issued, nor shall a final plat of subdivision be approved or recorded prior to finalization of all agreements between the applicant and the Metropolitan Government necessary to ensure the timely reconstruction of Rural Hill Road along the easterly margin of the development, all in fulfillment of Condition No. 1 of the preliminary approval of December 1, 1994.
3. The applicant shall purchase required sewer capacity prior to approval of a final plat of subdivision by the Planning Commission.
4. Revised drainage plans which provide for adequate downstream conditions as approved by the Metropolitan Department of Public Works."

Proposal No. 84-87-P
The Crossings at Hickory Hollow
(U. S. Post Office)

Map 174, Part of Parcel 26
Subarea 13
District 28

A request to revise the approved preliminary site development plan and for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the northeast margin of Crossings Boulevard and the south margin of Crossings Court (3.65 acres), to permit the realignment of an internal street and the final development of an 18,569 square foot U.S. Postal - Remote Encoding Center, requested by Southeast Venture Corporation, for Fieldstone Farms Development, Inc., owners. **(Also requesting final plat approval).**

Mr. Reid stated the staff was recommending approval of revision of the plan with two significant conditions. One, the developer is requesting a variance to the standard right-of-way width for an internal road that is being realigned. The previously approved road began curving to the west almost at the end of the Baptist Medical building's property. The revised road has been straightened approximately to the end of the applicants property and then begins to turn west. The revision results in the road's new alignment encroaching very slightly into the Baptist Medical Center's property. Staff and Public Works recommend a variance be granted to the standard sixty foot right-of-way width at this one section since all the associated road improvements will fall within that right-of-way.

The second unusual aspect of the application is that that developer wishes to leave a portion of the right-of-way along his property frontage unbuilt. He is proposing to continue the road from Crossings Boulevard up to his driveway entrance and to leave the remaining 110 foot section unbuilt. The reason he wants to leave this area unbuilt is because there is a major drainage area beyond his property line where the road eventually will extend. At this point, it is not known how the road should be engineered to cross this drainage area. The applicant's engineer is working with local and state officials to determine the best method to cross that drainage channel.

There is a bond associated with the final plat for this phase which guarantees that the entire road segment, including the unbuilt portion, will be constructed. Staff feels both requests are reasonable and is recommending approval of the variance to the standard right-of-way width of sixty feet, and to granting the developer permission to leave a portion of his right-of-way across the property frontage unbuilt but bonded.

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

Resolution No. 95-664

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-87-P is given **APPROVAL OF A REVISED PRELIMINARY PLAN; CONDITIONAL FINAL APPROVAL FOR A PHASE THAT INCLUDES A RIGHT-OF-WAY WIDTH VARIANCE; AND FINAL PLAT APPROVAL SUBJECT TO POSTING A BOND IN THE AMOUNT OF \$50,000.00.** 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 \$50,000.00 for the extension of a public road 472 feet north from Crossings Boulevard and to provide a temporary turn-a-round at the entrance to the U.S. Postal Site as required by the Metropolitan Department of Public Works."

Proposal No. 95P-024U
Carter's Glen
Map 142-10, Parcels 69 and 27
Subarea 6
District 35

A request to grant preliminary approval for a Residential (Reduced Site Size) Planned Unit Development District abutting the southeast margin of Old Harding Pike and Bellevue Road (2.74 acres), classified R15, to permit the development of 11 single-family cluster lots, requested by Wamble and Associates, for Joel Wilson, owner.

Mr. Reid stated that with the current zoning of the property the applicant could subdivide the property into six lots with seven dwelling units which would consist of five single family homes and a duplex. With this PUD application the developer is proposing eleven single family lots. The applicant has followed staff's suggestion to design his plan to promote a harmonious relationship with existing residential lots across the street. He has similar set backs on this plan and also has similar separation distances between the building envelopes. Finally he has designed a landscape preservation easement along the Bellevue Road corridor as an additional amenity to the neighborhood. Staff feels this plan meets the intent of the infill PUD provisions and recommends approval.

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

Resolution No. 95-665

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-024U 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. Prior to any final plat approvals, a boundary plat shall be recorded."

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 95S-180U
Hickory Highlands Place
Map 163, Parcels 26, 174 and Part of 27
Subarea 13
District 29

A request to revise the approved preliminary plat (30 acres) to permit a future street connection to Moss Road and final approval for Phase 1 (14 acres) comprised of 37 lots on property abutting the north margin of Mt. View Road 1,100 feet east of Ottenville Road, classified within the RM8 and RS8 Districts, requested by Harding University, Inc., owner, Barge, Waggoner, Sumner and Cannon, surveyor. **(Deferred from meetings of 07/27/95, 08/10/95 and 08/24/95).**

Mr. Bracey stated staff was recommending approval of the revision. The revision would provide a second outlet from the subdivision, this one to Moss Road. Mr. Bracey stated the only outlet originally approved in the subdivision was one to Mountain View Road. This connection is by way of a steep street. Public Works has been concerned that this way into and out of the subdivision would prove to be undesirable, particularly during periods of bad weather. The developer has cooperated in changing a street originally proposed to be a cul-de-sac to a through street to Moss Road.

No one was present to speak for or against the subdivision request.

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

Resolution No. 95-666

“BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 95S-180U, be given **APPROVAL of a revision to the Preliminary Plat and APPROVAL of the Final Plat for Phase One subject to posting a performance in the amount of \$634,750.00**”

Subdivision No. 95S-241U (Public Hearing)
Melrose Shopping Center (Residential Lots)
Resubdivision of Lot 9
Map 118-6, Parcel 42
Subarea 10
District 17

A request to create six lots abutting the east margin of Vaulx Lane, approximately 224 feet south of Kirkwood Avenue (2.09 acres), classified within the RS10 District, requested by Land Trust Corporation, owner/developer, Crawford Land Surveyors, surveyor. **(Also requesting final plat approval).**

Mr. Bracey stated the legal representative had requested this item be deferred for two weeks. The property is located behind the Melrose PUD. It originally was six lots but became one lot during the replatting of all of the PUD. This property is not in the PUD but it is in the same ownership. The owner of the property is requesting permission to subdivide the one lot into six lots, much like it was originally platted prior to development of the adjacent commercial PUD.

Mr. Bracey reminded the Commission that, in addition to approving the commercial PUD and the replatting of this property into one lot, the Commission also approved a mandatory referral in early 1995 wherein Metro accepted an offer to donate this property as a public park. In July, 1995 the offer by the property owner to dedicate the property was withdrawn. The question now before Metro, and which the Department of Law wishes to consider more fully, is if the offer of dedication could be withdrawn after Metro had accepted the offer by ordinance. For this reason the Commission is being asked to defer this matter for further investigation to see exactly what Metro's position is in regard to this property.

Considerable discussion ensued as to whether the proponents and opponents wanted to hold the public hearing at this time, or preferred to defer the public hearing to a later time when the Department of Law would have more information regarding Metro's position on the matter.

Mr. Joe Johnson, attorney representing one of the property owners in opposition to this particular proposal was present. Mr. Johnson stated the adjacent commercial PUD was a very controversial development, and a condition of its approval was that the property now being subdivided would be retained as greenway dedicated to Metro government. The neighborhood put a lot of time and energy in working with the Parks Department to get this cleared by the Metro Council who adopted an ordinance last February accepting this parcel as a greenway. Mr. Johnson stated he wished to develop a complete record of the requirements of Metro in approving the adjacent developments, and the expectations of the surrounding neighborhood.

He stated that with that explanation they would agree to a deferral provided that there would be a new notice sent out to all of the property owners involved.

Mr. Lynn Davis stated he represented Land Trust, owner of the property, and that they would like to go forward as soon as possible.

Due to conflicts of schedules, considerable discussion occurred as to when this matter could be brought back to the Commission for consideration.

Mr. Owens stated the Planning Commission was obligated to act within thirty days of first hearing the case.

After additional discussion, all parties agreed to continue hearing the case on October 5, 1995.

Mr. Lawson moved and Ms. Nielson seconded the motion, which passed unanimously, to defer this matter to the October 5th meeting, and to leave the public hearing open.

Subdivision No. 95S-247U (Public Hearing)
Green Meadows Subdivision
Map 60-16, Parcels 175 and 182
Subarea 5
District 4M

A request to create 11 lots abutting the southeast corner of Bullock Avenue and Jones Avenue (3.78 acres), classified within the R10 District, requested by Linder, Stevens, Bodor and Martin, owner/developer, Caldwell Engineering and Surveying, surveyor.

Mr. Bracey stated the plan of the subdivision was to divide the existing two lots into eleven lots. The proposed plan of subdivision would create the need for a variance for some lots which would be more than four times deeper than they are wide at the front setback line. Staff and the owner's engineer tried several plans to introduce a street into the back area of the subdivision to see what could be done with the property to eliminate the variance. All scenarios proved to be unfeasible because of the additional costs of road construction.

Ms. Imogene Harrison stated she was in opposition to the project because of drainage problems.

Mr. Bracey stated Public Works had recommended approval of the plan and did not expect any drainage problems. The slope of the property would not direct additional water onto the Harrison property. Further, given the extraordinary depth of the parcels, house construction likely would occur toward the front of the lots and very much removed from the Harrison's property.

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

Resolution No. 95-667

“BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 95S-247U, be given **PRELIMINARY APPROVAL.**”

Final Plats:

Subdivision No. 95S-222U
Gra-Mar Acres, Section 6
Resubdivision of Lot 259
Map 61-2, Parcel 81
Subarea 5
District 4

A request to subdivide a lot into two lots abutting the northeast corner of Joyce Lane and Graycroft Avenue (.98 acres), classified within the RS15 District, requested by John M. and Linda M. Davis, owners/developers, Bruce Rainey and Associates, surveyor.

Mr. Bracey stated lot 1 fails the frontage requirements when the rules of comparability are applied. The average of the surrounding lots is 117 feet and this lot is 80 feet in width. Mr. Bracey pointed out that the wider frontage requirement resulted from the fact that the lots immediately surrounding the lot in question have wide frontages. However, other lots in close proximity have narrower frontages, more comparable to the 80 foot frontage proposed in the resubdivision.

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

Resolution No. 95-668

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 95S-222U, be **APPROVED** with a variance to lot frontage comparability.”

Subdivision No. 95S-137U
Warner Glen Subdivision
Map 129, Parcel 11
Subarea 7
District 35

A request to create 12 lots abutting the southwest margin of Percy Warner Boulevard, approximately 145 feet northwest of Highland Park Drive (2.97 acres), classified within the R8 District, requested by Jewish Community Center, owner, Joel Wilson, developer, Ragan-Smith Associates, surveyor.

Mr. Bracey stated this proposal was previously called Percy Warner Boulevard Property. He stated all conditions of the preliminary plan had been met except for the contribution of up to \$10,000 for drainage improvements in the area. Staff is recommending approval subject to the receipt of the \$10,000 contribution.

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

Resolution No. 95-669

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 95S-137U, be **APPROVED** subject to notice from the Department of Public Works that a maximum \$10,000.00 contribution for drainage improvements has been received from the developer.”

Request for Bond Release:

Subdivision No. 88P-047G
Peppertree Forest, Section Nine
Allen Earps, principal

Located abutting the south margin of Pin Hook Road, approximately 200 feet east of Lavergne-Couchville Pike.

Mr. Bracey stated that in the status report this subdivision was recommended for approval based on recommendations received from Water Services and Public Works. The homeowners association had requested to speak because of concerns that work still remained to be done in the subdivision. In their letter they pointed out there was unfinished work and debris left in the common areas of section nine. He pointed out the areas the neighborhood association was concerned with.

Mr. Bracey stated he had observed the subdivision site, and observed rocks and dirt in several of the curbs and in the storm drains. He stated this debris should be cleaned up because it could clog the drainage system. Mr. Bracey stated these items needed to be taken care of prior to release of the bond.

Mr. Bracey recommended disapproval of the release of the bond and authorization to collect if all the clean up work and patch up work is not complete by the end of October.

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

Resolution No. 95-670

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for release of the performance bond for Subdivision No. 88P-047G, Bond No. 88BD-030, Peppertree Forest, Section Nine in the amount of \$41,000.00. Collection is authorized if all work is not complete by October 31, 1995."

OTHER BUSINESS:

1. Authorization to enter into two contracts with the Tennessee Department of Transportation, on behalf of the MPO, for federal transportation planning funds.

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried unanimously, to approve the two Tennessee Department of Transportation contracts, one to receive planning funds from Federal Highway Administration, and one to receive planning funds from Federal Transit Administration. Mr. Browning stated the total amount of funds was approximately \$600,000.

2. Employee Contract - A. Marie Darling.

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried unanimously, to approve the contract renewal for A. Marie Darling for one year.

3. APR Fund Appropriation.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the APR Fund Appropriation as follows:

Resolution No. 95-671

BE IT RESOLVED by the Metropolitan Planning Commission that the following appropriation is made to the Advance Planning and Research Fund:

Appropriation Balance - July 1, 1995	\$0.00
Resolution No. 95-671 adopted September 7, 1995	\$200,000.00
Net Appropriation Balance	\$200,000.00

July 1995 Expenditures - Actual:

Salaries	\$6,387.16
FICA	\$468.84
Group Health Insurance	\$722.88
Employer's Pension Contribution	\$859.08
Group Life Insurance	\$52.00
Dental Insurance	\$28.48

Data Processing Equipment	\$3,370.10	(\$11,888.54)
Net Appropriation Balance		\$188,111.46

August and September 1995 Expenditures -
Projected:

Salaries	\$12,774.32	
Central Printing Services	\$600	
Data Processing Services	\$37.50	
Advertising	\$800.00	
Consultant's Services	\$91,779.00	
Office Supplies	\$25.00	
FICA	\$937.68	
Group Health Insurance	\$1,445.76	
Employer's Pension Contribution	\$1,718.16	
Group Life Insurance	\$104.00	
Dental Insurance	\$56.96	(110,278.38)
Net Appropriation Balance		\$77,833.08

PLATS PROCESSED ADMINISTRATIVELY

- 95S-248U Thomas Property
Plat creates one lot (separated from large tract).

- 95S-258U Lawrence Property
Plat defines boundary of parcel previously deeded.

- 95S-260G Paul Eggestein Lots
Plat relocates common line between two lots.

- 95S-262G Arrington Subdivision
Plat resubdivides two lots into two lots.

- 95S-266U Brick Church Business Park, Lot 2

- 95S-271U Shields, Resubdivision lots 4 and 5
Plat combines two lots into one

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 2:00 p.m.

Chairman

Secretary

Minute Approval:
This 21st day of September, 1995