

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: Thursday, November 16, 1995
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Philip Bredesen

Also Present:

Executive Office:

Jeff Browning, Executive Director and Secretary
Carolyn Perry, Secretary II

Current Planning and Design Division:

Edward Owens, Planning Division Manager
Tom Martin, Planner III
Shawn Henry, Planner II
John Reid, Planner I
Jimmy Alexander, Planning Technician II

Advance Planning and Research Division:

Jeff Ricketson, Planning Division Manager

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Gary Dixner, Planner III

Others Present:

Leslie Shechter, Department of Law

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced an addendum item, 95CB-021, an amendment to the Capital Improvement Budget, and a caption change on 95P-034U and 84-87-P which should have been listed as a Public Hearing item.

With all changes noted Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to adopt the agenda with the addendum item.

ANNOUNCEMENT OF DEFERRED ITEMS

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

95Z-106G	Deferred 2 weeks, by applicant.
95Z-115G	Deferred 2 weeks, by applicant.
57-78-U	Deferred 2 weeks, by applicant.
88P-046G	Final Plat Deferred 2 weeks by Public Works.
95S-308U	Deferred 2 weeks, by applicant.
95M-104U	Deferred 2 weeks, by Public Works.

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

APPROVAL OF MINUTES

Ms. Jernigan moved and Mr. Manier seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of November 2, 1995.

RECOGNITION OF COUNCILMEMBERS

Councilmember Willis McCallister was present to speak in favor of Zone Change Proposal Numbers 95Z-110U and 95M-102U. He stated this property was run down and it would be an asset to the community if the Commission would approve the zone change and alley closure for use by the Harley Davidson Store.

Councilmember Ron Nollner spoke in favor of Proposal No. 95P-033U. He stated he lived in the neighborhood and had talked to several of the neighbors in the area and that they were in favor of the proposal.

Mr. Clifton arrived at this point.

ADOPTION OF CONSENT AGENDA

Several items were listed by staff for consideration on the consent agenda. Mr. Browning stated the Melrose Subdivision bond issue involved a rescission of the Commission's action from the last meeting. The bond amount previously established was too low and this action is to approve a higher bond.

Mr. Lawson moved and Ms. Jernigan seconded the motion, which was passed unanimously, with the exception of Mr. Steve Smith who abstained on Bond Extension No. 9-87-P, River Plantation, Section Ten, Phase Two-B, to approve the following items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-112U
Map 83-3, Parcel 166
Subarea 5
District 7

A request to change from CSL District to R6 District certain property abutting the south margin of Greenwood Avenue, approximately 200 feet east of Porter Road (.22 acres), requested by Jozella Temple, for Mid Ohio Securities FBO Jozella Temple IRA, owner.

Resolution No. 95-894

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-112U is **APPROVED**:

The land use policy for this area is residential/low-medium density (2 to 4 dwelling units per acre). The Subarea Plan stipulates that existing retail clusters should continue functioning, but redevelop to residential uses when commercial is no longer viable. Therefore, this request conforms with the Subarea Plan goals."

Zone Change Proposal No. 95Z-113U
Map 105-13, Parcel 85
Subarea 10
District 17

A request for a Bed and Breakfast Overlay in the R8 District on certain property abutting the southwest corner of Linden Avenue and 15th Avenue South (.44 acres), requested by Sandra Estelle Larson, owner.

Resolution No. 95-895

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-113U is **APPROVED**:

This property meets the historic criteria in the Zoning Regulations. The Historic Commission has determined that this property is a contributing property within an area that is eligible for designation as a local historic zoning district."

Zone Change Proposal No. 95Z-114U
Map 150, Parcels 170 and 175
Subarea 13
District 29

A request to change from AR2a District to RS8 District certain property abutting the south margin of Anderson Road, approximately 150 feet west of Towne Village Road (7.39 acres), requested by Rick Blackburn, for J. B. Knight et ux, owner.

Resolution No. 95-896

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-114U is **APPROVED**:

The land use policy is residential/low-medium density (up to 4 dwelling units per acre). The Subarea Plan for this general area designates a new collector road (Anderson Road Extension) to connect Hamilton Church Road and Anderson Road. The new collector road may have to be accommodated in any plan of subdivision proposed for this property."

Zone Change Proposal No. 95Z-117G
Map 182, Parcel 130
Subarea 12
District 31

A request to change from AR2a District to R10 District certain property abutting the northwest margin of Old Hickory Boulevard, approximately 2,300 feet west of Burkitt Road (1.1 acres), requested by Mike Anderson, for October Woods, L.P., owner. (See PUD Proposal No. 94P-017G).

Resolution No. 95-897

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-117G is **APPROVED**:

The Subarea 12 land use policy for this area is residential medium density which the R10 district will implement."

Zone Change Proposal No. 95Z-118G
Map 87, Parcel 10
Subarea 14
District 12

A request to change from AR2a District to R15 District certain property abutting the south margin of Old Lebanon Dirt Road, approximately 1,400 feet south of North New Hope Road (39.83 acres), requested by Mike Anderson, for E. C. Binkley, owner. (See PUD Proposal No. 95P-032G).

Resolution No. 95-898

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-118G is **APPROVED**:

The Subarea 14 policy for this area is residential low medium density (up to 4 dwelling units per acre), which the R15 district will implement."

Zone Change Proposal No. 95Z-119G
Map 172, Parcel 74
Subarea 12
District 31

A request to change from AR2a District to R20 District certain property abutting the southeast corner of Mt. Pisgah Road and Edmondson Pike and the north margin of Holt Road (66.11 acres), requested by Mike Anderson, for Rebecca W. Williams et al, owners. (See PUD Proposal No. 95P-031G).

Resolution No. 95-899

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-119G is **APPROVED**:

The Subarea 12 land use policy for this area is residential low medium density (up to 4 dwelling units per acre), which the R20 district can implement when used with a Residential PUD."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 88P-057G

Aspen Heights
Map 142, Parcel 296
Subarea 6
District 35

A request for final site development plan approval for the Residential Planned Unit Development District abutting the west margin of Hicks Road, approximately 700 feet north of Bellevue Road (2.64 acres), to permit the development of a 12 unit residential complex, requested by The Harpeth Group, for Hulen Construction Company, owner. **(Deferred from meeting of 11/02/95).**

Resolution No. 95-900

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-057G is given **CONDITIONAL FINAL APPROVAL**. The following conditions apply:

1. Receipt of modified detention and drainage calculations and plans acceptable to the Department of Public Works.
2. Receipt of written confirmation of approval from the Storm Water Management and Traffic Engineering sections of the Department of Public Works.”

Proposal No. 95P-029U

Shurguard Storage
Map 26, Parcel 57
Subarea 4
District 10

A request to grant preliminary approval for a Commercial (General) Planned Unit Development District abutting the north margin of Gallatin Road, approximately 800 feet west of Cumberland Hills Drive (4.65 acres), to permit the development of an 87,890 square foot self service storage facility, requested by Barge Cauthen and Associates, for Ed Freeman, owner. **(Deferred from meeting of 11/02/95).**

Resolution No. 95-901

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-029U is given **CONDITIONAL PRELIMINARY APPROVAL**. The following conditions apply:

1. Receipt of written confirmation of approval from the Storm Water Management and Traffic Engineering sections of the Department of Public Works.
2. Receipt of written confirmation of approval of the final sewerage disposal system from the Public Health Department.
3. The applicant shall provide a twenty foot easement for public sewers at the rear of the lot, paralleling the Hendersonville Bypass.”

Proposal No. 94P-017G

October Woods
Map 182, Parcel 130
Subarea 12
District 31

A request to amend the Residential Planned Unit Development District abutting the northwest margin of Old Hickory Boulevard, approximately 2,300 feet west of Burkett Road, classified AR2a and proposed for R10, to add a 1.1 acre parcel of land, requested by Anderson-Delk and Associates, Inc., for October Woods L.P., owner. (See **Zone Change Proposal No. 95Z-117G**).

Resolution No. 95-902

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-017G is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE**. The following conditions apply:

1. Approval by the Metropolitan Council.
2. The recording of a revised boundary plat.”

Proposal No. 4-86-P
Shurguard Self Storage
Map 135, Parcel 244
Subarea 13
District 27

A request to revise the final site development plan of the Commercial (General) Planned Unit Development District abutting the northeast margin of Murfreesboro Road, opposite British Woods Office Park (5.7 acres), to revise the parking layout and detention plan, requested by Walter Davidson and Associates, for The Freeman Group, owner.

Resolution No. 95-903

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 4-86-P is given **CONDITIONAL APPROVAL OF A REVISION TO FINAL TO REVISE THE PARKING LAYOUT AND DETENTION PLAN**. The following condition applies:

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

Proposal No. 78-87-P
Fredericksburg
Map 160, Parcel 133
Map 171, Part of Parcel 89
Subarea 12
District 32

A request to revise the approved preliminary site development plan of the Residential Planned Unit Development District abutting the south margin of Old Hickory Boulevard, approximately 670 feet east of Cloverland Drive (17 acres), to permit the development of a 114 unit residential complex, requested by Anderson-Delk and Associates, Inc., for Radnor Development Corporation.

Resolution No. 95-904

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 78-87-P is given **CONDITIONAL APPROVAL OF REVISION TO PRELIMINARY**. The following conditions apply:

1. Receipt of written confirmation of approval from the Storm Water Management and Traffic Engineering sections of Public Works.

2. The applicant will be required to provide all necessary improvements for the fourth leg of the proposed traffic signal at the entrance onto Old Hickory Boulevard.”

Proposal No. 88P-046G
Poplar Ridge, Section Four
Map 141, Part of Parcel 11
Subarea 6
District 35

A request for final approval for Section 2 of the Residential Planned Unit Development District abutting the south terminus of Poplar Ridge Drive, approximately 185 feet south of Dove Valley Drive (3.17 acres), to permit the development of 15 single-family lots, requested by Wamble and Associates, for The Haury Company, owner. **(Final plat approval was deferred).**

Resolution No. 95-905

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-046G is given **CONDITIONAL FINAL PUD APPROVAL; PLAT DEFERRED AT REQUEST OF THE APPLICANT.** The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of Public Works.
2. Approval and recording of the final plat and posting of bonds as may be required for any necessary public improvements.
3. Payment of \$154 per lot to the Coley Davis Road Improvement Fund at the time of recording of the final plat.”

Proposal No. 88P-061U
Harding Mall Village, Lot 6
Map 147, Parcel 47
Subarea 12
District 26

A request to revise the approved preliminary site development plan and for final approval for a phase for the Commercial (General) Planned Unit Development District abutting the north margin of Harding Place, approximately 460 feet east of Nolensville Pike (.58 acres), to permit the development of a parking lot, requested by SEC, Inc., for Baptist Hospital, owner.

Resolution No. 95-906

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-061U is given **CONDITIONAL REVISED PRELIMINARY APPROVAL AND CONDITIONAL FINAL APPROVAL FOR A PHASE.** The following condition applies:

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

Proposal No. 95P-030G
Chase Oaks

Map 75, Parcels 64 and 65
Subarea 14
District 12

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the northwest corner of Chandler Road and Tulip Grove Road (37 acres), classified R15, to permit the development of a 103 lot residential development, requested by MEC, Inc., for Larry Powell, owner.

Resolution No. 95-907

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-030G is given **CONDITIONAL PRELIMINARY APPROVAL**. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of Public Works.
2. Filing of a plat of subdivision which combines the two parcels at the time of final PUD submittal.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 95S-317U
Grandview Heights, Resubdivision of Lots 304-306
Map 118-8, Parcels 138 and 139
Subarea 11
District 16

A request to subdivide three lots into two lots abutting the west margin of Kline Avenue, approximately 200 feet north of Newsome Avenue (.52 acres), classified within the CG District, requested by Joe S. and Elnora Ann Fields, owners/developers, George C. Gregory, surveyor.

Resolution No. 95-908

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-317U, be **APPROVED**.”

Subdivision No. 93P-005G
Poplarwood, Sections 1 and 2
Map 155, Parcel 72
Subarea 6
District 35

A request to create 47 lots (27 lots in Section 1 and 20 lots in Section 2) abutting the south margin of Poplar Creek Road, approximately 170 feet east of Montcastle Drive (18.93 acres), classified within the RS30 Residential Planned Unit Development District, requested by Nile Al-Barak, owner/developer, The Harpeth Group, Inc., surveyor. **(Also requesting minor revision to final PUD approval). (Deferred from meeting of 11/02/95).**

Resolution No. 95-909

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 93P-005G, be APPROVED with the following conditions:

Section One: APPROVED subject to posting a performance bond in the amount of \$340,100.00, and a \$6,942.00 contribution to the Poplar Creek Improvement Fund; and

Section Two: APPROVED subject to posting a performance bond in the amount of \$227,039.00, and a \$5,305.00 contribution to the Poplar Creek Improvement Fund.”

Subdivision No. 95S-328U
Cloverland Acres, Section 14
Map 171, Part of Parcel 88
Subarea 12
District 32

A request to create a lot abutting the south margin of Cloverland Drive, approximately 1,038 feet west of Saddlewood Lane (1.18 acres), classified within the R40 District, requested by Jesse M. and Florence F. Williams, owners/developers, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 95-910

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-328U, be APPROVED.”

Subdivision No. 95S-322A
Parkview Estates, Section Two Reserve Parcel
Map 147-10, Parcel 202
Subarea 12
District 26

A request to remove the reserve status on a parcel abutting the northwest margin of Adamwood Drive, approximately 330 feet northeast of Bonerwood Drive (.53 acres), classified within the R10 District, requested by David Lipscomb University, trustee, owner/developer.

Resolution No. 95-911

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-322A, be APPROVED.”

Request for Bond Extension:

Subdivision No. 154-73-G
Camden Woods, Phase Three-A
Phillips Builders, Inc., principal

Located abutting the west margin of Tulip Grove Road, approximately 150 feet south of Strombury Drive.

Resolution No. 95-912

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 154-73-G, Bond No. 93BD-028, Camden Woods, Phase Three-A, until April 1, 1996, as requested, in the full amount of \$26,000.00, said approval being contingent upon submittal of a letter by December 20, 1995 from the National Fire Insurance Company of

Hartford agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 154-73-G
Camden Woods, Phase Three-B
Phillips Builders, Inc., principal

Located abutting the south margin of Strombury Drive and the west margin of Tulip Grove Road.

Resolution No. 95-913

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 154-73-G, Bond No. 93BD-084, Camden Woods, Phase Three-B, until April 1, 1996, as requested, in the full amount of \$5,000.00, said approval being contingent upon submittal of a letter by December 20, 1995 from the National Fire Insurance Company of Hartford agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 141-79-G
Plantation Walk, Section One
Phillips Builders, Inc., principal

Located abutting the east margin of Shute Lane, approximately 928 feet north of Lebanon Pike.

Resolution No. 95-914

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 141-79-G, Bond No. 93BD-081, Plantation Walk, Section One, until April 1, 1996, as requested, in the full amount of \$61,000.00, said approval being contingent upon submittal of a letter by December 20, 1995 from the National Fire Insurance Company of Hartford agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 141-79-G
Plantation Walk, Section Two
Phillips Builders, Inc., principal

Located abutting both margins of Meadowgreen Drive, approximately 87 feet southeast of Sweetwater Circle.

Resolution No. 95-915

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 141-79-G, Bond No. 94BD-089, Plantation Walk, Section Two, until April 1, 1996, as requested, in the full amount of \$135,000.00, said approval being contingent upon submittal of a letter by **December 20, 1995**, from the Frontier Insurance Company agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 177-80-U
Bell Crest, Section Two
MCR Development Corporation, principal

Located abutting the east margin of Hickory Park Drive, opposite Clubhouse Lane.

Resolution No. 95-916

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 177-80-U, Bond No. 95BD-054, Bell Crest, Section Two, until June 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$102,000.00 by December 20, 1995 and extending the expiration date to December 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 206-83-G
Chelsea Village Addition, Section Three
Butler Development, L.L.C., principal

Located abutting both margins of Oak Forest Drive, approximately 150 feet east of Split Oak Drive.

Resolution No. 95-917

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 206-83-G, Bond No. 95BD-009, Chelsea Village Addition, Section Three, until October 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$260,000.00 by December 20, 1995 and extending the expiration date to April 1, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 83-85-P
Ransom Village
Ransom Village, Inc., principal

Located abutting the west margin of Una-Antioch Pike, approximately 750 feet southwest of Murfreesboro Pike.

Resolution No. 95-918

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 83-85-P, Bond No. 94BD-073, Ransom Village, until June 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$55,400.00 by December 20, 1995 and extending the expiration date to December 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 7-86-P
Sheffield on the Harpeth, Phase Three-C
Phillips Builders, Inc., principal

Located abutting both margins of Londonberry Road, approximately 90 feet southwest of River Fork Drive.

Resolution No. 95-919

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 7-86-P, Bond No. 93BD-048, Sheffield on the Harpeth, Phase Three-C, until April 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$20,000.00 by December 20, 1995 and extending the expiration date to October 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 7-86-P
Sheffield on the Harpeth, Phase Three-D
Phillips Builders, Inc., principal

Located abutting both margins of River Fork Drive, approximately 125 feet northwest of Londonberry Road.

Resolution No. 95-920

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 7-86-P, Bond No. 94BD-009, Sheffield on the Harpeth, Phase Three-D, until April 1, 1996, as requested, in the full amount of \$25,000.00, said approval being contingent upon submittal of a letter by December 20, 1995 from the National Fire Insurance Company of Hartford agreeing to the extension. **Failure of principle to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 105-86-P
Farmingham Woods, Phase Four
Phillips Builders, Inc., principal

Located abutting both margins of Farmingham Woods Drive and both margins of Knollcrest Court.

Resolution No. 95-921

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 105-86-P, Bond No. 93BD-029, Farmingham Woods, Phase Four, until April 1, 1996, as requested, in the reduced amount of \$5,000.00, said approval being contingent upon submittal of a letter by December 20, 1995 from the National Fire Insurance Company of Hartford agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 9-87-P
River Plantation, Section Ten, Phase Two-B
Haury & Smith Contractors, Inc., principal

Located approximately 220 feet west of Sawyer Brown Road, approximately 915 feet south of General George Patton Road.

Resolution No. 95-922

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 9-87-P, Bond No. 95BD-053, River Plantation, Section Ten, Phase Two-B, until June 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$82,000.00 by December 20, 1995 and extending the expiration date to December 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Mr. Steve Smith abstained on this matter.

Subdivision No. 87-50-U
Bell Forge Village, Section Five
Phillips Builders, Inc., principal

Located abutting both sides of Bell Forge Parkway, approximately 550 feet north of Mt. View Road.

Resolution No. 95-923

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 87-50-U, Bond No. 87BD-001, Bell Forge Village, Section Five, until June 1, 1996, as requested, in the full amount of \$17,000.00, said approval being contingent upon submittal of a letter by December 20, 1995 from the Frontier Insurance Company agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 88P-056G
Mulberry Downs, Phase One-B
Phillips Builders, Inc., principal

Located abutting the west terminus of Mulberry Downs, approximately 92 feet west of Cranapple Cove.

Resolution No. 95-924

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 88P-056G, Bond No. 94BD-019, Mulberry Downs, Phase One-B, until June 1, 1996, as requested, in the full amount of \$34,500.00, said approval being contingent upon submittal of a letter by December 20, 1995 from the Frontier Insurance Company agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

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

Located abutting the west terminus of Roundhill Drive and the south terminus of Call Hill Road.

Resolution No. 95-925

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 89P-017G, Bond No. 93BD-033, Bradford Hills, Section Thirteen, until January 2, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$5,800.00 by December 1, 1995 and extending the expiration date to July 2, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 89P-022U
Melrose Shopping Center
Land Trust Corporation, principal

Located abutting the west margin of Franklin Pike, between Gale Lane and Kirkwood Avenue. This action rescinded bond extension action taken by the Planning Commission on November 2, 1995.

Resolution No. 95-926

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 89P-022U, Bond No. 93BD-056, Melrose Shopping Center, until February 2, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$25,550.00 by December 6, 1995 and extending the expiration

date to August 2, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 90P-008G
Magnolia Hills
J & J Development, Inc., principal

Located abutting the north margin of Old Harding Pike, approximately 1,000 feet east of Collins Road.

Resolution No. 95-927

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 90P-008G, Bond No. 94BD-070, Magnolia Hills, until August 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$85,000.00 by December 20, 1995 and extending the expiration date to February 1, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 91S-039U
Woodland Hills, Phase Two, Section One
Vista Mortgage & Realty Company, principal

Located abutting the north margin of Paragon Mills Road and on the southerly boundary of I-24 South.

Resolution No. 95-928

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 91S-039U, Bond No. 92BD-050, Woodland Hills, Phase Two, Section One, until October 1, 1996, as requested, in the full amount of \$22,700.00."

Subdivision No. 94S-191G
Birkdale Place
South Harpeth Construction Company, Inc., principal

Located abutting the north margin of Baugh Road, approximately 22 feet east of Bellevue Road.

Resolution No. 95-929

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 94S-191G, Bond No. 94BD-114, Birkdale Place, until October 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$119,000.00 by December 20, 1995 and extending the expiration date to April 1, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

MANDATORY REFERRALS:

Proposal No. 95M-108U
Anderson Street/Matthews Avenue Name Change
Map 61-10
Subarea 5
District 8

A mandatory referral from the Department of Public Works proposing to change the name of Anderson Street from Matthews Avenue to its southern terminus to "Matthews Avenue."

Resolution No. 95-930

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-108U.

Proposal No. 95M-109G

Water Meter and Sewer Easement Abandonment
Lennox Square - Lebanon Pike and Shute Lane
Map 64-15, Parcel 9
Subarea 14
District 11

A mandatory referral from the Cumberland Utility District to abandon portions of a 20' sewer easement and a 10' water meter easement at Lebanon Pike and Shute Lane.

Resolution No. 95-931

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-109G.

Proposal 95M-110U

Awning at 122 Third Avenue South
Map 93-6-4, Parcel 55
Subarea 9
District 19

A mandatory referral from the Department of Public Works proposing the installation of a 10'6" by 23' awning over the sidewalk in front of 122 Third Avenue South for Oriental Rug Depot, requested by Raza Aliabadi, proprietor.

Resolution No. 95-932

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95M-110U.

OTHER BUSINESS:

Capital Budget Amendment:

Proposal No. 95CB-021

A proposal to amend the capital improvements budget as follows:

Project No. 95GH041
Medical Imaging Specialty Equipment
CT Scanner, Nuclear Medicine and Ultrasound Equipment

From: \$2,560,000	Operating Budget Funds	FY 1995-96
To: \$2,400,000	Proposed G. O. Bond Funds	FY 1995-96

Project No. 95GS001
South Sector Police Precinct Station - Construct

From: \$3,700,000	Proposed G. O. Bond Funds	FY 1996-97
To: \$3,700,000	Proposed G. O. Bond Funds	FY 1995-96

Resolution No. 95-933

“BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95CB-021.

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-105G
Map 75-9, Part of Parcel 268
Subarea 14
District 14

A request to change from R10 District to OP District certain property abutting the west margin of Old Hickory Boulevard, approximately 110 feet south of Plantation Drive (approximately 1/4 acre), requested by Rick Baggett, for James Peach, Sr., owner. **(Deferred from meeting of 11/02/95).**

Mr. Reid stated this property lies at the boundary between commercial and residential policies. It also is near the intersection of two major arterials. The General Plan supports deepening the commercial zoning as long as it does not adversely affect the residential neighborhoods. In this case the property is so close to the intersection, commercial zoning could eventually be brought further to the rear of the parcels facing Bonna Springs Drive without any negative impacts.

At the last meeting some questions were raised concerning the ownership status of this property. It was assumed that this property was part of the Hermitage Church of Christ property. After further investigation, it was found that Mr. Peach, who owns the remainder of parcel 268 had purchased this property from the church and recorded a plat in 1993 which makes this property part of parcel 268. Staff feels it is appropriate to extend the commercial zoning further back and therefore recommends approval.

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

Resolution No. 95-934

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-105G is **APPROVED**:

The Subarea 14 plan places this area at the boundary of residential and commercial policies focused around the intersection of Old Hickory Boulevard and Lebanon Pike. The General Plan recognizes that it may be appropriate to allow a deepening of commercial zoning around a major intersection as long as the basic integrity and stability of adjacent residential areas are not undermined. The Commission determined that it is appropriate to deepen the existing commercial zoning around this major street intersection and doing so in this situation would not create an adverse impact on the established residential neighborhood."

Zone Change Proposal No. 95Z-110U

Map 91-12, Parcels 123 and 124
Subarea 7
District 21

A request to change from R6 District to CS District certain property abutting the southwest corner of Georgia Avenue and 46th Avenue North (.46 acre), requested by Phil Chamblee, for Billie D. and Mary S. Lundy, owners.

Proposal No. 95M-102U
Alley 1202 Closure
Map 91-12
Subarea 7
District 21

A request to close Alley 1202 between Alley 1219 and 46th Avenue North, requested by Bill Forte, Barge, Waggoner, Sumner and Cannon, Inc., for adjacent property owners. **(Easements are to be retained).**

Mr. Reid advised the rezoning and the request to close the alley could be discussed concurrently, because the two matters are related. He stated the applicant owned the business on the corner of Georgia Avenue and 46th Avenue North and wants to expand his business north across the alley in question onto the residential property proposed for commercial zoning. The main issue is commercial encroachment into a residential neighborhood. The property is within an established residential neighborhood. There is currently a clear zoning pattern which orients commercial zoning to the interstate interchange along Delaware Avenue and residential zoning to the north, east and west of the commercial zoning.

Rezoning this property to commercial would give this site commercial orientation on Georgia Avenue which is a local residential street and will clearly encroach into the residential neighborhood. Last May the Commission disapproved a request to rezone this parcel to office zoning to prevent commercial encroachment from occurring. This application is for CS zoning. Staff realizes the applicant wants to expand his business but feels he is attempting to expand in the wrong direction. Staff suggests he attempt to expand to the west. This would keep the commercial zoning oriented along Delaware Avenue and would protect the residential neighborhood to the north. Therefore, staff recommends disapproval of the zone change.

Mr. Reid discussed Mandatory Referral 95M-102U and stated the alley behind the business is a good demarcation line between the residential zoning to the north and commercial zoning to the south. If this alley were removed there would be one property extending all the way to Georgia Avenue split between commercial and residential zoning. Staff recommends disapproval of the alley closure.

Mr. Tom White, attorney for the landowner, asked the Commission to consider both of these issues together. He stated that approximately two and one half years ago his client asked for a zone change from residential to the CS commercial that is there now. At that time the staff recommended against the request, suggesting it was an encroachment into a residential area. The Commission did approve the zone change despite that fact as did the Council. This is now Councilman Willis McCallister's district who spoke in favor of this proposal earlier. Since that time the surrounding property has become abandoned or is in a state of poor repair.

The property taxes currently paid by Harley Davidson on their commercial property are \$9,918 per year. The taxes that were paid to the city prior to their taking over the property were \$2,500. The sales tax on the Harley Davidson Store have been \$400,972 in the past twenty months. There area currently twelve employees. As indicated the property in the immediate neighborhood is poorly maintained residential. Local and national awards have been granted to this Harley Davidson Store with respect to its appearance. It is not only a big volume seller but also has been listed in the top dealers in the country for the last twelve months. He also asked the Commission to consider that in addition to these items, to consider the political

input. Councilman Aaron Holt was approached approximately three years ago regarding the zoning from residential to commercial. He was convinced and stated to the Commission at the time that he knew of no residential opposition. Councilman McCallister also stated that he had heard of no opposition of any type.

Mr. White stated he had contacted Mr. Aaron Holt and read a letter to the Commission from Councilman Holt in favor of the rezoning. He felt the entire area should be looked at for rezoning. He asked the Commission to consider that from a residential, commercial, political and common sense perspective it all mandates that this should be approved. He suggested that the combination of those clearly has to equate to some good zoning sense.

Councilmember Clifton asked what was present around the subject property.

Mr. White stated to the immediate back of the store were three dilapidated residences that are currently being leased out and to the left there is poor quality residential and then the expansion of the Cockrill School. To the right is an abandoned gas station and several blocks back there is better maintained residential.

Mr. Harbison asked if the houses to the rear were occupied.

Mr. White stated they were occupied.

Mr. Harbison asked what the applicant wanted to do.

Mr. White stated he wanted to expand the current operation onto the property for approximately forty feet, and then put parking behind that. It is basically an extension of the current operation.

Ms. Jernigan asked when that Subarea Plan was up for review.

Mr. Fawcett stated it was just adopted last year.

Mr. Manier stated this was a slip interchange which was not quite as impacting as a diagonal-diamond interchange and asked what the pattern to the west was in the subarea plan. He also asked why the commercial line was drawn where it was.

Mr. Fawcett stated the commercial zoning was placed at the interchange in recognition of the volume of traffic that enters and exits the interstate. He acknowledged that some commercial traffic uses Georgia Avenue to gain access to commercial properties farther to the north; however, long range plans call for that traffic movement to be redirected to protect the residential neighborhood. Mr. Fawcett also reminded the Commission that this is a part of a large area that has a needed resource of moderate low income housing and those areas are being sacrificed as commercial zoning is allowed to invade.

Mr. Manier asked what purpose the alley served.

Mr. Owens stated it was primarily serving the rear of the Harley facility and Metro used it for trash pickup at the rear of the residential lots. From a functional standpoint, because of the one-way nature of Delaware Avenue, the alley is also used by the commercial traffic to gain access back to the interstate and Charlotte Avenue.

Mr. Stephen Smith stated that it was his understanding that Georgia Avenue, even though it was residential, handles all the industrial traffic now, that this Harley business was good revenue for the city coming from a degraded neighborhood and that he felt even the children at the school would be safer with a business there than with low income rental property.

Mr. Lawson stated that for business to prosper and grow was a very compelling reason to rezone; however, there is encroachment on residential areas and there is a need to preserve property for low to moderate income single family residences in Nashville.

Mr. Stephen Smith moved and Mr. Harbison seconded the motion to approve the Zone Change and the Mandatory Referral. This motion failed to carry with Commissioners Bodenhamer, Steve Smith and Harbison voting in favor, and Clifton, Manier, Jernigan, Nielson, Lawson and Chairman Smith voting no.

Ms. Nielson asked if the mandatory referral for the alley closure was also included in the motion.

Chairman Smith stated it could be handled separately.

Mr. Lawson suggested they should be taken together.

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

Resolution No. 95-935

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-110U is **DISAPPROVED**:

The land use policy for this area is Residential/Low-Medium density (up to 4 to 9 dwelling units per acre). One of the Subarea Plan goals for this area is to conserve the existing housing and neighborhood. The existing zoning pattern provides for a clear transition between residential and commercial uses. Rezoning this property would result in commercial zoning being oriented into the residential neighborhood along Georgia Avenue. This would constitute a major intrusion into this neighborhood."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES** Proposal No. 95M-102U:

The existing alley establishes a clear boundary between the existing commercial properties oriented toward the interstate and the established residential neighborhood to the north."

The motion carried with Commissioners Jernigan, Manier, Lawson, Nielson, Clifton and Chairman Smith voting in favor and Commissioners Harbison, Bodenhamer and Stephen Smith voting in opposition.

Zone Change Proposal No. 95Z-116U

Map 163, Parcels 155, 183, 344 and 358

Map 164, Parcel 182

Subarea 13

District 29

A request to change from AR2a and R10 Districts to RS8 District certain property abutting the southeast corner of Mount View Road and Old Franklin Road (7.88 acres), requested by Paul Weatherford, for Alvin Luther Hill, et ux, Charles W. Hill, et ux, and Hickory Downs Development, Inc., owners.

Proposal No. 95P-034U and 84-87-P

Hill Top Center

Map 163, Parcels 155, 182, 183, 344 and 358

Subarea 13

District 29

A request to cancel a portion of the Commercial (General) Planned Unit Development District (Proposal No. 84-87-P) and to incorporate that area and other lands into a proposed Residential Planned Unit Development District abutting the southeast margin of Mt. View Road and Old Franklin Road (7.02 acres), classified AR2a and proposed for RS8, to permit the development of 25 single-family lots, requested by MEC, Inc., for Bud Hill, owner.

Mr. Reid stated this Zone Change Proposal's associated PUD requires a public hearing. The applicant has requested a two week deferral for the zone change and the PUD but the public hearing notices have been sent out. Staff recommended opening the public hearing and if no one was present for the hearing to forego the presentation.

Chairman Smith asked if there was anyone in the audience either for or against, that would like to address the Commission regarding those two topics. There were people in the audience in favor of the project but were willing to allow the project to be deferred.

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

Zone Change Proposal No. 95Z-120U
Map 119-1, Parcels 42, 44 and 496
Subarea 11
District 16

A request to change from OP, CG and R6 Districts to OP and CS Districts certain property abutting the southwest corner of Glenrose Avenue and Hester Avenue (1.33 acres), requested by Walter H. Davidson, P.E., for Bhomar, LLC, owner.

Mr. Reid stated the applicant wanted to construct a motel on these properties. The issue with this rezoning request is commercial encroachment into a residential neighborhood. The subarea goals for this area attempt to limit the commercial orientation to Nolensville Pike and to protect the residential housing behind the commercial sites. With this rezoning request, the applicant wants to expand commercial further eastward along Glenrose and expand the OP zoning all the way to Hester Avenue. Staff feels this will promote encroachment into the residential area and increase opportunities for commercialization along Glenrose Avenue towards the east. Last February the Commission disapproved a request to rezone a portion of one of these parcels from OP to CS due to the increased likelihood of commercial encroachment. Since this applicant is attempting to expand commercialization further eastward into an established residential area staff recommends disapproval.

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

Resolution No. 95-936

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-120U is **DISAPPROVED**:

The property lies at the boundary of Commercial Arterial Existing policy (along Nolensville Pike) and Residential Low Medium policy (along Glenrose Avenue to the east). The Subarea 11 Plan goals for this area are to conserve the stable residential neighborhood to the north and east of this site, and limit the commercial orientation of these properties to Nolensville Pike. The expansion of commercial zoning eastward along Glenrose Avenue would give this site commercial orientation on Glenrose Avenue, which would promote intrusion into the stable residential neighborhood."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 206-83-G
Chelsea Village Addition, Section 3
Map 149, Part of Parcel 339
Subarea 13
District 28

A request to amend the preliminary site development plan of the Residential Planned Unit Development District abutting the western terminus of Oak Forest Drive, to allow the construction of a permanent turnaround in lieu of a through street, requested by MEC, Inc., for Jerry Butler, owner.

Mr. Martin stated this request was to permanently close a public street. It is an interface between Chelsea Village, which is developing, and Oakwood, which has already reached completion. The request is to build a cul-de-sac to close Oak Forest Drive. This was heard by the Commission on August 24th and termed as a temporary closure. It was submitted as a revision to the final site plan for the PUD. The Commission at that time disapproved the revision. Now the applicant has returned to the Commission requesting this to be considered a permanent closure. He stated that this proposal was inappropriate. The streets within these subdivisions have been planned over the years to form a logical network to provide access to the neighborhood, as well as movement between the neighborhood and outside areas without placing an undue burden on any one street or part of the neighborhood. Closure of this street will serve to throw additional traffic volumes on other streets and on other parts of the neighborhood.

Councilman Clifton asked if this strategy was to get the proposal past the Commission to the Council so a different set of decision makers would rule.

Mr. Owens stated that was the case.

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

Resolution No. 95-937

“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 the objectives of the Subdivision Regulations relating to public safety and the efficient provision of services.”

Proposal No. 95P-031G
Wexford Downs
Map 172, Parcel 74
Subarea 12
District 31

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the east margin of Edmonson Pike and the north margin of Holt Road (66.11 acres), classified AR2a and proposed for R20, to permit the development of 162 single-family lots, requested by Anderson-Delk and Associates, Inc., for Meadows-Phillips, owner.

Mr. Martin stated this plan met all requirements of the zoning ordinance. Staff would recommend approval but wanted the Commission to be aware of the history in the area. In the recent past the Commission considered a recommendation of a subdivision to the northwest that accessed Edmondson Pike and touched Old Smyrna Road south of Cloverland Drive. That PUD met the requirements of the zoning ordinance and was recommended for approval by the Commission. It met opposition in the Council and was defeated.

The community felt the density requested was higher than expected and desired. This is a similar situation and there may be some questions from the neighborhood.

Chairman Smith asked if that is the only reason it was not on the consent agenda.

Mr. Martin stated that was correct.

Mr. Browning suggested it would be appropriate for the staff to articulate what the contribution is that would justify using the PUD and the additional density in this case.

Mr. Martin stated that in this particular case the PUD differs from a conventional subdivision in that it would preserve a hilltop at the northern end of the site and would preserve the stream valley through the middle of the project as open space. It turns the lots inward and does not front lots onto Edmonson Pike and Holt Road.

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

Resolution No. 95-938

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-031G is given **CONDITIONAL PRELIMINARY APPROVAL**: The following condition applies:

Receipt of written confirmation of approval from the Storm Water Management and Traffic Engineering sections of Public Works.”

Proposal No. 95P-032G

Chesney Glen
Map 87, Parcel 10
Subarea 14
District 12

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the south margin of Old Lebanon Dirt Road, approximately 75 feet west of North New Hope Road (39.8 acres), classified AR2a and proposed for R15, to permit the development of 152 single-family lots, requested by Anderson-Delk and Associates, for Phillips Builders, owner.

Mr. Martin stated this proposal complies with the requirements of the zoning ordinance and land use policy plan. However, Water Services has not been able to verify the availability of sewer capacity in this part of the county that was formerly within the Cumberland Utility District. Staff recommended that the Commission grant approval conditioned upon verification of sewer capacity availability before the project is given final approval by Council.

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

Resolution No. 95-939

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-032G is given **CONDITIONAL PRELIMINARY APPROVAL**. The following conditions apply:

1. Receipt of written confirmation of approval from the Storm Water Management and Traffic Engineering sections of the Department of Public Works.

2. The Metropolitan Council is advised that the proposal should not be heard on third reading until the Department of Water Services confirms availability of sewer capacity in the former Cumberland Utility District sewer system.”

Proposal No. 95P-033U
Jack Nixon’s Commercial PUD
Map 41, Parcel 73
Subarea 2
District 3

A request to grant preliminary approval for a Commercial (General) Planned Unit Development District abutting the west margin of Dickerson Pike, approximately 800 feet south of Hunter’s Lane (2.46 acres), to permit the development of 55,300 square feet of self storage, retail and office facilities, requested by MEC, Inc., for Jack Nixon, owner.

Mr. Martin stated that Councilmember Nollner was present and had asked earlier to make a statement when this case was heard but that he had left the room.

Chairman Smith asked Mr. Martin to go ahead with the presentation and they would check to see if he had returned after the presentation.

Mr. Martin stated this proposal was for development of mini warehouse space in the CS zoning. The applicant has requested consideration of the proposal as a PUD because the mini warehouse use he is requesting is not allowed in CS. One of the Subarea 2 Plan objectives was to help eliminate extensive strip commercial development along major thoroughfares, supporting the tenets of the General Plan. This particular area was studied and recommended for residential use because it is largely undeveloped. The policy is residential and the setbacks should be 60 feet but the setbacks on the plan are only 15 which is a zoning violation and staff is recommending disapproval.

Mr. Browning explained that the Commission is faced with a difficult decision. The property is zoned CS commercial, but the land use policy recently passed by the Commission is for residential use. Thus, the policy and zoning are not consistent. The CS zoning will not allow mini warehouse development, unless it is done within a commercial PUD. The Commission is therefore faced with the decision of whether or not to approve a commercial PUD on CS zoning which lies within residential policy. Mr. Browning further reiterated that, regardless of what decision the Commission made relative to the policy issues, the PUD does not meet the technical requirements of the zoning ordinance, and should be disapproved on that basis.

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

Resolution No. 95-940

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-033U is given **DISAPPROVAL; THE PROPOSED PLAN IS IN A RESIDENTIAL POLICY AREA AND HAS A ZONING SETBACK VIOLATION ASSOCIATED WITH THE PROPOSED PLAN.**”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 95S-326G (Public Hearing)
Dunaway Woods, Section Two
Map 128, Part of Parcel 13

Subarea 6
District 23

A request to create four lots abutting the north terminus of Hallows Drive and the west terminus of Dunaway Drive, approximately 285 feet north of Indian Springs Drive (4.74 acres), classified within the R40 District, requested by Mark E. O'Neill, owner/developer, Ragan-Smith Associates, Inc., surveyor. **(Also requesting final plat approval).**

Mr. Henry stated this proposal was to construct 2 cul-de-sacs and create four lots in an existing subdivision. All reviewing departments have approved the proposal. Final plat approval is also being requested and staff recommends approval of both proposals.

No one was present to speak at the public hearing.

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

Resolution No. 95-941

“BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 95S-326G, be given PRELIMINARY AND FINAL APPROVAL subject to posting a performance bond in the amount of \$15,500.00.”

Subdivision No. 95S-332U (Public Hearing)
The Werthan Lofts, Phase One
Map 81-12, Parcels 328, 329 and Part of Parcel 415
Subarea 8
District 20

A request to subdivide nine lots into three lots abutting both margins of Hume Street, between Seventh Avenue North and Eighth Avenue North (3.74 acres), classified within the R6, MU and OP Districts, requested by Werthan Packaging, Inc., owner, The Urban Partnership, Inc., developer, Crawford Land Surveyors, surveyor. **(Also requesting final plat approval).**

Mr. Henry stated this proposal was to convert a warehouse to loft apartments. Staff was recommending approval but had received a request by the applicant for indefinite deferral.

No one was present to speak at the public hearing.

Mr. Lawson moved and Ms. Nielson seconded the motion, which was unanimously passed, to defer this matter indefinitely by the request of the applicant.

Final Plats:

Subdivision No. 95S-325U
Oak Park, Section 1, Resubdivision of Reserve Parcel “B”
Map 60-3, Parcel 64
Subarea 5
District 4

A request to remove the reserve status on a lot abutting the northwest margin of Larkspur Drive, approximately 140 feet northeast of Southridge Drive (.24 acres), classified within the R10 District, requested by Clarence Dickerson, owner/developer, George C. Gregory, surveyor.

Mr. Henry stated staff believed this lot was left over from the Oak Park Subdivision and the developer would like to make it eligible for a building site. The lot satisfies the R10 district's minimum standards for lot size and street frontage. However, because of the lot's shallow depth, the buildable area is very small and impractical for construction absent a variance from the building setback standards in the Zoning Code. If this site is approved as a building site, the applicant intends to petition the Board of Zoning Appeals for a variance in the minimum frontage setback provisions in order to obtain an adequate area in which to build. Staff feels this lot is inadequate to develop in a manner compatible with the character of the other residences on Larkspur Drive. Staff recommends the Planning Commission retain this parcel as a reserve lot and disapproval of this proposal.

Staff informed the Commission that the parcel was shown as a reserve parcel to allow acquisition of adjacent property at a later time to develop deeper lots consistent with those along Larkspur Drive. Staff stated that, although the adjacent property is now zoned commercial, the property needed to complete the lot in question is still vacant and used for residential purposes. Staff stated the property acquisition to create deeper lots more consistent with those in the neighborhood was still feasible.

Councilmember Don Majors stated the homes in this area were valued from \$98,000 to \$100,000 and he and the neighbors were concerned that the applicant was going to place a double wide trailer on the site. He asked the Commission to disapprove this proposal.

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

Resolution No. 95-942

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-325U, be DISAPPROVED. This parcel was reserved in 1964 for a future building site when additional land area could be obtained. Reserve parcel "B" is an inadequate building lot. Its shape and depth will not accommodate new construction in a manner compatible with the developed character of existing residential lots in the Oak Park Subdivision."

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. Henry stated this bond release had been approved by Public Works and was before the Commission on September 7, but was disapproved because inspection of the area found certain punch list items had not been completed. Public Works has re-inspected the subdivision section and accepted the roads and drainage. There are still concerns expressed by the Homeowners Association regarding incomplete work. Staff recommends the Commission defer this request until someone from the planning staff can inspect the area.

Mr. Allen Earps, developer, stated he did not know about the punch list until Ms. Phillips from the Planning Commission called him earlier in the day. He said Section 6 was also listed on the punch list with Section 9 and that this bond had nothing to do with Section 6 but claimed that all work had been completed. He said when he was notified the bond was being held he returned to the subdivision and completed all work Public Works had notified him to do.

Chairman Smith stated this bond only dealt with Section 9 and for Mr. Earps not to be concerned with Section 6.

Mr. Stephen Smith stated he felt it was unfair for the Commission to hold the bond after Public Works had approved the work completion. He said that if it were incomplete then it was Public Works' problem and they would have to complete any unfinished work.

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

Resolution No. 95-943

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 88P-047G, Bond No. 88BD-030 Peppertree Forest, Section Nine, in the amount of \$41,000.00, as requested."

OTHER BUSINESS:

1. First Quarter FY '96 Work Program Budget Report.

Mr. Lawson stated Ms. Karen Nicely had done an excellent job on this First Quarter Work Program and explained the program to the Commission.

Mr. Harbison stated he thought the layout was very good and very self explanatory. He suggested the percentages of the budget money spent would be of help in each section of the report.

2. Consider Merits of Setting Subarea 12 Amendment Request for Public Hearing. **(Deferred from meeting of 10/19/95).**

Ms. Cynthia Lehmbek of the staff presented the staff report which stated the request did not merit setting a public hearing for a subarea plan amendment. Mr. Tom White, attorney for the petitioner, stated it would be appropriate to set the public hearing in order to hear all arguments both for and against a change in policy. Mr. Clifton stated he agreed that a public hearing was the appropriate forum to discuss the merits of a policy change. The staff stated their in-depth analysis was done to indicate to the Commission that current policy is appropriate and should be maintained.

Ms. Jernigan moved and Mr. Harbison seconded the motion, which passed unanimously, to disapprove the request for a public hearing on amending the Subarea 12 plan.

3. To set December 14 as a public hearing for the Subarea 14 update draft plan.

Mr. Browning asked the Planning Commission to set the public hearing for adopting the updated Subarea 14 plan on December 14, 1995.

Mr. Browning stated there had been considerable sentiment expressed regarding having this meeting at 7:00 p.m. to allow more residents from the community to attend. The Commission has held a public hearing on a subarea plan at 4:00 p.m. and other than that there has not been any change of hours from the regular meeting time. There have been nine meetings with staff out in the community, all advertised as public meetings in the news media.

Chairman Smith stated he would like to hear what the Commission's feelings are on this subject because as he remembered a 4:00 turnout did not get any more participation.

Ms. Jernigan stated the Commission had talked before regarding trying to be more consumer friendly regarding times on issues like this; however, she pointed out staff has held many meetings at night within the community. She stated she would be able to attend a 4:00 meeting but not a 7:00 meeting.

Mr. Lawson asked if there were a lot of real burning issues regarding this plan that have not been resolved.

Mr. Fawcett stated there were not. He stated there was one issue in particular that is unresolved, and that is whether to place commercial policy in northern Pennington Bend to accommodate a multi-media industry, or whether to leave the policy residential. He stated there were a total of 13 written request for this meeting to be held at 7:00 p.m. but there were hundreds of people who had been attending the prior meetings.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to set the Subarea 14 update draft plan public hearing for December 14, at 1:00 p.m.

4. Visioning.

Jake Brooks, Gary Dixner and Jeff Lawrence reported on the annual staff intercity visit. This year's trip was to Raleigh North Carolina September 11-14. Jeff reported on the city and county government structure, the Planning Commission structure and meeting schedule, and the GIS system that Raleigh uses. Gary followed with a description of the economic development projects the group visited. Gary also reported on the Raleigh greenway system, and the Planning Department's development review procedures. Jake then described the physical layout of both the city/planning offices and downtown Raleigh. He then described the Raleigh Comprehensive Plan and compared it to Nashville's. He closed with some overall impressions of the trip and the Raleigh planning staff.

Mr. Browning announced to the Commission the Zoning Code Draft was available and ready for review and Mr. Owens explained the layout of the draft.

5. Legislative Update.

Mr. Browning provided an update on the current legislative status of items previously considered by the Commission.

PLATS PROCESSED ADMINISTRATIVELY.

November 2 - 15, 1995

- | | |
|-----------------------|---|
| 95S-304U | AutoZone - Clarksville Pike
Consolidates two deed parcels into one platted lot. |
| 89P-018G/
95S-276U | Gillespie Meadows, Section
Platted a lot in a commercial PUD as "Not a Building Site." |
| 95S-323G | Glasser Subdivision, Lot No. 1
Plats and deeded parcel. |
| 95S-327G | Lynn Fredericksen
Platted existing lot to create building site. |

Chairman Smith announced that Commissioner Lawson had asked that he not serve on the MPO Finance and Audit Committee, and that he was open for volunteers for the job. Mr. Browning explained what was involved in the position.

Mr. Browning stated he felt the Commission had played the most important role in the Stadium Plans when they passed the Subarea 9 Plan and gave recommendations on the East Bank Redevelopment Plan. That was approved by the Commission twice but the Council has never approved it. The first time the Commission approved it was around 1990 and at that time the concept of a Stadium across the river was given a lot of consideration but was not a part of the adopted plan. Since then, most stadiums have been built in more confined quarters like the Georgia Dome and the Indianapolis Hoosier Dome. They have not provide a lot of parking spaces and they are in central city locations.

The agreement with the Oilers stipulates a 65-75 thousand seat stadium. There will be 7,500 parking spaces called for on-site. About 20,000 more are already available across the river. As we continue to develop the plans for the new Shelby Bridge it becomes more clear that the old Shelby Bridge should be maintained as a pedestrian crossing.

There will be an operator that is affiliated with the Oilers organization and that group will operate the stadium and they will receive the revenues from the stadium but will also be responsible for handling all of the costs associated with it. They get 30 day's usage of the stadium and the rest of the time the sports authority will use the stadium for other events, and TSU will be provided by contract, the opportunity to use the facility for their football games. The \$750,000 that was approved by Council gives the go ahead for architectural and engineering services.

Chairman Smith asked Mr. Browning to keep the Commission informed on all activity on that side of the river and how the corridor for Franklin Street is going to feed into this.

Mr. Manier asked if the Franklin Street Corridor had reached the approval stage?

Mr. Browning said it had.

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 30th Day of November, 1995