

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: February 22, 1996
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Philip Bredesen
Arnett Bodenhamer
James Lawson

Also Present:

Executive Office:

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

Current Planning & Design Division:

Edward Owens, Planning Division Manager
Mitzi Dudley, Planner III
Shawn Henry, Planner III
Tom Martin, Planner III
John Reid, Planner II
Charles Hiehle, 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
Robert Eadler, Planner II

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced the application for 96Z-019U had been amended to request the CS District instead of the CG District, and item 96M-009U had been withdrawn.

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

96Z-017U Deferred until April 4, 1996, requested by applicant.
175-75-G Deferred two weeks, requested by applicant.

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

APPROVAL OF MINUTES

Ms. Jernigan moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of February 8, 1996.

RECOGNITION OF COUNCILMEMBERS

Councilmember Roy Dale spoke against the multimedia land use in the Subarea 14 Plan.

ADOPTION OF CONSENT AGENDA

Ms. Nielson moved and Ms. Jernigan seconded the motion, which carried unanimously, to remove item 96Z-022U and to approve the following items on the consent agenda:

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-019U
Map 114, Parcel 115
Subarea 6
District 23

A request to change from R15 District to CS District certain property abutting the west margin of Old Hickory Boulevard, approximately 200 feet south of Charlotte Pike (1.37 acres), requested by Rogers Jackson, for D. M. Wells et ux, owners.

Resolution No. 96-118

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-019U is **APPROVED**:

This property falls within non-residential policy, and is located around a major intersection designated as a retail node in the Subarea 6 Plan. This policy encourages a variety of consumer

oriented retail uses such as retail shops, banks, and restaurants. The CS district will implement this type of commercial policy around this retail node.”

Zone Change Proposal No. 96Z-020G

Map 26-11, Parcel 3

Map 26-12, Parcel 1

Subarea 4

District 10

A request to change from R20 District to CS District certain property abutting the south margin of Gallatin Pike, approximately 1,650 feet east of Northside Drive (3.42 acres), requested by Richard E. Buckley, for J. A. Preston et ux, owners.

Resolution No. 96-119

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-020G is **APPROVED:**

This property is located within non-residential policy along Gallatin Pike. The CS district will implement this policy.”

Zone Change Proposal No. 96Z-021U

Map 82-13, Parcels 158 and 178

Subarea 8

District 20

A request to change from CG District to MUL District certain property abutting the west and east margin of Seventh Avenue North, approximately 100 feet north of Madison Street (.37 acres), requested by Kathleen W. Fell, owner with William D. Hollings, Jr.

Resolution No. 96-120

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-021U is **APPROVED:**

This request falls within a mixed use policy area in the Subarea 8 Plan, calling for a compatible mixture of land uses at appropriate intensities. The MUL District will implement this policy, and would be appropriate for other properties within this general area.”

Zone Change Proposal No. 96Z-023U

Council Bill No. O96-207

Map 135, Parcels 11, 12, 13 and 14

Subarea 13

District 27

A request to change from R15 District to MUL District certain property abutting the northwest corner of Franklin Limestone Road and Murfreesboro Pike (1.2 acres), requested by Lloyd Philpott, owner with S. Nixon Pressley et al.

Resolution No. 96-121

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-023U is **APPROVED:**

This property falls within a non-residential policy area. The MUL district will implement this policy, and will provide the opportunity to continue the mixed land use pattern of retail, office, and high density residential uses along Murfreesboro Pike in this area of the County.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 25-71-G
Caudill Properties
Map 40, Parcels 108 and Part of Parcel 134
Subarea 2
District 3

A request to revise the approved preliminary site development plan and for final approval of a phase of the Commercial (General) Planned Unit Development District abutting the south margin of Old Hickory Boulevard, 420 feet east of Interstate 24 North, (.89 acres), to permit the development of a 2,640 square foot convenience market, requested by James E. Stevens and Associates, for French McKnight, owner.

Resolution No. 96-122

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 25-71-G is given **APPROVAL FOR REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE.** 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 revised subdivision plat.
3. Approval by the Metropolitan Department of Public Works of final cut and fill calculations.”

Proposal No. 117-84-U
Lighthouse Baptist Church
Map 162, Parcel 225
Subarea 12
District 31

A request to revise the approved final site development plan for a portion of the Residential Planned Unit Development District abutting the southwest corner of Tusculum Road and Blue Hole Road, to permit the placement and use by the private school and church of a temporary classroom building, requested by Bobby Haggard, for Lighthouse Christian School, owner.

Resolution No. 96-123

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 117-84-U is given **CONDITIONAL APPROVAL OF A REVISION TO FINAL.** 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. Prior to receiving a Use and Occupancy permit for use of the temporary classroom, applicant must comply with the condition of approval regarding the stormwater detention system as stated in a letter dated July 20, 1994.

3. This approval for the temporary classroom is good for a period of three years.”

Proposal No. 95P-005U

Overlook at Hickory Hollow

Map 163, Parcels 100, 101, 264 and Part of 187

Subarea 13

District 28

A request for final approval for the Residential Planned Unit Development District abutting the west margin of Bell Road, opposite Zelida Avenue (43.24 acres), to permit the development of a 452 unit apartment complex, requested by Ragan-Smith Associates, Inc., for Security Capital Atlantic, owner. **(Also requesting final plat approval).**

Resolution No. 96-124

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-005U is given **CONDITIONAL FINAL APPROVAL, 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 subdivision plat upon the posting of a bond in the amount \$50,000.00 for sewer line extensions as required by the Metropolitan Department of Water Services.
3. The Developer may proceed with the construction of the project without bonding the left-turn lane at the project’s main entrance on Bell Road, as was shown on the approved master plan. The reason for this is that the Tennessee Department of Transportation has committed to bidding of the Bell Road improvement project in December of 1996. Completion of the state’s proposed improvements will eliminate the necessity for the developer to construct a turn lane.

However it is understood that if any phase of this development is completed before the state begins the project, the Use & Occupancy permit for that phase will be withheld until the developer completes a turn lane. It shall be the responsibility of the developer to remain apprised of the state’s schedule as well as his own.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 95P-002G

Heritage Meadows, Phase One

Map 75, Part of Parcel 55

Subarea 14

District 12

A request to create 32 lots abutting the east margin of Andrew Jackson Parkway, between Rachels Square Drive and Netherland Drive (10.13 acres), classified within the R10 Residential Planned Unit Development District, requested by B and P Developments, Inc., owner/developer, C. Michael Moran, surveyor. **(Deferred from meeting of 02/08/96).**

Resolution No. 96-125

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 95P-002G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$394,000.00.”**

Subdivision No. 91P-009G
Brook Glen
Map 156, Parcels 1, 2 and 127
Subarea 6
District 35

A request to create 18 lots abutting the northwest corner of Poplar Creek Road and Old Harding Pike (5.28 acres), classified within the R20 Residential PUD District, The Jones Company Custom Homes of TN, Inc., owner/developer, Wamble and Associates, surveyor.

Resolution No. 96-126

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 91P-009G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$78,000.00.”**

MANDATORY REFERRALS:

Proposal No. 96M-010U
Cleveland Avenue Closure
Map 106-5
Subarea 11
District 16

A proposal to close a segment of Cleveland Avenue from its southern terminus northwardly for approximately 55 feet, requested by John T. Cook, attorney, for Foster Business Park et al, adjacent property owners.

Resolution No. 96-127

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-010U.

Proposal No. 96M-011U
Ryman Auditorium Lighting Easement
Map 93-6-3, Parcels 71 and 85
Subarea 9
District 19

A mandatory referral from the Department of Public Works to acquire a permanent easement for street lighting in Alley No. 55 between Fourth Avenue North and Opry Place.

Resolution No. 96-128

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-011U.

This concluded the items on the consent agenda.

CONSIDERATION OF THE SUBAREA 14 PLAN: 1995 UPDATE.

(Deferred from meeting of 01/25/96).

Mr. Robert Eadler stated there had been two community meetings held since the January 25, 1996 Planning Commission public hearing regarding new land use policy issues in the Pennington Bend area, and updated the Commission on the results. He updated the Commission on the boundaries and proposed land use for each area.

Area 1, on the East side of Briley Parkway between it and Pennington Bend Road. A specialized Commercial Mixed Concentration policy supportive of a wide range of entertainment and related uses was considered for this area. This is the area displayed by representatives of Gaylord Entertainment at the public hearing. The policy alternatives presented for this area for consideration at the public hearing were either Residential Low-Medium or Commercial Mixed Concentration policy limited to "Multimedia-related" activities as broadly defined.

Mr. Jim Robinson, Pastor at Pennington Bend United Methodist Church, stated at every meeting there had been an overwhelming negative reaction to any additional commercial development on the east side of Briley Parkway and asked the Commission to not change any of the policies.

Mr. Ed Strausser, a Pennington Bend resident, spoke in favor of CMC policy and stated the opposition from the Pennington Bend United Methodist Church included people from Donelson and other areas of the county. The land owners in the Pennington Bend area are in favor of this proposal. Most all of the opposition is coming from people who do not live in the immediate area of Pennington Bend.

Ms. Sue Carey, a resident of Pennington Bend, stated she would like for the land to stay policied residential.

Mr. Tom White, representing Gaylord Entertainment, spoke in favor of the CMC potential land use policy change for the 100 acres that is contiguous to Bass Pro. He stated Gaylord is willing to make the commitment that on this particular piece of property there would be no ingress and egress to the residential area. He urged the Commission to apply the CMC policy to this property and to make it clear there would be no ingress or egress to the residential properties.

Mr. Gerald D. Gregory stated his main concern was consistency and he did not want to be sitting across in a residential area looking into a commercial venture. If there was a consistent policy through this area it would be much better for the community.

Mr. Bob Matthews encouraged the Commission to be creative on the land use policy because Pennington Bend has a great opportunity for the community and this should be the area for multi-media.

Mr. John Stern, a Hermitage area resident, stated the vast majority of the community did not want the land use changed from low-medium residential.

Mr. Jerry Box, the lay leader of Pennington Bend United Methodist Church, stated it had been suggested the community members did not know the difference between the land use planning process and the zoning process. He assured the Commission that after eleven meetings and eight months the community did know the difference and also knew the change in land use is very simply the first step toward the change in zoning. The overwhelming majority of the community is against any further change in land use policy and respectfully asked the Commission to consider the people.

Mr. Manier expressed his concerns that in some point in time that if Gaylord's success continues they will cross Briley Parkway in a significant way.

Ms. Jernigan stated she felt the land use should remain residential at this time.

Councilman Clifton stated he had driven the area and looked and felt Gaylord had made an incredible offer to limit the access around the Bass Pro.

Chairman Smith stated the Commission would vote on area 1 and that is whether or not to have residential low-medium or CMC policy in area 1b.

Mr. Eadler stated it would be area 1a, 1b, 1c and 1d.

Ms. Jernigan moved the Commission consider area 1a, 1b and 1c for residential low-medium density, and Mr. Manier seconded the motion, which carried with Chairman Gilbert Smith and Ms. Nielson in opposition and with Mr. Harbison abstaining.

Chairman Smith stated area 3 was proposed for the multi-media office concentration with the Commission's new definition.

Mr. Harbison stated he understood that at this point the Commission was not targeting a specific piece of land or a specific portion of that area.

Chairman Smith stated the Commission had already approved, at the last meeting, that the multi-media post and pre production was something the community could live with and could be monitored. The question is would the Commission like to apply it to area 3?

Mr. Harbison asked if it would be objectionable to put language in the plan to say that it might be appropriate depending on the circumstances of what specifically is presented to the Commission at any certain time.

Mr. Harbison moved to add language to the plan that would permit the consideration of office concentration/multi-media policy in area 3 on a case by case basis, but would require a plan amendment, and Mr. Stephen Smith seconded the motion, which carried with all voting in favor except Mr. Manier who abstained.

Ms. Jernigan moved and Ms. Nielson seconded the motion, which carried with all voting in favor except for Mr. Manier who abstained, to approve CMC for the small section of area 3 south of Elm Hill Pike.

Councilmember Clifton moved and Ms. Nielson seconded the motion, which carried with all voting in favor except for Mr. Manier who abstained, to approve CMC for the entire section of area 3.

Mr. Eadler stated there is a considerable amount of interest in the policy that would be applied along the north side of Lebanon Pike. Generally from Stewart's Ferry Pike all along Lebanon Pike to the flood plain of the Stones River. The two policy alternatives that have been presented for consideration are residential low-medium density, which is the current policy, or medium density residential.

Ms. Jernigan moved and Ms. Nielson seconded the motion, which carried unanimously, to approve residential medium density to area 4.

Mr. Eadler stated the next area in question was area 5, the corridor along Stewart's Ferry Pike from the Railroad to McCrory Creek Road. The two policy alternatives for consideration are either residential medium-high density or office concentration.

Mr. Manier moved and Ms. Nielson seconded the motion, which carried unanimously, to approve residential medium-high density for area 5.

Mr. Eadler stated area 6 was in the southeastern corner of the subarea and is currently policed industrial. The two options are industrial policy or office policy. This area is adjacent to the balance of the area

between it and Percy Priest Lake to which there is an office policy. If office policy is applied it will simply enlarge the adjoining area to the east.

Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously, to approve industrial policy in area 6.

Mr. Eadler stated for area 7 only one person had expressed an opinion and it was in favor of a commercial policy along Lebanon Road.

Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously to approve RLM for area 7.

Mr. Eadler stated area 8 was the area that at the public hearing had a slightly different approach in the updated plan regarding the application of medium density policy. It has only been a mapped policy and the interpretation of whether a medium density would be appropriate or not in conjunction with a zone change proposal would be based on a review of the land use policy plan.

Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously, to approve alternative 2 (not to predetermine any locations for consideration of medium density residential development within mapped areas of RLM policy).

Mr. Eadler pointed out in area 9, Dupont had requested a passage in the text of the plan regarding limiting the type of industrial development that could occur in the northern portion of Hadley's Bend area be removed.

Mr. Stephen Smith moved and Ms. Nielson seconded the motion, which carried unanimously, to delete this statement from the plan.

Chairman Smith asked staff to come back to the Commission on March 7, 1996, with a printed document containing all the listed changes.

PUBLIC HEARING: PARKS, RECREATION AND OPEN SPACE FUNCTIONAL PLAN.

Mr. Gary Dixner stated this was the public hearing for consideration of the Parks, Recreation and Open Space Plan. It was advertised once in the Nashville Banner and Tennessean and copies were made available at the Main, Madison, Green Hills, Antioch and Donelson branch libraries and in the Planning Commission offices. Upon its adoption it becomes a functional plan element of the General Plan. Mr. Dixner updated the Commission on the changes that had been made by their request and gave an overall summary of the plan.

No one was present to speak at the public hearing.

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

Resolution No. 96-129

BE IT RESOLVED by the Metropolitan Planning Commission that it hereby adopts the Parks, Recreation, and Open Space Plan which will serve as a guide for parks, greenways, and transportation planning and for specific recommendations in the Subarea Plan Updates. It will provide a basis for making advisory decisions concerning construction and acquisition of land in the Capital Improvements Budget and Program. This plan is one of a series of functional plans which outline strategies for achieving the broad goals in the General Plan. It is adopted as part of the General Plan.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-022U

Map 72-3, Part of Parcels 101, 122 and 123

Subarea 5

District 8

A request to change from R8 District to CS District certain property abutting the south margin of McChesney Avenue and the north margin of Howard Avenue, approximately 200 feet east of Gallatin Pike (.28 acres), requested by Dan Barge, III, for H. G. Hill Realty Company, owner.

Mr. Reid stated the applicant intended to tear down a dilapidated house and develop the corner lot into a Blockbuster Video Rental. He indicated the intent to deepen the commercial zoning. Redevelopment at appropriate locations is a goal supported by the General Plan and staff feels this is a minor expansion of the commercial zoning line. The Commission approved a deepening of the CS zoning across McChesney Avenue two years ago with the condition the lots be consolidated fronting Gallatin Pike. He stated staff recommended approval.

Chairman Smith stated this matter had been removed from the Consent Agenda and asked of that person would like to address the Commission.

Ms. Carolyn Brada, representing the Riverwood Residents Association, stated their neighborhood was very committed to maintaining the quality of residential life in the area and are concerned about the deepening of commercial use into the residential area. The neighborhood would like to have some assurances that there would be adequate green space. She asked for adequate landscaping and tall screening in the back of the property.

Mr. John B. Hardcastle, representing H. G. Hill Realty Company, stated there would be ample buffering between the Blockbuster and residential area and described the plans to the Commission and stated he would be happy to work with the neighborhood regarding any problems.

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

Resolution No. 96-130

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-022U is **APPROVED**:

This property falls at the edge of commercial and residential policy. This minor expansion of commercial zoning will allow appropriate commercial redevelopment to occur along Gallatin Pike. The buffering requirements of the Zoning Code will sufficiently protect the residential properties abutting the commercial zoning boundary."

Text Amendment:

Proposal No. 96Z-001T

Council Bill No. O96-217

An ordinance amending Section 17.28.370 to establish the maximum height of accessory buildings. Requested by the Zoning Administrator.

Ms. Dudley stated this text amendment would change the way the zoning code measures the height of accessory structures in residential districts. Presently the zoning code restricts accessory buildings to no more than one story and this would change to sixteen feet. The zoning administrator says it is hard to measure one story ,but sixteen feet would simplify the process, and staff is recommending approval.

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

Resolution No. 96-131

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-001T is **APPROVED**.

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 88P-040G
Bellevue Putt-Putt Golf and Games
Map 114, Parcel 309
Subarea 6
District 23

A request to revise a portion of the approved preliminary site development plan and for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the west margin of Old Hickory Boulevard, south of I-40 (0.66 acres), to permit the addition of a go-cart track to an existing commercial recreation facility, requested by Robert E. Corenswet, general partner, for West Nashville Golf Company, L.P., owner/developer. **(Deferred from meeting of 02/08/96).**

Mr. Martin reminded the Commission they heard this request for a go-cart track and commercial PUD at the last meeting. At that meeting this proposal was deferred at the suggestion of the Councilmember in order that the applicant and adjacent property owner could discuss their differences and possibly conduct another sound test. The applicants have not yet conducted the sound test. They have met with their Council representative and have reached an agreement. The apartment complex owner has withdrawn their objection on a promise by the applicant that he will work with them if there is a sound problem. The Councilmember has also expressed his approval.

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

Resolution No. 96-132

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-040G is given **CONDITIONAL APPROVAL OF THE REVISION TO PRELIMINARY AND FINAL FOR A PHASE**. 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 facility will be operated only with muffled four-cycle engines."

Proposal No. 95P-004G
Council Bill No. O96-190
Alan Estates
Map 75, Parcels 48 and 49
Map 75-14, Parcels 76 and 77

Map 75-15, Parcels 1 and 2
Subarea 14
District 12

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the south margin of Tyler Drive between Eva Drive and Andrew Jackson Parkway (5.46 acres), classified R10, to permit the development of a 45 unit single- and multi-family complex with swimming pool and 875 square foot clubhouse, requested by Barge, Waggoner, Sumner and Cannon, Inc., for A. H. Johnson Company, L.L.C., owner.

Mr. Martin stated on January 25, 1996, the Commission recommended disapproval of this proposal for sixty-one housing units on 6.1 acres. That proposal moved on to Council. Staff has received a revised application that has been referred back from Council. This revised application reduces the acreage and amount of dwelling units. Instead of 10 dwelling units per acre, the application now proposes approximately 8.25 dwelling units per acres. The site is to be divided into two pieces, one approximately 2 acres and will contain a large single family home. The other parcel will contain less than four acres and 44 units for a density of about 12.5 units per acre. The aggregate density is 8.25 and is fully 2.25 units above what the subarea plan recommends and staff recommends disapproval of this modified application.

Councilmember Phil Ponder stated last time he was before the Commission to discuss this item he recommended disapproval along with the staff recommendation. There had been a community meeting to discuss this matter and all the nearby neighbors attended. At that first meeting three weeks ago 90% of those voting against it gave good reasons why it was not acceptable. Since that time there has been another meeting in which 83% of the attendance approved the new proposal. Based on these results Councilmember Ponder recommended approval.

Mr. Tom White, representing the developer, stated he had attended both of the public hearings. The project has been significantly downsized. The developer met with neighbors and has made numerous changes at their request. One was the preservation of a house in its current form on approximately two acres and another was an extreme expense for development of berming, fencing and a commitment to 100% brick with respect to certain units that face the exterior of this development. He also committed to one ingress and egress which was of great importance to the neighborhood groups as well. He presented a petition to the Commission signed by 84 of the residents in the immediate area in support of the proposal.

Mr. John Zimmerman, a resident in the area, stated he had attended both meetings and at the second meeting there were few homeowners attending, but a lot more renters from the duplexes Mr. Johnson owns. This developer is actually building forty apartments on three acres. He presented the Commission with a petition in opposition to the proposal and asked for disapproval.

Mr. Dan Eller, an area resident, stated the plan was a good one and asked the Commission for approval.

Ms. Carol McCalvin, an area resident, spoke against the proposal and stated she had moved to that area to avoid this type of development.

Ms. Nielson moved for disapproval and Mr. Manier seconded the motion, which failed 4-2, with Ms. Nielson and Mr. Manier in favor and Chairman Smith, Mr. Harbison, Ms. Jernigan and Mr. Stephen Smith in opposition and Councilmember Clifton abstaining.

Mr. Owens stated the subarea plan had looked at this general area along Andrew Jackson Parkway and recommended it remain medium density policy. The specific properties were recommended to remain at the low end of the medium density policy range. The petitioner's request would place them at the mid to upper range of the medium density policy.

Mr. Harbison stated this was within the medium range, but on the high end.

Mr. Owens stated that was correct and this was not a General Plan issue.

Mr. Harbison stated this was within the Commission's discretion as to what to do.

Mr. Stephen Smith stated the neighborhood chose to let it be at the top end of that band in order to get brick and berms or whatever they asked for.

Mr. Harbison agreed those were trade-offs and perhaps there is a tendency that neighborhoods are very skeptical of having apartments built nearby.

Councilmember stated there is no control over external factors such as brick without its being in a PUD, and asked if anyone could convince him that the staff recommendation was incorrect?

Mr. Tom White stated the developer had a matter of right to develop this property as a subdivision. That would be twenty units with no control over any of the berming, exterior appearance or fencing.

Mr. Stephen Smith moved and Ms. Jernigan seconded the motion, which carried 4-2, with Chairman Smith, Mr. Harbison, Ms. Jernigan and Mr. Stephen Smith voting in favor, Ms. Nielson and Mr. Manier voting in opposition, and Councilmember Clifton abstaining, to approve the following resolution:

Resolution No. 96-133

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-004G is given **APPROVAL**.

Councilmember Clifton left at this point in the meeting.

SUBDIVISIONS:

Mr. Henry announced staff had received a letter requesting a rehearing on 96S-039G, Dale Kimbro, two lot plat, which was disapproved as having insufficient lot width. This will be captioned on the next agenda.

Preliminary Plats:

Subdivision No. 96S-057G (Public Hearing)
Christian Subdivision
Map 52-7, Parcels 98 and 99
Subarea 4
District 9

A request to subdivide two lots into four lots abutting the northwest margin of Sanitarium Road, approximately 280 feet northeast of Neelys Bend Road (2.05 acres), classified within the R10 and MO Districts, requested by Melvin L. and Marie E. Christian, owners/developers, Frank V. Neeley, surveyor. **(Also requesting final plat approval).**

Mr. Henry stated staff had received a request for deferral. This is a public hearing and it has been advertised.

Chairman Smith asked if there was anyone present to address the Commission on this proposal.

No one was present to speak at the public hearing.

Ms. Nielson moved and Mr. Manier seconded the motion, which carried unanimously, to leave the public hearing open and defer this matter.

Subdivision No. 96S-059G (Public Hearing)

The Oakmont
Map 114, Parcels 223, 224, 316 and 317
Subarea 6
District 23

A request for preliminary approval for 30 lots abutting the west margin of Sawyer Brown Road, approximately 1,710 feet south of Old Charlotte Pike (15.33 acres), classified within the R15 District, requested by Eric and Wayne Crafton, owners/developers, Walker Engineering, surveyor.

Mr. Henry stated this property was rezoned last month by Council to R15 requiring 15,000 square foot lots. This property is very hilly and the street to serve this property will come off of Sawyer Brown Road. This property is steep enough that each lot will be designated as a critical lot requiring a grading analysis prior to the issuance of the building permit after final plat approval. The developer is dedicating right-of-way along Sawyer Brown to accommodate a fifty foot ultimate right-of-way. Currently there is only thirty-three feet of right-of-way. Staff is asking the developer be required to upgrade this portion of Sawyer Brown Road to public street standards. That also involves an upgrade of a stormwater drainage pipe that currently exists in the road. That will be upgraded from 24 to 36 inches and will serve to drain the entire site. The traffic engineer has approved a 14% incline variance on the street and a 5% incline from the street. Because this property is only accessible from Sawyer Brown Road, the only way to fully develop this property is by a cul-de-sac that, in this case exceeds the minimum by one hundred and seventy feet. Staff is recommending conditional approval of this subdivision.

No one was present to speak at the public hearing.

Ms. Jernigan moved and Ms. Nielson seconded the motion, which carried with all voting in favor except Mr. Stephen Smith who abstained, to close the public hearing and to approve the following resolution:

Resolution No. 96-134

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-059G, is granted **CONDITIONAL APPROVAL** subject to the following conditions:

All 30 lots will be deemed “critical lots” for purposes of final grading analysis. Prior to final plat approval, the applicant will need to upgrade (or bond) this stretch of Sawyer Brown Road to meet the minimum public street standards, including replacing a 24 inch stormwater drainage pipe with a 36 inch pipe.”

Subdivision No. 96S-060U (Public Hearing)

Baby Ruth Lane Estates, Phase 1
Map 163, Parcel 311
Subarea 13
District 28

A request for preliminary approval for nine lots abutting the west margin of Baby Ruth Lane, approximately 1,000 feet north of Mt. View Road (2.1 acres), classified within the R10 District, proposed for the R8 District, requested by Houston Ezell, owner/developer, MEC, Inc., surveyor.

Mr. Henry stated this proposal was located just outside the Hickory Hollow activity center. The proposal is for nine 10,000 square foot lots. This property is also being proposed for a rezoning to R8 which has yet to move through Council. However, the plat as proposed meets the minimum R10 District zoning for lot size and staff is recommending approval.

No one was present to speak at the public hearing.

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

Resolution No. 96-135

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-060U is granted **APPROVAL.**”

Subdivision No. 96S-063U (Public Hearing)
Trinity Commercial Subdivision, Section Two
Map 71-7, Parcels 84-87, 258 and Part of 260
Subarea 3
District 2

A request to subdivide six lots into four lots abutting the south margin of West Trinity Lane, between Lucas Lane and Dickerson Pike (10.66 acres), classified within the CS and CG District, requested by Jenkins Properties, L.P. et al, owners/developers, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. **(Also requesting final plat approval).**

Mr. Henry stated the developer is replatting the lot lines of this property to make it more developable and usable for CG and CS purposes. They are leaving a one acre and a half acre tract on Dickerson Pike to be used for more CG type uses. Staff is recommending approval of the preliminary and conditional approval of the final plat.

No one was present to speak at the public hearing.

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

Resolution No. 96-136

“BE IT RESOLVED by the Metropolitan Planning Commission that the Preliminary and FINAL Plan of Subdivision No. 96S-063U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$7,000.00.**”

Final Plats:

Subdivision No. 45-86-P
Hampton Park, Lots 306-310
Map 63-16-A, Parcels 83-87
Subarea 14
District 11

A request to amend the building setback lines on five lots abutting the northwest margin of Granwood Boulevard, approximately 150 feet southwest of Aaronwood Drive (1.1 acres), classified within the R15 Residential Planned Unit Development District, Fox Ridge Homes, Inc., owner/developer.

Mr. Martin stated this was in a PUD and the homes are under construction or complete. There are five house in the cul-de-sac. The request is to revise the building envelopes so the properties would have a twenty foot front setback rather than twenty-five feet, which is recorded on the plat. Homes have been built on all five lots. On four of those five lots they are built over the front setback. The applicant has asked to adjust the setback on all five lots. These five lots are unique in that they are the only lots in the entire PUD that have twenty-five foot setbacks. The applicant explained this is the reason for the error. He has admitted the error, on their part, was the draftsman on the job assumed these lots had a twenty foot setback like all the others in the PUD. He did not check the plat and drew them with a site plan showing a twenty foot setback. When the site plans were submitted to Codes Administration, the Zoning Administrator advises staff that the plan reviewer accepted the plans at face value and did not review the plat. They were approved and issued to the building inspectors to oversee the construction. Therefore the site inspectors could not catch the error. The error was not caught until a mortgage survey was done at the end of construction. The applicant has advised staff he will work take measures to prevent a similar occurrence.

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

Resolution No. 96-137

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 45-86-P, is granted **APPROVAL.**”

Mr. Martin stated he and Mr. Henry had been doing research on these setback violation situations. Staff proposes to the Commission that it incorporate yard regulations for lot line equivalents which are set up in the zoning ordinance.

MANDATORY REFERRALS:

Proposal No. 96M-006U
Alley 120 Closure
Map 93-10
Subarea 9
District 19

A proposal to close a segment of Alley 120 abutting the southwest property line of Parcel Nos. 48 and 49 on Map 93-10 and the western terminus of Cannery Row, requested by Henry Sender, adjacent property owner. **(Easements are to be retained). (Deferred from meeting of 02/08/96).**

Mr. Reid stated the Department of Public Works advises it is premature at this time to close the alley because there are projects planned in this area, such as Landport and the Franklin Street Connector, and they want to wait and see if this alley may be needed in connection with these future projects. Staff is recommending disapproval of this request.

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

Resolution No. 96-138

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it **DISAPPROVES** Proposal No. 96M-006U:

Given the proximity of this alley to the proposed Landport and Franklin street connector, it was the opinion of the Commission that it would be premature to relinquish any portion of this right-of-way at this time.”

OTHER BUSINESS:

1. Major Street Plan (Scenic Arterials).

Mr. Ricketson reminded the Commission that at the last meeting there was a public hearing on updating the Major Street Plan. After the presentation there was concern expressed by the Commission that the Police and Fire Departments had not signed off on these flexible guidelines for scenic arterials. Since that time the Police and Fire Departments have reviewed and staff has received letters of approval from Chief Dozier of the Fire Department and from Chief Turner of the Police Department expressing they have no objections to these guidelines.

Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the amendment to the Major Street Plan to establish flexible design criteria for Scenic Arterials.

2. APR Fund Appropriation.

Mr. Browning explained this second appropriation will handle expenses incurred in the month of January and will cover those projected in February and March. The Commission has received a loan from the General Fund and this will be repaid near the end of the fiscal year as the transportation projects are completed and reimbursement is made.

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

Resolution No. 96-139

BE IT RESOLVED by the Metropolitan Planning Commission that, pursuant to Section 6.14 of the Metropolitan Charter, it hereby appropriates from the Metropolitan Government Advance Planning and Research Fund the amount of \$165,000.00 for the purposes of carrying out the Advance Planning and Research projects as outlined in the Work Program of the Commission and under the direction of its Executive Director, and further, that this resolution is to become effective immediately.

Appropriation Balance - December 31, 1995	\$49,062.15
Resolution No. 96-139	\$165,000.00
Net Appropriation Balance	\$214,062.15

January 1996 Expenditures - Actual:

Salaries	\$6,387.16	
Advertising	\$182.06	
Consultant's Services	\$83,780.16	
FICA	\$471.34	
Group Health Insurance	\$622.04	
Employer's Pension Contribution	\$859.08	
Group Life Insurance	\$52.00	
Dental Insurance	\$29.84	
Data Processing Equipment	\$0.00	(\$92,383.68)
Net Appropriation Balance		\$121,678.47

February and March 1996 Expenditures - Projected:

Salaries	\$12,849.32	
Central Printing Services	\$0.00	
Data Processing Services	\$37.50	
Advertising	\$1,000.00	
Consultant's Services	\$102,965.03	
Office Supplies	\$0.00	
FICA	\$942.68	
Group Health Insurance	\$1,244.08	
Employer's Pension Contribution	\$1,718.16	
Group Life Insurance	\$104.00	
Dental Insurance	\$59.68	(\$120,920.45)
		<hr/>
Net Appropriation Balance		\$758.02

3. FY '96 Second Quarter Work Program/Budget Status Report.

Mr. Browning gave a complete report to the Commission on the Work Program including the status of the property maps and mapping capabilities.

4. Legislative Update.

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

PLATS PROCESSED ADMINISTRATIVELY

92-86-P/ 96S-051U	Brighton Close, Phase Two Units 126 & 127 Defines two units within a condominium.
96S-053G	Apache Lane Property Converts a portion of a deeded parcel to a building site.
96S-075U	Trailwood, Section Three Revision Lot 42 Reconfigures public utility and drainage easement across Lot 42.
96S-015U	Whitworth Commercial Subdivision, Phase One, Resubdivision of Lot 1 Subdivides one lot into two lots.

Ms. Jernigan asked that the Commission assess the Subarea 14 Plan update citizen participation process.

Chairman Smith stated it would be discussed at the next meeting.

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:00 p.m.

Chairman

Secretary

Minute Approval:
This 7th day of March, 1996