

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: May 16, 1996
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Philip Bredesen

Others Present:

Executive Office:

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

Current Planning and Design

Edward Owens, Planning Division Manager
Mitzi Dudley, Planner III
Shawn Henry, Planner III
Tom Martin, Planner III
John Reid, Planner II
Douglas Delaney, Planner I
Charles Hiehle, Planning Technician II

Advance Planning and Research Division:

Jeff Ricketson, Planning Division Manager
Deborah Fleming, Planner III

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Gary Dixner, Planner III
Jennifer Uken, Planner I

Others Present:

Jim Armstrong, Public Works Department
Tom Cross, Legal Department
Leslie Shechter, Legal Department

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced Addendum Item, 96M-055U, Easement Abandonment within Alleys 61 and 62, and the Capital Improvements Budget Addendum Item, 96CB-005.

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to adopt the agenda including items 96M-055U and 96CB-005.

ANNOUNCEMENT OF DEFERRED ITEMS

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

96Z-031G	Deferred two weeks, by applicant.
96Z-046U	Deferred indefinitely, by applicant.
96Z-047G	Deferred two weeks, by applicant.
175-75-G	Deferred two weeks, by applicant.
182-83-G	Deferred two weeks, by applicant.
64-87-P	Deferred two weeks, by applicant.
89P-013U	Deferred two weeks, by applicant.
96P-004U	Final Plat deferred indefinitely, by applicant.
16-86-P	Deferred two weeks, by applicant.

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

APPROVAL OF MINUTES

Mr. Bodenhamer moved and Mr. Lawson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of May 2, 1996.

RECOGNITION OF COUNCILMEMBERS

Councilmember Eileen Beehan spoke in favor of Zone Change Proposal 96Z-045U.

Councilmember Vic Lineweaver spoke in favor of Proposal No. 101-66-G, Chaffin's Barn Dinner Theatre.

ADOPTION OF CONSENT AGENDA

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

APPEAL CASES:

Appeal Case No. 96B-067G

Map 51-4, Parcel 68
Subarea 4
District 3

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct a 3,750 square foot addition to the rear of an existing structure within the CG District, on property abutting the south margin of West Webster Street, approximately 680 feet west of Gallatin Pike (1.05 acres), requested by Tony Eden, for E. L. Properties, appellant/owner.

Resolution No. 96-297

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-067G to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-044U
Map 150, Parcel 147
Subarea 13
District 29

A request to change from AR2a District to R10 District certain property abutting the southeast margin of Mt. View Road, approximately 580 feet south of Kenton Court (11.75 acres), requested by Steve Axley (101 Construction Company), for John Mabry Estate, owner.

Resolution No. 96-298

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-044U is **APPROVED**:

This property falls within ‘residential low-medium’ density policy (permitting up to 4 dwelling units per acre) in the Subarea 13 Plan. The R10 district will implement this policy.”

Zone Change Proposal No. 96Z-045U
Map 93-3, Parcels 77 and 93
Subarea 9
District 6

A request to change from IR District to CF District certain property abutting the east margin of Interstate Drive, opposite Fatherland Street (2.82 acres), requested by Skip Heibert, for Raman and Suresh G. Dayal and V. B. Patel, owners.

Resolution No. 96-299

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-045U is **APPROVED**.

The Subarea 9 Plan designates this property within ‘interstate business’ policy, which the CF district will implement. The downtown plan proposes that future development east of the river will include a wide range of office, residential, and retail uses intended to reinforce the intensity of the Central Business District. The CF district is an appropriate district to achieve that end and would therefore be appropriate for the general area.”

Zone Change Proposal No. 96Z-048U
Map 60-13, Parcels 16 and 64
Subarea 3
District 2

A request to change from R8 District to CG District certain property abutting the north margin of Haynie Avenue, approximately 790 feet west of Brick Church Pike (.43 acres), requested by Harris Gilbert, owner with Charles Gilbert, Jr. and P. G. Bader.

Resolution No. 96-300

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-048U is **APPROVED:**

The Subarea 3 Plan places this property within industrial policy. The CG district will implement this policy."

Zone Change Proposal No. 96Z-049G
Map 164, Part of Parcel 36
Subarea 13
District 29

A request to change from AR2a District to CS District certain property abutting the west margin of Murfreesboro Pike and the east margin of Mt. View Circle (2.8 acres), requested by Joseph H. Ballard, for Betty H. and Everett Kilgrow, owners.

Resolution No. 96-301

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-049G is **APPROVED:**

The Subarea 13 Plan designates this property within commercial policy. The CS district will implement this policy. The Planning Commission recently approved the parcel abutting the northern boundary of this request for rezoning to CS."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 1-74-U
Courtyard at Hickory Hollow
Map 163, Part of Parcels 224 and 228
Subarea 13
District 28

A request to revise the approved final site development plan for the Commercial (General) Planned Unit Development District abutting the south margin of Mt. View Road, opposite Rural Hill Road, to permit the development of a new 1,304 seat theatre in the courtyard of Hickory Hollow to replace the existing 1,032 seat theater in the courtyard and the 1,020 seat theater in the mall. The existing theater in the mall, 16,093 square feet, will be replaced with retail space. Requested by Barge, Waggoner, Sumner and Cannon, for Nashland Associates.

Resolution No. 96-302

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 1-74-U is given **CONDITIONAL APPROVAL OF REVISION TO FINAL**. The following condition applies:

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

Proposal No. 18-84-U
Burton Hills, Phase V Office
Map 131-6-A, Parcel 22
Subarea 10
District 33

A request for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the north quadrant of the intersection of Seven Hills Boulevard and Burton Hills Boulevard (3.29 acres), to permit the development of an 86,000 square foot office building, requested by Gresham, Smith and Partners, for Dalton Development Corporation, owner.

Resolution No. 96-303

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 18-84-U is given **CONDITIONAL FINAL APPROVAL**. The following condition applies:

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

Proposal No. 74-87-P
The Peninsula, Phase 2
Map 97, Parcels 100 and 138
Subarea 14
District 12

A request to grant final approval for a Residential Planned Unit Development District (8.43 acres) abutting the south margin of John Hager Road, approximately 1,375 feet west of New Hope Road, to permit the development of 33 single-family lots, requested by Walter Davidson and Associates, for Dukes and Company, owner.

Resolution No. 96-304

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 74-87-P is given **CONDITIONAL FINAL APPROVAL FOR A PHASE**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat for Phase Two upon the posting of a bond for all road improvements as required by the Metropolitan Department of Public Works and all water and sewer line extensions as required by the Metropolitan Department of Water Services.”

Proposal No. 130-85-P
Northside Festival
Map 26-15, Parcels 4, 39 and 41
Subarea 4
District 10

A request to revise the preliminary site development plan for the Commercial (General) Planned Unit Development District abutting the southwest margin of Northside Drive and U.S. Highway 31-E (Gallatin Road), (10.6 acres), to permit the development of 105,557 square feet of general retail sales and service and a 3,600 square foot financial institution, and for final approval of the financial institution, by Littlejohn Engineering Associates, Inc., for Nashvest Associates, L.P., owner.

Resolution No. 96-305

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 130-85-P is given **CONDITIONAL APPROVAL FOR REVISION TO THE APPROVED PRELIMINARY PLAN AND FINAL APPROVAL FOR A PHASE.** The following condition applies:

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

Proposal No. 83-86-P

National Self Storage
Map 147-11, Parcels 39, 39.1, 39.2 and 39.3
Subarea 12
District 26

A request to amend the preliminary Commercial (General) Planned Unit Development District abutting the southwest margin of Nolensville Pike, 200 feet southeast of Cotton Lane (4.04 acres), to permit the development of an 87,900 square foot mini-storage facility, requested by Derby Self Storage, owner. **(Also requesting final plat approval).**

Resolution No. 96-306

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 83-86-P is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE; ALSO FINAL PLAT APPROVAL.** The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
2. Approval of the proposed Amendment by the Metropolitan Council.”

Proposal No. 90-86-P

Cheswicke Park
Map 108, Part of Parcel 136
Subarea 14
District 13

A request to permit the temporary use of a Commercial (General) Planned Unit Development District abutting the south margin of Elm Hill Pike, approximately 1,000 feet east of Interstate 40, for the parking of trucks owned by a commercial lighting and sign service company for a five (5) year period to be renewed at the end of each term, requested by Louan D. Brown, owner.

Resolution No. 96-307

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 90-86-P is given **APPROVAL TO EXTEND FOR FIVE YEARS.** The following condition applies:

This approval is for an interim use in an undeveloped commercial PUD, and will expire prior to the five year approval if the commercial PUD develops as approved.”

Proposal No. 93P-021G
Addition to Holt Woods
Map 172, Part of Parcel 208
Subarea 12
District 31

A request to amend the approved preliminary site development plan for the Residential Planned Unit Development District abutting the west margin of Holt Hills Road, approximately 660 feet north of Holt Road, to permit the addition of 13 acres and 40 single family lots, requested by Anderson-Delk & Associates, Inc., for Paul E. Johnson, owner.

Resolution No. 96-308

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93P-021G is given **APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE.**”

Proposal No. 95P-015G
New Hope Point
Map 98, Parcel 52.1
Subarea 14
District 12

A request to grant final approval for the Residential Planned Unit Development District abutting the west margin of New Hope Road approximately 1,440 feet south of John Hager Road (31.15 acres), classified R15, to permit the development of 99 single-family lots, requested by MEC, Inc., for Robert E. Earheart, owner.

Resolution No. 96-309

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-015G is given **CONDITIONAL FINAL PUD APPROVAL.** The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat , upon the posting of a bond for all road improvements as required by the Metropolitan Department of Public Works and all Water and Sewer Line extensions as required by the Metropolitan Department of Water Services.
3. The recording of a boundary plat.”

Proposal No. 96P-004U
Shurgard Self Storage
Map 163, Parcels 316 and 290
Subarea 13
District 28

A request for final approval for the Commercial (General) Planned Unit Development District abutting the northeast corner of Rural Hill Road and Mt. View Road (5.05 acres), to permit the development of a 70,635 square foot self-storage facility, requested by Barge, Cauthen and Associates, Inc., for Shurgard Freeman-Hickory Hollow Joint Venture, owners.

Resolution No. 96-310

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-004U is given **CONDITIONAL FINAL PUD APPROVAL, PLAT DEFERRED INDEFINITELY AS REQUESTED BY APPLICANT.** The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works. The applicant shall demonstrate the safety of the entrance on Mt. View Road to the satisfaction of the Metropolitan Traffic Engineer.
2. The recording of a boundary and subdivision plat.
3. Prior to approval of any building permits, the applicant shall abandon and relocate the existing sewer force main and easement located on parcel 290, and shall provide proof of acceptance by the Department of Water Services.”

Proposal No. 96P-011U
River Crest
Map 85-14, Parcel 20
Subarea 14
District 14

A request to grant preliminary approval for a Residential Planned Unit Development District, abutting the north margin of Lebanon Pike, 500 feet east of Gull Court (14.18 acres), classified R10, to permit the development of 43 single-family lots, requested by Anderson-Delk and Associates, Inc., for B & P Development, Inc.

Resolution No. 96-311

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-011U is given **CONDITIONAL PRELIMINARY APPROVAL.** The following conditions apply:

1. Receipt of plans modified to show the public street to the east as a 50’ right-of-way.
2. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 88P-067G
Brandywine Pointe, Phase 10, Section 2
Map 64, Part of Parcel 8
Subarea 14
District 12

A request to create eight lots abutting both margins of Eastover Place, approximately 165 feet south of Shannon Place (3.98 acres), classified within the R20 Residential Planned Unit Development District, requested by Brandywine Pointe Partners, L.P., owner/developer, Gresham, Smith and Partners, surveyor.

Resolution No. 96-312

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 88P-067G, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of \$43,500.00.”

Subdivision No. 91P-007G
Sunset Oaks, Section 3
Map 86, Part of Parcel 45
Subarea 14
District 12

A request to create 38 lots abutting the east margin of Tulip Grove Lane, opposite Sunset Way (11.82 acres), classified within the RS15 Residential Planned Unit Development District, requested by B & P Developments, Inc., owner/developer, C. Michael Moran, surveyor.

Resolution No. 96-313

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 91P-007G, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of \$214,000.00.”

Subdivision No. 94S-139G
Bayview, Section 1
Map 136, Parcels 7, 162 and 163
Subarea 13
District 28

A request to create 26 lots abutting the west margin of Bell Road, approximately 1,100 feet north of Old Smith Springs Road (7.25 acres), classified within the R10 District, requested by Bayview Ventures and Avalene E. Cass, owners/developers, Littlejohn Engineering Associates, Inc., surveyor.

Resolution No. 96-314

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL plat of Subdivision No.94S-139G, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of \$433,000.00.”

Subdivision No. 96S-001U
Tyne Crest, Section 1, Resubdivision of Lots 8 and 9
Tyne Crest, Section 3, Resubdivision of Lot 11
Map 145-2, Parcels 32, 33 and 51
Subarea 10
District 33

A request to resubdivide three lots into three lots abutting the northeast corner of Tyne Boulevard and Mountain View Drive (3.2 acres), classified within the R40 District, requested by Elizabeth M. and U. Grant Browning, owners/developers, The Harpeth Group, surveyor.

Resolution No. 96-315

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 96S-001U, is granted **APPROVAL**.”

**Subdivision No. 96S-107U
Meharry Towers Tracts
Map 92-3, Parcels 287, 326, 329 and 330
Subarea 8
District 19**

A request to consolidate four lots into one lot abutting the east margin of 21st Avenue North, between Albion Street and Morena Street (1.55 acres), classified within the RM8 District, requested by the Industrial Development Board of Metropolitan Government and Meharry Medical College, owner/developer, Thornton and Associates, Inc., surveyor.

Resolution No. 96-316

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 96S-107U, is granted **APPROVAL.**”

**Subdivision No. 96S-170U
Seaton Health Corporation Property
Map 91-15, Parcels 98, 99 and 100
Subarea 7
District 24**

A request to consolidate three lots into one lot, abutting the southeast corner of Charlotte Pike and 52nd Avenue North (.69 acres), classified within the CS District, requested by Seaton Health Corporation of Tennessee, Inc., and St. Thomas Hospital, owners/developers, Cherry Land Surveying, surveyors.

Resolution No. 96-317

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL plat of Subdivision No. 96S-170U, is granted **APPROVAL.**”

Request for Bond Extension:

**Subdivision No. 84-87-P
Crossings at Hickory Hollow (U.S. Post Office)
Hickory Downs Development, Inc., principal**

Located abutting the northeast margin of Crossings Boulevard and the south margin of Crossings Court.

Resolution No. 96-318

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 84-87-P, Bond No. 95BD-073, Crossings at Hickory Hollow (U. S. Post Office), in the amount of \$20,000 until October 1, 1996, said approval being contingent upon posting an amended letter of credit by June 20, 1996 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. 96M-044U
Awning over Commerce Street
Map 93-6-2**

Subarea 9
District 19

A mandatory referral from the Department of Public Works proposing the construction of a 5' by 30' awning which will extend 1.5 feet over the sidewalk adjacent to the Commerce Street facade of the Kennedy and Bowden Building at 138 Third Avenue North, requested by Joanne Vanover, for Music City News Stand, proprietor.

Resolution No. 96-319

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-044U."

Proposal No. 96M-046U
Hydes Ferry Road/South Hydes Ferry Road
Name Change
Maps 69 and 70
Subarea 3
District 2

A proposal to change the name of Hydes Ferry Road between Old Hydes Ferry Pike and its southern terminus to "South Hydes Ferry Road," requested by Councilmember Melvin Black, for adjacent property owners.

Resolution No. 96-320

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-046U."

Proposal No. 96M-047U
Old Hydes Ferry Pike/North Hydes Ferry Road
Name Change
Maps 69 and 70
Subarea 3
District 2

A proposal to change the name of Old Hydes Ferry Pike between Ashland City Highway and Clarksville Pike to "North Hydes Ferry Road," requested by Councilmember Melvin Black, for adjacent property owners.

Resolution No. 96-321

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-047U."

Proposal No. 96M-048G
Old Hydes Ferry Pike/Amy Lynn Drive
Name Change
Map 68
Subarea 3
District 1

A proposal to change the name of Old Hydes Ferry Pike between Amy Lynn Drive and Ashland City Highway to "Amy Lynn Drive," requested by Councilmember Regina Patton, for adjacent property owners.

Resolution No. 96-322

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-048G."

Proposal No. 96M-049U
Council Bill No. 096-301
Acquisition of Property to Improve an Intersection
Map 59, Parcel 76
Subarea 3
District 2

An ordinance approving the acquisition of property for the purposes of improving the intersection at Knight Drive and Whites Creek Pike.

Resolution No. 96-323

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-049U."

Proposal No. 96M-054U
Richmond Hill Drive/Lyndale Court
Name Change
Map 60-7
Subarea 5
District 4

A mandatory referral from the Department of Public Works proposing to change the name of a segment of Richmond Hill Drive between I-65 and Lyndale Drive to "Lyndale Court."

Resolution No. 96-324

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-054U."

Proposal No. 96M-055U
Easement Abandonment - Alleys 61 and 62
Map 93-6
Subarea 9
District 19

A proposal to abandon a portion of the public utility and drainage easements retained in the former rights-of-way of Alleys 61 and 62 which were closed by Ordinance O92-444, requested by Al Hogan for 555 Partners, L. P. and McKendree United Methodist Church, Property Owners.

Resolution No. 96-325

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-055U."

This concluded the items on the consent agenda.

APPEAL CASES:

Appeal Case No. 96B-063U

Map 106-16, Parcel 62

Subarea 11

District 13

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to locate modular home within the CG District, on property abutting the east margin of Mill Creek Road, approximately 500 feet north of Murfreesboro Pike (.33 acres), requested by Lisa Pesklevits, appellant/owner.

Mr. Reid advised the Commission that the Department of Public Works had approved the proposal relative to the floodplain requirements, and that the Commission should so advise the Board of Zoning Appeals. Mr. Reid further advised the Commission that the request involves allowing a second dwelling unit to be located on this lot within the CG zoning district. In that residential uses are not permitted in the CG zone, this action might be considered an unauthorized expansion of a nonconforming use. Mr. Reid advised that the Commission make it clear in its recommendation to the Board of Zoning Appeals that its advice is required relative to compliance with the floodplain provisions, and do not imply any agreement by the Commission that the second dwelling unit is authorized by the zoning ordinance.

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

Resolution No. 96-326

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-063U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria. This method of complying with floodplain management should not serve as a basis for justifying expansion of a nonconforming land use."

Appeal Case No. 96B-068U

Map 71-3, Parcel 164

Subarea 5

District 4

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct a 1,680 square foot duplex within the R6 District, on property abutting the north margin of Kingston Street, approximately 100 feet west of Sultana Avenue (.3 acres), requested by Joshua Adewole, appellant/owner.

Mr. Reid stated the Department of Public Works had approved the site plan for conformance to floodplain requirements. He further suggested that the Commission advise the Board of Zoning Appeals that the floodplain is so extensive throughout the rear portion of the lot that it may be a principle justification for the requested variance to move the house forward into the required front yard.

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

Resolution No. 96-327

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-068U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria. The floodplain limitations on this site may justify a front yard setback variance.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-042U

Map 148-10, Part of Parcel 133
Subarea 12
District 30

A request to change from R8 District to CH District certain property abutting the north margin of Haywood Lane, 0 feet east of Ezell Road (.27 acres), requested by Jay E. Floyd, for Golden Gallon, Inc., owner.

Proposal No. 7-87-P (Public Hearing)

Haywood Oaks, Phase 4
Map 148-10, Part of Parcel 133
Subarea 12
District 30

A request to cancel a portion of the approved Commercial (General) Planned Unit Development District abutting the north margin of Haywood Lane, 0 feet east of Ezell Road (0.43 acres), requested by Piedmont Olsen Hensley, for Golden Gallon, Inc., owner.

Zone Change Proposal No. 96Z-042U and PUD Cancellation No. 7-87-P were presented to the Commission together.

Mr. Reid advised the Commission that staff was recommending favorably on both the base zone change and the cancellation of part of the PUD. He stated the area in question is in commercial policy and the CH zoning district would be an appropriate zoning classification to accommodate the existing land use.

There was no one present to speak at the PUD cancellation public hearing.

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

Resolution No. 96-328

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-042U is **APPROVED**:

The Commission determined that this is an appropriate expansion of the existing CH district at this interchange location."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 7-87-P is given **APPROVAL FOR CANCELLATION**.

Zone Change Proposal No. 96Z-043U

Map 162, Parcels 74 and 248
Subarea 12
District 31

A request to change from AR2a District to CS District certain property abutting the northeast margin of Bell Road and Benzing Road (5.68 acres), requested by Leadon Holman, owner.

Proposal No. 91P-005U (Public Hearing)
Holman Garden Center
Map 162, Parcels 74 and 248
Subarea 12
District 31

A request to cancel the approved preliminary site development plan for the Commercial (General) Planned Unit Development District (AR2a) abutting the northeast margin of Bell Road and Benzing Road (5.68 acres), requested by Leadon Holman, owner.

Zone Change Proposal No. 96Z-043U and PUD Proposal 91P-005U were presented to the Commission together.

Mr. Reid advised the Commission that the staff was recommending disapproval of the base zone change to CS, and also to cancellation of the PUD overlay. He stated that the property is a large parcel capable of accommodating larger and more intensive commercial developments than are appropriate in the neighborhood commercial policy that exists on this site. He stated the preferred method of zoning this property has always been the planned unit development, in that it allows greater control over the sizes and kinds of commercial uses going into this smaller neighborhood commercial area. Mr. Reid advised the Commission that one neighboring piece of property was rezoned to CS. However that parcel is less than one acre in size, will be limited in intensity by its size, and that placing a PUD on such a small piece of property is impractical.

Mr. Leadon Holman, owner of the property, stated he currently has a family owned plant nursery business on the property. He stated the zone change is needed to allow him to build mini storage buildings to help supplement his income during the garden center's off-season.

Mr. Harbison asked if an amendment to the PUD would accomplish this purpose.

Mr. Owens stated mini warehouses are among the many uses that can be considered in a commercial PUD.

Councilmember Clifton stated this did not agree with the subarea plan and there was no way around it.

Mr. Bodenhamer stated if there was going to be a subarea plan then it should be complied with unless it was something really unique.

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

Resolution No. 96-329

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-043U is **DISAPPROVED**:

This property falls within a neighborhood commercial node. Allowing CS zoning to obtain a foothold on this relatively large parcel could push this area beyond the scope of a neighborhood commercial service area. A larger retail node exists less than one mile away from this site."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 91P-005U is given **DISAPPROVAL**:

The Commission determined that the existing Commercial PUD is the most appropriate zoning to implement the neighborhood commercial policy for the area."

Zone Change Proposal No. 95Z-007T

Council Bill No. 095-108

A council bill to amend the text of the Zoning Regulations relative to the tree protection provisions (Sections 17.18.080, {B}, {C}, {F}, {I}, {K}, 17.18.090 {B}, and 17.18.110), sponsored by Councilmembers Tim Garrett and Ronnie Steine. **(Substitute Bill re-referred from Metro Council 4/16/95).**

Mr. Owens advised the Commission that the staff recommended approval of the text amendment, and proceeded to explain the various provisions being amended. He pointed out the amendment would create a tree bank into which money could be deposited for tree planting elsewhere in the county, when it was demonstrated to the urban forester or to the Commission in instances involving PUDs that the particular site of development is unsuitable for tree planting because of poor soil conditions, unique topography or other unusual conditions.

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

Resolution No. 96-330

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-007T is **APPROVED:**

The Commission determined that the proposed amendments are appropriate enhancements to the original 1994 Tree Ordinance."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 101-66-G
Chaffin's Barn Dinner Theatre
Map 155, Parcel 204
Subarea 6
District 35

A request to revise the approved final site development plan of the Commercial (General) Planned Unit Development District abutting the west margin of Tennessee Highway 100, 180 feet south of Collins Road, to permit the development of a 700 square foot addition to the existing building, requested by John Chaffin, owner.

Mr. Martin stated the applicant was asking to enlarge the existing building which is already closer to the property line than is allowed by the PUD regulations. The current zoning code requires the building to be sixty feet from the property line adjacent to a residential district. The building is now 32 feet from the property line and would be within 18 feet of the line if the addition is approved. The applicant contends he has no alternative to this location. This expansion is for a wardrobe room which is a backstage function, and there are limited options as to where these kinds of operations can be placed.

Mr. John Chaffin stated several additions have been made to this property since the original permit was issued. This addition will not be noticed by the neighbors because the nearest house is approximately one hundred, fifty to two hundred feet away.

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

Resolution No. 96-331

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 101-66-G is given **APPROVAL.**”

Proposal Nos. 40-85-P and 62-85-P (Public Hearing)

Nolensville Pike Residential
Map 172, Parcel 79
Subarea 12
District 31

A request to cancel the Commercial (General) Planned Unit Development District (No. 62-85-P) and to amend the Residential Planned Unit Development District (40-85-P) abutting the west margin of Nolensville Pike, 0 feet north of Celebration Way, classified R10, to enlarge the Residential Planned Unit Development District to 68.68 acres and to allow the development of 124 single-family residential lots and 396 multi-family residential units, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Almo Properties, owners.

Mr. Martin stated the staff was recommending disapproval of the PUD cancellation and amendment because of design deficiencies of the proposal. He stated the developer was proposing two entrances into the development from Nolensville Road. Both the Metro traffic engineer and the planning staff were recommending that only one entrance be approved with the project.

Mr. Martin advised the Commission that the staff would be in favor of the development if this technical issue can be solved. He stated the staff preferred placing the entire property into residential land use. However, when the current PUDs were approved, the number of entrances was an issue, and those PUDs were approved with only one entrance. The traffic engineer has advised that other nearby intersections with Nolensville Road and the projected traffic on the driveway(s) which would be constructed with this development, should be coordinated and spaced to optimally accommodate eventual signalization. Metro’s traffic engineers suggested that long term traffic control on Nolensville Road would be improved with only one entrance to this site.

Mr. Bill Lockwood stated he had tried to work with staff to find a feasible entrance to Nolensville Pike. He stated the developer preferred two entrances to separate the single family subdivision from the multi-family development. He further stated the division of traffic which two entrances would allow would reduce the traffic volumes in each intersection so that neither would warrant a traffic signal.

Chairman Smith stated the primary marketing objective is to separate the multi-family from the single family and the real decision is how to get them out onto Nolensville Road in the morning.

Mr. Lockwood stated his client had proposed to build a continuous turn lane along the property.

Mr. Jim Armstrong stated the developer’s traffic engineer was concerned with traffic within his development, while Metro’s traffic engineer is concerned with traffic flow on the main artery.

Mr. David Moss, with Barge Waggoner Sumner and Cannon, stated he did the traffic work on this proposal. He commented on one alternative proposal that would unify the two entrances into one. He stated it would place the intersection of two minor streets in too close proximity with an intersection with Nolensville Road.

Mr. Martin reminded the Commission the proposal was to cancel the commercial PUD and incorporate it in into the other PUD which would create a development of 520 units. That would be 124 single family and 396 apartments on two separate entrances. Now they have approval for 622 multi-family units on one entrance passing through the commercial, which was the condition that was accepted in 1986.

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

Resolution No. 96-332

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal Nos. 40-85-P and 62-85-P are given **DISAPPROVAL**:

The Commission has determined that the approved plan has one entrance off Nolensville Pike to serve both the commercial and the residential PUD’s. The combination of the commercial PUD and the currently approved residential PUD are larger than the development being proposed. The proposed plan has two drives off Nolensville Pike, one road to serve the single family and one drive for the proposed multi-family portion of the PUD, presumably to accommodate marketing purposes rather than technical traffic concerns. The traffic engineer can not support the two drives.”

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

A request to revise the approved preliminary site development plan for the Commercial Planned Unit Development District abutting the north margin of Elm Hill Pike, 260 feet east of Emery Drive, to permit the replacement of two 10,000 square foot one-story office distribution buildings with a 46,950 square foot, three-story, 120-room hotel, requested by Barge, Waggoner, Sumner and Cannon, for Highwoods/Forsyth Limited Partnership.

Mr. Martin stated the staff was recommending approval of the proposal as a revision not requiring Council amendment action. Mr. Martin advised the Commission that the Council person for this district, Mr. Roy Dale, was not advising that the Commission act otherwise. However, he asked that the Commission be deliberate in determining whether the requested change was significant enough in terms of bulk increase, to be considered a simple revision rather than an amendment to the plan. Mr. Martin stated the building fits within the allowable standards for bulk regulations and the applicant is providing a berm and screening along the property line.

Ms. Jernigan stated it did not seem there was any evidence that would require an amendment.

Mr. Owens verified that none of the criteria specified in the zoning ordinance to stipulate what constitutes an amendment are being changed in this application.

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

Resolution No. 96-333

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 291-84-U is given **CONDITIONAL APPROVAL OF REVISION TO PRELIMINARY**. The following condition applies:

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

Proposal No. 88P-038G
Long Hunter Chase, Phase 3, Section 1

Map 151, Part of Parcel 20
Subarea 13
District 29

A request for final approval for Phase 3, Section 1 of the Residential Planned Unit Development District abutting the northwest margin of Hobson Pike, approximately 1,160 feet northeast of Derbyshire Drive (10.89 acres), classified RS15, to permit the development of a 35 lot residential complex, requested by JCH Development Company, Inc., owner. **(Also requesting final plat approval).**

Mr. Martin stated staff was recommending disapproval of a phase of this development because it does not propose sidewalks as required by the subdivision regulations. Mr. Martin stated this development was first proposed in 1989 with several hundred lots. At that time sidewalks were not a requirement for development. However, in 1991, the subdivision regulations were amended to require sidewalks in most subdivision development. Provisions were adopted by the Planning Commission to exclude from the sidewalk requirements developments which met certain stipulations. Mr. Martin reported that Long Hunter Chase did not meet the criteria to warrant exclusion from the sidewalk requirements. For this reason Mr. Martin stated the staff was suggesting that the developer is obligated to install sidewalks in his development.

Mr. Martin advised the Commission that the issue is further complicated by the fact that the staff had erred in reviews of previous sections of this development by not requiring that those sections incorporate sidewalks. As a result much of this development has gotten underway without sidewalk construction, and it has now become difficult to formulate a logical sidewalk pattern which can be created with the portions of the development yet to be approved.

Mr. Martin stated there are three possible options to deliberate. First, to require that the earlier phases be retrofitted with sidewalks. Second, to waive the sidewalk requirements for those phases already approved and to require compliance with the current and future phases. Third, to grant a variance for the entire development. This third option is what the applicant is requesting of the Commission.

Ms. Paula Van Slyke, representing the developer, advised the Commission of a long history involving this development. Throughout that history, Ms. Van Slyke indicated sidewalks were a topic of discussion, but the conclusion always reached was that sidewalks were not a requirement of the development. She stated that several final approvals have been granted in this development, and all of those have been without sidewalks as a feature of the development. She stated those approvals have been relied upon as financial commitments have been made on various phases of the development. Ms. Van Slyke there is no logical way to justify piecemeal installation of sidewalks at this point. Therefore, the entire development should be excluded from the sidewalk requirement.

Mr. John Gilmore, engineer for John Coleman Hayes Development, stated every time a submittal was made to the staff there was discussion and deliberation, and sidewalks were not in question. They did not show up on any of the three phases, and it was staff determination sidewalks were not required.

Mr. Harbison stated that regardless of what staff has said, sidewalks would be required for new phases, even though they had preliminary approval back in 1989 and there was a transition period under the ordinance.

Councilmember Clifton stated the Commission was quiet clear on the record about the importance of sidewalks. While retrofitting sidewalks in completed sections is probably out of order, he voiced the opinion that sidewalk in future phases is clearly a requirement.

Ms. Nielson asked if there was some way, because of the common space, to develop the sidewalk system that would feed to the common area.

Mr. Owens stated that may be a viable option. There is a TVA easement and series of cul-de-sacs that come down to the open space and naturally at the end of each cul-de-sac, they are providing a common open space connector.

Chairman Smith stated that what Ms. Nielson was suggesting obviously would require the developer to go along with that and may require some time for the staff and developer to get together.

Mr. John Coleman Hayes, developer, stated the plan currently provides for access easements and the intent is to provide trails for walking, hiking or jogging and that basically ties into the lake area, the TVA easement and the commercial area.

Mr. Lawson and Mr. Bodenhamer agreed the developed lots should not have to be retrofitted but the question was about the new phases that have not been bonded or recorded. Staff and the developer should get together and discuss these phases but Phase 4 should comply with the regulations.

Ms. Nielson moved and Mr. Stephen Smith seconded the motion, which carried unanimously, to exempt Phases 1, 2 and 3, except for the small lower portion of Phase 3 adjacent to Hobson Pike, from retrofitting with sidewalks.

Ms. Nielson moved and Mr. Stephen Smith seconded the motion, which passed unanimously, to defer the matter for two weeks to work out a compromise for sidewalks to provide pedestrian access to the open space and commercial space on Hobson Pike from the undeveloped phases of the PUD.

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 95S-326G (Public Hearing)
Dunaway Woods, Section 2
Map 128, Part of Parcel 13
Subarea 6
District 23

A request to create six lots abutting the north terminus of Hallows Drive, approximately 285 feet north of Indian Springs Drive (6.31 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 the request extends two existing streets into cul-de-sacs with two additional lots on one street, and four additional lots on the other street. He stated staff recommended approval of the preliminary plan, but could not recommend approval of the final plat, in that sewer service is not yet available and the additional lots have not been approved for septic tank disposal. The Harpeth Valley Utility District has issued a contract for sewer installation for this summer; final plat approval can be approved once these sewers are installed.

No one was present to speak at the public hearing.

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

Resolution No. 96-334

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 95S-326G, is granted **APPROVAL**, and the FINAL Plan is **DISAPPROVED** for lack of sewer availability.”

Subdivision No. 96S-083G (Public Hearing)

Quail Creek Estates, Resubdivision of Lot 12

Map 127, Parcel 184

Subarea 6

District 23

A request to create three lots abutting the northwest margin of Charlotte Pike, approximately 540 feet southwest of Quail Creek Road (11.7 acres), classified within the R40 District, requested by Brewbock Partnership, owner/developer, Galyon Northcutt, surveyor.

Mr. Henry stated staff was recommending approval of this development with a short cul-de-sac extended from Charlotte Pike to provide adequate street frontage for all three lots being created. He pointed out the lots will be designated critical lots because of the steep topography in the area.

No one was present to speak at the public hearing.

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

Resolution No. 96-335

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-083G, is granted **APPROVAL.**”

Subdivision No. 96S-153G (Public Hearing)

Wright Corner

Map 34-7, Parcel 19

Subarea 4

District 10

A request to subdivide one lot into two lots abutting the northeast margin of Shepherd Hills Drive, approximately 1,390 feet southeast of Spring Branch Drive (1.1 acres), classified within the R20 District, requested by W. Dennis and Ella Louise Wright, owners/developers, Diel Engineering, Inc., surveyor.

Mr. Henry stated the proposal was to divide a lot basically in half. The problem is the lot with the house on it does not satisfy the minimum lot area comparability test in the subdivision regulations. Another problem is the minimum building setback line established by the zoning regulations leaves very little building envelope in which to put the new house and staff is recommending disapproval.

No one was present to speak at the public hearing.

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

Resolution No. 96-336

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-153G, is **DISAPPROVED** since one lot will not comply with the lot area re-subdivision comparability test of Subdivision Regulation 2-4.7, and because the other lot will not contain an adequate buildable site for a dwelling unit”

Subdivision No. 96S-157U (Public Hearing)

Mt. View Ridge

Map 150, Parcel 147

Subarea 13

District 29

A request to create five lots abutting the southeast margin of Mt. View Road, approximately 580 feet southwest of Kenton Court (11.75 acres), classified within the AR2a District, requested by Mt. View Ridge, L.P., owner/developer, L. Steven Bridges, Jr., surveyor.

Mr. Henry stated the staff was recommending disapproval because the developer is not proposing to extend and improve street segments as needed to accommodate future subdivision development on adjacent properties. Mr. Henry reminded the Commission that this property was previously approved for R10 zoning; that rezoning is now pending in Council. With R10 zoning, up to 45 lots can be accommodated on the property. He stated the developer wishes to develop the property at this density, and the street segments at issue are needed to fill out the subdivision with this ultimate pattern in mind.

In the meantime the developer is proposing to subdivide the property into two acre lots as permitted by the current AR2a zoning. However, the developer is unwilling to commit to the more extensive street network with this interim subdivision plan. While staff agrees with the denser 45 lot subdivision, staff would advise the Commission that nothing other than two acre lots can be approved until the rezoning is finalized. Nevertheless, staff advises that the street network must be planned with the ultimate subdivision pattern in mind.

No one was present to speak at the public hearing.

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

Resolution No. 96-337

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-157U, is **DISAPPROVED** since the street segments extending to abutting property are only offered for dedication and not proposed for construction as is required by Subdivision Regulation 2-6.2.2(D).”

Subdivision No. 96S-169G (Public Hearing)
W. P. Ready Subdivision, Resubdivision of Lot 2
Map 43-1, Parcel 226
Subarea 4
District 9

A request to subdivide one lot into two lots abutting the north margin of Sarver Avenue, approximately 390 feet west of Pierce Road (.60 acres), classified within the R8 District, requested by Ben Donnell, owner/developer, Land Surveying, Inc., surveyor.

Mr. Henry stated the staff was recommending disapproval of the subdivision because bisecting the property into two lots would cause each lot to be more than four times deeper than it would be wide. Staff reminded the Commission that this “4 to 1” requirement was placed in the subdivision regulations to encourage holders of larger tracts to consider more long term solutions to subdividing. Staff acknowledged that this more comprehensive approach to subdividing likely would require eventual participation by and/or cooperation with other surrounding land owners. Nevertheless, staff indicated the property owner’s alternative is to maintain the property in its current one lot state. Staff further reminded the Commission that it would have to determine grounds for a variance if the Commission chose to approve this request.

Mr. Wayne Seevers, stated he was in the process of trying to purchase this property. He stated other properties in the Madison do not meet the four to one ratio, and he asked for approval from the Commission

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

Resolution No. 96-338

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-169G, is **DISAPPROVED** since the proposed lot pattern does not comply with the lot depth-to-width ratio (4:1) established by Subdivision Regulation 2-4.2(E).”

Subdivision No. 96S-178U (Public Hearing)
William Lee Subdivision, Resubdivision of Lot D
Map 119-14, Parcels 315 and 316
Subarea 11
District 16

A request to subdivide two lots into four lots abutting the south margin of Radnor Street, approximately 160 feet west of Wingate Avenue (1.27 acres), classified within the R8 District, requested by Albert E. and Sue M. Williams, owners/developer, Walter Davidson and Associates, surveyor. (**Also requesting final plat approval**).

Mr. Henry stated the staff was recommending approval of this request. The proposal would subdivide the parcel containing four dwelling units into four lots, with each dwelling unit having its own lot. Mr. Henry advised this action would, by placing each dwelling on its own lot, eliminate the non-conforming status of these dwellings.

No one was present to speak at the public hearing.

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

Resolution No. 96-339

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the PRELIMINARY and FINAL Plans of Subdivision No. 96S-178U, are granted **APPROVAL**.”

Final Plats:

Subdivision No. 96S-163G
Plantation Walk, Section 2, Lot 39
Map 64-15-A, Parcel 71
Subarea 14
District 11

A request to revise the building envelope for a single-family lot at the northwest corner of Meadowgreen Drive and Tidewater Circle, to allow a reduction in building setback along the southerly property line to accommodate a building encroaching 2.4 feet into the minimum building setback area, requested by Anderson-Delk and Associates, for Phillips Builders, Inc.

Mr. Henry stated this revision would allow a reduction in building setback along the southerly property line to accommodate a building that was built 2.4 feet into the side yard. This is a residential PUD and the lot is 5,500 square feet. This was platted with a three foot setback on one side and a seven foot setback on the other side. The builder inadvertently reversed the yard setbacks.

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

Resolution No. 96-340

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-163G, is granted **APPROVAL.**”

MANDATORY REFERRALS:

Proposal No. 96M-053U

Acquisition of Property on Omohundro Drive
Map 94, Parcel 25 and Part of Parcels 108 and 174
Subarea 11
District 15

A request from the Public Property Administration to acquire and develop 21.91 acres of land for the purpose of relocating the Police Department’s tow-in lot; and for the purpose of building a facility for Public Property Administration’s storage and sale of surplus property.

96CB-005

Capital Budget Amendment
Police Vehicle Impoundment Facility

A request to amend the capital improvements budget and program to change the timing and funding source of two projects involving relocation of the Police Vehicle Impoundment Facility as follows:

ID No. 91GS007A

Police Vehicle Impoundment Facility
Downtown Fringe Area
Acquire Land for Police Vehicle Impoundment

From:	\$1,000,000.00	General Obligation Bonds	FY 2000-01
To:	\$1,000,000.00	Operating Budget Funds	FY 1995-96

ID No. 91GS007B

Police Vehicle Impoundment Facility
Downtown Fringe Area
Construct and Equip Facility for Vehicle Impoundment

From:	\$1,000,000.00	General Obligation Bonds	Beyond FY 2000-01
TO	\$1,000,000.00	Operating Budget Funds	FY 1995-96

Mr. Ricketson stated in addition to the mandatory referral the capital budget amendment is also associated with it. This is to relocate Metro’s existing tow-in lot, which is located on the stadium site, to a point about three miles southeast of the existing site. The new location is in an industrial area off of Lebanon Pike on Freightliner drive and consists of twenty-two acres. The total cost of the project is \$2,000,000 which is consistent with what is in the current budget. This project is currently listed for the year 2000-2001 and obviously needs to be moved up to the 1995-1996 budget to accommodate current stadium plans. The funding source will change from general obligations bonds to operating (P) funds.

Mr. Sanders, from the Police Department, was present to answer any questions from the Commission.

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

Resolution No. 96-341

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-053U."

Resolution No. 96-342

"**BE IT FURTHER RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** CB-005, amendments to the 1995-96 through 2000-2001 Capital Improvements Budget and Program as follows":

ID No. 91GS007A
Police Vehicle Impoundment Facility
Downtown Fringe Area
Acquire Land for Police Vehicle Impoundment

From:	\$1,000,000.00	General Obligation Bonds	FY 2000-01
To:	\$1,000,000.00	Operating Budget Funds	FY 1995-96

ID No. 91GS007B
Police Vehicle Impoundment Facility
Downtown Fringe Area
Construct and Equip Facility for Vehicle Impoundment

From:	\$1,000,000.00	General Obligation Bonds	Beyond FY 2000-01
TO	\$1,000,000.00	Operating Budget Funds	FY 1995-96

OTHER BUSINESS:

3. Election of Officers.

Mr. Stephen Smith nominated Mr. Gilbert Smith and Mr. Arnett Bodenhamer nominated Mr. James Lawson for Chairman of the Planning Commission.

Nominations were closed.

Upon voting Mr. Gilbert Smith was re-elected Chairman of the Commission for one year.

Mr. William Manier nominated Mr. James Lawson for Vice Chairman. There were no other nominees and Mr. Lawson was re-elected to serve as Vice-Chairman for one year.

Mr. James Lawson nominated Mr. Arnett Bodenhamer, and he was re-elected as the Parks and Recreation representative from the Planning Commission

Mr. Harbison left at this point in the agenda.

1. Contract with Neel-Schaffer, Inc. for Enhanced Transportation System Data Collection.

Mr. Ricketson stated the MPO acted on this contract the day before, and recommended to the Planning Commission that the contract be awarded to Neel-Schaffer, Inc. It is a \$50,000 project for data collection on traffic, vehicle occupancy and travel time within the Metro area on some of the major streets.

Mr. Bodenhamer moved and Ms. Nielson seconded the motion, which carried unanimously to approve the Enhanced Transportation System Data Collection contract with Neel-Schaffer, Inc.

Ms. Jernigan left at this point in the agenda.

2. Set the June 13, 1996 Planning Commission meeting for a public hearing on the updated draft Subarea 6 Plan.

Mr. Jerry Fawcett asked the Commission to set the public hearing for the Subarea 6 Plan update to be considered and approved for June 13, 1996. The final draft is currently being put together and will be mailed out well in advance and the advertisements will also go out well in advance.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to set June 13, 1996 for the Subarea 6 Plan Update public hearing.

4. Legislative Update.

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

PLATS PROCESSED ADMINISTRATIVELY.

151-82-G	Somerset Farms, Phase 1 Section 4, 1st Revision Corrected parcel numbers
88P-067G	Brandywine Pointe, Phase 11 Section 1, 1st Revision Changed street name
94P-021G	Hanover Park of Sheffield, 1st Revision Increase easements for public utilities
96S-048U	Century Center Park, Resubdivision of Lot 5 Subdivided one lot into two lots
96S-161G	Graves Subdivision Subdivided one tract into two lots
96S-168U	Harbor Gate, Section 2 lot 105(Zone Lot Division) Created a zone lot division

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:20 p.m.

Chairman

Secretary

Minute approval:
This 30th day of May, 1996