

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: September 19, 1996
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Philip Bredesen
James Lawson

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
John Reid, Planner II
Doug Delaney, Planner I
Charles Hiehle, Planning Technician II

Advance Planning and Research Division:

Jeff Ricketson, Planning Division Manager
Jackie Blue, Planner I
Bill Lewis, Planner I
Amy Pierce, Planner I

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Debbie Frank, Planner I
Chris Hall, Planner I

Also Present:

Jim Armstrong, Public Works
Mark Macey, Public Works

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced 96Z-090U had been amended to request CS rather than CG.

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

96B-173U	Two week deferral, requested by the Codes Department and the applicant.
38-79-G	Two week deferral, requested by applicant.
96S-280U	Two week deferral, requested by applicant.
96S-291U	Two week deferral, requested by applicant.

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

APPROVAL OF MINUTES

Mr. Stephen Smith moved and Mr. Bodenhamer seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of September 5, 1996.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver spoke in favor of Proposal 96B-174U, Proposal 96Z-094G, Proposal 96Z-097G, Proposal 84-85-P, and Proposal 96P-016G.

Councilmember Ron Nollner spoke in favor of Zone Change Proposal No. 96Z-077G.

Mr. Owens summarized Councilmember Eileen Beehan's letter in support of alley closure 96M-105U and Zone Change 96Z-98U. He also read Councilmember Craig Jenkins' letter of opposition to Proposal No. 96P-015G, Forest Hills.

ADOPTION OF CONSENT AGENDA

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

APPEAL CASES:

Appeal Case No. 96B-170U
Map 91-10, Parcel 107
Subarea 7 (1994)
District 22 (Holt)

A request for a conditional use permit under the provisions of Section 17.124.180 (Floodplain) as required by Section 17.116.030 to construct a 400 square foot addition within the R6 District, on property abutting the east margin of Hite Street, approximately 680 feet north of Wynn Avenue (.14 acre), requested by David Zonlensky, appellant/owner.

Resolution 96-651

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-170U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 96B-171U
Map 129-12, Parcel 134
Subarea 7 (1994)
District 34 (Fentress)

A request for a conditional use permit under the provisions of Section 17.124.130 (nonassembly, cultural) as required by Section 17.24.030 to construct a greenhouse, three maintenance storage buildings, and a 6,000 square foot addition to the stable within the R20 District, on property abutting the north margin of Percy Warner Park and the south margin of Cheek Road (52.43 acres), requested by David Allard, appellant/owner.

Resolution 96-652

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-171U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-088U
Map 161, Parcel 33
Subarea 12 (1991)
District 32 (Jenkins)

A request to change from R10 District to CS District certain property abutting the west margin of Edmonson Pike, approximately 120 feet north of Old Hickory Boulevard (2.97 acres), requested by the Estate of Mildred P. Nipper, appellant/owner.

Resolution 96-653

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-088U is **APPROVED**:

This property falls within 'commercial (retail or office)' policy in the Subarea 12 Plan around this intersection. The CS District will implement this policy."

Zone Change Proposal No. 96Z-090U
Map 61-13, Parcel 1
Subarea 5 (1994)
District 4 (Majors)

A request to change from R15 District to CS District certain property abutting the north margin of Ben Allen Road, approximately 200 feet west of Hutson Avenue (.80 acres), requested by Bertram Noll, appellant/owner.

Resolution 96-654

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-090U is **APPROVED**:

The policy surrounding the Ellington Parkway/Ben Allen Road intersection is ‘commercial mixed concentration’, calling for an appropriate mixture of retail, offices, and apartments. The CS district will implement this policy.”

Zone Change Proposal No. 96Z-093U
Map 96-9, Parcels 48, 50 and 51
Subarea 14 (1996)
District 15 (Dale)

A request to change from R10 District to OP District certain property abutting the west margin of Donelson Pike, opposite McCampbell Road (1.9 acres), requested by Irving Smith, for various owners.

Resolution 96-655

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-093U is **APPROVED**:

This property falls within ‘commercial arterial existing’ policy (in the Subarea 14 Plan) along Donelson Pike, calling for ‘medium high’ density residential, office, and small commercial services uses. The OP district will implement this policy.”

Zone Change Proposal No. 96Z-094G
Map 142, Parcel 50
Subarea 6 (1996)
District 35 (Lineweaver)

A request to change from R15 District to RM8 District certain property abutting the north margin of Old Harding Pike, approximately 150 feet west of Hicks Road (1.10 acres), requested by Madeline Holden, appellant/owner.

Resolution 96-656

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-094G is **APPROVED**:

This property falls within ‘residential medium high’ density policy (9 to 20 dwelling units per acre) in the Subarea 6 Plan. RM8 will implement this policy, and will fill out the surrounding RM8 zoning pattern in this vicinity.”

Zone Change Proposal No. 96Z-096G
Map 164, Part of Parcel 37

Subarea 13 (1991)
District 29 (Holloway)

A request to change from AR2a District to RS8 District certain property 1,800 feet east of Mt. View Road, approximately 3,200 feet south of Murfreesboro Pike (50 acres), requested by LT. Construction and Development Corporation, appellant/owner.

Resolution 96-657

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-096G is **APPROVED**:

This property would fall within residential 'medium' density policy (4 to 9 dwelling units per acre) in the proposed update of the Subarea 13 Plan, which the RS8 zoning district will implement. This property will have access from the abutting parcel to the west (Parcel 14), which is a platted subdivision known as Ashford Crossings."

Zone Change Proposal No. 96Z-098U
Map 83-6, Parcels 397, 398, 399, 400, 401.1, 401.2
and 402-408
Map 83-7, Parcels 281, 282, 282.1 and 283-303
Map 83-10, Parcels 336-341, 343-355 and 359
Map 83-11, Parcels 1-55, 57-76 and 207
Subarea 5 (1994)
District 6 (Beehan)

A request to change from R6 District to RS8 District certain properties abutting the south margin of Eastland Avenue, between North 20th Street and the CSX Railroad (approximately 28 acres), requested by Councilmember Beehan, for various owners.

Resolution 96-658

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-098U is **APPROVED**:

This property falls within residential 'low medium' density policy, which the RS8 District will implement. These properties are within an established residential neighborhood, and most of the lots sizes in this neighborhood are at least 8000 square feet, which is more consistent with the RS8 District than the R6 District. This RS8 zone change will implement the residential conservation goals of this area."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 84-85-P
The Biltmore
Map 140, Part of Parcel 21
Subarea 6 ((1996)
District 35 (Lineweaver)

A request to revise the approved preliminary site development plan and for final approval for a phase of the Residential Planned Unit Development District located at the southwest corner of I-40 and McCrory Lane

(.23 acres), to permit the development of a 185 foot cellular monopole tower, requested by Barge, Waggoner, Sumner and Cannon, for Branstetter Family Partners, LP, owners.

Resolution 96-659

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-85-P is given **CONDITIONAL APPROVAL OF REVISION TO PRELIMINARY AND FINAL 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. Written approval by the Tennessee Department of Transportation for the location of the access driveway off McCrory Lane.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 96S-083G

Quail Creek Estates, Resubdivision of Lot 12
Map 127, Parcel 184
Subarea 6 (1996)
District 23 (Crafton)

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.

Resolution 96-660

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-083G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$8,900.00.**”

Subdivision No. 96S-287U

E. A. Lindsley, Resubdivision of Parcel A
Map 60-8, Parcel 21
Subarea 5 (1994)
District 4 (Majors)

A request to subdivide one parcel into two lots abutting the east margin of Dickerson Pike, approximately 668 feet south of Ewing Drive (1.41 acres), classified within the CS District, requested by Shoney's, Inc., owner/developer, Ragan-Smith Associates, Inc., surveyor. **(Deferred from meeting of 09/05/96).**

Resolution 96-661

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-287U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$10,000.00 for sewer installation.**”

Subdivision No. 96S-320G

Heron Walk, Phase 1, Section 2
Map 52-8, Part of Parcel 196

Subarea 4 (1993)
District 9 (Dillard)

A request to create 44 lots abutting the southwest margin of Cheyenne Boulevard, opposite Cheyenne Circle (7.27 acres), classified within the R10 Residential Planned Unit Development District, requested by Allen and Betty F. Earps, owners/developer, MEC, Inc., surveyor.

Resolution 96-662

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-320G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$206,000.00.”**

Subdivision No. 96S-324U
Village of Cherry Glen, Phase 1B
Map 131-6-A, Part of Parcel 16
Subarea 10 (1994)
District 33 (Turner)

A request to create 15 lots abutting both margins of Cherry Plum Court, approximately 86 feet south of Cherry Laurel Court (3.13 acres), classified within the R15 Residential Planned Unit Development District (Burton Hills), requested by Cherry Glen Partners, L. P., owner/developer, Gresham, Smith and Partners, surveyor.

Resolution 96-663

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-324U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$58,700.00.”**

Subdivision No. 96S-327G
Traceside, Section 5
Subdivision No. 96S-328G
Traceside, Section 6
Map 169, Part of Parcel 241
Subarea 6 (1995)
District 35 (Lineweaver)

A request to create 37 lots (20 lots in Section 5 and 17 lots in Section 6) abutting both margins of Deer Estates Drive, Deerbrook Drive and Traceway Drive (14.24 acres), classified within the RS30 Residential Planned Unit Development District, requested by Centex Homes, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution 96-664

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-327G (Section 5) and Subdivision No. 96S-328G (Section 6), a request to create 37 lots (20 lots in Section 5 and 17 lots in Section 6), **CONDITIONAL APPROVAL subject to posting performance bonds as follows:**

Subdivision No. 96S-327G (Section 5)	\$272,000.00
Subdivision No. 96S-328G (Section 6)	\$ 82,000.00.”

Subdivision No. 96S-330G
Hampton Hall, Section 1

Map 98, Part of Parcels 18, 37 and 116
Subarea 14 (1996)
District 12 (Ponder)

A request to create 49 lots abutting the east margin of New Hope Road, opposite Port Jamaica Drive (16.72 acres), classified within the RS15 Residential Planned Unit Development District, requested by Phillips Builders, Inc., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution 96-665

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-330G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$506,000.00.”**

Subdivision No. 96S-342U
Keystone Farms Subdivision
Map 161, Parcel 50
Subarea 12 (1991)
District 32 (Jenkins)

A request to plat one parcel as one lot abutting the east margin of Edmondson Pike, approximately 440 feet south of Huntington Parkway (9.92 acres), classified within the R10 Residential Planned Unit Development District, requested by The Realty Shop, Inc., owner/developer, Briggs Engineering Company, Inc., surveyor.

Resolution 96-666

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-342U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$5,000.00.”**

Request for Bond Extension:

Subdivision No. 18-84-U
Addition to Village of Abbeywood
Mertech Realty, L.P., principal

Located abutting the west terminus of Abbeywood Place, approximately 170 feet west of Tharndale Court.

Resolution 96-667

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 18-84-U, Bond No. 95BD-002, Addition to Village of Abbeywood, in the amount of \$6,480 until August 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by October 23, 1996, and extending the expiration date to February 1, 1998. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 84-467-G
Village by the Creek, Section Nine
Robert E. Earheart, principal

Located abutting both margins of Valley Creek, approximately 100 feet southeast of Valley Trail.

Resolution 96-668

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 84-467-G, Bond No. 94BD-007, Village by the Creek, Section Nine in the amount of \$64,500 until September 15, 1997, as requested, said approval being contingent upon posting an amended letter of credit by October 23, 1996, and extending the expiration date to February 1, 1998. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 84-623-G
Village by the Creek, Section Twelve
Robert E. Earheart, principal

Located abutting both sides of Standing Stone Drive and both sides of Standing Stone Court.

Resolution 96-669

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 84-623-G, Bond No. 87BD-020, Village by the Creek, Section Twelve, in the amount of \$39,950 until September 15, 1997, as requested, said approval being contingent upon posting an amended letter of credit by October 23, 1996, and extending the expiration date to February 1, 1998. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 23-85-P
Forest Pointe, Phase Two
Fox Ridge Homes, Inc., principal

Located abutting the east terminus of Pointe Place, approximately 55 feet east of Pointe Place Court.

Resolution 96-670

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 23-85-P, Bond No. 94BD-099, Forest Pointe, Phase Two in the amount of \$136,597 until August 15, 1997, as requested, said approval being contingent upon posting an amended letter of credit by October 23, 1996, and extending the expiration date to February 15, 1998. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 23-85-P
Forest Pointe, Phase One
Fox Ridge Homes, Inc., principal

Located abutting the east terminus of Pointe Place and both margins of Pointe Place Court.

Resolution 96-671

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 23-85-P, Bond No. 94BD-055, Forest Pointe, Phase One in the amount of \$91,592 until July 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by October 23, 1996, and extending the expiration date to January 2, 1998. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 45-86-P
Chitwood Downs (Hampton Park)
Fox Ridge Homes, Inc., principal

Located abutting the west side of Old Hickory Boulevard, opposite Second Street.

Resolution 96-672

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 45-86-P, Bond No. 89BD-003, Chitwood Downs in the amount of \$45,000.00 until July 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by October 23, 1996, and extending the expiration date to January 2, 1998. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 86-625-G
Whites Creek Commercial Center
Nathan T. Wall, principal

Located abutting the southwest corner of Old Hickory Boulevard and I-24.

Resolution 96-673

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 86-625-G, Bond No. 87BD-021, Whites Creek Commercial Center (Wall) in the amount of \$12,400 until September 15, 1997, as requested, said approval being contingent upon posting an amended letter of credit by October 23, 1996, and extending the expiration date to March 15, 1998. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 78-87-P
Fredericksburg, Section Three
Radnor Homes, Inc., principal

Locating the north margin of Cloverland Drive, approximately 85 feet east of Fredericksburg Way.

Resolution 96-674

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 78-87-P, Bond No. 93BD-079, Fredericksburg, Section Three, in the amount of \$5,000.00 until December 15, 1996, as requested, subject to submittal of a letter from the Frontier Insurance Company by October 23, 1996, agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 87-51-G
Hickory Woods, Section One
T & T Partners I, principal

Located abutting the west side of Lavergne-Couchville Pike and both sides of Hickory Way.

Resolution 96-675

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 87-51-G, Bond No. 87BD-028, Hickory Woods, Section One, in the amount of \$10,000 until July 1, 1997, as requested."

Subdivision No. 87-341-G
Hickory Woods, Section C
T & T Partners I, principal

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

Resolution 96-676

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 87-341-G, Bond No. 89BD-027, Hickory Woods, Section C in the amount of \$222,500.00 until July 15, 1997, as requested."

Subdivision No. 87-371-G
Hickory Woods, Section A
T & T Partners I, principal

Located abutting the southeast corner of Maxwell Road and Lavergne-Couchville Pike.

Resolution 96-677

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 87-371-G, Bond No. 87BD-029, Hickory Woods, Section A in the amount of \$10,000.00 until July 15, 1997, as requested."

Subdivision No. 88P-023G
Little Creek Farm, Section One
I-24 Northwest Partners, principal

Located abutting the south margin of Old Hickory Boulevard, approximately 900 feet east of I-24 North.

Resolution 96-678

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 88P-023G, Bond No. 90BD-015, Little Creek Farm, Section One in the amount of \$26,900.00 until September 15, 1997, as requested, subject to submittal of a letter from Reliance Insurance Company by October 23, 1996, agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 90S-267U
Birdwell Subdivision, Phase One
Joseph Birdwell, principal

Located abutting the west margin of Birdwell Drive, approximately 338 feet south of Campbell Road.

Resolution 96-679

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 90S-267U, Bond No. 90BD-032, Birdwell Subdivision, Phase One in the amount of \$21,000.00 until September 15, 1997, as requested, subject to submittal of an amendment to the present Letter of Credit by October 23, 1996, which extends its expiration date to March 15, 1998. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 91P-008G
Oakmont Subdivision, Phase Two
Brent A. Campbell

Located abutting the southeast terminus of Grand Oak Way and both margins of Red Feather Lane.

Resolution 96-680

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 91P-008G, Bond No. 94BD-057, Oakmont Subdivision, Phase Two in the amount of \$45,000.00 until September 15, 1997, as requested, subject to submittal of an amendment to the present Letter of Credit by October 23, 1996, which extends its expiration date to March 15, 1998. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

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

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

Resolution 96-681

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 91S-039U, Bond No. 92BD-050, Woodland Hills, Phase Two, Section One in the amount of \$22,700 until September 15, 1997."

Subdivision No. 93P-006U
Montgomery Place, Phase Two
Radnor Homes, Inc., principal

Located abutting the south margin of Old Hickory Boulevard, approximately 745 feet west of Copperfield Way.

Resolution 96-682

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 93P-006U, Bond No. 94BD-071, Montgomery Place, Phase Two in the amount of \$18,000.00 until December 15, 1996, as requested, subject to submittal of a letter from Frontier Insurance Company by October 23, 1996, agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 93P-006U
Montgomery Place, Section One

Radnor Homes, Inc., principal

Located abutting the south margin of Old Hickory Boulevard, approximately 745 feet west of Copperfield Way.

Resolution 96-683

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 93P-006U, Bond No. 93BD-080, Montgomery Place, Section One in the amount of \$17,000 until December 15, 1996, as requested, subject to submittal of a letter from Frontier Insurance Company by October 23, 1996, agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 93P-023G

Gateway of Hermitage

Shurgard-Freegard Hermitage, J.V., principal

Located abutting the south margin of Central Pike, approximately 240 feet west of Old Hickory Boulevard.

Resolution 96-684

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 93P-023G, Bond No. 94BD-015, Gateway of Hermitage in the amount of \$130,400 until August 1, 1997, as requested, subject to submittal of an amendment to the present Letter of Credit by October 23, 1996, which extends its expiration date to March 15, 1998. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 94S-294U

Chadfield, Section One

Houston Ezell Corporation, principal

Located abutting the northwest margin of Una-Antioch Pike, opposite Hickory Hollow Parkway.

Resolution 96-685

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 94S-294U, Bond No. 94BD-088, Chadfield, Section One in the amount of \$259,400 until July 1, 1997, as requested, subject to submittal of a letter from Frontier Insurance Company by October 23, 1996, agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 95P-005U

Overlook at Hickory Hollow

Security Capital Atlantic, Inc., principal

Located abutting the west margin of Bell Road, opposite Zelida Avenue.

Resolution 96-686

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 95P-005U, Bond No. 92BD-011, Overlook at Hickory Hollow in the amount of \$50,000.00 until September 15, 1997."

Subdivision No. 95S-042U
MetroCenter, Tract 23
Curt Hahn, principal

Located abutting the north margin of Dominican Drive, between Athens Way and Ninth Avenue North.

Resolution 96-687

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 95S-042U, Bond No. 95BD-041, MetroCenter, Tract 23 in the amount of \$7,100 until December 15, 1996, as requested, subject to submittal of an amendment to the present Letter of Credit by October 23, 1996, agreeing to the extension, which extends its expiration date to June 15, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Request for Bond Release:

Subdivision No. 78-87-P
Fredericksburg, Section Two
Radnor Homes, Inc., principal

Located abutting both margins of Manassas Drive, approximately 154 feet northeast of Fredericksburg Way East.

Resolution 96-688

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 78-87-P, Bond No. 93BD-061, Fredericksburg, Section Two in the amount of \$5,000, as requested."

Subdivision No. 92S-274U
Perimeter Place, Section Five,
Resubdivision of Lots 1, 2 and 3
Peoples First National Bank and Trust, principal

Located abutting the south margin of Elm Hill Pike, approximately 580 feet west of Royal Parkway.

Resolution 96-689

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 92S-274U, Bond No. 92BD-033, Perimeter Place, Section Five, Resubdivision of Lots 1, 2 & 3 in the amount of \$10,700, as requested."

Request for Bond Extension and Replacement:

Subdivision No. 31-86-P
Whitworth, Phase Three, Section Two
Clements-Bartosh Interests, L.L.C.

Located abutting the northwest corner of Woodlawn Drive and Compton Road.

Resolution 96-690

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for the extension and replacement of the performance bond for Subdivision No. 31-86-P, Bond No. 94BD-094, Whitworth, Phase Three, Section Two in the amount of \$22,500 until June 1, 1997, as requested, said approval being contingent upon submittal of appropriate security and execution of the replacement bond by October 23, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

MANDATORY REFERRALS:

Proposal No. 96M-102U
Marriott Drive Acceptance of Property
Map 107, Parcel 9
Subarea 14 (1996)
District 15 (Dale)

A proposed ordinance authorizing the acceptance of property in conjunction with the construction of Marriott Drive at McGavock Pike.

Resolution 96-691

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 96M-102U.

Proposal No. 96M-103U
13th Avenue South Closure
Map 105-5 and Map 105-9
Subarea 10 (1994)
District 17 (Douglas)

A proposal to close 13th Avenue South between Wade Avenue and Wedgewood Avenue, requested by Samuel Hambrick, for adjacent property owners. (Easement are to be retained).

Resolution 96-692

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 96M-103U.

Proposal No. 96M-104U
Alley 383 Closure
Map 92-16
Subarea 10 (1994)
District 19 (Sloss)

A proposal to close Alley No. 383 between 18th Avenue South and its eastern terminus, requested by Joseph C. Street, for adjacent property owners. (Easements are to be retained).

Resolution 96-693

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 96M-104U.

Proposal No. 96M-105U

Alley 297 Closure
Map 94-1 and Map 94-5
Subarea 5 (1994)
District 6 (Beehan)

A mandatory referral from the Department of Public Works proposing to close Alley No. 297 between Lenore Street and Alley No. 298. (Easements are to be retained).

Resolution 96-694

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-105U.

Proposal No. 96M-106U

Sale of Surplus Property at 357 Queen Avenue
Map 71-8, Parcel 7
Subarea 5 (1994)
District 4 (Majors)

An ordinance authorizing the sale of surplus property located at 357 Queen Avenue.

Resolution 96-695

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-106U.

Proposal No. 96M-107U

Lease for Board of Education - 901 Meridian Street
Map 82-3, Parcel 416
Subarea 5 (1994)
District 5 (Harrison)

An ordinance approving a lease agreement between Metro, acting on behalf of the Board of Education, and the Center for Family Life/Education.

Resolution 96-696

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-107U.

Proposal No. 96M-108U

Sublease for Police Dept. - 1121 12th Avenue South
Map 105-1, Parcel 316
Subarea 10 (1994)
District 19 (Sloss)

An ordinance approving a sublease agreement by and between Metro, acting through the Police Department, and MDHA for office space at 1121 12th Avenue South.

Resolution 96-697

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-108U.

This concluded the items on the consent agenda.

APPEAL CASES:

Appeal Case No. 96B-174U
Map 155, Parcel 127
Subarea 6 (1996)
District 35 (Lineweaver)

A request for a conditional use permit under the provisions of Section 17.124.400 (Increases in maximum floor area ratio for places of worship) as required by Section 17.28.050 to construct a 36,912 square foot addition to the sanctuary of an existing church within the R40 District, on property abutting the south margin of Highway 100, approximately 600 feet west of Temple Road, requested by Mike Chappell, for Harpeth Hills Baptist Church, owner

Mr. Reid stated the applicant was seeking permission through the conditional use process to increase the permitted floor area ratio for the church from .15 to .38. Mr. Reid stated the site plan indicated that several variances would be required to setbacks along the front and the two sides of the property. Because of the size of the proposed building, and the parking it would require, the parking and driveway areas were invading both the front and the two side yards. Staff acknowledged that the area is now sparsely populated. However, staff pointed out that the increased setbacks were required in anticipation of residential development occurring adjacent to the church property.

Mr. Mike Chappell, representing Harpeth Hills Baptist Church, presented a site plan to the Commission, explained their plans, and stated he had met with their neighbor who was in favor of the proposal. He stated the church had plans to buy additional property. When this property is acquired, the variances no longer would be relevant.

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

Resolution No. 96-698

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation on Appeal Case No. 96B-174U:

Approval recommended to the Board of Zoning Appeals."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-077G
Map 51-10, Parcel 4
Subarea 4 (1993)
District 3 (Nollner)

A request to change from R20 District to OP District certain property abutting the northeast corner of Freda Villa and South Graycroft Avenue (.83 acre), requested by James C. Edwards, for Millard Mandel, owner. **(Deferred from meetings of 08/08/96 and 09/05/96).**

Mr. Reid stated staff was recommending disapproval of this proposal because this property falls within residential low density policy which does not support office zoning. Mr. Reid pointed out several locations

in the immediate vicinity where land use policy would support this kind of zoning, and where land is available for additional office development. Since expansion alternatives already are available in the area, Mr. Reid suggested it would be inconsistent with the subarea plan to invade the stable residential area with commercial zoning.

Mr. James Edwards stated the property Mr. Reid mentioned on South Graycroft that had already been zoned commercial was vacant and was not being used as residential. He stated he had spoken with the neighbors and presented a petition to the Commission with their signatures of approval.

Mr. Harbison stated Mr. Edwards' argument might support a policy change to OP for that entire block that fronts on South Graycroft, and the area may be right for reexamination of the larger area and not just one parcel.

Councilmember Nollner stated he had spoken to several people in the area and they had all expressed an interest in the OP zoning.

Chairman Smith reminded the Commission Subarea 4 had been updated in 1993 and would be looked at in 1998.

Mr. Manier agreed with Mr. Harbison that a significant contiguous area should be looked at. He felt the request was enough of a modification in the General Plan that in some format the General Plan would need to be reexamined. It would lead to chaos to rezone one property at time. This is not a minor infringement into a residential area.

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

Resolution No. 96-699

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-077G is **DISAPPROVED**:

This site is within Subarea 4 and is on the edge of a large established area of low density residential development. The subarea plan applies residential 'low' density policy to this area with the intent of preserving the existing character of this area. Opportunities for office uses, which are needed as support services for the nearby HCA Memorial Hospital, are allocated to the west side of South Graycroft."

Zone Change Proposal No. 96Z-085G

Map 143, Parcel 37

Subarea 6 (1996)

District 23 (Crafton)

A request to change from R15 District to RM8 District certain property abutting the north margin of the Memphis-Bristol Highway, approximately 2,400 feet east of Old Hickory Boulevard (1.78 acres), requested by Dianne Knowles and Randy Knowles, owners. **(Deferred from meeting of 09/05/96).**

Mr. Reid stated the area in question is shown as a natural conservation area due to the steep topography in the area. Within this policy the maximum overall density prescribed was five dwelling units per acre with the provision of up to fifteen units per acre clustered on the flatter pieces of land. The RM8 District would permit twenty-two dwelling units per acre which would exceed the density range of the policy in this area.

There is also an established zoning pattern in the area of R40 and R15, with residential PUD overlays used to cluster development within the flatter terrain, and to protect the steeper slopes from development.

Mr. Reid stated the residential PUD overlay is the best approach to allow the more intense development on the flatter pieces of land while still preserving the hillsides. There is also concern that if this piece of property is approved for RM8 then other requests for RM8 may come in for properties that are not in PUDs which would permit development on the hillsides.

Councilman Crafton stated this property has been volatile in the Bellevue area over the past several years. If the Commission requires the applicant, who has spent countless dollars trying to satisfy the community, to do a PUD it will double their engineering costs to begin with to do the same thing this RM8 zoning would do. The neighbors and the Bellevue Citizens for Planned Growth are all in favor of this proposal and respectfully requested the Commission to approve this proposal.

Mr. Browning reminded the Commission they had recently approved the Subarea 6 Plan and this was one of the areas brought out for further discussion. The point was made then that it was in a natural conservation policy. While some of the highway frontage is relatively level there is so much very hilly topography that the development potential had to be averaged over a large area. Staff's position is that it is very difficult to go to a high density residential zoning in that policy statement because, if it is done, it will be in such a spotty fashion it will raise the question of spot zoning in this area.

Mr. Harbison stated he did not see how the Commission could approve this proposal because of all areas in town that worry about precedent setting this is one of the areas where the people are the most sensitive to that. He expressed surprise the Bellevue Citizens for Planned Growth would agree to this proposal.

Mr. Roy Dale stated the petitioner was advised to request RM8 by staff. Mr. Fawcett clarified by saying the petitioner asked how he could achieve at least 15 units per acre on his property by using base zoning. He was advised that the RM8 district was his only alternative; however, staff would not support that request.

Mr. Harbison moved and Mr. Bodenhamer seconded the motion, which carried with Councilmember Clifton in opposition, to approve the following resolution:

Resolution No. 96-700

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-085G is **DISAPPROVED**:

This area is characterized by small pockets of flat land along the Memphis-Bristol Highway frontage, with steeply sloping hills behind. The Subarea Plan places this area (east of Old Hickory Boulevard, along both margins of Highway 70 South) in natural conservation policy due to the steep topography in this area. Within this area of NC policy, the Subarea Plan supports multi-family development at an overall density of 5 units per acre.

The zoning approach taken in this area has been to develop property in a comprehensive manner which protects the hillsides, but allows the clustering of higher densities on the hilltops and valleys. By leaving the hillsides in this area undisturbed, the Subarea 6 Plan anticipates an average density of 15 dwelling units per acre on the developable portions of land. The RM8 District will permit a density of 22 dwelling units per acre, higher than the average maximum densities anticipated by the Subarea Plan.

The best zoning pattern for the area is the Residential Planned Unit Development approach which will grant higher densities on flatter land while affording hillside protection."

Zone Change Proposal No. 96Z-086U

Map 81-7, Parcel 516

Subarea 8 (1994)

District 20 (Haddox)

A request to change from R6 District to CS District certain property abutting the west margin of Owen Street, approximately 160 feet north of Buchanan Street (0.17 acre), requested by Wade L. Phelps, owner. **(Deferred from meeting of 09/05/96).**

Proposal No. 96M-089U
Alley No. 493 Closure
Map 81-7
Subarea 8 (1994)
District 20 (Haddox)

A proposal to close Alley No. 493 between Owen Street and 11th Avenue North, requested by Wade L. Phelps, adjacent property owner. (Easements are to be abandoned). (Deferred from meeting of 09/05/96).

Mr. Reid stated Proposal 96Z-086U and Mandatory Referral 96M-089U should be considered together. He stated the applicant wished to deepen the commercially zoned land along a Buchanan Street, which would necessitate closing the alley between the frontage already zoned commercial and the property being considered for CS zoning.

Mr. Reid suggested the application should be disapproved. He pointed out that other commercial properties along Buchanan Street are no deeper than these properties and have been successfully developed. Mr. Reid stated that there are vacant, commercially zoned parcels along Buchanan, and the Commission should not expand the commercial zoning so long as sufficient commercial opportunity already exists in the neighborhood. Finally, Mr. Reid stated the deepening of the commercial zoning could have an adverse impact on the residential neighborhood to the rear, and therefore should not be done.

Mr. Owens stated the applicant was trying to pull three parcels together and eventually build a funeral home on the site.

Mr. Bodenhamer stated the Commission was continually getting requests to commercialize Buchanan Street and somewhere along the line the integrity of the neighborhood should be looked at and try to maintain it. There are already three funeral homes within six blocks and the zoning areas should be maintained.

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

Resolution No. 96-701

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-086U is **DISAPPROVED**:

The primary objective of the Subarea Plan in this area is to protect the residential neighborhood. The residential neighborhood behind the commercial area along Buchanan Street is mostly developed with single family homes. This vacant property has access to both Owen Street and 11th Avenue North, and is separated from the single family home to the north (parcel 515) by a small row of existing trees. The existing alley serves as a clear line of demarcation between residential and commercial zoning.

There is no compelling reason to risk adversely impacting the character of the residential area given the other commercial opportunities and the surrounding lot depths of existing businesses on this side of Buchanan street."

Mr. Reid stated staff was also recommending disapproval for the alley closure request.

Councilmember Clifton stated he would like an explanation on why the alley was no longer needed.

Mr. Owens stated it was no longer needed for moving vehicles. It was not essential but would be an distinguishable zoning boundary.

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

Resolution No. 96-702

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that it **DISAPPROVES** Proposal No. 96M-089U.

Zone Change Proposal No. 96Z-087U

Map 60-8, Parcel 13
Subarea 5 (1994)
District 4 (Majors)

A request to change from RS10 District to CS District certain property abutting the north margin of Hillhurst Drive, approximately 100 feet west of Dickerson Pike (1.07 acres), requested by Steve Lamberth, appellant/owner.

Mr. Reid stated staff was recommending disapproval of this proposal because it would extend commercial zoning deeper along a side street and deeper into a residential area. He stated the current zoning boundary relegates the commercial zoning to the Dickerson Pike frontage which is appropriate. There is a house across the side street from this property and this would adversely impact the residential neighborhood.

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

Resolution No. 96-703

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-087U is **DISAPPROVED**:

This property is at the boundary of the commercial policy along Dickerson Pike and the residential 'low medium' density policy behind. Extending commercial zoning into this established residential subdivision could adversely impact this residential area."

Zone Change Proposal No. 96Z-089U

Map 92-14, Parcels 52, 53 and 54
Map 104-2, Parcel 80
Subarea 10 (1994)
District 21 (McCallister)

A request to change from RM8 District to RM6 District certain property abutting the south margin of Parthenon Avenue, east of Avoca Drive (1.22 acres), requested by The Marchetti Company, appellant/owner.

Mr. Reid stated staff was recommending disapproval as contrary to the General Plan. When the Subarea 10 Plan was developed the Commission deliberately applied office concentration policy on the east side of 31st Avenue, residential medium-high on the west side of 31st Avenue to 440 Parkway, and residential high density policy between Acklen Park Drive, I-440 and Fairmont Drive. It was recognized that farther to the south, nearer to West End Avenue, there was more intensive office development and higher density residential development. However, to the north, including this property, the predominate development pattern was either single family residences or lower density multi family developments. For this reason the

general area encompassing this property was left in medium-high density policy. Since the RM6 zoning district would allow densities exceeding those recommended within medium-high policy, staff recommended disapproval as contrary to the general plan.

Chairman Smith stated there were spots of RM6 all over this area.

Mr. Reid stated those RM6 zonings were done before the subarea plan was updated. Mr. Browning stated all of those spots were in the two areas that the Commission placed into high density policy.

Mr. Michael Marchetti stated the area surrounding this was mostly residential high density. Every unit on this whole block is already a higher density than what is indicated for residential medium-high density. The two neighbors are also in favor of the zone change.

Mr. Marchetti stated no one he had talked to had opposed this proposal because even the single family homes in this area are rental property as well.

Mr. Owens stated the point staff was trying to emphasize here is there is no substitute for defining clear boundary policy. In everything else the zoning is driven by the policy. If the Commission remembers the confusion that existed down to the south around the Gresham-Smith Building, when the Subarea 10 Plan was adopted, the policy boundary was adjusted in that area because there was some heavy office and intensive apartments and a high density policy (over 20 units per acre) was applied. It was very specific that east of 31st Avenue towards the park would be high density residential and office with 31st as the boundary. It is essential to have a definite boundary.

Mr. Bodenhamer asked if this would require an amendment or a policy change on the subarea plan?

Mr. Manier stated if the Commission was going to maintain the General Plan integrity, approval of this request should require a general plan amendment because this is a significant change.

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

Resolution No. 96-704

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-089U is **DISAPPROVED** as contrary to the General Plan:

This property falls within residential ‘medium high’ (9 to 20 dwelling units per acre) density policy in the Subarea 10 Plan. The RM6 District, which will allow up to 36 dwelling units per acre, will not implement this policy.

The Subarea 10 Plan places the east side of 31st Avenue in office and ‘high density’ residential policy, and the west side is in residential ‘medium high’ density policy. When this Subarea Plan was adopted, the Planning Commission deliberately placed the boundary for residential ‘medium high’ density policy between Acklen Avenue to the south and 31st Avenue North to the northeast to protect the integrity of this policy area, which includes this property.”

Zone Change Proposal No. 96Z-092U

Map 50, Parcel 79

Subarea 2 (1995)

District 4 (Majors)

A request to change from OP and Commercial Planned Unit Development Districts to CG District certain property abutting the north margin of I-65, approximately 400 feet east of Dickerson Pike (18.2 acres), requested by Barge-Cauthen and Associates, for Dr. Bob Ripley, owner.

Proposal No. 141-69-G (Public Hearing)

Executive Park
Map 50, Part of Parcel 79
Subarea 2 (1995)
District 4 (Majors)

A request to cancel the approved Commercial (General) Planned Unit Development District (13.8 acres), approximately 400 feet east of Dickerson Pike, abutting the north margin of I-65, classified within the Commercial Planned Unit Development and proposed for CG District, requested by Barge-Cauthen and Associates, Inc., for Nashville Music City Land Fund, owner.

Mr. Reid stated the request was to cancel the commercial PUD and change the OP zoning to CG zoning. He stated staff recommended approval because this property falls within industrial policy.

Chairman Smith stated the Commission would also consider 141-69-G, Executive Park, along with Zone Change 96Z-092U.

No one was present to speak at the public hearing on the PUD cancellation.

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

Resolution 96-705

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-092U is **APPROVED**:

These properties area located within 'industrial policy' between Dickerson Pike and Interstate 65. The CG District will implement this policy."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 141-69-G is given **APPROVAL OF CANCELLATION**."

Zone Change Proposal No. 96Z-097G

Map 169, Part of Parcel 58
Subarea 6 (1996)
District 35 (Lineweaver)

A request to change from AR2a District and R40 District to RS20 District certain property abutting the south margin of Highway 100, opposite Westhaven Drive, (18.57 acres), requested by Wamble and Associates, for Major family, owner.

Proposal No. 96P-016G

Major Property
Map 169, Part of Parcel 58
Subarea 6 (1996)
District 35 (Lineweaver)

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the south margin of Highway 100, opposite Westhaven Drive (18.57 acres), classified R40 and AR2a and proposed for RS20, to permit the development of 37 single-family lots, requested by Wamble and Associates, for Joel Wilson, owner.

Mr. Reid stated eighty percent of this site is constrained by slopes greater than fifteen percent. The policy in this general area is natural conservation and the zoning pattern in the area is predominantly AR2a and R40. There is some RS30 zoning east of Pascall Road, with a residential PUD which is on much flatter land. R40 would be a better zoning choice because R20 could allow densities high enough to do damage to the hillsides without the provision of a PUD. Staff is recommending disapproval of the base zone change.

Ms. Nielson asked why Councilmember Lineweaver mentioned RS30?

Mr. Delaney stated that was what the applicant came in and suggested as a possibility of a rezoning.

Chairman Smith stated that had not been proposed by the applicant.

Mr. Owens stated that was just brought out earlier in the day as a proposed compromise. Staff's position is that R40 is the preferred zoning of the property.

Mr. Delaney stated the proposed PUD plan also includes a narrow commercial strip. Staff had ask this narrow commercial strip, which is only approximately 75 feet in width, be brought into the PUD as part of the overall PUD plan. The applicant is not agreed to do that. The commercial strip remains the major issue because with the shallow depth of this commercial the lots, as shown currently only have a depth of approximately 90 to 100 feet. This is a bad interface with the existing commercial base zone and the lots to be developed within the PUD.

In addition, because of the slopes in this area, staff would recommend that these lots have a greater depth by bringing the commercial strip into the PUD and provide a better building envelope for the sites. Also, to go along with the R40 that is being suggested by staff as the appropriate zoning for this area, the lots as shown average approximately 6,400 square feet down to 5,200 square feet and would not be acceptable under the R40 base zone. The lots would have to be a minimum of 10,000 square feet. Therefore, staff is also recommending disapproval of the PUD proposal.

Mr. Danny Wamble stated that staff recommended, because of the steep topography, a density no greater than two units per acre be applied. The original submittal had ten lots more on the plan and all agencies are recommending approval on the PUD report. The issue is what zone district to use to develop this property. R20 was proposed to keep the lots down in the more developable and flatter portions of the property by being able to have 5,000 and 6,000 square foot lots. The R40 zone would require a minimum lot size of 10,618 square feet and this would push the lots up into the steeper slopes. The other issue is the commercial property in the front of the site. It is already zoned CS, mapped and available for the owner to use.

Mr. Owens stated policy drives staff to put appropriate zoning on the property and then the zoning tells what the size of lots should be. This area is most appropriate for low density R40 zoning given the topography. Once the zoning is established the PUD provisions will tell the minimum size of lots. In an R40 PUD it should be a 10,000 square foot not the 5,000 square foot lots backing up to this commercial area. The CS strip should be brought into the PUD to deepen the lots.

Chairman Smith asked if Mr. Wamble could get more lots out of the PUD as a trade off for the CS?

Mr. Owens stated he had pretty much put lots about every feasible place.

Mr. Harbison asked if R40 was put in place, would there be room for some variation from the minimum lot size?

Mr. Owens stated that in a PUD, the zoning ordinance does set a minimum size for the lots based on the zoning district.

Mr. Owens stated the narrow strip of CS zoning needed to be dealt with first because that would drive what should be done towards R30 versus R40.

Ms. Nielson stated as for both proposals, as presented today, the Commission could not approve.

Mr. Owens stated staff was recommending disapproval of the zone change because staff feels RS40/R40 is more appropriate from a zoning standpoint; and are recommending disapproval of the PUD because of the design characteristics because the lots are too small for a R40 PUD and because the lots being created backing up to the CS strip are very poor building sites.

Mr. Harbison asked if the applicant wanted a deferral?

Mr. Wamble stated he would have Mr. Welton, the owner, address that.

Mr. Welton asked for a two week deferral.

The Commission agreed to defer this matter for two weeks.

Zone Change Proposal No. 96Z-100U
Map 96-1, Parcel 18
Subarea 14 (1996)
District 14 (Stanley)

A request to change from R10 District to OP District certain property abutting the south margin of Benson Road, approximately 300 feet north of Old Lebanon Pike (.53 acres), requested by John Harwell, appellant/owner.

Mr. Reid stated staff suggested disapproval because the current commercial boundary is a good one. Introducing commercial traffic on this residential road and also introducing commercial development would adversely impact the properties on the residential street. Based on that, staff recommended disapproval.

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

Resolution No. 96-706

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-100U is **DISAPPROVED**:

This property falls at the boundary of ‘residential low medium’ density policy and ‘retail community concentration’ policy in the Subarea 14 Plan. The site is at the edge of a residential area intended to be conserved. This site is oriented towards the residential properties on the north side of Benson Road. Commercial zoning at this location could adversely impact the residential properties along Benson Road.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 62-87-P
Summit Oaks, Phase 1 (Still Springs Hollow)
Map 128, Part of Parcel 76
Subarea 6 (1996)
District 23 (Crafton)

A request to revise the preliminary plan and for final approval for a phase of the Residential Planned Unit Development District abutting the west margin of Old Hickory Boulevard, approximately 3,500 feet north of Highway 70S, classified R20, to permit the construction of 800 linear feet of Summit Oaks Drive, requested by Barge, Waggoner, Sumner and Cannon, for U. S. Equities, for Greater Middle Tennessee Development Partnership, owner.

Mr. Delaney stated the applicant was requesting to construct 800 linear feet of the entrance road off of Old Hickory Boulevard and is not requesting any lots at this time. Due to the topography the applicant has requested a number of variances to the Subdivision Regulations regarding the street grade and horizontal curb. Both Public Works and planning staff are in agreement that these variances are justified and are recommending conditional approval as a revision to the preliminary plans and a conditional final approval of a phase with variances to the Subdivision Regulations regarding the horizontal curve and maximum road grades.

Chairman Smith asked why a preliminary was not asked for on the entire piece of property?

Mr. Delaney stated staff had a preliminary plan for the entire development. However, the developer was attempting to secure needed street variances at this stage, in order to know how to design the remainder of the project.

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

Resolution No. 96-707

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 62-87-P is given **CONDITIONAL APPROVAL AS A REVISION TO THE PRELIMINARY PLAN AND CONDITIONAL FINAL APPROVAL FOR A PHASE WITH VARIANCES TO THE SUBDIVISION REGULATIONS REGARDING HORIZONTAL CURVE AND MAXIMUM ROAD GRADES.** 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. Final acceptance of this road by Metro will not occur until such time as lots within this development have been platted.
3. Future roads in this development will meet all the design standards of the Subdivision Regulations and rights-of-way will have typical cross-sections.
4. Applicant will provide revised plans showing a sidewalk in this phase to connect to Old Hickory Boulevard.”

Proposal No. 96P-015G
Forest Hills
Map 161, Parcel 2
Subarea 12 (1991)
District 32 (Jenkins)

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the south margin of Oakley Drive, opposite West Fork Court (45.17 acres), classified R15, to permit the development of 142 single- family lots, requested by Gresham-Smith and Partners, for Zaring Homes, Inc., owner.

Mr. Delaney stated this site was located between apartment units on Edmondson Pike with densities approaching 6 units per acre. The Crieve Hall subdivision is to the west with densities of 1 to 1 1/2 units per acre. The original submission for this site gained all access from the west through Oakley Drive., and did not provide any access to the east from Edmondson Pike. The density proposed for this development is 3.14 dwelling units per acre, which is a good transition between the apartment complexes to the east and the lower density Crieve Hall subdivision.

Staff recommended the extension of Oakley Drive from the east so the development would have access not only through the lower density Crieve Hall subdivision but also from Edmonson Pike to the east. The applicant complied with that request and extended Oakley Drive to a point to access this site. The applicant also kept the connection opposite Cochran Drive to the west. The applicant has left approximately 190 feet of Oakley Drive unbuilt.

Staff reminded the Commission that a previous Council action precluded extending Oakley Drive from Trousdale to Edmonson Pike until the entire distance of Oakley could be widened to collector standards. This improvement has not yet occurred. The concept now being proposed would construct enough of Oakley Drive to allow access either to the east or west, but would not allow direct movement along Oakley. It would require use of the proposed subdivision's street network to bypass that part of Oakley left unimproved.

Mr. Delaney stated staff was in agreement with this concept, but anticipated that some of the nearby neighbors might object to the prospect of Oakley Drive being further improved. However, Mr. Delaney stated staff had other problems with the subdivision. The street network was designed with cul-de-sacs which exceeded the maximum length allowed. He stated this problem could be resolved with redesign of the lots and street network. Staff also pointed out that a street connection to the adjacent subdivision in the southwest corner was not shown for improvement. Staff recommended that connection of the two subdivisions should be required.

Ms. Susan Evans, an area resident, expressed her concerns regarding traffic.

Mr. Davis Lambe, with Zaring Homes, stated the attractiveness of this area was the desirability of the Crieve Hall area. For this reason, this development was proposed to connect with that subdivision to the west. During the development of plans, it became apparent that Oakley Drive should be extended through their property as part of this subdivision. The revised plan presented back to staff showed 142 lots, an increase of six lots to offset the cost of building that road.

Zaring Homes believes the Crieve Hall subdivision is one of the strongest subdivisions in Nashville and without access to the existing Crieve Hall subdivision, the site would be better served for a multi-family density of up to 225 units. Zaring Homes is very open to working with the neighbors. He stated Zaring is willing to go back and look at adjusting the density down somewhat if the Oakley Drive extension to Edmondson Pike does not have to be built.

Mr. Allen Thungate, an area resident, spoke in opposition to the proposal and expressed his concerns regarding traffic.

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

Resolution No. 96-708

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-015G is given **DISAPPROVAL:**

The Commission determined that the proposal street design did not adhere to Section 2-6.2.1G of the Subdivision Regulations.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 96S-323U

Kenmore Place, Resubdivision of Lots 64-66

Map 72-7, Parcels 142-144

Subarea 5 (1994)

District 8 (Hart)

A request to subdivide three lots into four lots abutting the south margin of Kenmore Place, approximately 300 feet west of Oxford Street (1.77 acres), classified within the R8 District, requested by C. J. McKenney, owner/developer.

Mr. Henry stated the subdivision is consistent with the Subdivision Regulations and the General Plan and staff recommends approval.

Ms. Sandra Bradberry, an area resident, spoke in opposition to the proposal and expressed concerns because of congestion, crime and traffic.

Mr. C. J. McKenney, applicant, stated the owner's son is living in the house that is already there and the property lines are approximately five feet from the house and the owner wants to move it away from the house and build on two lots but decided to create three lots to build single family homes on.

Mr. Henry stated he had also received a call from Mr. Harold Lockhardt, who lives two doors down from this property, and is in support of this subdivision.

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

Resolution No. 96-709

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 96S-323U, a request to subdivide three lots into four lots, located abutting the south margin of Kenmore Place, is granted **APPROVAL.**”

Subdivision No. 96S-325U

Knowles and Miller Subdivision, Resubdivision of Lot 1

Map 84, Parcels 8.1 and 23

Map 84-9, Parcels 4 and 5

Subarea 5 (1994)

District 7 (Campbell)

A request for preliminary approval for 27 lots abutting the north terminus of Beth Drive, approximately 180 feet east of Eastland Avenue (17.48 acres), classified within the R10 District, requested by Emogene Knowles, owner, Statewide Homes Inc., developer, Turner Engineering Company, Inc., surveyor.

Mr. Henry stated this was part of the property purchased as part of the Shelby Bottoms 800 acre purchase. The plan of subdivision was considered by the Commission in 1993 and is substantially the same as considered at that time. The preliminary approval time frame lapsed and the application was refiled. The staff report indicated staff was recommending approval subject to approval from the Department of Public

Works. Public Works is recommending disapproval because of the extent of cutting and filling of the property.

The 100 year flood plain generally runs through an area of the site by the Cumberland River and a cut and fill plan has not been done, which is satisfactory to Public Works, as they consider it against the stormwater management ordinance. At this point staff is recommending disapproval; however, the applicant is requesting a deferral for two more weeks. This will also involve a variance to the maximum length of a dead end street.

Mr. James Burris, State Wide Home Services, stated there were calculations made back in the 1993 period of time for the cut and fill requirement to comply at that time. Evidently because of the purchase of Metro's property around it there is some concern the cut and fill calculations should raise those levels higher. He stated he had a meeting with Public Works and Metro Parks Monday regarding the effect of the drainage plan and requested a vote rather than an extension by the Commission.

Chairman Smith stated that without having the proper engineering in place at the time it is not likely to pass.

Mr. Burris stated his concern was that proper engineering was in place during the 1993 approval and the proposal complied with those conditions at that time. Evidently those same conditions are no longer in place.

Chairman Smith stated that was a Public Works determination from FEMA.

Mr. Burris stated based upon that he would request a deferral.

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

Final Plats:

Subdivision No. 96S-292U
Mason Place
Map 162-1, Parcel 20
Subarea 12 (1991)
District 30 (Hollis)

A request to subdivide one parcel into two lots abutting the south margin of Tusculum Road, approximately 1,188 feet east of Raywood Lane (2.36 acres), classified within the R10 District, requested by Candace Revelette, owner/developer, Wamble and Associates, surveyor. **(Deferred from meeting of 09/05/96).**

Mr. Henry stated this was one large parcel with a house on it and the request is to create a property line and another building site. The problem is a that this would create a slight violation of the 4 to 1 provision as well as it would leave a very large tract that the applicant intends to subdivide in the future. Staff asked for a future plan of subdivision and they are showing that. In the long term, they intend to come back and subdivide another lot as well. There is a stream running through the property and part of the property is very steep and unbuildable. Given the topography, stream, the fact the surrounding area is already built out and there is no other means of getting roadway networks into the rear portion, and the fact that it is not suitable for building, staff is recommending approval with a variance to the 4 to 1 provision and the 3 times provision.

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

Resolution No. 96-710

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-292U, is granted **CONDITIONAL APPROVAL based on a future plan of subdivision with a variance to the maximum lot size provision (Subdivision Regulation 2-4.2.D) and a variance to the maximum depth-to-width ratio (Subdivision Regulation 2-4.2.E) due to terrain which is otherwise unsuitable for development.”**

Subdivision No. 96S-326A

Joywood Heights, Section 1, Lot 160

Map 71-8, Parcel 125

Subarea 5 (1994)

District 4 (Majors)

A request to amend the front setback line from 35 feet to 25 feet on a lot abutting the east margin of Jones Circle, opposite Queen Street (.26 acres), classified within the R10 District, requested by James Edward McKnight, owner/developer.

Mr. Henry stated the applicant wanted to build two decks on both sides of their existing stoop on the front portion of the property. This case went to the BZA seeking a variance in the minimum zoning front yard setback, which was determined by Codes Administration to be 40 feet, consistent with the average setbacks of existing homes. The BZA, after conducting a public hearing, agreed to grant a variance of 13 feet reducing the setback down to 27 feet. The applicant has amended their application to request a reduction from 35 feet platted to 27 feet which is consistent with the action by the BZA and staff is recommending approval.

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

Resolution No. 96-711

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-326A, is granted **APPROVAL.**”

Subdivision No. 96S-329G

Wexford Downs, Section 1

Map 172, Part of Parcel 74

Subarea 12 (1991)

District 31 (Alexander)

A request to create 53 lots abutting the northeast corner of Holt Road and Edmondson Pike (22.31 acres), classified within the R20 Residential Planned Unit Development District, requested by Wexford Downs, LLC, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Mr. Henry stated the staff was recommending disapproval because the development is being phased in a manner inconsistent with needed street improvements. He stated the first phase of development is not proposing to install turn lane improvements in Edmonson Pike. Rather the first phase is proposing access only to Holt Road to the south. Staff believes the need is to gain access to Edmonson Pike and to make intersection improvements at this location in the first phase.

Mr. Browning stated it was more accurate to say there was concern regarding a first phase that did not incorporate the intersection with Edmondson Pike as the primary entrance. In talking with the engineer for the developer, they pointed out that the primary motive for beginning development at the south was the availability of utility service at the south end. The developer has committed to including the Edmonson Pike intersection in the second phase of development, and has indicated that would occur within nine to twelve months.

Ms. Jernigan moved and Mr. Harbison seconded the motion, which carried, with Mr. Bodenhamer in opposition, to approve the following resolution:

Resolution No. 96-712

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-329G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$1,088,500.00. Section 2 shall include roadway improvements at the Edmondson Pike and Old Smyrna Road intersection, as required on the Final PUD plans.”**

Request for Bond Extension:

Subdivision No. 206-83-G
Chelsea Village Addition, Section Two
Jerry Butler, principal

Located at the northwest terminus of Grovesnor Road, approximately 252 feet northwest of Dover Glen Drive.

Mr. Henry stated this development was a 100% built out and final pavement is complete. The developer is asking for an extension to give time to do some minor punch list items dealing with drainage, street signs and monument installation. Public Works is recommending 60 days is sufficient time to finish up and staff is recommending disapproval of the request for extension and authorization to collect if this work is not complete by November 15, 1996.

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

Resolution No. 96-713

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby DISAPPROVES the request for an extension of the performance bond in the amount of \$25,000 for Subdivision No. 206-83-G, Bond No. 93BD-060, Chelsea Village Addition, Section Two and authorizes collection if all work is not done by November 15, 1996. "

Subdivision No. 78-87-P
Fredericksburg, Section Four
Radnor Homes, Inc., principal

Located abutting the south margin of Fredericksburg Way and both margins of Potomac Lane.

Mr. Henry stated this was a similar situation to 206-83-G and staff is recommending disapproval with authorization to collect after November 15, 1996.

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

Resolution No. 96-714

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 78-87-P, Bond No. 94BD-042, Fredericksburg, Section Four in the amount of \$15,000.00 until December 15, 1996, as requested, subject to submittal of a letter from the Frontier Insurance Company by October 23, 1996, agreeing to the extension. Failure of

principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 84-87-P

The Crossings at Hickory Hollow, Section Two
American General Realty Investment, principal

Located abutting the northeast margin of Crossings Boulevard, approximately 1,277 feet northeast of Old Franklin Road.

Subdivision No. 84-87-P

The Crossings at Hickory Hollow, Section One
American General Realty Investment, principal

Located abutting the northeast margin of I-24 South, 0 feet northeast of Old Franklin Pike.

Subdivision No. 84-87-P

The Crossings at Hickory Hollow (U.S. Post Office)
Hickory Downs Developers, Inc., principal

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

Mr. Henry stated this recommendation includes Section Two, Section One and the U. S. Post Office section. Staff is not recommending approval of the extension because the binder course for this development, which goes down before the final paving, has been down for nearly six years now. Section One involves about 600 feet of pavement that is left for final pavement. Section Two totals more than 4,000 feet of pavement left for final pavement and the U. S. Post Office facility is obligated for about 400 feet of final pavement. This development has not reached 75% buildout. However, because the binder has been down for so long, Public Works feels that paving this season will protect the integrity of the roadway and be in the best interest of the Metro Government and the citizens who travel this road. Staff's recommendation is to disapprove the request for extension and authorize collection if the final pavement is not complete by December 1, 1996.

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

Resolution No. 96-715

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby DISAPPROVES the request for an extension of the performance bond in the amount of \$144,164 for Subdivision No. 84-87-P, Bond No. 90BD-008, The Crossings at Hickory Hollow, Section Two and authorizes collection if all work is not done by December 1, 1996. "

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that it hereby DISAPPROVES the request for an extension of the performance bond in the amount of \$84,760 for Subdivision No. 84-87-P, Bond No. 90BD-007, The Crossings at Hickory Hollow, Section One and authorizes collection if all work is not done by December 1, 1996. "

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that it hereby DISAPPROVES the request for an extension of the performance bond in the amount of \$20,000 for Subdivision No. 84-87-P, Bond No. 95BD-073, The Crossings at Hickory Hollow (U. S. Post Office) and authorizes collection if all work is not done by December 1, 1996. "

Subdivision No. 89P-022U

Melrose Shopping Center

Land Trust Corporation, principal

Located abutting the west margin of Franklin Pike, between Gale Lane and Kirkwood Avenue.

Mr. Henry stated the last time the Commission extended this bond it was extended for the developer to replace dead landscaping and to install a sidewalk along the entrance drive from Kirkwood leading up to the Kroger site. They revised their preliminary plans to show the sidewalk but have not constructed it nor have they installed the replacement landscaping. The landscaping needs to be done this season and preferably by November 1, 1996. Staff recommends disapproval of extension of the bond and authorization for collection if this minor work is not completed by November 1, 1996.

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

Resolution No. 96-716

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby DISAPPROVES the request for an extension of the performance bond for Subdivision No. 89P-022U, Bond No. 93BD-056, Melrose Shopping Center in the amount of \$24,360 and authorization to proceed with collection of the security if all sidewalk installation and dead landscaping replacement is not complete by 11/01/96."

Request for Bond Release:

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

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

Mr. Henry stated Ransom Village, as developed by Ransom Village, Inc., has performed according to their agreement. The performance agreement involves installation of public utilities, drainage, roadways, monuments and street signs. Public Works and other departments says this developer has done all they need to do in order to have their bond released. There is a request to speak on behalf of the homeowners association who presented a letter to staff indicating their dissatisfaction with items that are not necessarily covered by this bond. The dissatisfaction is with the height of the poured concrete curbing and this is part of the Metro street construction standards that were adopted in 1991.

Mr. Richard Bowers, president of the Ransom Village Homeowners Association, stated cars could not clear the driveways without hitting the curbs. He presented pictures of the curbs and stated many residents suffered major damage to their cars entering and exiting their driveways.

Chairman Smith asked if the curbs had been built to design standards.

Mr. Henry stated Public Works had certified the curbs were built to design standards and in fact there was a reduction in the maximum height granted for this subdivision. The standard is 5 1/2 inches high and in this subdivision it ranges from 4 3/4 to 5 1/4.

Mr. Bowers stated the height was over 7 inches in some places.

Chairman Smith asked where those standards come from?

Mr. Henry stated they came from the Department of Public Works.

Chairman Smith asked where Public Works got their information?

Mr. Jim Armstrong, Department of Public Works, stated those regulations were developed by a consulting firm under contract with Regan-Smith.

Chairman Smith asked if the regulations worked?

Mr. Armstrong stated they did work but they had had some complaints regarding curb heights.

Mr. Mark Macey, Department of Public Works, stated there had been quite a few complaints on this type of curb. There has been approximately 1,000 homes built with this similar curb in the front. A few years ago the developers were looking for a way to build their streets, curbs and gutters in a more efficient and less costly manner. This particular curb was a compromise between the standard curb design and what the developer would like to install. Unfortunately, it has not worked too well. Public Works is in the process of returning to the standard curb, gutter and driveway ramp. Public Works expects opposition from the developers, but besides the problem Mr. Bowers talked about, there is also a problem with driveway grades because of the steepness of slopes in some of the new subdivisions.

Chairman Smith asked Mr. Mike Anderson if he was familiar with this type of problem.

Mr. Anderson stated they were familiar with the problem. Mr. Harold Delk was contacted several weeks ago and discussed this matter with Mr. Tom Palko of Public Works. There was a long process when the change was made from the extruded curb to the roll curb and gutter. The development community did resist the change.

Mr. Bowers presented pictures to the Commission of gutters that will not drain and have plant material growing in them. The Public Works engineering department says it is the developers responsibility to fix them and the developer is saying it is Public Works responsibility to fix the drains and sidewalks. Sod was dug up to put in the sidewalks and was not replaced. These were sidewalks that residents were not told they would have to begin with.

Chairman Smith stated the homeowners association should meet with Public Works on site and defer this matter for two weeks.

Mr. Anderson stated this had been approved by Public Works and meets all the standards and criteria. A deferral will not accomplish anything because the developer has done everything Public Works has said to do.

Mr. Stephen Smith stated the Commission needed to be careful and not get into negotiations between homeowners associations and the developers. If they have done what Public Works has told them to do then the Commission should not question Public Works.

Mr. Jernigan stated the bond did not have anything to do with the sidewalks.

Mr. Henry stated it did. The bond covers the proper installation of the sidewalks to Metro specifications within the public right-of-way..

Ms. Jernigan stated that in that case the work should be verified.

Mr. Manier said that since this had been questioned, it should be looked at again with Public Works and staff.

Mr. Bodenhamer stated the Commission takes Public Works' word on other things and they say the bond should be released.

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

Resolution No. 96-717

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby DEFERRED the request for release of a performance bond for Subdivision No. 83-85-P, Bond No. 94BD-073, Ransom Village in the amount of \$55,400, to the meeting of October 3, 1996."

Chairman Smith and Mr. Stephen Smith left at this point in the agenda at 4:30 p.m.

OTHER BUSINESS:

1. Visioning - Congested Intersections.

This presentation was deferred until 11:30 a.m. on October 3, 1996, to be presented at the Planning Commission conference room.

2. Economic Development Functional Plan Overview. (Deferred from meeting of 09/05/96).

This item was deferred until the October 3, 1996 meeting.

3. Selection of Commission Member to serve on a Traffic and Pedestrian Safety Task Force. (Deferred from meeting of 09/05/96).

Mr. Harbison accepted the position to serve on the Traffic and Pedestrian Safety Task Force.

4. Set the meeting date for a public hearing on the updated draft plan for Subarea 13.

The Commission unanimously agreed to set the Subarea 13 public hearing date for October 17, 1996.

5. Endorsement of the Final Report on the Regional Incident Management Plan.

Mr. Bodenhamer moved and Ms. Jernigan seconded the motion, which carried unanimously, to approve the Regional Incident Management Plan.

6. Decide the level of citizen participation to be used in updating the Subarea 12 Plan.

Mr. Edsel Charles asked the Commission to consider the Level 3 citizen participation for the Subarea 12 Plan because of the Mill Creek sewer extension, new development and population growth.

Debbie Frank stated in terms of the Mill Creek area it is a timing situation and staff will, during the update, be looking for possible steps to take into consideration as to how to monitor the growth in that area. Level 3 participation would be truly a fundamental change in the plan and as of now the plan is still sound and working and there is no need to change the entire plan for the subarea.

Mr. Harbison moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to approve Level 2 citizen participation for the Subarea 12 Plan.

7. Set the meeting date for a public hearing on an amendment to the Major Street Plan for Nashville-Davidson County consistent with the recommendations of the Jefferson Street and Southeast Arterial Corridor Studies.

Mr. Browning stated there are two studies that have been completed that staff believes could lead to amendments to the Major Street Plan. One is the Jefferson Street Corridor Study and the other is the Southeast Arterial Corridor Study which is nearing completion. Staff would like to suggest October 31, 1996 for the public hearing.

The Commission, by consensus, set the public hearing for an amendment to the Major Street Plan for Nashville-Davidson County consistent with the recommendations of the Jefferson Street and Southeast Arterial Corridor Studies for October 31, 1996.

8. Legislative Update

Mr. Reid presented a report on actions of the Council at its meeting on September 17, 1996.

PLATS PROCESSED ADMINISTRATIVELY:

September 5 through September 18, 1996

- | | |
|----------|---|
| 96S-115U | Townhomes of Fredericksburg, 1st Revision
Creates additional limited private elements adjacent to each unit with a horizontal property regime. |
| 96S-268U | Forest Park, 1st Revision
Revises ownership certificate on a recorded residential subdivision |
| 96S-318U | Jewel Estates, Lot 5, Condominium Plat
Creates a two unit condominium |
| 96S-319G | Douglas B. Kays
Subdivides one commercial lot into two lots |

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 3rd day of October, 1996