

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: June 12, 1997
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith, Chairman
Arnett Bodenhamer
Councilmember Stewart Clifton
William Harbison
William Manier
Ann Nielson
Stephen Smith
Marilyn Warren

Absent:

Mayor Philip Bredesen
James Lawson

Others Present:

Executive Office:

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

Current Planning and Design Division:

Ed Owens, Planning Division Manager
Shawn Henry, Planner III
John Reid, Planner II
Jeff Stuncard, Planner I
Jimmy Alexander, Planning Technician II

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Advance Planning & Research Division:

Jackie Blue, Planner I

Others Present:

Rachel Allen, Legal Department
Jim Armstrong, Public Works Department

Chairman Smith called the meeting to order and welcomed new Commission member Marilyn Warren.

ADOPTION OF AGENDA

Mr. Owens announced a caption amendment for Proposal 6-87-P, Stammer Place, from 162 rooming units to 108 rooming units.

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

ANNOUNCEMENT OF DEFERRED ITEMS

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

97Z-052U Deferred two weeks, by applicant.
31-86-P Deferred two weeks, by applicant.
45-86-P Deferred two weeks, by applicant.
96P-007G Deferred two weeks, by applicant. Mr. Owens stated this was a revision to preliminary and final residential application and the applicant requested a two week deferral in order to purchase sewer capacity.

The applicant was present and stated he had purchased the sewer capacity and had the letter with him.

Mr. Owens stated he was sorry but that he had a letter in requesting deferral and that he had missed the deadline and it would be up to the Commission to whether they would want to keep this item on the agenda.

Chairman Smith asked Mr. Owens if his staff was prepared to discuss this proposal.

Mr. Owens stated he was.

Chairman Smith suggested leaving it on the agenda.

Mr. Owens continued with the deferred items listed below:

97P-004G Deferred two weeks, by applicant, final plat only.
97P-014U Deferred two weeks, by applicant.
97P-024G Deferred two weeks, by applicant.
97S-193U Deferred two weeks, by applicant.
97S-204U Deferred indefinitely, by applicant.
97S-206G Deferred two weeks, by applicant.
97S-208G Deferred two weeks, by applicant.

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

APPROVAL OF MINUTES

Mr. Bodenhamer moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of May 29, 1997.

RECOGNITION OF COUNCILMEMBERS

All Councilmember present preferred to wait until the item they were there to speak about came up on the agenda.

ADOPTION OF CONSENT AGENDA

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

APPEAL CASES:

Appeal Case No. 97B-108U
Map 31, Parcel 71
Subarea 3 (1992)
District 1 (Patton)

A request for a conditional use permit under the provisions of Section 17.116.010 (Floodplain) as required by Section 17.124.030 to construct a 1,960 square foot home in the floodplain within the AR2a District, on property located on the east margin of Lickton Pike, south of Ingram Road (5.27 acres), requested by Richard Fry, appellant/owner.

Resolution No. 97-449

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 97B-108U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 97B-109U
Map 93-16, Parcels 19-24
Subarea 11 (1993)
District 19 (Sloss)

A request for a conditional use permit under the provisions of Section 17.124.120 (Community Assembly) as required by Section 17.124.030 to expand an existing public library homework center on property abutting the southeast margin of Charles Davis Boulevard and Fain Street (.70 acres), requested by MDHA, appellant/owner.

Resolution No. 97-450

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 97B-109U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 97Z-057U

Map 82-7, Parcel 260
Subarea 5 (1994)
District 5 (Harrison)

A request to change from CSL District to MUL District certain property abutting the southeast margin of Meridian Street and Berry Street (0.61 acres), requested by Larry Baber, appellant, for Kawthur Bahhur and Fadahel Elkifi, owners.

Resolution No. 97-451

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-057U is **APPROVED (8-0):**

This property falls within mixed use policy (calling for a mixture of residential and non-residential uses at compatible scales) in the Subarea 5 Plan. The mixed use policy in this vicinity calls for mixed use development at moderate intensities, which the MUL District will implement."

Zone Change Proposal No. 97Z-058G

Map 162, Parcel 97
Subarea 12 (1997)
District 31 (Alexander)

A request to change from AR2a District to RS10 District certain property abutting the east margin of Old Hickory Boulevard, approximately 2,000 feet south of Bell Road (3.4 acres), requested by Pamela Braden, appellant, for Leana Braden, owner.

Resolution No. 97-452

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-058G **APPROVED (8-0):**

This property falls within an area designated as Residential "Low Medium" density policy (calling for densities up to 4 dwelling units per acre) in the Subarea 12 Plan. The RS10 district will implement this policy, and is consistent with the R10 zoning pattern emerging to the west."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 103-79-G

Riverfront Shopping Center (Vanguard Self-Storage)
Map 53, Part of Parcel 29
Subarea 14 (1996)
District 11 (Wooden)

A request to revise a portion of the approved preliminary site development plan and for final approval for a portion of the Commercial (General) Planned Unit Development District abutting the southwest margin of State Route 45, opposite Martingale Drive (7.5 acres), to permit the development of a 38,900 square foot self-storage facility, requested by Waste Water Engineers, Inc., (preliminary) and Tribble and Richardson, Inc., (final), for Riverfront Limited Partnership and Charles Byrd, owners. (Also requesting final plat approval). (Deferred from meeting of 5/29/97).

Resolution No. 97-453

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 103-79-G is given **APPROVAL OF REVISION TO PRELIMINARY AND CONDITIONAL APPROVAL OF FINAL FOR A PORTION; FINAL PLAT APPROVAL (8-0)**. The following conditions apply:

1. Written confirmation of preliminary and final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of the final subdivision plat.”

Proposal No. 28-81-G
Hickory Hills Village Park, Lot 5
Map 142, Part of Parcel 345
Subarea 6 (1996)
District 23 (Crafton)

A request to revise the preliminary site development plan for Lot 5 of the Commercial (General) Planned Unit Development District abutting the west margin of Old Hickory Boulevard, approximately 1,260 feet north of Highway 70S (1.65 acres), classified R15, to permit the development of a 4,405 square foot oil change and service facility and a 3,150 square foot convenience market with an 800 square foot car wash, requested by Barge, Waggoner, Sumner and Cannon, for Dalton Development Company, owner. (Also requesting final plat approval).

Resolution No. 97-454

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-81-G is given **CONDITIONAL APPROVAL OF REVISION TO PRELIMINARY, FINAL PLAT APPROVAL (8-0)**. The following conditions applies:

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

Proposal No. 91P-008G
Oakmont Subdivision, Phases 3 and 4
Map 172, Parcel 209
Subarea 12 (1997)
District 32 (Jenkins)

A request to revise the approved final site development plan for Phase 3 and final approval for Phase 4 of the Residential Planned Unit Development District abutting the south margin of Cloverland Drive, approximately 380 feet west of Edmonson Pike (5.69 acres), classified RS30, to permit the development of 18 single-family lots, requested by Wamble and Associates, for Tiara Development, owner.

Resolution No. 97-455

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 91P-008G is given **CONDITIONAL FINAL APPROVAL FOR PHASE 4 AND REVISION TO FINAL FOR PHASE 3 (8-0)**. 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. Prior to construction, the recording of a final subdivision plat and the posting of any required bonds.”

Proposal No. 97P-004G

Kroger Retail Center
Map 135, Parcel 249
Subarea 13 (1997)
District 27 (Sontany)

A request for final approval for the Commercial (General) Planned Unit Development District located at the north quadrant of Murfreesboro Pike and Nashboro Boulevard (13.22 acres), classified R10, to permit the development of a 61,224 square foot grocery store and 25,684 square feet of other retail uses, requested by Littlejohn Engineering Associates, Inc., for Midland Acquisitions, Inc., owner.

Resolution No. 97-456

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-004G is given **CONDITIONAL APPROVAL OF FINAL PUD; FINAL PLAT DEFERRED AS REQUESTED BY APPLICANT (8-0)**. The following conditions apply:

1. Final development shall be performed in conformance to all standards and conditions established by Ordinance O97-649.
2. Receipt of written confirmation of final approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
3. The recording of a boundary plat; and the recording of a final subdivision plat upon the posting of a bond for all traffic related improvements as required by Ordinance O97-649 and the associated Traffic Impact Study, as well as water and sewer line extensions as required by the Metropolitan Department of Water Services.”

Proposal No. 74-79-G

Nashboro Village (House Relocation Site)
Map 135, Parcel 302
Subarea 13 (1997)
District 27 (Sontany)

A request to revise a portion of the preliminary site development plan and final approval for a phase of the Residential Planned Unit Development District abutting the north margin of Nashboro Boulevard, approximately 1,000 feet northeast of Murfreesboro Pike (7.33 acres), classified R10, to permit the relocation of a 3,500 square foot house and the establishment of a 1.72 acre neighborhood play area, requested by Littlejohn Engineering Associates, Inc., for Midland Acquisitions, Inc., owner.

Resolution No. 97-457

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 74-79-G is given **CONDITIONAL APPROVAL OF THE REVISION TO A PORTION OF THE PRELIMINARY SITE DEVELOPMENT PLAN AND CONDITIONAL FINAL APPROVAL (8-0)**. 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. 97P-008G

Lakewood Village
Map 165, Parcels 122-125
Subarea 13 (1997)

District 29 (Holloway)

A request for final approval for the Residential Planned Unit Development District abutting the north margin of Pinhook Road, approximately 660 feet west of Lavergne-Couchville Road (23.3 acres), classified RS10, to permit the development of 92 single family lots, requested by Anderson-Delk and Associates, Inc., for Fischer/Ford, owners.

Resolution No. 97-458

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-008G is given **CONDITIONAL FINAL APPROVAL (8-0)**. The following conditions apply:

1. Receipt of written confirmation of final approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
2. Prior to construction, the recording of a final subdivision plat and the posting of any required bonds.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 97S-172U
Gayle Malone Subdivision
Map 116-8, Parcels 172, 173 and 176
Subarea 10 (1994)
District 25 (Kleinfelter)

A request to subdivide three parcels into four lots abutting the west terminus of Wimbleton Road, approximately 355 feet west of Foxhall Road (3.65 acres), classified within the R20 District, requested by Gayle Moore, owner/developer, Cherry Land Surveying, Inc., surveyor. (Deferred from meeting of 5/29/97).

Resolution No. 97-459

“BE IT RESOLVED by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-172U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$31,875.00.**”

Subdivision No. 97S-203G
Indian Creek Estates, Section 2
Map 181, Part of Parcel 100
Subarea 12 (1997)
District 31 (Alexander)

A request to create 50 lots abutting the south margin of Old Hickory Boulevard and both margins of Tuckaleechee Lane (18.04 acres), classified within the R20 Residential Planned Unit Development District, requested by Gregory S. Perrone, trustee, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 97-460

“BE IT RESOLVED by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-203G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$737,500.00.”**

Subdivision No. 97S-207U
Hunters Green
Map 149, Parcel 9
Map 149-1-B, Part of Parcel 70
Subarea 13 (1997)
District 27 (Sontany)

A request to create 15 lots abutting the west margin of Una-Antioch Pike, approximately 150 feet north of Billingsgate Road (3.88 acres), classified within the R15 Residential Planned Unit Development District, requested by B & Y Properties, Inc., owner/developer, MEC, Inc., surveyor.

Resolution No. 97-461

“BE IT RESOLVED by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-207U, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$59,300.00.”**

Request for Bond Extension:

Resolution No. 97-462

Subdivision No. 90S-035G
Winston Estates, Section Two
Winston Walker, principal

Located abutting both sides of Winston Drive, approximately 180 feet southwest of Stevens Lane.

Resolution No. 97-463

"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-035G, Bond No. 90BD-028, Winston Estates, Section Two, in the amount of \$5,200 until June 1, 1998, as requested."

Subdivision No. 91P-009G
Brook Glen
The Jones Company, principal

Located abutting the northwest corner of Poplar Creek Road and Old Harding Pike.

Resolution No. 97-464

"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-009G, Bond No. 94BD-097, Brook Glen, in the amount of \$20,000 until November 15, 1997, as requested, said approval being contingent upon posting an amended letter of credit by **July 12, 1997** and extending the expiration date to May 15, 1998. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 94P-017G

October Woods, Phase One, Section One
October Woods, L.P., principal

Located abutting the west margin of Old Hickory Boulevard, approximately 900 feet south of Hobson Drive.

Resolution No. 97-465

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 94P-017G, Bond No. 95BD-020, October Woods, Phase One, Section One, in the amount of \$15,000 until September 1, 1997, as requested.

Subdivision No. 94P-017G
October Woods, Phase One, Section Two
October Woods, L.P., principal

Located abutting the west margin of Old Hickory Boulevard, approximately 900 feet south of Hobson Drive.

Resolution No. 97-466

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 94P-017G, Bond No. 95BD-083, October Woods, Phase One, Section Two, in the amount of \$28,000 until September 1, 1997, as requested.."

Subdivision No. 95P-003U
Forge Ridge PUD Boundary
Dewey Pedigo, Jr., trustee, principal

Located abutting the north margin of Franklin Limestone Road, approximately 460 feet west of Rice Road.

Resolution No. 97-467

"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-003U, Bond No. 95BD--093, Forge Ridge PUD Boundary, in the amount of \$11,000 until May 1, 1998, as requested."

Request for Bond Release:

Subdivision No. 102-86-P
Riverside, Phase Two
Rochford Realty and Construction Company, principal

Located abutting both margins of Glenridge Drive, 145 feet south of Northridge Drive.

Resolution No. 97-468

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 102-86-P, Bond No. 97BD-010, Riverside, Phase Two, in the amount of \$56,500, as requested."

Subdivision No. 79-87-P
Calumet, Phase Four
James T. McLean, principal

Located abutting the southwest margin of Calumet Drive and both margins of Shoemaker Court.

Resolution No. 97-469

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 79-87-P, Bond No. 95BD-077, Calumet, Phase Four, in the amount of \$16,000, as requested."

Subdivision No. 84-87-P
Crossings at Hickory Hollow, Section One,
Resubdivision of Lot 1
Hickory Hollow Associates, principal

Located abutting the south margin of Mt. View Road, between Hickory Hollow Parkway and Crossings Boulevard.

Resolution No. 97-470

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 84-87-P, Bond No. 93BD-067, Crossings at Hickory Hollow, Section One, Resubdivision 1 of Lot 1 in the amount of \$5,000, as requested."

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, south margin of Crossings Circle.

Resolution No. 97-471

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 84-87-P, Bond No. 95BD-073, Crossings at Hickory Hollow, (U. S. Post Office), in the amount of \$5,000 as requested."

MANDATORY REFERRALS:

Proposal No. 97M-068G
Council Bill No. O97-790
Rothwood Avenue
Map 52-1
Map 52-5
Subarea 4 (1993)
District 8 (Hart)

A council bill abandoning a portion of the public utility and drainage easements retained in the former right-of-way of a segment of Rothwood Avenue, east of Idlewild Avenue, which was closed by Ordinance No. O89-851.

Resolution No. 97-472

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 97M-068G.

Proposal No. 97M-070G
Council Bill No. O97-782
Old Hickory Boulevard Property Acquisition
Map 75-9, Parcels 261 and 262
Subarea 14 (1996)
District 14 (Stanley)

Acquisition of property for signal installation at the intersection of Old Hickory Boulevard (State Route 45) and Plantation Drive. (Project No. 97-M-5).

Resolution No. 97-473

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 97M-070G.

Proposal No. 97M-071G
Council Bill No. O97-783
Sale of Property on McArthur Drive
Map 43-7, Parcel 25
Subarea 4 (1993)
District 9 (Dillard)

A council bill authorizing the sale of a certain property held by the Metropolitan Government of McArthur Drive.

Resolution No. 97-474

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 97M-071G.

Proposal No. 97M-072U
Alley 1525 Closure
Map 91-14
Subarea 7 (1994)
District 24 (Johns)

A proposal to close a portion of Alley No. 1525 between the east margin of Orlando Avenue and the north property line of Parcel No. 215 on Map 91-14, and to abandon a portion of the associated public utility and drainage easements, requested by Dan Barge, III, for adjacent property owners.

Resolution No. 97-475

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 97M-072U.

This concluded the items on the consent agenda.

PUBLIC HEARING: AN AMENDMENT TO THE SUBDIVISION REGULATIONS BY REVISING THE DEFINITION OF "SUBDIVISION." (DEFERRED FROM MEETING OF 5/29/97).

Mr. Henry stated this matter had been deferred at the request of Councilmember Dillard and other Councilmembers. Staff has met with Councilmember Dillard and feel his primary issue with the proposal was the public street dimension of fifty feet wide in the definition of the subdivision. A revision has been made and shortened for clarity and staff feels it addresses Councilmember Dillard's issue. Staff also recognizes his concern with a specific standard that is found elsewhere in the Subdivision Regulations is probably still going to remain. That issue can be better dealt with later this summer as staff will bring to the Commission a full amendment to the Subdivision Regulations asking the Commission to review and adopt and that will be the time to address the specific regulation that most concerns Councilmember Dillard.

Staff is at this point proposing to define a subdivision as a division of a tract or parcel of land into two or more lots, sites or other divisions in any of the following manner: a resulting division of less than five (5) acres; or any re-subdivision of land previously created by a plat of subdivision; or any division equal to or greater than five (5) acres where lot frontage or utility services, including but not limited to electricity, sanitary sewers (public or private) or potable water supply, by way of a shared common easement.

Chairman Smith asked what the need was to change this if the Commission will be reviewing the entire Subdivision Regulations.

Mr. Henry stated that the issue of how to define a subdivision has been pushed by the private sector and from a policy standpoint, from the Department of Codes Administration. Back in February they issued a policy statement that they would no longer issue building permits until plats were approved by the Planning Commission. What staff is trying to do here is clarify when is a plat required and the current definition does not do that.

Mr. Harbison asked if the fifty foot frontage had been eliminated.

Mr. Henry stated that if this proposed definition was met then you must subdivide by platting and going through the process and the Subdivision Regulations would have to be met.

Councilmember Clifton stated he had spoken to Councilmember Dillard and that he was in hope that the Commission would defer this until some time in July.

Mr. Manier stated this was a critical element and Councilmember Dillard had asked for a reasonable deferral and the Commission owed him the courtesy of that deferral.

No one was present to speak at the public hearing.

Mr. Stephen Smith moved and Mr. Bodenhamer seconded the motion, which unanimously passed, to leave the public hearing open and defer this item until the meeting of July 24, 1997.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 97Z-056U
Map 129-10, Parcel 90
Map 129-11, Parcel 10

Subarea 7 (1994)
District 23 (Crafton)

A request to change from RS40 District to RS10 District certain property abutting the west margin of Memphis-Bristol Highway and the east margin of Brookmont Terrace (7.9 acres), requested by Joseph Vance, appellant, for R. L. Eatherly, owner.

Proposal No. 97P-025U
Transition Care Management
Map 129-10, Parcel 90
Map 129-11, Parcel 10
Subarea 7 (1994)
District 23 (Crafton)

A request to grant preliminary approval for a Residential Planned Unit Development District located between Highway 70 South (Memphis-Bristol Highway) and Brookmont Terrace (7.9 acres), classified RS40 and proposed for RS10, to permit the development of a 69,394 square foot assisted living facility with a central kitchen (115 rooming units), requested by HADC, for R. L. Etherly, owner.

Mr. Owens stated the issue facing the Commission in this case was one of density. This is a residential PUD. The Subarea 7 Plan established medium high density policy on the east side of Highway 70 South and the plan also recommends low density policy to the west. The existing zoning pattern is R8 on the east but there are not many subdivisions in the area. Apartments are predominantly on the east side of the highway and large single family lots to the west. This proposal is to rezone from RS40 to RS10 and to establish a residential PUD for 115 rooming units in one structure, two stories in height; 115 rooming units with no kitchens but with a common kitchen. Under historic Planning Commission policy, this translates to a density of approximately 7.3 units per acre.

In 1995 there was a PUD application on this same property for townhouses. That request was for RS8 with 12 units per acre and the Commission disapproved it citing it was too dense for the area. In April of 1997, there was a PUD proposal with an R10 base zone request for assisted living plus cluster homes for the elderly. That project was for 8.86 units per acres and the Commission recommended disapproval citing it was not compatible with the area. That same applicant is back today with this new application. This PUD is in order in terms of the other departmental reviews.

Councilmember Eric Crafton presented the Commission with a petition in opposition from the neighbors and stated he would like the residential single family large lot concept to remain in this area. He also expressed concerns regarding building height, topography and density.

Mr. Joe Vance, applicant, spoke in favor of the project and said they had met with the homeowners in the area and taken their comments into consideration as well as previous comments from the Planning Commission. The proposal has had the density substantially reduced to 7.25 units per acre and this should be a good transitional use for the property.

Mr. Bernie Weinstein stated he had attended the neighborhood meetings and understood Marriott was a very good corporation and that they had done this type projects all over the county. He expressed his concerns regarding the proposed building size, roof height and density and asked the Commission to disapprove the proposal.

Mr. Harbison stated he was in favor of the first application when it came through and he would also be in favor of this one again. It does clearly fall in a transition area and is a question of interpretation.

Mr. Manier stated he hated to disagree with Mr. Harbison but he felt the natural boundary was Harding Pike

Ms. Nielson stated that if this were oriented toward Harding Pike, the homes on Brookmont Terrace would be looking into the back of the facility and that she did not particularly like that fact.

Mr. Steve Smith agreed with Mr. Harbison and stated any building that may be put there would be at least a two story structure whether it was single family or assisted living.

Councilmember Clifton stated he would also support the proposal.

Mr. Harbison moved and Mr. Stephen Smith seconded the motion, which carried, with Mr. Manier, Ms. Nielson and Mr. Bodenhamer in opposition and with Ms. Warren abstaining, to approve the following resolution:

Resolution No. 97-476

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 97Z-056U is **APPROVED (4-3-1)**:

This property falls at the boundary of Residential "low" density policy (calling for densities up to 2 dwelling units per acre) to the north of Memphis Bristol Highway and Residential "Medium High" density policy (calling for densities between 9 and 20 dwelling units per acre) to the south of Memphis Bristol Highway. The Planning Commission determined that the density of 7.3 dwelling units per acre resulting from the RS10/Residential PUD Overlay District was appropriate on this property given its orientation to Memphis Bristol Highway."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-025U is given **CONDITIONAL APPROVAL (4-3-1)**:

The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. With a request for final approval the recording of a final subdivision plat and the posting of any required bonds."

Zone Change Proposal No. 97Z-004T
Council Bill No. O97-721

A council bill to amend Section 17.32.120 by providing for accessory off-street parking in residential districts for places of worship, sponsored by Councilmember James Dillard. (Re-referred from Council 5/6/97).

Mr. Reid stated this Council bill would allow off site parking for churches in residential districts, and it had been referred back to the Planning Commission for further work. Staff has worked with the sponsor of the bill and with the zoning administrator to come up with some standards that would allow some additional off site parking opportunities for churches with parking hardships in residential areas in a manner that would minimize the impacts on the surrounding residential area. First, the church must demonstrate a parking hardship to be eligible to locate off site parking across the street. Staff is proposing that only churches that cannot meet the minimum required parking for churches in residential areas, which is one space per three seats in the sanctuary, are eligible for off site parking. Additionally, there cannot be any vacant property directly adjacent to the church site itself. If that test is met, then the applicant must demonstrate the amount of off site parking needed through a parking study reviewed by the Traffic Engineer and approved by the BZA. Once the parking hardship has been determined, the next standards deal with locating the off site parking area across the street in a compatible manner with the surrounding neighborhood. The off site parking area must be at least partially directly across from the church and the entire off site parking area directly abut the public street that the church has frontage on. Additionally, all the parking spaces must be

within two hundred feet of the zone lot boundary of the church and the BZA must determine there is adequate screen around the perimeter of the parking lot. Staff feels these standards should sufficiently keep the parking areas from marching up and down the street with that two hundred foot requirement. Staff is recommending approval. The final draft of this bill is still being worked on by the Council staff.

Chairman Smith asked why the Commission would take action before receiving the final version.

Councilmember Clifton stated it could be because of timing and being re-referred to the Commission and if the broad perimeter is discussed and acceptable with staff or, in fact, acceptable to the Commission there would be no reason to hold off on it to see the exact ordinance.

Mr. Owens stated all parties, including the sponsor, have reviewed the draft that the staff has prepared and are satisfied with it.

Mr. Browning stated that Mr. Reid did not mean to suggest that staff is funneling recommendations that the Council Staff may or may not accept. Council drafted the original bill and are asking what is it that planning staff is suggesting for the final bill so it can be redrafted with those provisions.

Mr. Bodenhamer stated most of the churches that are fifty years or older were built in residential areas and most of these churches want to remain in those areas and there is no way some of those churches can meet this requirement.

Mr. Stephen Smith stated he agreed with Mr. Bodenhamer because there may be no other land in the area available.

Mr. Manier stated there were about three different versions of a hardship and it may fit some but there are reservations as to whether or not this will ever fit any other church again.

Councilmember Clifton stated Council disapproved the bill because it did not have enough limitations on a church that might, because of parking issues or other issues, intrude too much into residential neighborhoods with instructions to the staff to work with interested community members and Councilmembers to refine and narrow that non residential use. This is a tremendous broadening of what churches have a right to do in a neighborhood.

Ms. Nielson suggested the staff bring examples of church locations for further discussion by the Commission.

Mr. Stephen Smith moved and Ms. Nielson seconded the motion, which carried unanimously, to defer this matter for two weeks.

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 6-87-P
Stammer Place Assisted Living
Map 131-2, Parcels 45-49
Subarea 10 (1994)
District 34 (Fentress)

A request to revise the preliminary site development plan for the Residential Planned Unit Development District located at the southeast corner of Hobbs Road and Stammer Place (3.60 acres), classified R6, to permit the development of a 108 rooming unit, assisted living facility with a central kitchen, requested by Gresham, Smith and Partners, for Tennessee Industrial Properties, owner. (Deferred from meetings of 5/15/97 and 5/29/97).

Mr. Owens stated this proposal had been changed from five three story apartment buildings to one structure with four stories, 54 units to 108 assisted living rooming units and from 63,000 square feet to 108,000 square feet and staff is recommending approval.

Mr. Manier asked if this proposal would lock out one of the options of the Major Street Plan for the Hillsboro area because one of the plans took an extension of Hillsboro Circle and went through this area.

Mr. Owens stated that approval was locked out when this PUD was originally approved in 1987.

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

Resolution No. 97-477

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 6-87-P is given **CONDITIONAL APPROVAL WITH REDUCED ROOMING UNIT COUNT OF 108 (8-0)**. The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to construction, the recording of a final subdivision plat and the posting of any required bonds.
3. The recording of a boundary plat prior to any construction.”

Proposal No. 96P-007G

Banbury Crossing (formerly The Fountains at Banbury)
Map 172, Parcels 16, 20, 105, 106, 107, 108, 110
and Part of Parcels 99, 109 and 111
Subarea 12 (1997)
District 32 (Jenkins)

A request to revise the approved preliminary master plan and for final approval for Phases 2 and 3 of the Residential Planned Unit Development District abutting the north margin of Old Smyrna Road and the west margin of Edmondson Pike (44.81 acres), classified R40, to permit the final development of 94 single-family lots, requested by Gresham, Smith and Partners, for The Jones Company, owner. (Deferred from meeting of 5/29/97).

Mr. Owens stated this was the item staff was recommending deferral of due to the lack of a sewer capacity purchase. This is a residential PUD and the plan was in order prior to the beginning of the meeting with the exception that the applicant had not satisfied the requirement of purchasing sewer capacity. Apparently the applicant is here with a letter from water and sewer but staff does not have that letter in possession.

Chairman Smith asked what the normal cut off on those letters was.

Mr. Owens stated everything should be set by the Monday before the Commission meeting but staff has been allowing applicants to delay the purchase of the sewer up until the day before the meeting. Finally, at 11:00 a.m. today staff informed the applicant time was up, and they opted to defer the case. The submittal check list puts the applicant on fair notice that they are to purchase this capacity. They know before they even make an application that this a requirement for action. If, in a final application, they have allowed their capacity letter to expire, they have to pay their \$50.00 fee with their application just to get it started

again. They know but they put it off to see if staff is going to recommend approval of the final plan, supposedly, because they don't want to pay the money prematurely; but they are delaying too long and it is affecting staff getting prepared for the meeting. All final recommendations should be in by Monday before a meeting.

Mr. Manier asked if it would help staff if the Commission reaffirmed their position on deadlines.

Mr. Harbison stated he was uncomfortable taking action when this letter came in at this 11th hour.

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

Proposal No. 96P-016G
Westwood Trace (formerly Major Property)
Map 169, Part of Parcel 58
Subarea 6 (1997)
District 35 (Lineweaver)

A request for final approval for the Residential Planned Unit Development District abutting the south margin of Highway 100, opposite Westhaven Drive (18.5 acres), classified RS30, to permit the development of 37 single-family lots, requested by Gresham, Smith and Partners, for CK Development, LLC, owner. (Also requesting final plat approval). (Deferred from meeting of 5/29/97).

Mr. Owens stated this was a steep site and the issue the Commission is faced with is street design, specifically street grades. This project was disapproved by the Planning Commission earlier this year. At that time the issue was CS zoning along the front of the property. That preliminary showed the street pattern as a local street with a 10% grade. A local street has a 50 foot right-of-way and a 27 foot pavement width. The street system appeared to be in order at that time. Council went ahead and approved the PUD for the 37 lots. The applicant is now proposing on this final plan, the street in the same location but has designed the street as a minor local, which means it is narrower in width and in pavement width and with a roadway grade of 14%. The maximum grade for a minor local street in the Subdivision Regulations is 12%. With this application the applicant is proposing a minor local street and cites the justification that it is a dead end street and will serve no more than 50 lots. The applicant also points out, because they are narrower, it requires less grading and environmental destruction. This is a steep site and they are trying to thread a street coming off a slope off of Highway 100.

Public Works is recommending disapproval of this plan because the preliminary was showing a wider flatter local street. This property needs a wider flatter street, not because of the street length or because of the number of lots, but because of what is happening along this slope and street as it is approaching Highway 100. Highway 100 is a state route and is an arterial street and in long term intended to be a four lane scenic arterial. It is also at the end of the interchange, and there is a slip ring exit ramp that comes down and moves traffic towards the Bellevue Community. Public Works is recommending the street should be no steeper than 11%, the applicant is recommending 14%, and the street should be wider than the 24 feet as proposed as a minor local. The tough issue before the Commission is whether or not it feels comfortable granting approval for the minor local street with a 14% grade given Public Works concerns over operational safety. The other side of the coin is that it is a very steep piece of property and to design these streets and flatten them out with the 11% requested by Public Works means a significant amount of grading and disturbance on this site and will undoubtedly result in the loss of lots.

Regardless of the street standards adopted the Commission is still being asked to grant a variance because the 14% grade is 2% higher than the Subdivision Regulations call for even for a minor local and for the street length. One of the standards for granting a variance is that you have to find that the variance will not jeopardize public health, safety and welfare.

Mr. Manier asked about the 10% on the initial preliminary.

Mr. Owens stated the engineer that developed those preliminary plans, who is not the engineer on this final, laid the road out at 10% and there was a design flaw. He started that grade right down at Highway 100 without taking into consideration the ultimate widening of Highway 100 and without taking into consideration the 35 foot additional flat area before you can start a curve from the edge of the pavement of Highway 100.

Ms. Nielson asked if there were any restrictions to how many streets could come off of a minor local street.

Mr. Owens stated there was nothing stated in the standards but that was a concern with Public Works. They cite there are two or three minor cul-de-sacs coming off of this road and that should disqualify it as a minor local.

Councilmember Lineweaver stated there had been several roads with the 11% to 14% grades throughout the county. The traffic pattern and site distance is good on Highway 100. He stated he was in favor of the proposal and the surrounding community did not have any problems with it either.

Mr. Ali Afis, with Public Works, explained the problems with the proposal regarding the speed limit on Highway 100, traffic, the proposal design, safety and street grades and asked the Commission to deny this proposal concept for public safety.

Mr. Steve Cates, applicant, spoke in favor of the proposal and stated he had practiced engineering for a number of years, that he had inherited the preliminary plan and it did have design issues. He stated he and a representative from Public Works and the Planning Commission had met and he presented the problem. He said he was told at that time the solution could be a minor local with the steeper grades and narrower right-of-ways and that was probably the approach to take and therefore, the engineers designed the proposal on that basis. That is a big concern because of the preliminary meetings up front to get direction on where to go with it and then the engineers took that direction and \$30,000 later are being told how it is not acceptable. There is a new theory out now that designing roads for certain horizontal and vertical considerations actually promotes additional speed on roadways. In subdivision roads, if you design the roadways with lower horizontal geometrics, which is small radiuses, in differing grades, it has been proven people will not drive faster speeds. They are more cautious. There are subdivisions in Brentwood with grades of 16 to 19.5% without problems.

Mr. Bodenhamer asked Mr. Cates if he disagreed with the Subdivision Regulations.

Mr. Cates stated he did disagree with them because there were not many pieces of land left in Davidson County the could be designed and built with the current regulations.

Mr. Steve Smith they could get the grade to 11% if they tore all the trees off or an adjustment could be made and keep the vegetation on it and that would the best choice with the extra grade.

Mr. Manier stated he thought this was a site that should not be developed and the Subdivision Regulations are being bent to fit the tough site. There is nothing extraordinary here other than somebody's need for a few more lots or the desire to develop a piece of land that difficult to develop and that is no rationale to change the Subdivision Regulations. The Subdivision Regulations have served well and helped stabilize and improve the community and the Commission should abide by the regulations. Someone just did a bad engineering job on this proposal, but it is not the Commission's job to clean it up.

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

Resolution No. 97-478

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-016G is given **DISAPPROVAL OF PUD AND PLAT (8-0)**:

Disapproval is based on Planning Commission determination that street system should be designed in accordance with the standards of a ‘local’ street as established by the Subdivision Regulations.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 97S-127U (Public Hearing)

Jocelyn Hills

Map 129-2, Parcel 45

Map 129-6, Parcels 7, 9-11, 21, 30, 31, 50, 51 and 57

Subarea 7 (1994)

District 23 (Crafton)

A request to create 14 lots abutting both margins of Baskin Drive, approximately 755 feet southeast of Rolling Fork Drive (38.2 acres), classified within the RS40 District, requested by Allen Cargile, owner/developer, Turner Engineering Company, surveyor. (Deferred from meeting of 5/29/97).

Mr. Henry stated the application had been revised by the applicant and has lost four lots by way of consolidation. There are critical lots which will require critical lot plan review before the building permit can be issued. The radius at Clearbrook Drive is requesting a waiver for one lot, which is one of the better building sites on the property, and staff does not have a problem with that waiver request. The Department of Public Works approves the drainage plan subject to an on site detention basin and off site drainage ditch improvements.

Councilmember Eric Crafton stated the applicant has listened to what the planning staff was recommending and reduced the lot number. He asked, if an approval were to be granted, if there could be a way to have core drilling done to make the houses on the slopes, that are going in above existing houses, actually have the type of soil needed to allow this type of construction. He also asked that there be a restriction to prevent anyone from connecting from the cul-de-sacs to surrounding existing roads to use.

Mr. Browning stated the Commission could not tell the lot owners they cannot have access to the street because their lots will have physical frontage on the public right-of-way.

Professor Kleinrock, with Vanderbilt University, stated his concern was that, if the homeowners decided to, the common driveway feeding the ridge top houses could be continued through to the cul-de-sacs and down the steep hill as another common driveway onto Clearbrook Drive and that would provide a continuous access all the way through from Rolling Fork to Clearbrook.

Ms. Nielson asked if the Subdivision Regulations would prevent that from happening.

Mr. Henry stated they would if it were designated as a joint access driveway easement.

Mr. Allen Cargile spoke in favor of the project and stated he had no plans for an additional access road.

Professor Kleinrock, Glen Turner, Harry Dillon and Stan Koch expressed concerns regarding the soil stability, through driveways, landslides, water run off, erosion.

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

Mr. Stephen Smith stated that the applicant had changed his plan to what the staff was recommending and that he was in favor of it.

Mr. Bodenhamer stated the Subdivision Regulations gave the protection to the people already in place that they needed but felt the grading and construction should be monitored carefully.

Mr. Harbison and Ms. Nielson expressed concerns regarding the unstable soil and the process that would be taken to protect the properties below.

Mr. Henry explained the procedure and order that would be followed to insure stability and explained the work would be certified by a licensed engineer.

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

Resolution No. 97-479

“BE IT RESOLVED by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 97S-127U, is granted **CONDITIONAL APPROVAL subject to (1) submittal of a geotechnical report for two very critical lots (#14 and #15) prior to final plat approval and (2) all critical lot plans shall be prepared by a registered engineer. A non-radial lot line for one cul-de-sac lot (Lot #8) at the terminus of Clearbrook Drive is authorized.”**

Subdivision No. 97S-192G (Public Hearing)

Bedford Forrest
Map 181, Parcels 126 and 159
Subarea 12 (1997)
District 31 (Alexander)

A request for preliminary approval for 10 lots approximately 150 feet southwest of Nolensville Pike and approximately 400 feet northwest of Concord Road (9.19 acres), classified within the RS30 District, requested by Forrest H. King, Jr., owner/developer, James E. McAleer, Jr., surveyor.

Mr. Henry stated staff was recommending disapproval of this proposed subdivision. This subdivision is accessed by a road that comes out of Williamson County and Williamson County has approved, given conditional final approval, for a plan of subdivision of a part of the property. This proposal is to extend that street and develop ten more lots. There is substantial flood plain and the developer has apparently filled the property and altered the flood way and therefore the flood plain without proper permits. Therefore, Public Works is recommending not granting preliminary approval until the Federal Emergency Management Agency, responsible for this flood plain alteration, reviews and approves other grading plans. The applicant is requesting a deferral for two weeks and Public Works recommends it be deferred indefinitely.

Mr. Kenneth E. Newton, adjacent property owner, stated he was not against the development but expressed concerns regarding flooding.

Ms. Nielson moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to leave the public hearing open and defer the proposal indefinitely.

Subdivision No. 97S-196U (Public Hearing)

McPheeter's Subdivision
Map 130-8, Parcels 133 and 134
Subarea 10 (1994)
District 34 (Fentress)

A request for preliminary approval for four lots abutting the south margin of Trimble Road, approximately 240 feet west of Lindawood Drive (2.17 acres), classified within the R20 District, requested by Allen C. Brown, owner/developer, Wamble and Associates, surveyor.

Mr. Henry stated there would be a cul-de-sac coming into the property and the two existing structures would be removed. The Commission granted conditional approval in 1992 for a similar plan of subdivision conditioned upon submittal of storm water drainage design plans. This application differs in that they are proposing to retain storm water from the cul-de-sac, retain it onsite, thereby not increasing the flow of storm water on adjacent properties. Public Works is comfortable with that and staff is recommending approval.

Mr. Danny Wamble, surveyor, stated that during the development of final engineering plans for the final plat he would work very closely with Public Works and do whatever is necessary to develop the proper design that is consistent with their regulations and criteria and asked the Commission for approval.

Ms. Julie Hailey, Mr. Bob Hailey, Ms. Margie Stole, and Ms. Joyce Martin expressed concerns regarding drainage, water problems, erosion, the detention pond drawing insects, the pond being unsafe for the small children in the area, the maintenance of the pond, lot size, comparability, setbacks, the direction the houses would face and identifying structures such as a gate or wall.

Mr. Henry stated lot area and street frontage comparability test did apply when there was construction of new streets and also explained how the detention pond would work.

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

Resolution No. 97-480

“BE IT RESOLVED by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 97S-196U, is granted **CONDITIONAL APPROVAL subject to a joint maintenance agreement for on-site stormwater detention submitted with any Final plat application.**”

Subdivision No. 97S-205U (Public Hearing)
James Monroe Townhomes
Map 82-9, Parcels 65 and 66
Subarea 8 (1995)
District 20 (Haddox)

A request for preliminary approval for six lots abutting the northwest corner of Monroe Street and Fifth Avenue North (.59 acres), classified within the MUL District, requested by Nancy Hardaway et al, owners/developers.

Mr. Henry reminded the Commission a portion of the abutting property was previously approved as the Germantown/MDHA preliminary plan of subdivision. The Commission approved this plan with a variance to the minimum lot width allowing lots ranging from 32 to 36 feet. This proposal is to create 20 and 30 foot wide lots with the intent of constructing attached residential structures. Staff recognizes this a form of intercity zero lot line development in a mixed use district. Staff feels that a variance to the minimum lot width from 50 feet to 20 and 30 feet, in this case, can be supported.

Ms. Nancy Hardaway and Mr. Kurt Galligon spoke in favor of the project, gave background history of the property, explained the plans for the project and explained some of the homeowner agreements and restrictions.

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

Resolution No. 97-481

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 97S-205U, is granted **APPROVAL with a variance to minimum lot width (Subdivision Regulation 2-4.2).**”

Subdivision No. 97S-209U (Public Hearing)
Noble Hills
Map 59-13, Parcels 9, 11, 163, 172 and 173
Subarea 3 (1992)
District 2 (Black)

A request for preliminary approval for 18 lots abutting the northwest terminus of Swan Drive, approximately 175 feet northwest of Hummingbird Drive (5.72 acres), classified within the R10 District, requested by IAB, Inc., owner/developer, IDE Associates, Inc., surveyor.

Mr. Henry stated staff was recommending conditional approval subject to a joint maintenance agreement for on site drainage detention to be submitted with the final plat application. A cul-de-sac is proposed to extend from what has been previously platted as Swan drive, which is unbuilt. There are three lots that exist today and this plan of subdivision is to add fifteen lots to the back of that property, extend the street, which satisfies the Subdivision Regulations and meets the grades. There will be detention at the rear of lots 1 and 2 and Public Works recommends this with the condition stated.

Mr. Don Brown, with IDE Associates, Inc., concurred with staff recommendations and asked for approval.

Mr. Kenneth Taylor and Mr. Roland Norman spoke in opposition to the proposal and expressed concerns regarding traffic, narrow streets, drainage and water runoff, safety for children and elderly people, type of prefab homes being built, the number of homes and density.

Mr. Stephen Smith stated this seemed to be improper zoning in place for this area. Even though the property owner has the right to subdivide it, it doesn't seem appropriate to throw in 10,000 square foot lots next to acre and half acre lots.

Councilmember Clifton stated this zoning was incompatible with the neighborhood and may lead to the decline to a very stable neighborhood.

Mr. Bodenhamer stated he was very concerned about this matter and hoped the developer and the neighbors could get together and work out some agreements.

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

Resolution No. 97-482

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Preliminary plan of Subdivision No. 97S-209U, is granted **CONDITIONAL APPROVAL subject to a joint maintenance agreement for on-site stormwater detention submitted with any Final plat application.**”

Stephen Smith left at 5:10, at this point in the agenda.

Final Plats:

Subdivision No. 97S-199A
Brandywine Pointe, Phase 6, Section 1, Lot 244

Map 64-3-B, Parcel 90
Subarea 14 (1996)
District 11 (Wooden)

A request to amend rear and side setback lines from 20 feet and 5 feet to 0 feet on a lot abutting the northwest corner of Pointe Place and Safety Harbor Cove (.48 acres), classified within the R20 Residential Planned Unit Development District, requested by Joe L. and Sandra J. Powers, owners/developers. (Deferred from meeting of 5/29/97).

Mr. Henry stated this matter was deferred at the last meeting to give opportunity for the abutting property owner to voice their concern. This issue involves the construction of a fourteen foot wall between two properties and staff recommends disapproval of this as it would set an unwarranted precedent on wall heights in PUDs. There is a statement on the face of the plat that states: "That construction of all lots shall comply with the Section 23.43 (that is now 17.28190 of the Zoning Ordinance) concerning permitted obstructions within the required yard." Staff believes the effect of this note was to put both the Department of Codes, other officials, property owners and developers on notice that permitted height obstructions apply to this property regardless of the fact it is in a PUD overlay.

Mr. Wearin Hughes, representing the homeowner, stated he spoke with the adjoining homeowner, Mr. Brown, and then wrote a letter confirming that conversation and handed out copies of the letter to the Commission. He said he had informed Mr. Brown of the meeting today but he said he did not plan to attend and that he would abide by what ever decision the Commission made.

Chairman Smith asked Mr. Hughes why he did not get a release from Mr. Brown.

Mr. Hughes said Mr. Brown would not sign anything and stated that this would not set an unwarranted precedent and the building of this wall was based on information acquired from Zoning and the Planning Commission.

Mr. Browning stated the note that is on the plat has the effect of saying that the regulations for fences and anything allowed in the yard will be the statements and the clauses that are in the zoning ordinance and it is clearly in the ordinance that there is a maximum height of eight feet.

Councilmember Clifton stated this was a violation of Metro laws and there was no remedy for it.

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

Resolution No. 97-483

"BE IT RESOLVED by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-199A, is **DISAPPROVED since the proposed reduction in rear setback for this corner lot to accommodate a brick wall constructed to 12 feet in height (eight feet is maximum) would set an unwarranted precedent in this subdivision."**

Subdivision No. 97S-212U
Parrish (Commercial) Park, Section 8 and Lot 2,
Section 14 Resubdivision
Map 96-13, Parcels 175 and 179
Subarea 14 (1996)
District 15 (Dale)

A request to reconfigure two lots abutting the northeast margin of Elm Hill Pike, approximately 530 feet northwest of Donelson Pike (.77 acres), classified within the CS District, requested by Charles Resha, III and Roger K. Garner, owners/developers, IDE Associates, Inc., surveyor.

Mr. Henry stated staff was recommending approval of this two lot plat. It is a ten degree shift in the lot line to square up the property for a better building site. The applicant has submitted justification based on their particular building.

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

Resolution No. 97-484

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the Final plan of Subdivision No. 97S-212U, is granted **APPROVAL.**”

Request for Bond Extension:

Subdivision No. 74-87-P

Peninsula, Phase One

Jerry Butler Construction Company, Inc., principal

Located abutting the south margin of John Hager Road, approximately 1,310 feet southwest of New Hope Road.

Mr. Henry stated this development was a 84% build out and staff recommends disapproval of the extension and require completion of roads and sidewalks by September 1, 1997. The developer intends to do that work this summer and staff feels that is sufficient time to get it done.

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

Resolution No. 97-485

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for an extension of the performance bond for Subdivision No. 74-87-P, Bond No. 94BD-072, Peninsula, Phase One, in the amount of \$68,800 and requires that all work be completed by **September 1, 1997.**"

MANDATORY REFERRALS:

Proposal No. 97M-053U

Council Bill No. O97-789

Unnumbered Alley Closure

Map 104-8

Subarea 10 (1994)

District 18 (Clifton)

A proposal to close an unnumbered alley between 18th Avenue South and Alley No. 442, requested by Manuel Zeitlin, for adjacent property owners. (Easements are to be abandoned).

Mr. Reid stated this request was associated with a previous zone change the Commission had approved a few meetings ago for OP zoning for two parcels. The request is to close Alley No. 442 and relocate it by building a new alley. Public Works is recommending approval and the staff has a letter from the owners of the Oasis Center stating their support for the request and that they will donate, by plat, a portion of their property needed for the turning radius. Staff is recommending approval.

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

Resolution No. 97-486

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0-1)** Proposal No. 97M-053U:

Approved subject to recording a plat of subdivision for dedication and bonding of a replacement alley prior to closure of existing alley."

OTHER BUSINESS:

1. Legislative Update.

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

Mr. Browning announced the Capital Improvements Budget had been passed at Council.

2. Contract for T. Jeff Browning, Executive Director.

Chairman Smith stated Mr. Browning's performance evaluation had been accepted by the Commission and suggested the he be put in line for the available raise July 1, and his contract be extended to run through February of 1999.

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

Resolution No. 97-487

"BE IT RESOLVED by the Metropolitan Planning Commission that it approves and extends the employment contract for T. Jeff Browning as Executive Director through February of 1999."

PLATS PROCESSED ADMINISTRATIVELY

May 29, 1997 through June 11, 1997

- | | |
|-----------------|---|
| 97S-178U | PEBBLE TRAIL VILLAS
PUD Boundary Plat |
| 97S-182U | FOURTH AVENUE SOUTH PROPERTY
Plats one lot from large tract |
| 97S-189U | HILLHURST BAPTIST CHURCH
One lot into two lots |
| 97S-200U | HARBOR GATE, Section 1, Revision of Lot 78 |

Zone Lot Division

97S-201U

HARBOR GATE, Section 1, Revision of Lot 79
Zone Lot Division

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 6:10 p.m.

Chairman

Secretary

Minute Approval
This 26th day of June, 1997