

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: February 19, 1998
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith, Chairman
Arnett Bodenhamer
Tim Garrett, Councilmember
William Harbison
James Lawson
William Manier
Ann Nielson
Stephen Smith
Marilyn Warren

Absent:

Mayor Philip Bredesen

Others Present:

Executive Office:

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

Current Planning & Design Division:

Ed Owens, Planning Division Manager
Jennifer Regen, Planner III
John Reid, Planner II
Doug Delaney, Planner I
Charles Hiehle, Planning Technician II

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Advance Planning & Design:

John Boyle, Planning Division Manager
Mike Calleja, Planner III
Preston Elliott, Planner II
Jackie Blue, Planner I

Others Present:

Rachel Allen, Legal Department
Jim Armstrong, Public Works

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the agenda.

ANNOUNCEMENT OF DEFERRED ITEMS

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

6-87-P	Deferred 2 weeks, by applicant.
98S-052G	Deferred indefinitely, by applicant.
98S-058G	Deferred 2 weeks, by applicant.

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

APPROVAL OF MINUTES

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed to approve the minutes of the regular meeting of February 5, 1998.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver spoke regarding item 93P-016G and stated he was concerned about the traffic at Temple Road and Highway 100.

ADOPTION OF CONSENT AGENDA

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

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-028G
Map 41-16, Parcel 10
Subarea 2 (1995)
District 3 (Nollner)

A request to change from RS20 to RM9 District certain property located on the south margin of Westchester Drive, approximately 200 feet east of Dickerson Pike (1.03 acres), requested by Gene E. Tidwell, appellant/owner.

Resolution No. 98-117

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-028G is **APPROVED (9-0)**:

RM9 zoning implements the Commercial Arterial Existing (CAE) policy along Dickerson Pike, which permits higher density residential, office, and retail uses that are compatible with the adjacent low density residential area. Multi-family is appropriate as a transition from the Dickerson Pike commercial corridor and the single-family residential neighborhood to the east."

Zone Change Proposal No. 98Z-029U

Council Bill No. O98-1060

Map 117-11, Parcels 70 (.52 acres), 71 (.87 acres), and 72 (.94 acres),

Map 117-15, Parcels 7 (.52 acres) and 158 (.31 acres)

Subarea 10 (1994)

District 25 (Kleinfelter)

A council bill requesting to change from R10 to OR20 District property located at 3701, 3707, 3711, 3715 and 3719 Benham Avenue, north of Glen Echo Road (3.16 acres), requested by Metro Government (Library), optionee, Dr. William Ewers et ux and Dr. Ralph Massie et ux, owners.

Resolution No. 98-118

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-029U is **APPROVED (9-0)**:

The proposed OR20 implements the Subarea 10 plan's long-term vision of office transition uses on Benham Avenue, as provided in the Green Hills Regional Activity Center (RAC). The proposed OR20 zoning is also an appropriate extension of the existing OR20 zoning on parcels 5, 6, and 88 to the west which contain the U.S. Post Office (Green Hills)."

PLANNED UNIT DEVELOPMENT DISTRICTS:

Proposal No. 142-66-G

Amqui-Lineberry

Map 43-5, Part of Parcel 43

Subarea 4 (1993)

District 9 (Dillard)

A request to revise the final site development plan of the Commercial (General) Planned Unit Development District abutting the east margin of Gallatin Pike, approximately 275 feet south of Anderson Road (1.0 acre), classified CL, to permit the location of a 150 foot cellular monopole, requested by Spectrasite Services/Powertel, for J. D. Eatherly and Daisy L. Eatherly et ux, and Lineberry Properties, Inc., owners.

Resolution No. 98-119

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 142-66-G is given **APPROVAL (9-0)**.

Proposal Nos. 149-69-G and 38-79-G

Dillards at Rivergate Mall
Map 34-2, Parcel 77
Subarea 4 (1993)
District 10 (Garrett)

A request to revise the final site development plan of a portion of the Commercial (General) Planned Unit Development District abutting the northwest margin of Gallatin Pike and the southwest margin of Conference Drive (1.72 acres), classified SCR, to permit the addition of 68,100 square feet to the existing Dillards department store, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Dillards Department Stores, owner.

Resolution No. 98-120

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal Nos. 149-69-G and 38-79-G are given **CONDITIONAL APPROVAL OF REVISION TO FINAL FOR A PHASE (9-0)**. 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. 157-81-U

Opryland
Map 73, Part of Parcel 32
Subarea 14 (1996)
District 15 (Dale)

A request to revise a portion of the approved final site development plan of the Commercial (General) Planned Unit Development District abutting the southwest quadrant of Briley Parkway and McGavock Pike (20.0 acres), classified CA, to permit the addition of 12,000 square feet of office and storage space, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Gaylord Entertainment Company, owner.

Resolution No. 98-121

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 157-81-U is given **CONDITIONAL APPROVAL OF REVISION TO FINAL (9-0)**. 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. 291-84-U

Lakeview Ridge Office Park, Phase 5
Map 95, Part of Parcel 18
Subarea 14 (1996)
District 15 (Dale)

A request for final approval for Phase 5 of the Commercial (General) Planned Unit Development District located abutting the north margin of Elm Hill Pike, west of Henry Drive (3.35 acres), classified CL, to permit the development of a 4-story, 120 room hotel, requested by Barge, Waggoner, Sumner and Cannon, for Highwoods Properties, owners.

Resolution No. 98-122

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 291-84-U is given **CONDITIONAL FINAL APPROVAL FOR PHASE FIVE (9-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. The abandonment and relocation of an existing sewer easement through the site prior to issuing any building permits for the hotel.”

Proposal No. 7-87-P

Haywood Oaks
Map 148-10, Part of Parcel 135
Subarea 12 (1997)
District 30 (Hollis)

A request to revise a portion of the final site development plan of the Commercial (General) Planned Unit Development District abutting the east margin of Ezell Road and the southwest margin of Interstate 24 (1.6 acres), classified CS, to permit the development of 150 parking spaces, as an interim use, in an undeveloped phase of the existing office park, requested by Barge, Cauthen and Associates, Inc., for Duke Realty Services, owner.

Resolution No. 98-123

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 7-87-P is given **CONDITIONAL APPROVAL (9-0)**. 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. 36-87-P

Council Bill No. O98-1099
Tommy Allen Residential PUD
Map 156, Parcel 70
Subarea 6 (1996)
District 35 (Lineweaver)

A council bill to cancel the undeveloped Reduced Site Size Residential Planned Unit Development District abutting the west margin of Old Harding Pike, 155 feet south of Poplar Creek Trace (4 acres), classified RS15, originally approved for 11 single-family lots, requested by Donna S. Turek, owner.

Resolution No. 98-124

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 36-87-P is given **APPROVAL OF CANCELLATION REQUIRING COUNCIL CONCURRENCE (9-0)**. The following condition applies:

Approval of the cancellation by the Metropolitan Council.”

Proposal No. 88P-040G

Sam’s East, Inc. Bellevue (Sonic)
Map 114, Part of Parcel 308
Subarea 6 (1996)
District 23 (Crafton)

A request for final approval for a portion of the Commercial (General) Planned Unit Development District abutting the west margin of Old Hickory Boulevard, approximately 500 feet south of Interstate 40 (1.09 acres), classified SCR and CL, to permit the development of a 1,362 square foot restaurant, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Wal-Mart Stores, Inc., owners.

Resolution No. 98-125

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-040G is given **CONDITIONAL FINAL APPROVAL (9-0)**. 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. Written confirmation of approval from the Harpeth Valley Utility District.”

Proposal No. 90P-018U
Nippers Corner (Quickchange)
Map 161, Parcel 262
Subarea 12 (1997)
District 32 (Jenkins)

A request to revise the final site development plan for a portion of the Commercial (General) Planned Unit Development District located at the northeast quadrant of Edmondson Pike and Old Hickory Boulevard (1.0 acre), classified SCC, to permit the development of an auto service (oil change) facility, requested by Randall Dover, architect, for Nipper Properties, owner.

Resolution No. 98-126

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 90P-018U is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (9-0)**:
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. 91P-004U
Silo Self-Storage
Map 161, Parcel 243
Subarea 12 (1997)
District 31 (Alexander)

A request for final approval of the Commercial (General) Planned Unit Development District abutting the south margin of Swiss Avenue, approximately 400 feet west of Nolensville Pike (10.65 acres), classified CS, to permit the development of a 96,600 square foot self-service storage facility, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Silo Storage LLC/Mikanos LLC, owners.

Resolution No. 98-127

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 91P-004U is given **CONDITIONAL FINAL APPROVAL (9-0)**. 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. 96P-001G
Stone Creek Park
Map 180-3, Parcels 34-36
Subarea 12 (1997)
District 31 (Alexander)

A request to revise a portion of the final site development plan of the Residential Planned Unit Development District located in the southwest quadrant of Stone Run Drive and Stone Briar Court (0.65 acres), classified R20, to eliminate three lots and permit the development of an amenities area, requested by Littlejohn Engineering Associates, for Zaring National Corporation, owners. (Also requesting final plat approval).

Resolution No. 98-128

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-001G is given **CONDITIONAL FINAL PUD APPROVAL; FINAL PLAT APPROVED (9-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management Section of the Metropolitan Department of Public Works.
2. Abandonment of the public utility and drainage easement by Metro Council prior to the recording of the final plat.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 97S-276U
Summitt Hills Subdivision
Map 91-13, Parcels 121-123 and Part of Parcel 120
Subarea 7 (1994)
District 22 (Holt)

A request for final plat approval to create 17 lots abutting the west margin of Newton Avenue, approximately 315 feet north of Twin Street (3.86 acres), classified within the R8 District, requested by Affordable Housing Resources, Inc., owner/developer, Wamble and Associates, surveyor.

Resolution No. 98-129

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-276U, is **APPROVED SUBJECT TO A BOND OF \$170,000.00 (9-0)**.”

Subdivision No. 97S-409U
B. R. Co.’s Belle Meade Golf Links,
Resubdivision of 110, 112 and 114
Map 130-1, Parcels 174 and 176
Map 130-5, Parcels 47-50
Subarea 7 (1994)
District 34 (Fentress)

A request for final plat approval to reconfigure six lots into five lots abutting the southwest corner of Windsor Drive and Pembroke Avenue (1.55 acres), classified within the RS10 District, requested by John O. Clayton et al, owners/developers, Dale and Associates, Inc., surveyor.

Resolution No. 98-130

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-409U, is **APPROVED (9-0).”**

Subdivision No. 98S-043U
Hamilton Acres
Map 150, Part of Parcel 252
Subarea 13 (1996)
District 28 (Hall)

A request for final plat approval to create three lots abutting the southwest corner of Hamilton Church Pike and Murfreesboro Pike (5.44 acres), classified within the CS District, requested by Harding University, Inc., owner/developer, Crawford Land Surveyors, surveyor.

Resolution No. 98-131

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-043U, is **APPROVED SUBJECT TO A BOND OF \$61,000.00 (9-0).”**

Subdivision No. 98S-048G
Hickory Woods Estates, Phase 2
Map 176-5-B, Parcel 166
Subarea 13 (1996)
District 29 (Holloway)

A request to create 39 lots abutting the southeast margin of Hickory Woods Drive, approximately 120 feet southwest of Hickory Woods Court (12.49 acres) classified within the R10 Residential Planned Unit Development District, requested by Taylor Duncan Interest, Inc., owner/developer, Wamble and Associates, surveyor. (Deferred from meeting of 2/5/98).

Resolution No. 98-132

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-048G, is **APPROVED SUBJECT TO A BOND OF \$293,000.00 (9-0).”**

Subdivision No. 98S-057U
Long Hunter Chase, Phase 1, Section 2
Map 151, Part of Parcel 20
Subarea 13 (1996)
District 29 (Holloway)

A request for final plat approval to create 57 lots abutting the northeast margin of Smith Springs Parkway, approximately 350 feet southeast of Paddington Way (16.22 acres), classified within the RS15 Residential Planned Unit Development District, requested by Barry Construction Company, owner/developer, SEC, Inc., surveyor.

Resolution No. 98-133

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-057U, is **APPROVED SUBJECT TO A BOND OF \$336,750.00 (9-0).”**

Subdivision No. 98S-059G

Mountain View, Section 2
Map 172, Part of Parcel 30
Subarea 12 (1997)
District 31 (Alexander)

A request for final plat approval to create 49 lots abutting both margins of Frontier Lane, approximately 250 feet west of Marc Drive (30.63 acres), classified within the R20 Residential Planned Unit Development District, requested by Centex Homes, owner/developer, Cherry Land Surveying, surveyor.

Resolution No. 98-134

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-059G is **APPROVED SUBJECT TO A BOND OF \$938,500.00 AND THE RECORDING OF A DETENTION AGREEMENT (9-0).”**

Subdivision No. 98S-061U

Goodwill Industries Subdivision
Map 92-4, Parcel 327
Map 93-1, Parcel 3
Subarea 9 (1997)
District 20 (Haddox)

A request to consolidate 10 lots into one lot abutting the southwest corner of Herman Street and 10th Avenue North (3.99 acres), classified within the IR District, requested by Goodwill Industries of Middle Tennessee, Inc., owner/developer, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 98-135

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-061U is **APPROVED (9-0).”**

MANDATORY REFERRALS:

Proposal No. 98M-019U

Oak Street/Quality Way Name Change
Map 60-15
Map 71-3
Subarea 5 (1994)
District 4 (Majors)

A proposal to change the name of Oak Street between Lemuel Road and its southern terminus to "Quality Way," requested by Jill Smythe for McCann Steel Company, Inc. and other adjacent property owners.

Resolution No. 98-136

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (9-0)** Proposal No. 98M-019U.

Proposal No. 98M-020U

Target Store Water Main Relocation
and Easement Abandonment

Map 103-14, Parcel 115
Subarea 7 (1994)
District 24 (Johns)

A request from the Department of Water Services to abandon an existing water main and easement and its subsequent relocation on property owned by the Dayton-Hudson Corp. (Project No. 97-WL-128).

Resolution No. 98-137

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (9-0)** Proposal No. 98M-020U.

Proposal No. 98M-021U
Council Bill No. O98-1058
Metropolitan Social Services Commission
Lease Agreement
Map 93-15, Parcel 11
Subarea 9 (1997)
District 19 (Sloss)

A council bill approving a lease agreement between the Metropolitan Social Services Commission and American Office Park Properties for lease of office space.

Resolution No. 98-138

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (9-0)** Proposal No. 98M-021U.

Proposal No. 98M-022U
Council Bill No. O98-1057
Metropolitan Board of Health Lease Agreement
Map 70-13, Parcel 47
Subarea 3 (1992)
District 2 (Black)

A council bill approving a lease agreement between the Metropolitan Board of Health and Murph T. Cathcart for the premises located at 3300 North Hydes Ferry Road.

Resolution No. 98-139

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (9-0)** Proposal No. 98M-022U.

This concluded the items on the consent agenda:

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-002T

Council Bill No. O98-1108
District 26 (Arriola)

A council bill to amend Section 1.6 of the Zoning Regulations to modify the definition of a boarding house, sponsored by Councilwoman Michelle Arriola.

Ms. Regen stated this Council Bill was proposing to change the definition of a boarding house. Staff and the Zoning Administrator are recommending disapproval because the way the bill has been drafted it is overly broad and is too difficult to enforce. The bill is attempting to address the renting of individual rooms within a dwelling unit to people on a short term basis. The amendment is responding to someone who is currently renting out individual rooms within a home to as many as three unrelated people. The Zoning Administrator has indicated that does not violate the Zoning Regulations because three unrelated individuals are allowed to live within a dwelling unit. That does not violate the definition of a family in the Zoning Code.

The problem with the bill is that as it is written so broadly as to prohibit the rental of any residential property in a single family or duplex zoning district for less than six months. Also, as written, the amendment would be difficult to enforce since state law does not require a written lease agreement and the law could easily be circumvented so a landlord could write a lease for longer than six months without a penalty if a tenant should move out sooner.

Councilmember Michelle Arriola stated the rental activity going on in her district is the same as a boarding house, and that boarding houses are not allowed in the single family and duplex zoning districts. Therefore, it is her intent with this ordinance to clearly prohibit the short term rental of dwellings in single family and duplex zoning districts.

Ms. Arriola stated one individual is buying single family or duplex structures across the county for short term rental purposes. She stated an ordinance like the one she is proposing is necessary to prevent these dwelling units from becoming transient rental units.

Mr. Manier stated this amendment may create problems in prohibiting county-wide a use of property that everyone thought was legitimate. If this is necessary the problem might be in the wording of the ordinance and not in the intent of the ordinance. No one wants a whole lot of boarding houses in a residential area, but at the same time the ordinance will have to be carefully crafted not to have a bad reaction on something that people think of as acceptable and appropriate.

Mr. Harbison stated he understood what the ordinance was trying to do and that it was targeted at a specific instance of a problem. But if the solution is overly broad that could create more problems than it fixes. Mr. Harbison said this may not be enforceable the way it is so broadly worded.

Ms. Allen stated there was a lot of case law about constitutional freedoms, freedoms of association, privacy and that all goes back to the definition of what is a family. There are a lot of cases where you have two children that are unrelated to the adult living in the house. Zoning that disallows more than four unrelated persons has been held to be okay constitutionally but under that you are treading on thin ice constitutionally because there are freedoms of association, privacy and people define family in different ways. That is the reason for the three and under rule as far as the zoning law goes. The amendment defines boarding house by a lease and a lease is an agreement between two private people and people do not have to have a written lease between them because no law requires it.

Councilmember Garrett stated that as broad as this ordinance is that it looks like it is saying that you cannot rent any single family home period on a month to month basis.

Mr. Frank Ballinger, an area resident, stated that when he moved into his house 36 years ago he received a restrictive covenant and that it was his understanding that the neighbors could join together and cause action

to be taken into court to enforce a covenant. Item number 2 on the covenant states that no residential structure on any lot shall be designated, constructed or used for more than one family.

Ms. Allen stated that Mr. Ballinger and other neighbors should take the land owner that is violating that covenant to court. That would be one private entity suing another private entity to enforce the covenant. The Metro Government is not a party to the covenant. The only parties to the covenant are private individuals who live in that neighborhood.

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

Resolution No. 98-140

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-002T is **DISAPPROVED (9-0)**:

This text amendment is overly broad and unenforceable. As broadly written, the amendment prohibits the leasing or rental of any house, or portion of any house, on a month-to-month basis or for less than six months, within any single-family or duplex residential area. The amendment would be difficult to enforce since state law does not require a written agreement between landlords and tenants. Without an agreement, it would be difficult to establish when someone's stay was for less than six months. Lastly, a landlord could easily circumvent the law by writing a lease for longer than six months without a penalty to tenants should they move out sooner."

Zone Change Proposal No. 98Z-033U

Council Bill No. O98-1087

Map 108, Parcel 5

Subarea 14 (1996)

District 15 (Dale)

A council bill requesting to change from CL to MUG District certain property located on the west margin of Donelson Pike, approximately 100 feet north of Interstate 40 (.78 acres), requested by Bulla Associates, appellant, for BP Oil, Inc., owner.

Ms. Regen stated this property was a former BP Station on Donelson Pike near the I-40 interchange. Staff is recommending disapproval of this zone change. This area was given Commercial Mixed Concentration policy with the intent to transition the residential uses in the area to commercial uses which would not be adversely affected by airport noise. That transition has already begun along Clairidge Drive with a number of parking shuttle operations to the airport.

The basic difference between the two districts, the CL and the MUG, is that the MUG would permit residential uses and it is six times more intensive than the existing commercial districts in the area. Staff stated that reintroduction of residential uses into the area with the MUG zoning would be inappropriate. Further, the interchange is a congested one, and it would be inappropriate to increase the permitted floor area in the vicinity which would increase traffic and congestion to a more unacceptable level. Staff stated the intended use of a motel is permitted under the current zoning. The developer simply wants to develop at a more intensive level than current zoning will allow.

Mr. Owens stated this property was CL today and has the same FAR on this property as every other piece of property up and down the strip. Today this property is consistent with everything else including the hotels. The applicant is trying to go to a very high floor area ratio because the property is so small and staff is saying that it is not right to put such a large use on such as small piece of property.

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

Resolution No. 98-141

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-033U is **DISAPPROVED (9-0)**:

This property is within the Commercial Mixed Concentration (CMC) policy of Subarea 14 which calls for a transition from residential to commercial uses in a manner which is consistent with the existing infrastructure and airport noise impacts. The proposed MUG zoning is inconsistent with the subarea plan's goals of phasing out residential uses and coordinating development intensity with existing infrastructure. MUG zoning would also be inconsistent with the existing zoning pattern already established along Donelson Pike and within the CMC policy area."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 93P-016G

Traceside
Map 155, Parcel 241
Subarea 6 (1996)
District 35 (Lineweaver)

A request to revise a portion of the approved preliminary master plan of the Residential Planned Unit Development District abutting the southeast margin of Highway 100 and the east margin of Pasquo Road (19.6 acres), classified RS20, to remove a planned road extension into Williamson County, requested by Ragan-Smith Associates, Inc., for W. E. Stephens, Jr., owner.

Mr. Delaney stated this revision was to remove a planned road extension through Williamson County. On the approved preliminary master plan the road continued through to Temple Road. The road pattern came with a direct link all the way over to Temple Road through this development and into Williamson County. Late last year, as a result of neighborhood opposition, the Williamson County Planning Commission removed that connection into Williamson County from this development over to Temple Road.

Councilmember Lineweaver informed the Planning Commission that a road closure caused by Williamson County would shift traffic flow to the intersection of Temple Road and Highway 100. He stated this is a dangerous intersection, and that efforts are currently underway to redesign the intersection and to find funds to actually reconstruct the intersection. He stated the subdivision under consideration has actually contributed funds to the design effort. Mr. Lineweaver stated he is concerned that with the change in traffic flow caused by the road closures in Williamson County, this subdivision now under consideration will send additional traffic to the problem intersection. Since the remedial work is not yet accomplished, he questioned the propriety of approving more development in the area.

Mr. Lineweaver stated if development in Williamson County is going to use Temple Road in Davidson County, then they need to help Davidson County do something with this intersection besides just plans.

Ms. Warren stated Davidson County needed to close Temple Road so Williamson County can't use it. It sounds ridiculous, but if there is a concern with cars coming out on Highway 100 the road needs to be closed.

Mr. Lawson stated he liked the solution of closing Temple Road on the Davidson County side to exert some pressure on Williamson County because it sounds like there is no cooperation coming from Williamson County. But to hold the developer hostage on a project that is in Davidson County, who has already paid and done what the Commission asked him to do, is not equitable.

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

Resolution No. 98-142

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93P-016G is given **CONDITIONAL PRELIMINARY APPROVAL (9-0)**. The following condition applies:

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

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 98S-056G (Public Hearing)
Burton Farms Subdivision
Map 48, Parcel 101
Subarea 3 (1992)
District 1 (Patton)

A request for preliminary approval to subdivide one parcel into six lots abutting the north margin of Stevens Lane, opposite Homeland Drive (15.23 acres), classified within the RS40 District, requested by J. W. Burton, owner/developer, Dale and Associates, Inc., surveyor. (Also requesting final plat approval).

Mr. Owens stated this proposal was for both preliminary and final plat approval to divide an old deed parcel into six residential lots. The applicant is asking for a two week deferral in order to continue to work with Water Services to get a sewer availability letter. Many of the lots are going to be oversized and that is necessitated by the fact that there are two major drains coming together on this. At this point in time, Public Works has approved this plat for drainage but the applicant is still in need of sewer capacity availability verification from Water Services.

No one was present to speak at the public hearing.

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

OTHER BUSINESS:

1. Second Quarter FY '98 Work Program/Budget Status Report.

Mr. Browning stated there were two work items that were behind schedule. One was the work on the Subdivision Regulations and the other was the General Plan functional studies which involve the historical study and also the arterial and collector plan. Mr. Browning introduced Michael Calleja, a new employee who is heading up the comprehensive planning section. Mr. Browning stated the functional plans should move forward under Mr. Calleja's direction. The Subdivision Regulations are now pretty much on schedule but here has also been a vacancy there when Shawn Henry went to MDHA. Theresa Carrington, who's contract is on this agenda, will also be working on the Subdivision Regulations.

2. Advance Planning and Research Fund Appropriation.

Mr. Browning explained the Fund Appropriation to the Commission.

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

Resolution No. 98-143

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the appropriation of \$105,285.38 to the Advance Planning and Research Fund.

Appropriation Balance - September 30, 1997	\$183,015.82
Resolution No. adopted February 19, 1998	<u>\$105,285.38</u>
Net Appropriation Balance	\$288,301.20

Oct,Nov,Dec Expenditures - Actual

Salaries	\$17,477.28	
Postage	\$5,049.79	
Central Printing	\$776.92	
Data Processing Services	\$37.50	
Membership/Registration	\$165.00	
Advertising	\$1,047.30	
Consultant's Services	\$162,940.32	
Out of Town Travel	\$230.41	
Office Supplies and Stationary	\$0.00	
Computer Software	\$2,620.00	
FICA	\$1,296.48	
Group Health Insurance	\$1,418.40	
Employer's Pension Contribution	\$1,259.52	
Group Life Insurance	\$156.00	
Dental Insurance	\$91.44	
Data Processing Equipment	\$0.00	<u>(\$194,566.36)</u>
Net Appropriation Balance		\$93,734.84

January, February, March 1998 Expenditures - Projected:

Salaries	\$17,477.28	
Central Printing Services	\$500.00	
Data Processing Services	\$37.50	
Advertising	\$1,200.00	
Membership/Training	\$500.00	
Consultant's Services	\$235,300.00	
	0	
Postage	\$800.00	
Office Supplies	\$0.00	
FICA	\$1,296.48	
Group Health Insurance	\$1,418.40	
Employer's Pension Contribution	\$1,259.52	
Group Life Insurance	\$156.00	
Dental Insurance	\$91.44	<u>(\$260,036.62)</u>
Net Appropriation Balance		(\$166,301.78)
Revenue in Transit		\$169,133.19

3. Employee Contract for Theresa Carrington.

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

Resolution No. 98-144

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the employee contract for Theresa Carrington for one year.

4. Contract with Apogee/Hagler Bailly, Inc., for the Nashville Area Long-Range Transportation Plan - Update.

Mr. Preston Elliott stated that in 1995 the Nashville area Metropolitan Planning Organization adopted its first Long Range Transportation Plan for the region under the Intermodal Surface Transportation Efficiency Act of 1991. It is the guiding rule for transportation planning and stipulates federal requirements that must be addressed through the planning process. Under ISTEA, Long Range Transportation Plans are to include four main topics, two of which are important to this contract: it must be financially feasible (be affordable); and it must address federal air quality standards.

In May of 1997, the MPO underwent a Federal Certification Review by the Federal Highway Administration and Federal Transit Administration. Through that certification review process the federal reviewers identified two areas in our Long Range Transportation Plan needed re-examination. First it was determined from the certification review that it was unclear what projects listed in the long range transportation plan were included in the air quality modeling process, and were therefore eligible to be considered for funding. The MPO was asked to articulate more clearly the transportation projects that were programmed in the long range plan over the next twenty years and that were tested for air quality conformity. The second requirement was to show that the projects that were found to be tested and therefore eligible for inclusion in the long range plan are also affordable.

In December of 1997, the MPO requested proposals from consultant firms to undertake the update of the Long Range Transportation Plan, particularly to address the two issues raised by the federal certification review. A selection committee that included members from the surrounding counties, as well as a member from the Tennessee Department of Transportation and Federal Highway Administration, was appointed to review the consultant proposals. The consultant that was selected was Apogee/Hagler Bailly, Inc. to develop the Long Range Transportation Plan and that was endorsed the Executive Board of the MPO.

The Planning Commission serves as the contracting agent for the MPO, and is being asked to approve the contract with Apogee/Hagler Bailly, Inc. for the development of the Long Range Transportation Plan update. Under this contract the consultant will evaluate the MPO’s Long Range Transportation Plan and model, verify the assumptions that were made, verify what projects were included in the air quality modeling process, and develop a recommended cost feasible plan for the five county region for the next twenty years.

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

Resolution No. 98-145

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the Contract with Apogee/Hagler Bailly, Inc., for the Nashville Area Long-Range Transportation Plan Update.

5. Madison Commercial Study (Report Only).

Mr. Jerry Fawcett stated that when the Subarea 4 Plan was created, which includes the Madison area, there was a provision in that plan that said there needs to be some additional work to help the older Madison commercial area to revitalize itself. This comes about because when Rivergate was created a lot of businesses exited that area to go out further, and there was a lot of problems with vacancy and marginal use; those have continued, though things are improving.

Staff is suggesting that we undertake this task to help this area revitalize this business area. This effort will be undertaken coincident with the update of the Subarea 4 Plan, which is scheduled to begin immediately. Staff is working with a group that is made up of parties consisting of Pro Madison, the Madison Chamber of Commerce and MDHA and the Merchants Association. The intent is to carry out this study between now and the end of the fiscal year, which will be June 30, 1998.

6. Legislative Update.

Mr. Owens stated there was little activity at Council, but that would change because of the public hearing on March 3, 1998.

PLATS PROCESSED ADMINISTRATIVELY

February 5, 1998 through February 18, 1998

- | | |
|-----------------|--|
| 97S-062U | VILLAGES of LARCHWOOD, Phase 2, Section 1
Revises title and open space |
| 97S-338U | CAVENER PLACE (Horizontal Property Regime)
Condominium Plat |
| 97S-424G | SCOTTS HOLLOW, Phase 1, Section 3
Creates one lot |
| 98S-001U | Plan of BELAIR, Resubdivision of Lot 54
One lot into two lots |

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:00 p.m.

Chairman

Secretary

Minute Approval:
This 5th day of March, 1998