

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: March 5, 1998
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Philip Bredesen
Gilbert N. Smith, Chairman

Others Present:

Executive Office:

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

Current Planning & Design Division:

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

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Cynthia Lehmbeck, Planner III
Jennifer Uken, Planner I

Advance Planning & Design:

John Boyle, Planning Division Manager
Mike Calleja, Planner III
April Alperin, Planner I

Others Present:

Rachel Allen, Legal Department

Vice Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Mr. Owens announced item 97S-454U, Wellington Square, which was announced for public hearing, had been withdrawn. Ms. Nielson moved and Mr. Bodenhamer 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:

97Z-034U	Deferred two weeks, by applicant.
125-78-U	Deferred until April 2, 1998, by applicant.
79-81-U	Deferred two weeks, by applicant.
98S-073G	Deferred indefinitely, by applicant.

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

APPROVAL OF MINUTES

Ms. Nielson moved and Mr. Harbison seconded the motion, which unanimously passed to approve the minutes of the regular meeting of February 19, 1998.

RECOGNITION OF COUNCILMEMBERS

No Councilmembers were present to speak.

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:

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-030U
Map 91-14, Parcel 71
Subarea 7 (1994)
District 22 (Holt)

A request to change from R8 to CS District property located at 5606 O'Brien Avenue, approximately 300 feet west of Robertson Avenue (.18 acres), requested by Lester Moore, trustee, for Lloyd Lampley et ux, owners.

Resolution No. 98-146

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-030U is **APPROVED (8-0)**:

This property falls within an area of Commercial Mixed Concentration (CMC) policy around the I-40/White Bridge Pike interchange in the Subarea 7 Plan, calling for a mixture of high density residential, retail, and office uses. The CS District is consistent with this policy and the emerging CS zoning pattern in this area."

Zone Change Proposal No. 98Z-031U
Map 108-1, Parcels 2 (.39 acres) and 3 (.57 acres)
Subarea 14 (1996)
District 15 (Dale)

A request to change from R10 to CS District properties located at 2716 and 2720 Shacklett Drive, approximately 800 feet west of Donelson Pike (.96 acres), requested by Barge, Cauthen and Associates, Inc., appellant, for Terri Rion, trustee, and David Hornsby, trustee.

Resolution No. 98-147

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-031U is **APPROVED (8-0)**:

This property falls within an area of Commercial Mixed Concentration (CMC) policy which calls for retail, office, and commercial uses around the Donelson Pike/I-40 interchange in the Subarea 14 Plan. The CS district will implement this policy and is a continuation of the emerging zoning pattern as residential uses transition to commercial due to aircraft noise impacts from Nashville International Airport."

Zone Change Proposal No. 98Z-032U
Map 108-1, Part of Parcel 42 (.5 acres)
Subarea 14 (1996)
District 15 (Dale)

A request to change from R10 to CS District a portion of 580 Donelson Pike, abutting the east margin of Claridge Drive (.5 acres), requested by Herb Ruck of Park-N-Fly, appellant, for Johnny Moore et ux, owners.

Resolution No. 98-148

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-032U is **APPROVED (8-0)**:

This property falls within an area of Commercial Mixed Concentration (CMC) policy which calls for retail, office, and commercial uses around the Donelson Pike/I-40 interchange in the Subarea 14 Plan. The CS district will implement this policy and is a continuation of the emerging zoning pattern as residential uses transition to commercial due to aircraft noise impacts from Nashville International Airport.”

Zone Change Proposal No. 98Z-035U
Map 135, Parcel 240 (.89 acres) and
Part of Parcel 239.02 (6.8 acres)
Subarea 13 (1996)
District 27 (Sontany)

A request to change from R10 to CL District a portion of property located at 2130 Murfreesboro Pike, and a portion of property located at 2119 Murfreesboro Pike, approximately 1,200 feet south of Smith Springs Road (7.69 acres), requested by Batson and Associates, appellant, for Land Investment and Development Corporation, owner.

Resolution No. 98-149

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-035U is **APPROVED (8-0)**:

This property falls within an area of Mixed-Use policy in the Subarea 13 Plan, calling for a mixture of residential, retail, office and commercial uses to serve area residents. The CL District is consistent with mixed use policy.”

Zone Change Proposal No. 98Z-036G
Map 126, Parcels 66 (69.08 acres) and 44 (38.31 acres)
Subarea 6 (1996)
District 23 (Crafton)

A request to change from AR2a to RS15 District property located at 8994 Newsom Station Road and extending northward to the Harpeth River (107.39 acres), requested by Barge, Waggoner, Sumner and Cannon, appellant, for Cecil Branstetter, owner.

Resolution No. 98-150

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-036G is **APPROVED (8-0)**:

The Subarea 6 Plan applies Natural Conservation (NC) policy to this general area in recognition of the Harpeth River floodplain which NC policy seeks to protect. The RS15 district is consistent with the density of the nearby Boone Trace Residential Planned Unit Development as well as the adopted Newsom Station Road Improvement Study.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 163-73-G
Bellevue Village Shopping Center
(Pizza Hut and Walgreens)
Map 142, Parcels 200, 221 and 237

Subarea 6 (1996)
District 35 (Lineweaver)

A request to revise the final site development plan for a portion of the Commercial (General) Planned Unit Development District abutting the south margin of Highway 70S and the west margin of Sawyer Brown Road (2.37 acres), classified SCR, to permit the development of a 3,005 square foot restaurant and a 15,120 square foot drug store, requested by Ragan-Smith Associates, for M&M Development Company, owner. (Also requesting final plat approval).

Resolution No. 98-151

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 163-73-G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE; CONDITIONAL FINAL PLAT APPROVAL**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a revised final subdivision plat and the abandonment of an existing drainage easement prior to the issuing of any building permits.”

Proposal No. 61-84-U
Bellevue Valley Plaza (Star Cleaners)
Map 142, Parcel 269
Subarea 6 (1996)
District 35 (Lineweaver)

A request to revise the final site development plan of the Commercial (General) Planned Unit Development District abutting the east margin of Old Hickory Boulevard, approximately 420 feet south of Highway 70S (Memphis-Bristol Highway) (0.62 acres), classified SCC, to permit the addition of 470 square feet to the existing 1,100 square foot facility, requested by Economy Home Improvements, for Star Cleaners, owner.

Resolution No. 98-152

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 61-84-U is given **APPROVAL (8-0)**.”

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

A request to revise the approved preliminary site development plan and for final approval of 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 160 rooming unit (53 dwelling unit), assisted living facility with a central kitchen and a 3,000 square foot neighborhood primary health care clinic, requested by Gresham, Smith and Partners, for Tennessee Industrial Properties, owner. (Also requesting final plat approval). (Deferred from meetings of 2/5/98 and 2/19/98).

Resolution No. 98-153

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 6-87-P is given **CONDITIONAL PRELIMINARY AND FINAL PUD APPROVAL; FINAL PLAT APPROVAL (8-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management Section of the Metropolitan Department of Public Works.
2. Recording of the final plat.”

Proposal No. 96P-007G

Banbury Crossing
Map 172, Part of Parcels 109, 110 and 111
Subarea 12 (1997)
District 32 (Jenkins)

A request for final approval for Sections Four and Five of the Residential Planned Unit Development District abutting the western terminus of Banbury Crossing (41.74 acres), classified R40, to permit the development of 89 single-family lots, requested by Gresham, Smith and Partners, for The Jones Company, owner. (Deferred from meeting of 2/5/98).

Resolution No. 98-154

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-007G is given **CONDITIONAL FINAL APPROVAL FOR SECTIONS FOUR AND FIVE (8-0)**. The following condition applies:

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

SUBDIVISIONS:

Final Plats:

Subdivision No. 97S-348G

Nashwood Park Apartments Subdivision
Map 43-11, Parcel 186
Subarea 4 (1993)
District 9 (Dillard)

A request to record a lot abutting the north margin of Old Hickory Boulevard and the south margin of North Dupont Avenue (9.28 acres), classified within the RS7.5 Residential Planned Unit Development District, requested by Earline Bush and Estate of James R. McKinney, owners/developers, Ragan-Smith Associates, Inc., surveyor. (Deferred indefinitely from meeting of 10/2/97).

Resolution No. 98-155

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-348G, is **APPROVED SUBJECT TO A BOND OF \$115,000.00 (8-0)**.”

Subdivision No. 98S-058G

Northside Marketplace
Map 26, Parcel 1
Map 26-11, Parcels 1-3
Map 26-12, Parcel 1
Map 26-15, Parcels 20-23

Subarea 4 (1993)
District 10 (Garrett)

A request for final plat approval to subdivide nine parcels into three lots abutting the south margin of Gallatin Pike, approximately 1,520 feet west of Cumberland Drive (114.35 acres), classified within the CS and R20 Residential Planned Unit Development Districts, requested by Davevest Associates, L.P., owner/developer, Cherry Land Surveying, surveyor. (Deferred from meeting of 2/19/98).

Resolution No. 98-156

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-058G, is **APPROVED SUBJECT TO A BOND OF \$855,000.00 (8-0).”**

Subdivision No. 98S-064G
Lewis W. Collier Subdivision, Resubdivision
of Tracts 1, 3, 4 and 6
Map 67, Parcel 91
Map 78, Parcels 85, 93 and 95
Subarea 3 (1992)
District 1 (Patton)

A request for final plat approval to reconfigure four lots abutting both margins of Tidwell Hollow Road, approximately 4,700 feet northeast of Old Hickory Boulevard (289.28 acres), classified within the AR2a District, requested by Lewis W. Collier, et al, owners/developers, William M. Keel, surveyor.

Resolution No. 98-157

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-064G, is **APPROVED (8-0).”**

Subdivision No. 98S-067G
Chase Point, Section 3
Map 22, Part of Parcel 31
Subarea 1 (1997)
District 1 (Patton)

A request for final plat approval to create 15 lots abutting both margins of Chasepoint Place, approximately 110 feet southwest of Jordyn Leigh Court (4.5 acres), classified within the RS10 District, requested by Billy W. Spain et ux, owners/developers, Ragan-Smith Associates, Inc., surveyor.

Resolution No. 98-158

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-067G, is **APPROVED SUBJECT TO A BOND OF \$18,000.00 (8-0).”**

Subdivision No. 98S-068G
Bethel Chapel, Inc.
Map 159, Parcels 87-89, 183 and 200
Subarea 10 (1994)
District 33 (Turner)

A request for final plat approval to consolidate five parcels into one lot abutting the northeast corner of Old Hickory Boulevard and Granny White Pike (11.87 acres), classified within the R40 District, requested by Bethel Chapel, Inc., owner/developer, Cherry Land Surveying, surveyor.

Resolution No. 98-159

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-068Gis **APPROVED (8-0).”**

Subdivision No. 98S-070G
Thousand Oaks Estates, Lot 46
Map 114-14, Parcel 10
Subarea 6 (1996)
District 23 (Crafton)

A request for final plat approval to remove the reserve status on a lot abutting the northwest corner of Forrest Valley Circle and Forrest Valley Drive (.92 acres), classified within the R40 District, requested by Vladimir Zheltrov, owner/developer, E. Roberts Alley and Associates, Inc., surveyor.

Resolution No. 98-160

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-070G, is **APPROVED (8-0).”**

Subdivision No. 98S-072U
Cambridge Forest, Section 2
Map 149, Part of Parcel 319
Subarea 13 (1996)
District 28 (Hall)

A request for final plat approval to create 33 lots abutting both margins of Edencrest Drive, approximately 80 feet northwest of Edenfield Court (11.68 acres), classified within the R15 Residential Planned Unit Development District, requested by Double M Partners, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 98-161

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-072U, is **APPROVED SUBJECT TO A BOND OF \$284,500.00 (8-0).”**

Subdivision No. 98S-074U
East Lake, Section 4, Lots 114A and B,
115 A and B, 115 A and B (ZLD)
Map 108-11, Parcels 2-4 and 7
Map 108-12, Parcel 87
Subarea 14 (1996)
District 13 (French)

A request for final plat approval to add area to each lot abutting the southwest margin of Timber Valley Drive, opposite Lakeford Drive (1.64 acres), classified within the R10 and Residential Planned Unit Development Districts, requested by the Metropolitan Nashville Airport Authority et al, owners/developers, MEC, Inc., surveyor.

Resolution No. 98-162

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-074U, is **APPROVED (8-0).”**

Subdivision No. 98S-077G
Somerset Farms, Phase 4, Section 4
Map 141, Part of Parcel 15
Subarea 6 (1996)
District 35 (Lineweaver)

A request for final plat approval to create 32 lots abutting both margins of Summerview Court, approximately 85 feet southeast of Somerset Farms Circle (6.07 acres), classified within the R10 Residential Planned Unit Development District, requested by Somerset Farms, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 98-163

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-077G, is **APPROVED SUBJECT TO A BOND OF \$205,462.00 (8-0).”**

Request for Bond Extension:

Subdivision No. 88S-066G
Northbrook Subdivision, Phase 1
Roy C. Flowers, principal

Located abutting the east side of Brick Church Pike, approximately 850 feet north of Village Trail.

Resolution No. 98-164

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 88S-066G, Bond No. 89BD-024, Northbrook, Phase 1, in the amount of \$6,788 to 6/1/98 subject to submittal of an amendment to the present Letter of Credit by **3/19/98** which extends its expiration date to 12/1/98. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Request for Bond Release:

Subdivision No. 151-82-G
Somerset Farms, Section 4, Phase 2
Somerset Farms, Joint Venture, principal

Located abutting both margins of Somerset Farms Circle, approximately 192 feet south of Autumn Court.

Resolution No. 98-165

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 151-82-G, Bond No. 97BD-018, Somerset Farms, Section 4, Phase 2 in the amount of \$190,000."

Subdivision No. 23-85-P

Forest Pointe, Phase 1
Fox Ridge Homes, Inc., principal

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

Resolution No. 98-166

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the release of a performance bond for Subdivision No. 23-85-P, Bond No. 94BD-055, Forest Pointe, Phase 1 in the amount of \$19,500."

Subdivision No. 23-85-P
Forest Pointe, Phase 2
Fox Ridge Homes, Inc.

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

Resolution No. 98-167

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 23-85-P, Bond No. 94BD-099, Forest Pointe, Phase 2 in the amount of \$23,750.

Subdivision No. 85-85-P
Brentwood Commons, 2nd Revision
American General Life and Accident
Insurance Company, principal

Located abutting the north margin of Old Hickory Boulevard, approximately 800 feet east of Franklin Pike Circle.

Resolution No. 98-168

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 85-85-P, Bond No. 95BD-056, Brentwood Commons, 2nd Revision in the amount of \$13,500."

MANDATORY REFERRALS:

Proposal No. 98M-023U
Proposed Ocala Drive Reservoir Site Property Acquisition
Map 161, Parcels 193 and 194
Subarea 12 (1997)
District 30 (Hollis)

A mandatory referral from the Department of Water Services to purchase property for the Ocala Drive Reservoir (Project No. 96-WG-83B).

Resolution No. 98-169

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 98M-023U.

Proposal No. 98M-024U
Council Resolution No. R98-1038
Green Hills Library Property Acquisition
Map 117-11, Parcels 59, 60 and 85
Subarea 10 (1994)
District 25 (Kleinfelter)

A council resolution authorizing the Director of Public Property to exercise an option to purchase real property located at 2003 and 2095 Graybar Lane and 3609 Benham Avenue on which to construct the new Green Hills Branch of the Metropolitan Public Library.

Resolution No. 98-170

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 98M-024U.

This concluded the items on the consent agenda.

SUBAREA 13 PLAN AMENDMENT PUBLIC HEARING.

Ms. Uken stated that this is a public hearing to consider an amendment to the *Subarea 13 Plan: 1996 Update*, and pointed out the area to be considered for amendment, which is bounded by Interstate 24 to the west, Old Hickory Boulevard to the south, the CSX rail line to the east, and Old Franklin and Mt. View Roads to the north. Ms. Uken stated that there has recently been interest in utilizing the existing Commercial Mixed Concentration, or CMC, policy area 11G for industrial purposes. Staff have researched the demand and locational criteria for industrial use of this land, and the necessity of reserving this land for future mixed commercial development needs, and as a result, recommended that the *Subarea 13 Plan: 1996 Update* be amended, and that the CMC policy area 11G be changed to Industrial and Distribution or IND policy.

Ms. Uken informed the Commission that the recommendation had recently been simplified and instead of creating a separate policy area (14K) as originally suggested, staff are requesting that the Commission simply add to the adjacent industrial policy area 14J.

Ms. Uken stated that the reason that CMC policy was originally applied to this area was because of its high visibility location, which is adjacent to the Hickory Hollow Regional Activity Center. She stated that this area was envisioned as an intense mix of commercial and office uses with the opportunity for higher density residential as well.

Ms. Uken concluded her presentation by explaining the factors that justify the amendment. The first factor is that due to market forces, CMC area 11G may be more appropriate for industrial development. Second, if there is a future demand for additional mixed commercial or office development in this area, the adjacent Regional Activity Center policy, which extends into Subarea 12, contains an abundance of vacant land that will generously support these types of land use activities. Third, the area also meets the locational criteria for siting industrial uses. These criteria generally include gently sloping topography, compatibility with surrounding land uses, and a relationship to essential facilities and services, such as transportation and utilities.

No one was present to speak at the public hearing.

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

Resolution No. 98-171

“Whereas, the Metropolitan Planning Commission adopted the *Subarea 13 Plan: 1996 Update* on October 17, 1996; and

Whereas, Chapter 3 Section 3.42C on page 65 of this plan contains commercial land use policies for area 11G which call for a mix of commercial and office uses with the opportunity for higher density residential uses; and

Whereas, Chapter 3 Section 3.42C on page 72 of this plan contains industrial land use policies for area 14J which call for industrial land uses; and

Whereas, a public hearing was held on March 5, 1998 to consider the merits of changing the land use of Area 11G from Commercial Mixed Concentration to Industrial and Distribution and including this area within the adjacent Industrial and Distribution area 14J; and

Whereas, the Commission finds that this expansion is warranted so as to provide additional opportunities for industrial uses related to the market needs of Nashville and Davidson County;

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** Amendment No. 1 to the *Subarea 13 Plan: 1996 Update* and incorporates this amendment into the *Subarea 13 Plan: 1996 Update*.

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 98S-056G
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). (Deferred from meeting of 2/19/98).

Mr. Owens stated the public hearing for this six lot subdivision was held at the February 19, 1998, commission meeting. The hearing was closed and then the application was deferred to allow Public Works additional time to verify sewer availability. This was a request to divide a large acreage tract off of Stevens Lane. As of today, Water Services has still not reviewed this application and they are well beyond the 28 day requirement. Staff is recommending this plat be approved with the condition that before it is recorded the final verification will be complete. There is a sewer line passing through this property, through each lot, and there should be no issue as to sewer availability in this area. Staff feels the applicant has been delayed long enough and are recommending approval.

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

Resolution No. 98-172

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-056G, is **APPROVED SUBJECT TO VERIFICATION OF SEWER AVAILABILITY BY THE DEPARTMENT OF WATER SERVICES (8-0).”**

Subdivision No. 98S-066U (Public Hearing)
Charlotte Park, Resubdivision of Part of Lots 5 and 6
Map 103-3, Parcel 31
Subarea 7 (1994)
District 24 (Johns)

A request for preliminary approval for two lots abutting the east margin of 54th Avenue North, approximately 403 feet south of Nevada Avenue (.52 acres), classified within the RS7.5 District, requested by Bruce Jackson, owner/developer, John Kohl and Company, surveyor.

Mr. Owens stated this application was to divide an existing lot and create two building sites. The comparability formula would normally be applied because this is in a developed situation but in this situation the comparability formula gives a misreading because there are other lots along this same street that have as little as 50 feet of frontage and the average is higher than some of the lots. The west side of the road, for the most part, is undeveloped and staff is recommending approval.

Mr. Henry Hood spoke in favor of the proposal.

The Commission discussed various reasons why the comparability formula sometimes does not apply well to certain circumstances, and in those cases requires some interpretation and discretion by the Commission. The staff pointed out that in this case there is ample undeveloped property in the vicinity, and that the lots which are platted have varying sizes and frontages. The combination of these two factors makes it difficult to apply the comparability formula.

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

Resolution No. 98-173

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-066U, is **APPROVED (8-0).”**

Subdivision No. 98S-075U (Public Hearing)
Payne Road Estates
Map 148, Parcels 120.1 and 121
Subarea 13 (1996)
District 28 (Hall)

A request for preliminary approval for 20 lots abutting the southwest corner of Reeves Road and Payne Road (7.69 acres), classified within the RS7.5 District, requested by Kenneth Victory, optionee, MEC, Inc., surveyor.

Mr. Owens stated this was a request to divide a piece of property into 20 lots. Payne Road will serve as the frontage for these lots. The issue with this application is the fact that Payne Road is substandard in its pavement width. According to the Subdivision Regulations, when there is a redevelopment such as this, the

developer shall make improvements to that portion of the substandard road. This developer has submitted plans showing he will widen that portion of the road and install sidewalks.

This is a 7,500 square foot district and the large corner lot is more than three times that size which is a violation of the Subdivision Regulations. Staff is recommending a variance because of the angled nature of the intersection which is forcing this lot to be oversized in order to provide a reasonable building envelope.

Mr. Robert Gregg spoke in favor of the proposal.

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

Resolution No. 98-174

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-075U, is **APPROVED WITH A VARIANCE TO SECTION 2-4.2D (8-0).”**

OTHER BUSINESS:

1. Employee Contract for Jennifer Higgs.

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

Resolution No. 98-175

“BE IT RESOLVED by the Metropolitan Planning Commission, that it approves the employee contract for Jennifer Higgs for one year, from March 16, 1998 through March 15, 1999.”

2. Legislative Update.

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

PLATS PROCESSED ADMINISTRATIVELY

February 19, 1998 through March 4, 1998

97S-169U BRITTANY PARK, Phase 1B, First Revision
Revises minimum building setback line

97S-263U BRENTWOOD HOTELS/GESKE PROPERTY, First Revision
Shifts interior property line between two commercial lots

98S-011U RAINS AVENUE PROPERTY

One lot into two lots

- 98S-031U** **HORRELL'S SIDCO DEVELOPMENT,
Tract A, Second Revision**
Combines deeded parcel to platted lot
- 98S-041G** **LONG'S ONE LOT SUBDIVISON**
Combines two parcels into one lot
- 98S-054G** **LELAND HARRIS SUBDIVISION**
Creates one lot
- 98S-063G** **FOX HOLLOW FARMS, Lot 4**
Plats one deeded parcel
- 98S-071G** **WEXFORD DOWNS, Section 1 Revision of Lot 137**
Remove a cemetery and access easement from lot
- 98S-078G** **BRANDYWINE POINTE, Phase 8, Section 2
Resubdivision of Lots 57 and 58**
Shifts interior lots line between two platted lots
- 98S-089G** **WILLIAMS GROVE, Section 1, Resubdivision of Lot 101**
Minor interior lot line shift

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 1:45 p.m.

Chairman

Secretary

Minute Approval:
This 19th day of March, 1998