

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: Thursday, September 21, 1995
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith, Chairman
Arnett Bodenhamer
William Harbison
Janet Jernigan
James Lawson
William Manier
Councilmember Larry McWhirter
Ann Nielson

Absent:

Mayor Philip Bredesen
Stephen Smith

Also Present:

Executive Office:

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

Current Planning and Design Division:

Edward Owens, Planning Division Manager
John Bracey, Planner III
Mitzi Dudley, Planner III
Tom Martin, Planner III
Shawn Henry, Planner II
Charles Hiehle, Planning Technician II

Advance Planning and Research Division:

Deboarh Fleming, Planner III
Jeff Lawrence, Planner III

Community Plans Division:

Jerry Fawcett, Planning Division Manager

Others Present:

Jim Armstrong, Public Works
Leslie Shechter, Department of Law

Chairman Smith Called the meeting to order.

ADOPTION OF AGENDA

Ms. Nielson moved and Mr. Lawson seconded the motion, which was unanimously passed, to adopt the agenda with the correction noted to 94P-017G, October Woods, to remove the reference to parcel 131 from the caption.

ANNOUNCEMENT OF DEFERRED ITEMS

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

235-84-G Harbour Village, Phase 2, Deferred two weeks by applicant.
47-87-P Hunters Green, Deferred two weeks by applicant.

Mr. Owens announced there was a request from a neighboring homeowners association by letter to defer two related items, 95Z-094G and the associated PUD cancellation request 111-82-U. He stated staff was recommending the Commission hear these cases in its regular order but wanted to advise the Commission that there was a request to defer these items.

Mr. Lawson moved and Ms. Jernigan seconded the motion, which carried unanimously, to defer 235-84-G and 47-87-P.

APPROVAL OF MINUTES

Mr. Bodenhamer moved and Mr. Lawson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of September 7, 1995.

RECOGNITION OF COUNCILMEMBERS

Councilman David Kleinfelter was present representing neighbors opposed to proposed subdivision 95S-268U, Arbor Close.

Mr. Owens announced the Commission had received a letter from Councilmember James Dillard of the Ninth District regarding PUD 90P-20G, Heron Walk, indicating he is in agreement with the new plan that is being proposed by the developer.

Mr. Owens announced staff had received a letter from Mr. Joe Petrosky, the applicant for two cases, 95Z-97G and 84-85-P, requesting the Commission to hear his items out of order due to a personal scheduling conflict.

Mr. Browning advised the Commission that the item on the agenda for recognition of Councilmembers was put on the agenda because the Commission, many years ago, established they would not take matters out of order. Councilmembers would indicate they would want to have their matters brought to the front of the agenda so they could speak and leave. To avoid this problem the Commission inserted this item into the agenda so the integrity of the agenda could be maintained.

Chairman Smith stated he was concerned about setting a precedent and suggested the Commission continue with the agenda as listed.

ADOPTION OF CONSENT AGENDA

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

APPEAL CASES:

Appeal Case No. 95B-185U

Map 74-13, Parcel 3

Subarea 14

District 15

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct an addition (garage with living area) to an existing residence within the R15 District on certain property abutting the east margin of Stones River Road, approximately 1,200 feet east of McGavock Pike (1.22 acres), requested by James A. Owen, appellant/owner.

Resolution No. 95-672

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-185U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-089G

Map 114, Part of Parcel 202 and Parcel 203

Subarea 6

District 23

A request to change from CH District to CS District certain property approximately 70 feet north of Tolbert Road and 100 feet east of Old Hickory Boulevard (approximately .75 acres), requested by J. Edmond Freeman, Jr., for Blevins-Freeman Storage Association, owner.

Resolution No. 95-673

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-089G is **APPROVED**.

The Subarea 6 plan applies "sub-regional retail" commercial policy to this general area along Old Hickory Boulevard, south of the I-40 interchange. In recent times, the commission has approved similar requests to change the existing CH district classification in this area to CS. The same is appropriate for this site."

Zone Change Proposal No. 95Z-090U

Map 86, Parcel 147

Subarea 14

District 12

A request to change from R15 District to RM8 District certain property abutting the northwest corner of Central Pike and Dodson Chapel Road (25.37 acres), requested by Ronald C. Mayhew, Security Capital Atlantic, Inc., for Mark Kay, owner.

Resolution No. 95-674

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-090U is **APPROVED**.

The 1990 Subarea 14 plan placed this triangular parcel and a larger area to the east in residential ‘medium-high’ density policy. The requested RM8 district will implement this policy objective.”

Zone Change Proposal No. 95Z-091G
Map 181, Parcel 126 and Part of Parcel 159
Subarea 12
District 31

A request to change from AR2a District to RS30 District certain property approximately 150 feet south of Nolensville Pike and 400 feet west of Concord Road at the closest points and lying between the Williamson/Davidson County line and Mill Creek (20.39 acres), requested by Phil Jones of King Pipeline and Utility Company, Andrew B. King and Vision Quest International, Inc., owners.

Resolution No. 95-675

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-091G is **APPROVED**.

The Subarea 12 plan places this site within residential ‘low-medium’ density policy, which the RS30 district will implement.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 128-82-U
Star Dust Commercial
Map 120-1, Parcel 154
Subarea 13
District 13

A request to amend the approved preliminary site development plan for the Commercial (General) Planned Unit Development District abutting the northeast margin of Murfreesboro Pike, opposite Glengarry Drive (2.90 acres), to permit the development of a 152 unit motel to replace a 6,000 square foot restaurant facility, requested by Barge, Waggoner, Sumner and Cannon, for Glen Bartosh, owner.

Resolution No. 95-676

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 128-82-U is given **CONDITIONAL APPROVAL OF AN AMENDMENT TO PRELIMINARY REQUIRING COUNCIL CONCURRENCE**. The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Demonstration on final of method to be used in stabilization of slopes.
3. Approval by the Metropolitan Council.”

Proposal No. 78-87-P
Fredericksburg, Section 6
Map 171, Parcel 89
Subarea 12
District 32

A request for final approval for Section 6 of the Residential Planned Unit Development District abutting the western terminus of Fredericksburg Way East, approximately 200 feet north of Cloverland Drive (19.67 acres), to permit the development of 67 single-family lots, requested by Anderson-Delk, Inc., for Radnor Development Corporation, owner.

Resolution No. 95-677

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 78-87-P is given **CONDITIONAL FINAL APPROVAL FOR SECTION 6**. The following conditions apply:

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

Proposal No. 90P-020G
Heron Walk
Map 52-8, Parcels 22 and 196
Subarea 4
District 10

A request to revise the approved preliminary site development plan of the Residential Planned Unit Development District abutting the south margin of Cheyenne Boulevard, 350 feet south of Manzano Road (39.16 acres), to redesign the site plan for 200 single-family lots, requested by Joe McConnell, for Allen Earps, owner.

Resolution No. 95-678

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 90P-020G is given **CONDITIONAL APPROVAL OF A REVISION TO PRELIMINARY**. The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and Traffic Engineering sections of the Metropolitan Department of Public Works.
2. Compliance with the Department of Water and Sewer Services’ sewer availability letter dated October 4, 1990 requiring pumping station improvements at the Cheyenne Boulevard facility with the initial phase of this development.
3. The recording of a boundary plat.
4. The posting of all bonds as may be required by any subsequent final approval.”

Proposal No. 91P-004U
Silo Self Storage
Map 161, Parcel 243
Subarea 12
District 31

A request to revise the approved preliminary site development plan and for final approval for a phase of the Commercial (General) Planned Unit Development District abutting the south margin of Swiss Avenue,

approximately 400 feet west of Nolensville Pike (2.64 acres), to permit the development of a 29,324 square foot self-service storage facility, requested by Joe Feagin.

Resolution No. 95-679

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 91P-004U is given **APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE**. The following condition applies:

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

Proposal No. 93P-016G

Traceside, Section 5
Map 155, Parcel 241
Subarea 6
District 35

A request for final approval for Section 5 of the Residential Planned Unit Development District abutting the southeast margin of State Route 100 (20.2 acres), to permit the development of 48 single-family lots, requested by Ragan-Smith Associates, for George Welch, owner.

Resolution No. 95-680

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93P-016G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and Traffic Engineering sections of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat upon the posting of a bond for all road improvements as required by the Metropolitan Department of Public Works and all water and sewer line extensions as required by the Harpeth Valley Utility District.”

Proposal No. 94P-004U

Mt. View Apartments
Map 163, Parcels 119 and 135
Subarea 13
District 28

A request for final approval of the Residential Planned Unit Development District abutting the north margin of Mt. View Road, east and west of Baby Ruth Lane (18.54 acres), to permit the development of a 238 unit residential complex with a club/leasing office and pool, requested by Paul Lockwood, for Michael Wick, owner.

Resolution No. 95-681

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-004U is given **CONDITIONAL FINAL APPROVAL**. The following conditions apply:

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

2. No construction permit shall be issued for any part of this development prior to the R.O.W. dedication of the relocated Baby Ruth Lane by plat and all associated bonding if construction of that facility is not completed at the time of platting.
3. No construction permits shall be issued for those portions of the final site plan which would affect the operational integrity of the existing Baby Ruth Lane until reconstructed Baby Ruth Lane is operational and accepted by Metropolitan Government.
4. The posting of a bond for all off site road improvements as required by the Metropolitan Department of Public Works and water and sewer line extensions and relocation's as required by the Metropolitan Department of Water and Sewer Services.
5. The recording of a boundary plat."

SUBDIVISIONS:

Final Plats:

Subdivision No. 60-86-P
 Northlake Village
 Map 86, Part of Parcel 89
 Subarea 14
 District 12

A request to create one lot within a phase of the Commercial (General) Planned Unit Development District abutting the northeast corner of Old Hickory Boulevard and Andrew Jackson Parkway (.67 acres) to create an out parcel for a 20,200 square foot retail facility, requested by Walter H. Davidson, for Northlake Village L.P., owners. **(Also requesting minor revision to the PUD master plan.)**

Resolution No. 95-682

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 60-86-P be **APPROVED** as both a minor revision to the Commercial PUD Master Plan and a Final Plat for one lot."

Subdivision No. 189-73-G
 Cherry Creek Apartments, Phase Two
 Map 86, Part of Parcel 154
 Subarea 14
 District 12

A request to dedicate right-of-way and define a phase boundary within a residential PUD abutting the south margin of Central Pike, approximately 100 feet east of Dodson Chapel Road (21.11 acres), classified within the R8 Residential Planned Unit Development District, requested by Pointe Development, Inc., owner/developer, E. Roberts Alley and Associates, Inc., surveyor.

Resolution No. 95-683

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 189-73-G be **APPROVED**." This approval will expire after 180 days have lapsed if the conditions of approval (if applicable) have not been satisfied and plat recorded in the Registers' Office of Davidson County, Tennessee. Upon resubmittal of a final subdivision plat, all applicable fees shall be due.

Subdivision No. 130-85-P
 Northside Festival
 Map 26-15, Parcels 3 and 39

Subarea 4
District 10

A request to create three lots abutting the southwest corner of Gallatin Pike and Northside Drive (10.61 acres), classified within the Commercial Planned Unit Development District, requested by Nashvest Associates, L.P., owner/developer, CESP, Inc., surveyor.

Resolution No. 95-684

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 130-85-P be **APPROVED**.”

Subdivision No. 94P-017G
October Woods, Phase One, Section Two
Map 183, Part of Parcel 4
Subarea 12
District 31

A request to create 49 lots abutting both margins of October Woods Drive and both margins of Pinwheel Drive (16.68 acres), classified within the R10 Residential Planned Unit Development District, requested by October Woods, L.P., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 95-685

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 94P-017G be **APPROVED** subject to posting a performance bond in the amount of \$325,000.00, and \$26,000.00 to be reserved for off-site transportation improvements.”

Subdivision No. 95S-263G
Holt Woods, Section Nine
Map 172, Part of Parcels 188 and 206
Subarea 12
District 31

A request to create 24 lots abutting both margins of October Street, approximately 80 feet west of Holt Hills Road (8.45 acres), classified within the R20 Residential Planned Unit Development District, requested by Hurley-Y, L.P., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 95-686

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 95S-263G be **APPROVED** subject to posting a performance bond in the amount of \$344,500.00.”

Request for Bond Extension:

Subdivision No. 163-73-G
Bellevue Shopping Center, Phase Two
Service Merchandise Company, Inc., principal

Located abutting the south margin of the Memphis-Bristol Highway, approximately 1,000 feet west of Sawyer Brown Road.

Resolution No. 95-687

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 163-73-G, Bond No. 91BD-001, Bellevue Shopping Center, Phase Two, until September 30, 1996, as requested, in the full amount of \$65,000.00, said approval being contingent upon submittal of a letter by and from United Pacific Insurance Company agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 134-84-G

Grove at Devon Hills

HSW Devon Hills Associates I, L.P., principal

Located abutting the east margin of Old Hickory Boulevard, approximately 45 feet south of Devon Valley Drive.

Resolution No. 95-688

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 134-84-G, Bond No. 94BD-067, Grove at Devon Hills, until June 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the reduced amount of \$40,000.00 by October 25, 1995 and extending the expiration date to December 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 312-84-G

Poplar Creek Estates, Phase Three-B

Poplar Creek Development Corporation

Located abutting the northwest terminus of Forest Oaks Drive, approximately 110 feet northwest of Forest Oaks Court North.

Resolution No. 95-689

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 312-84-G, Bond No. 94BD-048, Poplar Creek Estates, Phase Three-B, until June 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$149,000.00 by October 25, 1995 and extending the expiration date to December 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 70-85-P

Kensal Green, North

Phillips Builders, Inc., principal

Located abutting the northwest margin of Mt. View Road, approximately 250 feet southwest of Huntingboro Trail.

Resolution No. 95-690

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 70-85-P, Bond No. 95BD-032, Kensal Green, North, until October 1, 1996, as requested, in the reduced amount of \$31,000.00, said approval being contingent upon submittal of a letter by October 25, 1995 from Frontier Insurance Company agreeing to the

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

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

Located at the southwest corner of Old Hickory Pike and Morton Mill Road.

Resolution No. 95-691

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 102-86-P, Bond No. 87BD-016, Riverside, until June 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$228,800.00 by October 25, 1995 and extending the expiration date to December 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 28-87-P
Boone Trace, Phase One
Westinghouse Electric Corporation, principal

Located abutting the north margin of Newsom Station Road.

Resolution No. 95-692

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 28-87-P, Bond No. 87BD-032, Boone Trace, Phase One, until June 1, 1996, as requested, in the full amount of \$125,000.00, said approval being contingent upon submittal of a letter by October 25, 1995 from Safeco Insurance Company of America agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 78-87-P
Fredericksburg, Phase Five-A
Radnor Homes, Inc., principal

Located abutting both margins of Fredericksburg Way East and both margins of Culpepper Court.

Resolution No. 95-693

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 78-87-P, Bond No. 95BD-003, Fredericksburg, Phase Five-A, until October 1, 1996, as requested, in the reduced amount of \$46,000.00, said approval being contingent upon submittal of a letter by October 25, 1995 from Frontier Insurance Company agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 78-87-P
Fredericksburg, Phase Five-B
Radnor Homes, Inc., principal

Located abutting both margins of Fredericksburg Way East and both margins of New Market Place.

Resolution No. 95-694

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 78-87-P, Bond No. 95BD-004, Fredericksburg, Phase Five-B, until October 1, 1996, as requested, in the reduced amount of \$36,000.00, said approval being contingent upon submittal of a letter by October 25, 1995 from Frontier Insurance Company agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 88P-067G
Brandywine Pointe, Phase Six, Section One
Brandywine Pointe Partners, principal

Located abutting the southeast corner of Shute Circle and Brandywine Pointe Boulevard.

Resolution No. 95-695

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 88P-067G, Bond No. 94BD-026, Brandywine Pointe, Phase Six, Section One, until June 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$13,000.00 by October 25, 1995 and extending the expiration date to December 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 88P-067G
Brandywine Pointe, Phase Six, Section Two
Brandywine Pointe Partners, principal

Located abutting both margins of Safety Harbor Cove, approximately 135 feet northeast of Brandywine Pointe Boulevard.

Resolution No. 95-696

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 88P-067G, Bond No. 94BD-026, Brandywine Pointe, Phase Six, Section Two, until June 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$10,000.00 by October 25, 1995 and extending the expiration date to December 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 88P-067G
Brandywine Pointe, Phase Seven, Section Two
Brandywine Pointe Partners, principal

Located abutting both margins of Safety Harbor Cove, approximately 135 feet northeast of Brandywine Pointe Boulevard.

Resolution No. 95-697

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 88P-067G, Bond No. 94BD-078, Brandywine Pointe, Phase Seven, Section Two, until June 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$8,550.00 by October 25, 1995 and extending the expiration date to December 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 89S-099U
Physicians Park, Resubdivision of Section Eight
HCA Realty, Inc., principal

Located on the south margin of Charlotte Avenue, 0 feet east of 25th Avenue North.

Resolution No. 95-698

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 89S-099U, Bond No. 89BD-013, Physicians Park, Resubdivision of Section Eight, until October 1, 1996, as requested, in the full amount of \$23,000.00, said approval being contingent upon submittal of a letter by October 25, 1995 from the North River Insurance Company agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 90S-021U
MetroCenter, Tracts 15A and 15B
MetroCenter Properties, principal

Located on the east side of Athens Way between Grant Circle Road and French Landing.

Resolution No. 95-699

"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-021U, Bond No. 90BD-016, MetroCenter, Tracts 15A & 15B, until 10/01/96, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$30,000.00 by October 25, 1995 and extending the expiration date to April 1, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

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

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

Resolution No. 95-700

"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, until June 1, 1996, in the amount of \$5,200.00, as requested."

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

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

Resolution No. 95-701

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 90S-267U, Bond No. 90BD-032, Birdwell Subdivision, Phase One, until October 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$21,000.00 by October 25, 1995 and extending the

expiration date to April 1, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

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

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

Resolution No. 95-702

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 92S-274U, Bond No. 92BD-033, Perimeter Place, Section Five, Resubdivision of Lots 1, 2 & 3, until October 1, 1996, in the amount of \$10,700.00, as requested."

Subdivision No. 93S-002G
Birdwell Subdivision, Phase Two
Joel S. Birdwell, principal

Located abutting the north margin of Lowes Lane, approximately 568 feet west of Old Dickerson Pike.

Resolution No. 95-703

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of the performance bond for Subdivision No. 93S-002G, Bond No. 93BD-037, Birdwell Subdivision, Phase Two, until June 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$20,500.00 by October 25, 1995 and extending the expiration date to December 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 93P-016G
Traceside, Section A (2.1)
Centex Real Estate Corporation, principal

Located at the southwest terminus of Timber Gap Drive and the northeast terminus of Traceway Drive.

Resolution No. 95-704

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 93P-016G, Bond No. 95BD-026, Traceside, Section A (2.1), until June 1, 1996, as requested, in the reduced amount of \$150,000.00, said approval being contingent upon submittal of a letter by October 25, 1995 from the Safeco Insurance Company of America agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 94S-295U
Asheford Crossing, Section One
Phillips Builders, Inc., principal

Located abutting the southeast margin of Mt. View Road, approximately 200 feet northeast of Old Franklin Road.

Resolution No. 95-705

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 94S-295U, Bond No. 94BD-087, Asheford Crossing, Section One, until June 1, 1996, as requested, in the reduced amount of \$605,700.00, said approval being contingent upon submittal of a letter by October 25, 1995 from Frontier Insurance Company agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 95S-085U
Four-Forty Center, Phase Two, Lot One
Joseph V. Russell and Associates

Located abutting the north margin of Melrose Avenue, approximately 497 feet east of Eugenia Avenue.

Resolution No. 95-706

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for an extension of a performance bond for Subdivision No. 95S-085U, Bond No. 95BD-035, Four-Forty Center, Phase Two, Lot One, until October 1, 1996, as requested, in the full amount of \$45,000.00, said approval being contingent upon submittal of a letter by October 25, 1995 from American Insurance Company agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

MANDATORY REFERRALS:

Proposal No. 95M-094U
Shumate Lane Easement Abandonment
Map 135
Subarea 13
District 28

A proposal to abandon all public utility and drainage easements in the former right-of-way of a segment of Shumate Lane which was closed by Ordinance O86-1289, requested by Randy Caldwell, Ragan-Smith Associates, Inc., for Grupe Management Group, adjacent property owner.

Resolution No. 95-707

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES with conditions** Proposal No. 95M-094U.

The Commission recommends that an ordinance abandoning the subject easements not become effective until the following conditions are satisfied:

- 1. The reconstruction, at the expense of the petitioner, of Summate Lane at its intersection with Murfreesboro Pike is illustrated on the preliminary plan of the Country Commercial PUD (117-85-P).**
- 2. The relocation, at the expense of the petitioner of all existing public utility facilities into the reconstructed Shumate Lane right-of-way.**
- 3. And approval of all improvements by the Directors of Public Works, the Department of Water Services and the various public utility agencies whose facilities are being relocated."**

OTHER BUSINESS:

Capital Budget Amendments:

Proposal No. 95CB-009

A request by the Mayor to amend the 1995-2001 Capital Improvements Budget and Program by adding the following project.

I.D. No. 87PW004C
Rural Hill Road
From Hickory Highlands Drive
Northward 1,900 Feet
ROW, Engineering, Construction

\$600,000 Miscellaneous Funds*
\$350,000 Approved G.O. Bonds
FY 1995-96

*Represents Private Donation of ROW

Resolution No. 95-708

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95CB-009.”

Proposal No. 95CB-018

A request by the Mayor to amend the 1995-2001 Capital Improvements Budget and Program to change the amount of funding and the description for one Sheriff’s Office project:

I.D. No. 95SO008
Correction Corporation of America - Metro Detention Center Addition Design and Construct
Addition

From:	\$10,000,000	State Funds	FY 1995-96
To:	\$40,000,000	Proposed Revenue Bonds	FY 1995-96

Resolution No. 95-709

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95CB-018.”

Proposal No. 95CB-019

A request to amend the 1995-2001 Capital Improvements Budget and Program by adding a project to the program in FY 1995-96. This project was included in the 1994-2000 Capital Improvements Budget but excluded from the FY 1995-96 program.

I.D. No. 90FD0A01
Combined Fire Department and Police Department Computer Aided Dispatch System

1560 15th Avenue
Acquire the necessary hardware and software to implement a computer aided dispatch system

\$1,300,000 Miscellaneous Funds*
FY 1995-96

*Represents E-911 Funds

Resolution No. 95-710

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 95CB-019.”

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 95Z-082U
Map 85-11, Parcel 6
Subarea 14
District 14

A request to change from R10 District to OP District certain property abutting the northwest corner of Danyacrest Drive and Lebanon Pike (.9 acres), requested by Ken Renner, for John Mercer, owner.

Ms. Dudley stated currently the Subarea 14 Plan designates all of the area west of Lebanon Pike within residential low medium policy which permits a density of two to four dwelling units per acre. That was done despite the larger configuration of the parcels along Lebanon Pike, because the predominant pattern of residential development in the area is at this density level.

The Subarea 14 Plan is currently being re-evaluated and there is some discussion about applying a higher density residential policy category to the parcels fronting on Lebanon Pike because many of them are oversized and capable of accommodating higher residential densities in the form of multi-family development. This pattern of development would be compatible with frontage along a major arterial like Lebanon Road.

Across the street on Lebanon Pike there is a large amount of commercial mixed concentration policy. This encompasses the former Dondelson Hospital, apartments and also several institutional uses. This kind of commercial policy encourages this type of intensification of mixed uses, predominantly office, residential and institutional uses with some retail services permitted to serve the office and residential uses. There is no discussion or intent in the existing Subarea 14 Plan or re-evaluation of the updated plan to apply a non-residential policy across Lebanon Pike. It is felt that Lebanon Pike itself provides a good policy boundary due to its width.

Should the Commission approve OP on this site they should do so only if it finds that there is a need to provide a land use transition on the west side of Lebanon Pike. If OP were applied to this parcel, then it would also be logical to apply OP to all the other properties having frontage on Lebanon Pike that are similarly situated. Or the Commission would have to determine that this very large commercial mixed concentration policy should be extended across the street, and in that case the Commission should be considering not only the parcels fronting on Lebanon Pike but a much larger area since it is a purpose of the policy category to provide adequate depth and space for an intensification of a mixture of uses. Staff feels there is no need for a transition and recommends disapproval.

Councilmember Bruce Stanley was present to ask the Commission for disapproval of this proposal.

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

Resolution No. 95-711

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-082U is **DISAPPROVED**.

The Subarea 14 Plan designates the west side of this portion of Lebanon Pike with residential "low-medium" policy (2-4 dwelling units an acre). This is reflective of the predominate character of the established residential community.

The intent of the Subarea 14 Plan is to utilize Lebanon Pike as a policy boundary between the residential policy to the west and the non-residential policy to the east because of the stability of the residential community, and because Lebanon Pike provides a wide spatial separation between these areas. There is no need to provide a land use transition to these frontage properties, and the containment of the commercial mixed concentration policy to the east side of Lebanon Pike should be maintained."

Zone Change Proposal No. 95Z-092U

Map 162, Parcels 118, 119, 222 and
Part of Parcels 117 and 120
Subarea 12
District 31

A request to change from AR2a District to RS8 District certain property abutting the southwest corner of Bell Road and Blue Hole Road (79.4 acres), requested by David Coode, for Bell Road, L.P. and Landmark Property, Ltd., owners.

Zone Change Proposal No. 95Z-093U

Map 162, Part of Parcels 117 and 120
Subarea 12
District 31

A request to change from AR2a District to RS20 District certain property abutting the west margin of Blue Hole Road, approximately 350 feet south of Bell Road (33.07 acres), requested by David Coode, for Bell Road, L.P., owner.

Proposal No. 95P-025U

Millwood Commons
Map 162, Parcels 117-120, 122 and 222
Subarea 12
District 31

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the southwest margin of Bell Road and Blue Hole Road (159.44 acres), classified within the AR2a and R15 Districts and proposed for RS8, RS20 and R15 Districts, to permit the development of 1,024 multi-family units and 116 single-family lots, requested by Lose and Associates, for Bell Road L.P., owner.

Mr. Henry suggested the Planning Commission consider the two zone changes and the related PUD at one time. He reminded the Commission that this property was considered for a PUD overlay earlier in the year, but those plans were disapproved because a portion of the property at the intersection of Bell Road and Blue Hole Road was reserved for commercial development. The Commission found that commercial development at this location was inappropriate, and the PUD plans were disapproved.

Mr. Henry stated the PUD now proposes residential development over the entire site, and the development is recommended for approval. He stated higher density multi-family units are proposed for the portion of the property north of the TVA transmission line and nearer to Bell Road. The 116 units of single family lots and homes are proposed south of the TVA transmission line, and adjacent to other single family subdivisions to the south and east. Mr. Henry stated this arrangement of dwelling units is compatible with land use policy and is compatible with existing surrounding development.

Mr. James E. Hampton, of the Oak Highlands Homeowners Association was present to ask the Commission for approval of the proposals.

Ms. Eva Close was present to speak against the development because of the increase in density and number of dwelling units, and the probability that the development would increase the amount of traffic in the area.

Mr. Henry stated that while much of the Bell Road area is zoned AR2a, frontage along this major arterial is not expected to develop in two acre residential lots. A more suitable development pattern would be medium density residential development like was being proposed in the development under consideration. The property to the south for the single family development is not being rezoned and the PUD would be developed at about 2.4 dwelling units per acre. This is well under what the policy would support on the south side of the TVA line. This development would be comparable to Oak Highlands.

Mr. David Coode, landscape architect representing the owner, made a presentation to the Commission and stated they had worked with the area homeowners to assure their satisfaction.

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

Resolution No. 95-712

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-092U is **APPROVED**.

This zoning change and the corresponding residential planned unit development application will implement the Subarea 12 Plan's 'medium-high' density residential policy."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 95Z-093U is **APPROVED**.

This zone change application and the corresponding residential planned unit development will implement the Subarea 12 Plan's 'medium' density residential policy."

BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-025U is given **CONDITIONAL PRELIMINARY APPROVAL**. The following conditions apply:

1. A boundary plat of the PUD shall be submitted and recorded prior to any final plan approval.
2. Written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Metropolitan Department of Public Works.

3. A final plat of subdivision shall be submitted with the initial phase for final plan approval, combining the various parcels into a single entity.”

Zone Change Proposal No. 95Z-094G
Map 97, Parcel 114
Subarea 14
District 12

A request to change from R8 District to RM8 and OP Districts certain property abutting the north margin of Bell Road and the west margin of Old Hickory Boulevard, opposite Hermitage Park Lane (14.96 acres), requested by J. D. Eatherly, optionee, Frank F. Friedman, trustee et al, owners.

Proposal No. 111-82-U (Public Hearing)
American Square
Map 97, Parcel 114
Subarea 14
District 12

A request to cancel the Commercial (General) Planned Unit Development District (consisting of 32,767 square feet of office and retail space) and the Residential Planned Unit Development District (62 multi-family units), all abutting the west margin of Old Hickory Boulevard, opposite Hermitage Park Lane (14.96 acres), requested by J. D. Eatherly, optionee, Frank F. Friedman, trustee.

Mr. Henry stated the petitioner was seeking to cancel the previously approved commercial and residential PUD plans, and to substitute in their place medium-high density residential and office zoning. He stated the base zone changes requested would allow essentially the same kinds of development that had been approved in the two PUDs. For this reason staff recommended approval of both PUD cancellations and the rezoning of the property to RM8 and OP zoning.

Mr. Henry stated the Subarea 12 Plan adopted commercial mixed concentration around the interchange node with Bell Road. The office district being requested fits into that policy category and provides another option for office and multi family development. To the south and to the east the policy is residential high density, and RM8 proposed for that portion of the property likewise fits and implements the Subarea 14 Land Use Plan. Staff is recommending approval for both the cancellation and rezoning of the proposal.

Mr. Bill Lockwood, of Bardge, Waggoner, Sumner and Cannon, asked the Commission to have the public hearing and defer action for one meeting to give the developer the opportunity to present the plans to the area residents.

Mr. John Stern, representing Lake Park Homeowners Association, stated they were not sure they were opposed to the proposal. He also asked the Commission to defer the matter and keep the public hearing open for one meeting to give the area residents an opportunity to gather more information regarding the proposal.

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

Zone Change Proposal No. 95Z-097G
Map 140, Part of Parcels 26 and 29
Subarea 6
District 35

A request to change from AR2a District to R2a District certain property abutting the south margin of McCrory Lane, approximately 3,200 feet east of the I-40/ McCrory Lane interchange (8.1 acres), requested by Joseph G. Petrosky Associates, Inc., for Covenant Baptist Church.

Proposal No. 84-85-P (Public Hearing)
Biltmore PUD (Covenant Baptist Church Complex)
Map 140, Part of Parcels 26 and 29
Subarea 6
District 35

A request to amend the approved Residential and Commercial (General) Planned Unit Development Districts abutting the south margin of McCrory Lane, approximately 3,200 feet east of the I-40/McCrory Lane interchange, by canceling 8.1 acres of the Commercial Planned Unit Development District and incorporating that same area into the Residential Planned Unit Development District so as to allow the development of 120,103 square feet of place of worship and 36 multi-family units, requested by Joseph G. Petrosky Associates, Inc., for Covenant Baptist Church.

Mr. Henry stated the inclusion of residential units into this complex necessitated cancelling a portion of the commercial PUD and replacing it with an expanded residential PUD, since residential dwelling units are not a permitted use in a commercial PUD. Mr. Henry further stated that it was necessary to rezone the property from AR2a to R2a because a residential PUD could not be imposed on the AR2a base zoning.

With that explanation Mr. Henry characterized the proposed complex as consisting of a gymnasium, multi family housing for retired people, outdoor recreation space and a sanctuary. The initial phase would consist of only a 4,600 square foot chapel. The policy for this area is residential, and the proposed uses are compatible with this policy.

Mr. Henry recommended that the developer of this first phase not be required to submit a boundary plat of the entire Biltmore PUD. Mr. Henry explained a boundary plat is required before granting final approval to any phase of the PUD. However, this first phase represents such a small portion of the massive Biltmore PUD, requiring this developer to provide the boundary plat would be a financial hardship.

Mr. Henry further recommended allowing development to proceed on initial phases of the development using septic disposal systems rather than sanitary sewers. He stated sanitary turnk lines were too far away to be extended economically to this development, at least during its initial phases. Mr. Henry advised that the Health Department had approved the chapel development on septic disposal facilities. Mr. Henry pointed out that any future development would require approval by the Health Department.

Councilmember Vic Lineweaver was present to speak in favor of the proposal and asked the Commission to approve the proposal without having to go to Council.

Chairman Smith stated the proposal would have to go to Council because the PUD boundary was being amended.

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

Resolution No. 95-713

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 95Z-097G is **APPROVED**:

This zone change corresponds with the Biltmore PUD application for a partial cancellation of the commercial PUD and an expansion of the residential PUD boundary. The R2a district is necessary to allow the expansion of the residential PUD and is an appropriate extension of the existing R2a district within this PUD development."

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-85-P is given **CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE**. The following conditions apply:

1. Final PUD plan application shall be for Phase 1 (4,653 sq.ft. chapel) only, contingent upon receipt of a letter of approval for the proposed septic field system from the Metropolitan Health Department. Public sewer service from the Harpeth Valley Utility District may be required for future phases, as future buildings in later phases may not be approved by the Health Department.
2. Written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Metropolitan Department of Public Works.
3. A boundary plat for the Biltmore PUD will not be required at final plat application. A final plat of subdivision will be required which creates the parcel along with the posting of bonds as may be required for any necessary public improvements.”

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 122-83-U (Public Hearing)
The Woodlands
Map 172, Parcel 77
Subarea 12
District 31

A request to cancel a portion of the Residential Planned Unit Development District for property zoned R15 abutting the northwest terminus of Kinhawk Drive, requested by Robert N. Mayberry and James R. Mosley, owners.

Mr. Reid stated the portion of the PUD to be canceled was somewhat separated from the remainder of the large PUD due to the presence of a hill. With this cancellation, the remaining PUD will still have twenty percent more open space than required by the zoning regulations and will not destroy the completeness of the PUD. Mr. Reid stated the property released from the PUD would be subdivided as part of the adjacent Kinhawk Subdivision. All reviewing agencies and staff recommended approval of this proposal.

No one was present to speak in favor of or against this cancellation.

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

Resolution No. 95-714

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 122-83-U is given **APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE**. The following condition applies:

Approval by the Metropolitan Council.”

Proposal No. 18-84-P
Burton Hills, Master Plan
Map 131-6-A, All Parcels
Subarea 10
District 33

A request to remove development restrictions placed on the Commercial and Residential Planned Unit Development Districts abutting the east margin of Hillsboro Pike and the north margin of Harding Place, requested by Gresham-Smith and Partners, for Ron Sohr, owner.

Ms. Fleming presented the staff recommendation to lift the cap on permitted development in the Burton Hills PUD. She stated that when the Burton Hills property was originally proposed for development an amendment to the General Plan was required. The original PUD permitted 850 dwelling units and 550,000 gross square feet of office space. Concern was raised at that time about the amount of traffic which the development might add to Hillsboro Pike. The General Plan amendment approved in 1984 included the following restriction:

“Final approval of 100,000 gross square feet of office space or 150 dwelling units at the developers option should be given only if one of two conditions were met. The first condition was that financial commitments are secured for the widening of Hillsboro Pike to six lanes from Hobbs Road to Woodmont Boulevard, or the second condition, a detailed analysis of traffic conducted by Metro Traffic and Parking and the Planning Commission after the opening of Interstate 440 reveals that the traffic impact of the interstate and/or the Burton Hills Development to be significantly less than expected compared to the present traffic forecast.”

Ms. Fleming state the applicant has developed a new analysis of the traffic generated from the Burton Hills PUD based on the latest approved development plan. Since the time of the original PUD approval there has been a reduction of 46 units in the Cherry Glen Development and in addition to that a retirement development is under construction which replaces 200 condominiums in the original plan. Using the latest approved development plan and the most current trip generation figures, traffic was recalculated for Burton Hills. The number of trips likely to result from this development was found to be less than the number allowed under the restriction that was imposed at the time of the original PUD approval. The staff of the Planning Commission and the Metro Traffic Engineer have reviewed this latest analysis and agree with its conclusions. Therefore, staff is recommending approval of this request.

Mr. Robert Anderson, a resident on Castleman Drive, was present to speak in opposition to removing the development restrictions.

Mr. John Palm, representing Gresham-Smith and Partners, was present to speak in favor of removing the development restrictions placed on the development.

Chairman Smith stated the question before the Commission was whether the developer had met the requirements set out in 1984 and is appropriate at this time to lift the cap.

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

Resolution No. 95-715

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 18-84-P is given **APPROVAL.**”

The Commission concurs with the findings of the applicant’s traffic analysis that traffic generation for those phases of the PUD that have already developed is less than originally forecasted, and the anticipated traffic generation for those phases remaining to be developed under the master development plan is projected to be less than originally forecasted. These findings allow removal of the development restrictions established by the 1984 General Plan Amendment and the Preliminary PUD approvals.”

Proposal No. 93P-023G
Gateway of Hermitage
Map 86, Parcel 155
Subarea 14

District 12

A request to amend the Commercial (General) Planned Unit Development District abutting the south margin of Central Pike and the north margin of Interstate 40 (13.74 acres), to add additional land area for the development of 209,500 square feet of restaurant/bank/office/hotel facilities, requested by Hiebert and Associates, for Shurgard-Freeman Hermitage Joint Venture, owner.

Mr. Reid stated the existing PUD was self service storage facilities and the applicant is wanting to add two land areas to the PUD. The Department of Water Services is not ready to issue a sewer capacity letter to verify that sewer capacity exists at this time even though the applicant has submitted all necessary information in a timely matter within the 28 day review cycle. This proposal falls in an area of the county which until just recently was served by the Cumberland Utility District. Now Metro Water Services has acquired the Cumberland Utility District and due to somewhat poor record keeping of the Cumberland Utility District, Metro is not able to respond to sewer capacity requests in a timely manner when proposals fall within this area.

Since the applicant submitted all the necessary information within our 28 day review cycle deadlines, staff feels there is justification to allow another exception to this policy for sewer capacity and staff is recommending approval of the PUD with the condition that sewer capacity must be verified prior to the adoption of the PUD ordinance in Council. Since the applicant is adding land area and increasing the square footage by more than ten percent of the maximum approved by Council, this application will proceed to Council as an amendment.

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

Resolution No. 95-716

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 93P-023G is given **CONDITIONAL APPROVAL OF THE AMENDED PRELIMINARY PLAN REQUIRING COUNCIL CONCURRENCE**. The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and Traffic Engineering sections of the Metropolitan Department of Public Works.
2. The recording of a revised boundary plat with any final approval request.
3. Any request for final approval must include a detailed drainage plan and comply with the recommendation of the Traffic Impact Study by RPM and Associates dated September, 1995.
4. This approval is contingent on the applicant’s ability to obtain a Sewer Availability Requirement Letter from the Metropolitan Department of Water and Sewer Services.”

Proposal No. 94P-017G

October Woods
Map 182, Parcel 30
Map 183, Parcels 4, 70 and 71
Subarea 12
District 31

A request to amend the Residential Planned Unit Development District abutting the west margin of Old Hickory Boulevard, 900 feet south of Hobson Drive (192.3 acres), to add additional land area for the addition of 120 multi-family units, requested by Anderson-Delk and Associates, Inc., for Paul Johnson, owner.

Mr. Henry stated the purpose of the request is to substitute multi-family residential development on an area zoned for community scale commercial development. He stated this area was designated for commercial development because of its close proximity to the I-24 interchange, and because of the expected residential growth in this area. In analyzing the general area, staff believes adequate commercial opportunities exist on the south side of Old Hickory Boulevard. Staff therefore recommends approval of the request.

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

Resolution No. 95-717

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-017G is given **APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE**. The following conditions apply.

1. On the Final PUD Plan, landscape screening shall be provided along the eastern boundary of the amended residential PUD to separate future apartment residents from the current use and future expansion of the Gilroy Church of Christ property (Map 183, Parcel 20).
2. Prior to Final PUD Plan approval, the Planning Commission shall receive an amended off-site improvement fee schedule which takes into account the additional 120 dwelling units in accordance with the Anderson-Delk letter (March 17, 1995) which states, ‘If all or part of the multi-family units precede the....schedule of lot recordings, the....fee schedule will be adjusted based on the traffic generation as set forth in the Traffic Impact Study’ [and the revised multi-family traffic analysis [RPM & Assoc., Sept. 5, 1995].
3. Written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Metropolitan Department of Public Works.
4. Recording of a final plat creating the parcel and posting of bonds as may be required for any necessary public improvements.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 95S-252G (Public Hearing)

M. C. Minton Property
Map 33, Part of Parcel 95
Subarea 4
District 3

A request to create five lots abutting the southeast margin of Dickerson Pike, opposite Old Dickerson Pike (5.16 acres), classified within the CS District, requested by Miller C. and Clara Mai Minton, owners/developers, Cole Land Surveying, surveyor. **(Also requesting final plat approval).**

Mr. Bracey stated the applicant is seeking to create five lots within a commercial zone along Dickerson Pike. He informed the Commission that all of the lots meet the subdivision regulations. Mr. Bracey further stated the lots are being created from a larger piece of land which contains an historic structure. The historic structure will remain on the parent parcel behind the created parcels.

No one was present to speak for or against the request during the public hearing.

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

Resolution No. 95-718

“BE IT RESOLVED by the Metropolitan Planning Commission that the Plan of Subdivision No. 95S-252G, be given **PRELIMINARY AND FINAL APPROVAL.**”

Subdivision No. 95S-268U (Public Hearing)

Arbor Close
Map 117-1, Parcel 106
Subarea 10
District 25

A request for preliminary approval for an 11 lot subdivision abutting the east margin of Bowling Avenue, between Woodlawn Drive and Forrest Park Avenue (6.3 acres), classified within the RS20 District, requested by Beryl W. Horn, owner/developer, Gresham-Smith and Partners, surveyor.

At this point Mr. Harbison announced to Chairman Smith he would recuse himself from participation on this item because he is representing one of the parties in the land sale.

Mr. Bracey stated there were two issues the Planning Commission needed to address in reviewing this subdivision. First, in order to achieve eleven lots on the parcel and to orient all eleven to an internal circular driveway, the shapes of some of the lots were made irregular. Mr. Bracey reminded the Commission that the subdivision regulations encourage creating lots with regular shapes and with lot lines that are perpendicular to the street right-of-way.

Second, Mr. Bracey stated some of the lots may not be comparable in area and frontage to other surrounding lots. He stated there is a variety of lot sizes in the area, ranging from very large estate lots, to one-half acre lots, to cluster developments on minimally sized lots, all within the immediate vicinity. The proposed lots have an average size of approximately 21,000 square feet, whereas it appears about 23,000 square feet per lot is needed to meet the comparability requirement. The proposed lots should have 117 feet of street frontage to meet lot comparability; the proposed lots would have frontages ranging from 100 feet to only 60 feet.

As stated in the status report the applicant could solve the problems of comparability and irregular lot shapes simply by removing the two eastern most lots and consolidating those four lots into two lots. The problem could also be solved by submitting a plan with the typical grid pattern with straight lines perpendicular to the street lines, which could still generate 11 lots. The Commission must decide whether or not this plan is one that is totally out of character with this neighborhood.

Chairman Smith stated most of the letters he had received referenced the access on Forest Park Avenue to the subdivision. He asked Mr. Bracey if there was a consideration for bringing the entrance out in another place.

Mr. Bracey stated there was. There is a traffic signal at Woodlawn Avenue and Bowling Avenue. This signal, together with the heavy traffic volumes on Woodlawn creates a stacking problem, which would make ingress and egress from Woodlawn difficult. He also stated the traffic engineer advises that there is a sight distance problem along Bowling in front of this property, which would argue against a driveway entrance to Bowling. Forest Park Avenue is the traffic engineer's preference for the location of the common driveway.

Mr. Manier asked if the street at the rear of the property was a dedicated street.

Mr. Bracey stated it was a dedicated right-of-way but was unbuilt and likely will be petitioned for closure.

Mr. Mickey Sullivan of Gresham-Smith Partners, representing the developer, stated the old house and the trees were a significant resource to the property. The planning process started with the preservation of the house, a key consideration. They also prepared the plan to be consistent with the current zoning. Various access points were studied. They felt the Forest Park Avenue access was the safest and most appropriate way to access the property.

Ms. Ganya Clayton stated she was the real estate agent handling the sale and potential development of the property. She stated she had worked with Gresham-Smith on the plan. She also stated she had talked with Councilmember David Kleinfelter for any input. His expressed concern was to ensure the dedicated right-of-way along the eastern property line would not be opened. She stated she had tried to have a neighborhood meeting Sunday but only two people came.

Mr. Arthur Crownover, one of the six owners of the property, stated he felt this was the best plan to keep the house and trees intact and still develop the property.

Mr. Phillip Maxwell, a neighbor, and Ms. Amy Crownover, wife of one of the owners, expressed they were in favor of the proposal.

Mr. George Dean, an attorney representing residents directly across the street that are in opposition to the plan, stated the neighborhood was opposed to the proposal because of the lot shapes, comparability, lot orientation, compliance to the subdivision regulations, the access on Forest Park Avenue, and traffic. He asked the Commission to defer the proposal for two weeks to work out some of the problems and answer the questions of the neighbors.

Mr. Reynolds Davis, Ms. Carol Bucey, Mr. John Trainer, Mr. Irwin Coon, Mr. Larry Cowan, Ms. Marjorie Gregory, Ms. Maryann Sallas and Mr. John Bailey were present to express their concerns regarding access on Forest park Avenue, additional traffic, walkers and children's safety, conformity, and the design pattern, and asked the Commission for more time to work with the developer to resolve these concerns.

Mr. Manier stated he felt it difficult to accept the irregularity of the lots to the rear of the development and that the design should be redrawn.

Chairman Smith said that would still not solve the problem of the access on Forest Park Avenue which seemed to be the main concern of the neighborhood.

Ms. Nielson asked if the road into the development was classified as a driveway or a street.

Mr. Browning said all the lots had achieved a frontage on the existing public streets and that would be the legal frontage. Therefore, the circular driveway would be a private driveway, and not a public street.

Ms. Nielson asked what limitations or restrictions could be put on the driveway.

Mr. Owens said the developer probably could develop a private, joint use driveway within the subdivision regardless of the subdivision approval process. The developer could subdivide the property with lots meeting all area and comparability requirements, and with regular lot lines and shapes, and could still impose an access drive system within the subdivision with joint access agreements and easements among the property owners. Mr. Owens stated the circular private drive could be considered additional information for the Commission's understanding of how the property would develop, but would not necessarily be offered for approval or disapproval of the private driveway concept, in that no street dedication would be needed.

Mr. Browning said the logical conclusion was that the developer could show a subdivision with very straight lot lines perpendicular to existing public streets and that subdivision could be approved. Yet it could probably develop an internal driveway separate and apart from the subdivision process. It would be a question as to whether or not it would be approved by the traffic engineer.

Ms. Nielson asked if the subdivision regulations dictate in which direction a house must face relative to the lot's street access?

Mr. Owens stated the subdivision regulations and the zoning ordinance would dictate what would be the front and rear of the lot, but would not dictate how the house would be built on the lot - the house's orientation.

Ms. Jernigan said she would not make a motion to approve and that she was trying to figure out the consequences for a motion to either disapprove or defer.

Ms. Nielson stated she would like to entertain a deferral so the neighborhood could at least have some dialogue.

Mr. Bodenhamer said he agreed with Ms. Nielson and it seem there was room for compromise if they had time to get together and talk.

Mr. Lawson said he would also like to see the two parties work something out because he had a major concern regarding the comparability and meeting the minimum standards that have been set as policy.

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

Sketch Plat:

Subdivision No. 95S-256G (Public Hearing)
Jacob's Valley
Map 20, Parcel 4
Subarea 1
District 1

A request for Planning Commission concurrence with a sketch plat concept for a 100 acre tract abutting the south margin of Old Clarksville Pike, approximately 2,387 feet west of Clarksville Pike, classified within the AR2a District, requested by Pyron and Smith, owner/developer, MEC, Inc., surveyor.

Mr. Bracey stated this item was typically not on the agenda. Sketch plats are encouraged by the subdivision regulations as a document to be discussed between an applicant and staff to discover issues about the subdivision before formal application is made. This applicant has submitted a sketch plat but is also requesting endorsement by the Commission prior to investing in soil analysis on this site. The lot pattern is strictly for illustration purposes and cannot be determined until septic field location are determined.

Mr. Bracey stated that the Commission should be aware that endorsement would not be approving any construction.

Mr. Manier asked why this was before the Commission.

Mr. Owens stated that in this particular case it is in an area of the county that will not be sewered and in order to get preliminary subdivision plat approval the first real step is to define the location of the septic fields with the Health Department. He stated this process is quiet expensive, and the developer wanted to have some indication that the Commission agrees with the basic street layout before investing money to arrange lots based upon soil testing.

Chairman Smith said the staff has a function and the developer is asking the Commission to do the staff's function which is to tell them they are on the right track or not without the technical expertise that goes along with it. He said that if the Commission starts this then they will be doing it for a long time.

Mr. Bodenhamer and Mr. Harbison agreed with Chairman Smith because it would be setting a precedent.

Councilman McWhirter asked if the Commission could hear from Mr. Lance Bracey.

Mr. Lance Bracey stated he was an adjoining land owner and was present out of curiosity because this will begin to set the stage for development for this area.

Mr. Joe McConnell stated he realized this was an unusual situation and explained that cost was the main reason for this request.

Mr. Manier moved and Mr. Lawson seconded the motion, which carried unanimously, to not endorse this matter because it was not specific enough to take any action on.

OTHER BUSINESS:

1. Amendment to contract with IDE Associates for the Southeast Arterial Alignment Study.

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried unanimously, to approve the amendment to the IDE Associates contract.

2. Employee Contract - Deborah Fleming.
3. Employee Contract - Paul Johnson
4. Employee Contract - Cynthia Lehmbeck

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to approve employee contracts for Deborah Fleming, Paul Johnson and Cynthia Lehmbeck for one year.

5. Discussion of Highway Plans for Harding Place Improvements at I-65 South and Trousdale Drive.

Mr. Browning stated the issue came up several months ago on the kinds of improvements that would be made to Harding Place and I-65 on the south side of downtown. This is a project that the Tennessee Department of Transportation has been wrestling with for quiet some time. They have proposed significant improvements to this interchange including a second loop at the interstate and redirecting several of the entrance and exit ramps, all of which will improve the intersection.

Planning staff pointed out to TDOT that the intersection at Harding Place and Trousdale was one of the main problems because of the volume of traffic from the Crieve Hall area. TDOT has further studied the situation and concurs that a different solution to the Harding Place-Trousdale intersection is needed. Mr. Browning explained that TDOT is recommending a triple left turn lane northbound from Trousdale, which should accommodate the heavy morning traffic flow making the left turn lane onto Harding Place destined either for I-65 northbound, or wanting to continue west on Harding Place. Mr. Browning stated this intersection is uniquely suited to a triple left turn configuration. Mr. Browning stated both the planning staff and the Metro traffic engineer agree with this solution for a triple left turn movement out of Trousdale onto Harding Place.

Mr. Browning stated that if the Commission concurred with this solution he would write a confirmation letter to TDOT.

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to approve the Harding Place and Interstate 65 highway improvement plan.

6. Visioning.

Mr. Browning talked to the Commission about the Capital Improvements Budget process. He stated that about three months ago Mayor Bredesen asked several departments heads to serve as an infrastructure committee to review our capital budget process and see what, if any, improvements could be made. The assessment was that an adequate job was being done but a better job could be done and there are several other things that should be looked at. The committee has made some observations and recommendations as to how to change the process. When the committee looked at the process the thing that stood out most was that while it was supposed to be a comprehensive planning tool, it was immediately obvious that we do a lot of our capital budgeting with amendments. The comment was made during the first meeting that more emphasis should be put on getting the capital budget requests into the normal stream rather than being introduced as an amendment. In looking at the six year period from 1989 through 1995, 70 amendments were made to the capital budget, 26 during 1994-1995 alone

Mr. Manier asked for an example of an amendment and if they were big amendments.

Mr. Browning stated that some of them were big and that there were three on today's agenda and one of them was about \$40,000,000.

Mr. Lawson asked if these amendments were used because of poor budgeting and are they really operational to cover things that were left out of the budget as an operating budget versus a capital budget.

The most important thing is for the departments to assess their capital needs more thoroughly and to do a better job of capital budgeting and submitting projects. The committee has recommended several changes to improve the process, including having a kick-off meeting to give the capital budget the attention it deserves, and to provide some instruction that could help the departments in preparing their capital budgets. Mr. Browning invited the capital budget committee members to attend the kick-off meeting if possible. He also indicated steps were being introduced into the process to bring the mayor's office into the review process earlier. Finally, several steps were being taken to simplify the process, including simpler forms, instructions, and the possibility of using electronic filing.

PLATS PROCESSED ADMINISTRATIVELY:

- 95S-046G Wayne Harkreader Subdivision
Plat creates two lots out of a large tract.
- 95S-159G Haselton Subdivision
Plat relocates common line between two lots.
- 95S-185U McGavock Pike R-O-W Dedication
Plat by OPRYLAND dedicating right-of-way for widening McGavock Pike.
- 95S-232U Golf Links Subdivision
Plat relocates common line between two lots.
- 95S-233U Sargent Subdivision
Plat divides one lot into two.
- 95S-254A Priest Lake Forest, Lots 29 & 30
Plat eliminates zero lot line building envelope and creates conventional envelope.
- 95S-255A Priest Lake Forest, Lots 31 & 32

Plat eliminates zero lot line building envelope and creates conventional envelope.

95S-261U Paul Richardson Property
Plat relocates common line between two lots.

95S-270U Russel Fuller Acres
Plat expands boundary of a lot by adding additional area taken from large tract.

95S-273U Cherokee Park, Lots 71 & 72
Plat relocates common boundary between two lots.

Mr. Bodenhamer stated that he was only bringing this to the Commission's attention because it involved land use. Richard Block, of H & R Block, a cancer survivor, has donated \$1,000,000 to 26 cities throughout the United States and in addition he donates \$100,000 a year for the upkeep of the cancer survivor parks. A proposal has been presented to Metro Parks to use the north part of Elmington Park to put in a cancer survivor park. It is in the preliminary stage and the Legal Department is reviewing the offer.

Mr. Lawson asked about the status of the issue of encroachment that the Commission had talked about several meetings ago and about looking into a new fee structure that might force a lot of people to get serious about this endeavor.

Mr. Owens stated Tom Martin had assumed responsibility for that and is working on determining how much time is spent on each case by keeping very precise records. The staff agreed to have a proposal to the Commission by the end of November.

Mr. Lawson asked about the mood of the congress with transportation funds.

Mr. Browning stated that some of the talk in the MPO is that first of all there may be a reduction in planning funds. The contracts that were approved two weeks ago for planning funds was in the total amount of \$600,000; if congress cuts the ISTEA funding bill we may find that amount being reduced.

ADJOURNMENT:

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

Chairman

Secretary

Minute Approval:
This 19th day of October, 1995

