

LEGAL AND LEGISLATIVE COMMITTEE
December 4, 2001
3:00 P.M.

The meeting of the Legal and Legislative Committee was called to order by Councilman Littlefield, Chairman, with Councilwoman Robinson being present. City Attorney Randall Nelson and Shirley Crownover, Assistant Clerk to the Council, were also present. Councilman Benson and Councilman Page joined the meeting later.

Others present included Jerry Pace, Yuen Lee, Greg Haynes, and Dana Stoogenke. Steve Leach, Adm. Boney, Adm. McDonald, Michael Compton, Beverly Johnson, Phillip Lynn, Todd Womack, and Amy Cherry Walker joined the meeting later.

RE-CODIFICATION OF ZONING ORDINANCE

Mr. Pace stated that Adm. Boney and Mike Compton wanted a better understanding of what the Ordinance on next week's agenda relating to the adoption of an updated codified version of the Zoning Ordinance was about. He stated that Yuen Lee was going to explain the re-codification.

Ms. Lee stated that this would just put zoning amendments where they were supposed to be; that it would clean it up and put amendments with the contents and re-number to make it consistent; that everything would be easier to read; that nothing was being changed.

Chairman Littlefield asked if this was subject to any other Ordinance. Ms. Lee explained that this just puts this into effect and cleans up everything; that it was a requirement of the Health Department to make it clearer and more workable.

Attorney Nelson asked if this had been advertised. Mr. Pace responded that it came out of the Planning Commission and had been advertised. Ms. Lee added that it had been sent to Pam Manis in the City Attorney's office. Attorney Nelson explained that they were completing a new City Code and had not finished the indexing. He suggested adopting all of this at the same time as this goes into the City Code as an appendix. He stated that he would hate to have to advertise this again the first part of January and would rather do it all at the same time. He added that he could try to have the Code ready next week. Mr. Pace indicated that there was no rush on this. Chairman Littlefield stated that this could be referred to the City Attorney, and he could bring it with the rest of the Code.

Ms. Lee stated that it had been mentioned by Attorney McMahan that this might be removed from the City Code as amended and would stand alone. Attorney Nelson stated that it was in the City Code and people look in the City Code for all City Ordinances that have any sort of continuity; that anyone would look in the City Code; that since 1978 it had been included as an appendix to the City Code, and he thought it was a good idea.

Ms. Lee stated that this would be on-line and a lot of people might not know that it had been amended. Attorney Nelson mentioned a hyper-link to the City Code, noting that the official version would be in the City Code and as amendments were made, it would change on-line. Ms. Lee stated that they did not want to maintain two versions and questioned whose office would have the responsibility to maintain the updated version. Attorney Nelson stated that we could hyper-link it.

On motion of Councilwoman Robinson, seconded by Chairman Littlefield, this will be recommended to the full Council.

Chairman Littlefield stated that this would be passed on to the City Attorney's office for inclusion in the Code; that since it had been advertised for next week, we would have a public hearing on first reading for next week and the second and third readings could be later when the Code is ready.

HIGHWAY 58 COMMUNITY PLAN UPDATE

Chairman Littlefield called on Greg Haynes to go over the Highway 58 Plan. Mr. Haynes presented a handout, which is made part of the minute material. He stated that he would go over the scope of the Study to tell the committee where we are and where we have been. He stated that the Plan should be in front of the Planning Commission in January and before the City Council in February. He mentioned the great partnership with the community, noting that they had had three workshops with 60-100 people in attendance.

Councilwoman Robinson asked for an orientation as to the boundaries. Mr. Hayes explained that it was Highway 153 and Highway 58 between Champion Rd. and South Chickamauga Creek.

Mr. Haynes continued, stating that it was real easy to work with these people as they were very cooperative. He mentioned the Retail Market Analysis and that we have approximately 65,000 sq. ft. of additional retail space that could be supported. He explained that they covered three zip code areas to get data to see what kind of retail market we have and to see what the demographics would support.

Councilwoman Robinson asked if any information from the Hamilton Place Study was used.

Mr. Haynes stated that the Retail Market Analysis would be published as a supplement to attract businesses.

Mr. Haynes went on to explain the two components of the Plan—Land Use Plan and Transportation Plan. Under the Land Use Plan they plan to preserve the residential character of single-family by various tools to keep commercial from creeping in. He mentioned that Parks and Recreation had a Plan for a complete Washington Hills Recreation Center/Park. In looking at the commercial area, there will be new forms of mixed use and pedestrian-oriented retail development into existing commercial-zoned areas, noting the commercial already on Bonny Oaks. Mr. Haynes stated that the industrial section area was a hodgepodge of warehousing, and we would take a look at encouraging business and a technology park on Access Road.

Mr. Haynes next went over the Transportation section of the Plan, mentioning a form of Streetscape on Highway 58 with additional sidewalks for pedestrians. One of the key projects for Pedestrians is to construct the South Chickamauga Creek Greenway. As for bicycles, we will design and construct a Class I or Class II bikeway along Highway 58 that would also be coordinated with the Master Bike Plan.

Mr. Haynes stated that these were the highlights of the Plan and noted that we would also need an Implementation Committee to get the projects off the ground. He noted that the weak link was the Merchants' Association and that he felt the strength of the Plan was the public participation, which included 9 and 10 Neighborhood Associations and an effort to get everyone heard. Also another strength is the inter-departmental coordination between City Departments and County Departments and a lot of help with expert advice. He stated that the emphasis would be on the implementation of the Plan and that they would identify a schedule and also tag projects with dollar amounts for stormwater, street inspection and lighting. He stated that this all totaled up to \$9.8 million dollars. The scope of the Plan is 15 years, and the "hot spot" is that some of the uses are not compatible.

Mr. Pace noted that zoning cases were being deferred until the Plan is adopted. Mr. Haynes stated that a mixture of offices and townhouse use was their recommendation.

Chairman Littlefield clarified that the Plan goes to the Planning Commission in January. He asked if the Plan was as we see it or if there would be changes. Mr. Haynes responded that they did not anticipate any changes. Chairman Littlefield noted that no action would be taken today; that we wanted Councilman Page here when action is taken; that this looked like a good job. Councilwoman Robinson added that it was nice and clear. Councilman Benson asked if there was only one "hot spot", with the answer being yes.

**NEIGHBORHOOD PLAN FOR CHURCHVILLE, ORCHARD KNOB
AND GLENWOOD AREA**

Dana Stoogenke covered this part of the meeting, noting that she had no map with her. She stated that basically this Plan was initiated in October and was also going to the Planning Commission in January and to the City Council in February; that the process was pretty much the same as the Highway 58 Plan; that they had a big mailing and workshops. The study boundaries are Missionary Ridge on the East; Orchard Knob Avenue and North Chamberlain Avenue on the West; McCallie Avenue on the South; and Citico Avenue, Robbins Avenue and Memorial Hospital on the North. This is the Glenwood, Churchville, and Orchard Knob areas. Ms. Stoogenke stated that they invited everyone to the Public Meetings and engaged all of the institutions in the area, which include hospitals and schools; that everyone was engaged. She stated that the Draft Plan was well received.

Ms. Stoogenke mentioned that they had a historic district in Glenwood; that there was a 36% homeowner rate in the whole area and that 33% of the housing was in excellent condition, which includes the medical facilities as well as the residential portion. She mentioned taking accident data at the two intersections with the most accidents in front of the two major medical institutions, Memorial Hospital and Parkridge Hospital. In addition, Orchard Knob Elementary School is looking to relocate; that the building to be vacated is 100 years old, and they are looking for land to build on.

She stated that the meetings went well with good attendance; that they did do a phone survey, and it was interesting to see what the neighbors thought. She stated that they had come up with basic recommendations and listed the highlights, beginning with encouraging single-family development and first-time homeownership. She stated that they talked about putting more teeth into the Historic District in Glenwood, explaining that it was a National District and not a local Historic District. She stated that they were interested in doing more with design guidelines. Ms. Stoogenke stated that the heart of this process was talking about development and trying to figure out how to balance institutional use and residential use; that there would be no development within the historic district. She mentioned that the City and County own the land where the old TB Hospital was and that institutional use to the North is appropriate. She noted that the school might want to move here; that they had left this property open for Memorial or some other institution or the school. She mentioned that the land just north of Parkridge Hospital is where they are taking down houses; that the neighborhood is not pleased with the parking lots, but they have the proper zoning. She stated that Sports Medicine on McCallie wants to expand; that they recommend that R-1 zoning remain. She mentioned the discussion going on about two-way traffic on McCallie Ave.; that we are seeing improvements and streetscaping on Third Street. There will need to be an Implementation Committee. She stated that the Council would get a full version before this comes to the Council for adoption. Glenwood Association is a part of this.

CLOSURE AND ABANDONMENT FOR AMERICO GROUP (THOMAS KALE)

Mr. Pace explained that we were closing three right-of-ways for Bi-Lo and Eckerds bounded by West 33rd St. on the north, West 35th Street on the south, Broad Street on the east, and St. Elmo Avenue on the west. The right-of-way between Glenview to 33rd Street will be left open at the request of Mr. Willingham, who would have no access to the parking lot if this were closed. Mr. Willingham's building faces St. Elmo Ave.

Chairman Littlefield stated that we would have to hold this tonight because the two parties have not come to terms yet.

Mr. Pace stated that Bi-Lo wants to move forward and are trying to work out a deal with this closure; that they want to close all four right-of-ways, and Mr. Willingham wants to leave one open.

Chairman Littlefield reiterated that we would have to table this until they come to terms.

Mr. Pace noted that we have a new version of the Ordinance closing only three of the right-of-ways and leaving one open.

Attorney Nelson stated that this would have to be tabled until they are in total agreement. **On motion of Councilman Benson, seconded by Councilwoman Robinson, this Ordinance will be tabled for second and third readings tonight.**

The meeting adjourned at 4:00 P.M.