

Minutes

Of The
Metropolitan Planning Commission

April 24, 2003
4:00 pm, Howard Auditorium

In Attendance:

James Lawson, Chairman
Doug Small, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
James McLean
Ann Nielson
Victor Tyler
Joe Sweat, representing Mayor Bill Purcell

Staff Present:

Richard C. Bernhardt, Executive Director
Ann Hammond, Assistant Executive
Director/Planning
Marie Cheek, Planning Technician I
Kathryn Fuller, Planner II
David Kleinfelter, Planning Manager II
Robert Leeman, Planner III
Preston Mitchell, Planner II
Randy Reed, Planner I
Chris Wooton, Planning Technician I

Absent:

John Summers, Councilman

I. CALL TO ORDER

Chairman Lawson called meeting to order.

II. ADOPTION OF AGENDA

Chairman Lawson moved and Commissioner McLean seconded the motion, which unanimously passed, to adopt the agenda. (9-0)

III. APPROVAL OF MARCH 27, 2003 Minutes

Commissioner Neilson moved and Commissioner Jones seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of March 27, 2003. (9-0)

IV. RECOGNITION OF COUNCILMEMBERS

Chairman Lawson recognized the following in attendance: Councilwoman Sontany, Councilman Brown, Councilman Derryberry

V. OTHER BUSINESS

- a. Executive Director Reports
Mr. Bernhardt stated that the Budget is being prepared; will be providing info to council, and presented to Mayor 5/6/03. Will schedule workshop with the commission for recommendations.
- b. Grant Agreement between the State of Tennessee, Department of Transportation and the Nashville-Davidson County Metropolitan Planning Commission on Behalf of the Nashville Area Metropolitan Planning Organization. **Deferred until May 8, 2003 Meeting. (9-0)**
- c. Villages of Brentwood - Request for release of bond, or reduction and extension of bond.

Staff Recommendation - *Disapprove the request for bond release and reduction and approve the request for bond extension and reduction.*

APPLICANT REQUEST - This request consists of two parts: 1) a request for release of bond; or 2) a request for extension and reduction of bond.

PROJECT DETAILS

Background -- Roy Dale of Dale & Associates submitted a request on behalf of his client, Grandview Land Company, Inc., the developer of the subdivision, to remove the existing sidewalks. This request requiring a sidewalk variance was first brought before the Planning Commission on December 6, 2001, at which time it was deferred three times to June 27, 2002 to obtain further information.

On June 27, 2002, a variance was granted so that the developer could remove the sidewalks in the phase with the understanding that the area where the sidewalks were would be replaced with sod. The performance bond in the amount of \$231,500 was extended to December 17, 2002 and the securing Irrevocable Letter of Credit to June 27, 2003.

A request to re-hear the case was presented by one of the homeowners and was brought up at the August 22, 2002 meeting. The required motions were not made and the request failed.

Progress -- At the time the variance was granted, the non-conforming sidewalks were in place and the roads were not final paved. Neither stormwater features nor water/sewer facilities were accepted.

Presently the sidewalks have been removed and replaced with sod, the roads have been final paved and both stormwater and water/sewer facilities have been accepted. The breakdown of the bond amounts is as follows:

METRO PUBLIC WORKS:

Amount	Type	Comment
\$ 20,000	Paving	Asphalt Surface
\$ 20,000	Administrative Costs	Legal, engineering, inspection and right-of-way fees
\$165,000	Sidewalks	1,200 linear feet of sidewalk Repair 200 linear feet of curb Replace 3 curb ramps Install 2 curb ramps Replace 20 driveway ramps
\$205,000	TOTAL	

METRO WATER SERVICES:

Amount	Type	Comment
\$ 20,000	Stormwater Drainage	Complete 1 detention pond
\$ 6,500	Casting Adjustments	Adjusting castings to final pavement.
\$ 26,500	TOTAL	

\$231,500 GRAND TOTAL

STAFF RECOMMENDATION - Staff recommends disapproval of both the bond release and reduction because the roads have not been accepted by Metro Public Works for continued maintenance. Staff further recommends approval of an extension of the bond to October 24, 2003, with the requirement that the Irrevocable Letter of Credit be extended to April 24, 2004.

Mr. Kleinfelter stated that staff recommends disapproval of the request to release the bond, but approval of a bond extension. Letter of credit will expire June 2003.

Mr. Tom White, representative of Fox Ridge, developer, spoke regarding sidewalk history of subdivision and necessity of any revised plat. Mr. White stated that the road was built correctly as required by Public Works, and bond should be released, and there is no clear requirement for a signed, revised plat.

Mr. Rex Garton, a homeowner, spoke with questions about fee in-lieu of sidewalk. He supports staff's recommendation to grant extension of bond.

Chairman Lawson asked for clarification of bonds; if public works is satisfied with what has been done, plat aside, then the Commission has to base its decision on that.

Mr. Mark Macy of Public Works said the streets have been built to Public Works' standards. Infrastructure, including roads is acceptable, but the department is awaiting approval from the Metro Legal Department regarding the issue.

Mr. Brook Fox stated legal interpretation regarding release of the bond.

Mr. Bernhardt said that a risk of litigation may arise in future to have sidewalks installed in subdivision, as original plat states.

Mr. Sweat said that retroactive enforcement of plat revision not worthwhile.

Mr. Bernhardt said unresolved issue with revised plat unsigned, as well as potential ADA concerns of having no sidewalks.

Commissioner McLean moved and Mr. Cummings seconded the motion, to release the bond.

Commissioner Sweat asked if bond is released, will Public Works approve street. Mr. Macy asked the commission to focus on revised plat instead.

Chairman Lawson stated the commission will set precedent if the bond is released without approval from all agencies involved.

Councilman Summers objected to final vote to ask about final risk to Metro Government.

Mr. Bernhardt stated worst case scenario would be reinstallation of sidewalks.

Commissioner Sweat objected to final vote, asking about variance being given on a topography clause, and addressed requirement of revised plat in Commission approval history.

Mr. McLean's motion received 5 votes in favor and 5 opposed. Accordingly, the motion to release the bond did not pass.

Chairman Lawson asked for another motion on the applicant's request.

Discussion between Mr. Fox, Chairman Lawson & Mr. Sweat on legal issues continued.

Mr. Tyler moved and Ms. Neilson seconded the motion, to adopt staff recommendation of disapproval of bond release or reduction, while allowing extension of bond, which motion prevailed (7-2-1).

Resolution No. 2003-143

“BE IT RESOLVED by the Metropolitan Planning Commission that the request for release and reduction of the bond for Villages of Brentwood, Phase 11, is **DISAPPROVED (7-2-1)** because Metro Public Works has not accepted the roads for continued maintenance, but the bond shall be extended to October 24, 2003, with the requirement that the Irrevocable Letter of Credit be extended to April 24, 2004.”

d. Legislative Update

VI. PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED AND WITHDRAWN ITEMS

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

- V. b. Grant Agreement between State of TN, DOT, and Metro Planning on behalf of MPO, deferred to 5/8/03.
- 8. 98S-129U-10, Baldwin Arbor, First Revision, deferred to 5/8/03.
- 10. 2003M-056U-08, Close Portion of 41st Ave North & portion of Alley #1204, deferred to 5/8/03.
- 12. 2003M-043G-10, Close portion of Otter Creek Rd., deferred to 5/8/03.

Mr. Sweat moved and Ms. Neilson seconded motion, which unanimously passed, to close the public hearing and defer the items listed above. (9-0)

VII. PUBLIC HEARING: CONSENT AGENDA

Items on consent:

- 3. 2003Z-053U-04, from OR20 to CS
- 6. 2003S-088U-07, Park Street Subdivision
- 9. 84-87-P-13, The Crossings At Hickory Hollow
- 11. 2003M-040U-03, Price Street Closure
- 13. 2003M-044G-14, Stones River Greenway Easement Acceptance
- 14. 2003M-045U-14, Acceptance of Easements by N&E RR for Greenway

Mr. Tyler moved and Ms. Neilson seconded motion, which unanimously carried, to close the public hearing and approve the above items on the consent agenda. (9-0)

[Note: The staff report and formal Commission resolution approving each of the items on the consent agenda can be found below in the order in which the item appeared on the Commission agenda.]

Councilman Summers arrived at 4:25 pm.

VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS

- 1. **2003Z-045U-05**
Map 72-15, Portion of Parcel 235
Subarea 5 (1994)
District 7 (Campbell)

A request to change from R6 district to MUL district property at 1500 Porter Road, at the intersection of Porter Road and Cahal Avenue, (1.54 acres), requested by William S. Payne, III of SSOE, Inc., applicant, for Berkshire Place Apartments, LP.

Staff Recommendation - Disapprove. The MUL district does not implement the intent of the RM policy.

APPLICANT REQUEST- Rezone 1.54 acres from Residential (R6) to Mixed Use Limited (MUL) at 1500 Porter Road.

Existing Zoning - R6 zoning - R6 zoning is intended for single-family homes and duplexes on 6,000 sq. ft. lots.

Proposed Zoning - MUL zoning - MUL zoning is intended for moderate intensity mixture of residential, retail, and office uses.

SUBAREA 5 PLAN POLICY

Residential Medium (RM) -RM policy is intended for residential development at a density of four to nine dwelling units per acre. A variety of housing types are appropriate, however, the most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict - Yes. The MUL district is inconsistent with the intent of the RM policy, which calls for four to nine units per acre. Although the MUL district allows for residential uses, those uses are typically more in line with the RMH and RH policy areas. This area currently has several small pockets of commercial uses, which service the surrounding neighborhoods. The Subarea 5 Plan does not call for an increase of commercial uses for this area.

Directly across from this site is a property zoned CN with a convenience market and gas pumps. Further to the east on Cahal Avenue are properties zoned CL and CN with small strip shopping and similar businesses. The requested property is at the bottom of a hill on which an apartment complex sits. With proximity of other commercially zoned properties, further commercial development on this property would be inappropriate.

RECENT REZONINGS - None

TRAFFIC - Based on typical uses in MUL district approximately 27 to 872 vehicle trips per day. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - No exception taken

SCHOOLS

Students Generated 10 Elementary 8 Middle 5 High

Schools Over/Under Capacity - Students will attend Inglewood Elementary School, Dalewood Middle School, and Stratford High School. Inglewood Elementary, Dalewood Middle, and Stratford High Schools have not been identified as being overcrowded by the Metro School Board.

The numbers for MUL zoning are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,000 sq. ft. of floor area.

Mr. Leeman stated that staff recommends disapproval.

Pastor Glenda Sutton, spoke in favor of rezoning to enhance quality of life for surrounding community.

Ms. Latonya Hoden, resident, spoke in favor rezoning.

Jenny (no last name given), working in community center, spoke in favor of rezoning.

Ms. Erlene Young, resident of area for 32 years, spoke in favor of rezoning.

Mr. Leroy Clay, Berkshire resident, spoke in favor of rezoning.

Councilman Summers moved to disapprove and Chairman Lawson requested a second. No vote was taken on Councilman Summers' motion.

Councilman Summers asked if zoning could be CL, and discussed the history and purpose of MUL & MUN zoning.

Councilman Summers, Mr. Jones, & Mr. Small discussed the potential negatives of rezoning.

Ms. Cummings asked about different zoning definitions, and whether approving the zoning with restrictions would suffice.

Councilman Summers renewed his motion to disapprove based on staff's recommendation, which motion did not receive a second.

Mr. Clifton moved and Mr. McLean seconded the motion, to disapprove the staff recommendation and approve the zoning request.

Resolution No. 2003-144

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-045U-05 is **APPROVED (9-1)**.

The proposed MUL district is consistent with the Subarea 5 Plan’s Residential Medium (RM) policy allowing for residential uses, while the commercial component of the MUL district is consistent with the existing commercial node at the intersection of Porter Road and Cahal Avenue. Commercial uses at this intersection will provide the opportunity to expand the existing neighborhood commercial node, which will allow residents in the area the ability to walk to a store without using an automobile.”

- 2. 2003Z-048U-13**
Map 135, Parcels 146 and 163
Subarea 13 (1996)
District 13 (Derryberry)

A request to change from R20 district to RM9 and IWD districts properties at 1792 Reynolds Road and Smith Springs Road (unnumbered), abutting the northern margin of Smith Springs Road and the eastern margin of Reynolds Road, (40.27 acres), requested by J. E. Stevenson, applicant, for J. E. Stevenson, Trustee and Charles F. and Joyce L. Galbreath, owners.

Staff Recommendation - *Approve with conditions.* If the bill continues through Council, it is recommended that it be amended to include the conditions listed below.

APPLICANT REQUEST - Rezone 40.27 acres from Residential (R20) to (RM9) and Industrial Warehousing/Distribution (IWD), at 1792 Reynolds Road and Smith Springs Road (unnumbered), abutting the northern margin of Smith Springs Road and the eastern margin of Reynolds Road.

Existing Zoning - R20 zoning - R20 zoning is intended for single-family homes and duplexes at 1.85 units per acre.

Proposed Zoning - RM9 zoning - RM9 zoning is intended for multi-family units at 9 units per acre.

IWD - IWD, Industrial Warehousing/Distribution, is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

SUBAREA 13 PLAN POLICY

Residential Medium (RM) - RM policy allows four to nine dwelling units per acre.

Policy Conflict - Partial. The policy shown on the Land Use Policy Map is RM. RM permits 4 to 9 dwelling units per acre and supports the requested RM9 zoning.

There is additional text in the Subarea 13 plan that endorses some IWD policy in this area, *“Those properties that are oriented away from Smith Springs Road and drain to the north are considered to be within the adjoining industrial policy area 14E.”* However, the orientation away from Smith Springs Road applies to traffic in addition to land use, *“Industrial traffic from the adjacent Industrial Policy area (14E) should not have access to Bell Road and Murfreesboro Pike through this residential area.”*

It appears that the topography breaks approximately 850 feet from Smith Springs Road and the land drains to the north. To comply with the above text, the request would need to be redrawn to include the additional area (approximately 7 acres) up to the break.

A condition also should be added to the bill that limits access to the IWD property from Reynolds Road only.

RECENT REZONINGS -An application for MUL and CS (Council Bill 2003-1326) was before the Planning Commission on February 13, 2003 (Disapproved 8-0). The bill failed at Council on March 4, 2003.

TRAFFIC - Based on typical uses in RM9, this proposed zoning would generate approximately 332 to 376 trips per day. Typical uses in the IWD would generate 2,142 to 8,258 trips per weekday (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings - The Public Works Department has indicated they can do no further review of this item without additional information. No Traffic impact study has been submitted.

SCHOOLS

Students Generated 4 Elementary 3 Middle 2 High

Schools Over/Under Capacity - If the property were developed under the proposed zoning, 9 students would be generated. Students would attend Una Elementary, Apollo Middle School and Antioch High School. All schools have been identified as overcrowded by the Metro School Board.

CONDITIONS

1. A condition needs to be added to the bill that a detailed traffic impact study needs to be approved by the Metro Traffic Engineer in conjunction with and subdivision or development application.
2. A condition needs to be added to the bill that limits access to the IWD property from Reynolds Road only in order to avoid the residential area of Smith Springs Road.
3. Approximately 7 additional acres (for a total of approximately 13 acres) needs to be added to the area to be rezoned to RM9, rather than IWD, in order to comply with the Subarea 13 plan

Ms. Fuller stated that staff recommends approval with conditions.

Mr. Roy Dale, representing owners of property, spoke in favor of staff recommendation.

Mr. John Quinnan, resident, spoke against zoning due to traffic congestion and density.

Mr. George Allen, attorney for Ray Dalton, adjacent property owner, on sewer easement concerns.

Mr. Jon Young, realtor, spoke in favor of rezoning.

Ms. Vivian Wilhoyt, with concerns of traffic congestion in area, spoke against zoning request.

Mr. Ryan Parkers, resident, spoke against zoning due to traffic congestion.

Councilmember Janice Sontany, speaking on behalf of Mr. Myer on Smith Springs Rd., spoke of concerns with regard to zoning, narrow roads with heavy traffic, and sewer access.

Mr. Gary Jones, resident on Reynolds Rd., spoke against zoning due to traffic congestion.

Councilmember Derryberry spoke in favor of zoning; stated sewer issues will be addressed, large vehicle problems and traffic studies will be completed.

Mr. Clifton asked Councilmember Derryberry about status of issues discussed with Councilwoman Sontany, with intent to pass based on resolving issues.

Mr. Clifton asked about traffic study, Ms. Fuller stated no study has been submitted.

Councilmember Derryberry confirmed sewer system, explained definition of IWD zoning.

Mr. Jones moved and Ms. Neilson seconded the motion, which carried unanimously, to approve with conditions.

Resolution No. 2003-145

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-048U-13 is **APPROVED (10-0) WITH CONDITIONS:**

The proposed RM9 and IWD districts are consistent with the Subarea 13 Plan's Residential Medium (RM) policy calling for residential development at four to nine dwelling units per acre along the frontage of Smith Springs Road, and calling for industrial uses for properties that are oriented away from Smith Springs Road that drain to the north. The Council bill should be amended to bring the RM9 district to the topography

break, 850 feet from Smith Springs Road; to require a traffic impact study to be approved by the Metro Traffic Engineer in conjunction with any subdivision or development application; and to limit the access to the IWD property to Reynolds Road only.”

- 3. 2003Z-053U-04**
Map 43-16, Parcel 4
Subarea 4 (1998)
District 9 (Dillard)

A request to change from OR20 district to CS district property at Old Hickory Boulevard (unnumbered), at the intersection of Old Hickory Boulevard and Rio Vista Drive, (0.41 acres), requested by Councilmember James Dillard, applicant, for Richard A. Rollins, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 0.41 acres from Office/Multi-Family Residential (OR20) to Commercial Services (CS) at Old Hickory Boulevard (unnumbered) and Rio Vista Drive.

Existing Zoning - OR20 zoning - OR20 zoning is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

Proposed Zoning - CS zoning - CS zoning is intended for retail, consumer service, financial, restaurant, office, auto-repair, auto sales, self-storage, light manufacturing and small warehouse uses

SUBAREA 4 PLAN POLICY - Office Concentration (OC) - The OC policy is intended for existing and future large concentrations of office development. The predominant use in OC policy is offices. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least RMH density are also an appropriate secondary use.

Policy Conflict - Although the proposed CS district is more intense than what is normally called for in the OC policy area, this particular piece of property borders an area of existing CS zoning within the Subarea 4 Plan’s Commercial Arterial Existing (CAE) policy. The CS zoning allows some commercial uses that are more intense than what is necessary to cater to the predominant uses in the OC policy. This property is adjacent to pockets of CS zoning at the intersections of the local roads and State Highway 45. However, rezoning this property to CS is within the character of the existing zoning pattern.

RECENT REZONINGS - Yes. A request to change from OR20 to CS district properties at 905, 909, and 911 Old Hickory Boulevard (Case No. 2001Z-058G-04), east of Myatt Drive, was disapproved by the Planning Commission on September 27, 2001, while the Metro Council approved the rezoning request.

TRAFFIC - Based on typical uses in CS district approximately 154 to 357 vehicle trips per day. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic

Traffic Engineer’s Findings - No exception taken.

Consent Agenda)

Resolution No. 2003-146

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-053U-04 is **APPROVED (9-0):**

The proposed CS district is consistent with the surrounding zoning pattern to the east within the adjacent Commercial Arterial Existing (CAE) policy. Although the CS district allows some uses that are more intense than the Office Concentration (OC) policy calls for, this particular piece of property borders an area of existing CS zoning within the Subarea 4 Plan. Commercial uses within the OC policy area are intended to serve the office uses.”

IX. PRELIMINARY SUBDIVISION PLATS

- 4. 2001S-215G-14**
Cumberland Landing
Map 53, Parcel 10
Subarea 14 (1996)
District 11 (Brown)

A request for preliminary approval for 124 lots, including 31 duplex lots, approximately 300 feet west of Hurst Drive and the southeast terminus of Riverway Drive, (101.37 acres), classified R15 district, requested by Robin York, owner/developer, Dale and Associates, Inc., surveyor. (Deferred from meeting of April 10, 2003).

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST - X Preliminary Plat

This request is for preliminary plat approval for 124 lots on 101.37 acres at Hurst Drive (unnumbered), including 31 duplex lots.

ZONING- R15 zoning- R15 district allows single-family and duplex residential requiring minimum lot size of 15,000 square feet. A maximum of 25% of the lots are permitted to be duplex lots. R15 allows a maximum density of 2.47 dwelling units per acre, while this plat proposes an overall density of 1.53 dwelling units per acre with 124 lots, including 31 duplex lots (155 total units).

SUBDIVISION VARIANCES - No variances requested.

SUBDIVISION DETAILS - Stub Streets - The proposed subdivision is along the Cumberland River, adjacent to the City of Lakewood. The applicant proposes to connect the subdivided property to three existing stub streets, one at Riverway Drive through the Waterford Subdivision, and two through the Fairway View Subdivision at Hurst Drive.

Floodplain/Floodway - The proposed subdivision falls completely within the floodplain of the Cumberland River. On March 18, 2003, the Metro Council adopted changes to the Zoning Code requiring 50% of the natural floodplain to remain undisturbed with any new development (Council Bill BL2002-1021). This plat leaves 49.78 acres out of 92.07 acres in a natural state, or 54% of the floodplain.

Planning staff has serious concerns about the long-term sustainability of this development and the potential environmental impact development of this site may have on neighboring properties, since it is completely encumbered by floodplain. However, based on comments by the reviewing departments the preliminary plan meets Metro regulations on their face and staff recommends approval.

Greenway/Conservation Easement - The applicant has agreed to provide the required "Conservation/Greenway Public Access Trail Easement Area" for the floodway and the stream buffer, as is required by Section 2-7.5 of the Subdivision Regulations.

Stormwater Management - The Stormwater Management Committee has approved the proposed stream crossings on this plat since they cross the blue-line stream at 90-degree angles.

The plan also proposes to address stormwater management issues by creating a lake to address the water quality and runoff requirements of Metro Water Services. The plat will be conditioned that the lake be maintained by the Homeowner's Association.

Critical Lots - All 124 lots are designated as critical lots due to floodplain.

TRAFFIC -Public Works Recommendation

1. All street classifications of all roadway segments should be labeled;
2. Per the TIS, please show two 12-foot lanes for northbound traffic on Hurst Drive at Old Hickory Boulevard. These shall consist of a right turn lane and a left turn lane. The left turn lane shall provide a minimum of 450 feet of storage and be designed to AASHTO standards.
3. The developer shall install all necessary pavement markings and traffic signs to delineate these lanes.

4. The developer will need to construct that part of the roadway to the same standards as the roadway within the development connecting to the Unnamed 515.

Mr. Leeman stated that staff recommends approval with conditions.

Mr. Roy Dale, representing owner of property, referenced a Waterford Subdivision handout given to Chairman Lawson, and spoke in favor of approval because the proposal meets the requirements of the subdivision regulations.

Mr. Kevin Estes, engineer with Dale & Assoc., discussed access points to the property, and spoke in favor of approval.

Mr. Lee Bond, resident of Waterford Community, spoke in favor of single access communities, and speaking against staff recommendation.

Ms. Debra Waftis, resident of Waterford Community, spoke with concerns about drainage from the new development if approved.

Mr. Charles Cantrell spoke against development due to poor soil and drainage.

Ms. Gina Siss, resident homeowner, speaking against new development with regards to increased traffic congestion.

Ms. Cathy Hunter, resident, noted the single access to the subdivision and through traffic, as well as concern about homes built in a floodplain.

Ms. Tamantha Chapman, resident of Waterford Community, spoke against new subdivision with regards to traffic the through street will allow.

Mr. Jerry Rimer, Pastor and resident, spoke against the subdivision having access through Waterford Community due to safety reasons, and cited floodplain as another reason to disapprove.

Mr. Mike Mana, new resident of the area, asked the Commission not to approve development, citing wildlife.

Ms. Rosalin Word, Waterford Subdivision resident, spoke against through traffic on Riverway Drive.

Mr. Reavis Pendergrass, resident, showed a slide presentation of access points, with photographs of standing floodwater, wildlife, and asked for a vote against subdivision.

Councilmember Brown spoke in summary, mentioning floodplain aspect and drainage of water from developments surrounding proposed area, as well as single-access to Waterford Subdivision. He asked the Commission to either deny proposal, or defer and drive to proposed site for viewing.

Mr. Clifton asked for clarification of what criteria must be met on approval of a preliminary subdivision application.

Mr. McLean asked staff to consider adding condition of no activity through current subdivision of Waterford Community.

Mr. Jones said that because this is a preliminary plat, any concerns can be detailed in later stages if approved.

Mr. Bernhardt said it will take a lot of engineering, but the developer has done a good job in preserving the area.

Mr. Sweat said he would like to see the property, but from what has been presented, it seems to be a swamp, and he asked for a condition limiting the accessibility through existing subdivision of Waterford.

Mr. McLean moved to approve staff recommendations with the added condition of no connectivity through Waterford Community (eliminating 1 connection), and Mr. Joe Sweat seconded the motion, which motion failed to gain a majority vote of the Commission.

Mr. McLean then moved to approve the staff recommendation with no additional conditions, and Mr. Small seconded the motion. Approved with conditions (5-2-1).

Resolution No. 2003-147

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-215G-14, is **APPROVED WITH CONDITIONS (5-2-1)**.

Staff recommends approval subject to the following conditions:

1. No clearing, grubbing, grading, or other Metro permits will be issued until final plat approval.
2. All grading and engineering plans relating to site development will be approved by the Stormwater Management Division based on care taken to minimize environmental disturbance and to prevent increased stormwater runoff onto adjacent properties.
3. All street classifications of all roadway segments must be labeled.
4. Per the TIS, the final plat shall include construction plans for two 12-foot lanes for northbound traffic on Hurst Drive at Old Hickory Boulevard. These shall consist of a right turn lane and a left turn lane. The left turn lane shall provide a minimum of 450 feet of storage and be designed to AASHTO standards.
5. The developer shall install all necessary pavement markings and traffic signs to delineate these lanes.
6. A revised plan shall be submitted by April 24, 2003, eliminating one duplex lot so that there is a total of 31 duplex lots, not 32.
7. All floodway, 50' floodway buffer, and 60' stream buffer is to be a conservation/greenway easement. Conservation area is to remain in an undisturbed natural state, excluding the installation of a trail by the Greenways Commission. Easement may be relocated upon approval of a flood study by FEMA.
8. Any final plat shall include a note labeling all of the floodway plus a 50' floodway buffer and all of the 60' wide stream buffers shown on this plan: "Conservation/Greenway public access trail easement area".
9. The developer will need to construct that part of the roadway to the same standards as the roadway within the development connecting to the Unnamed 515.
10. All areas designated to be undisturbed must be fenced off prior to the issuance of any grading permits.

Commissioner Cummings left the meeting at 6:45pm.

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- 5. 2003S-077U-10**
Glen Echo, Resubdivision of Lot 12
Map 117-15, Parcel 11
Subarea 10 (1994)
District 25 (Shulman)

A request for preliminary and final plat approval to subdivide one lot into two lots abutting the northwest margin of Hillmont Drive, approximately 125 feet northeast of Glen Echo Road, (.89 acres), classified within the R10 district, requested by Eugene Collins, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Staff Recommendation - *Approve, including two variances for lot comparability, but disapprove request for a sidewalk variance.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide a 0.89-acre tract into a 2-lot subdivision, at a proposed density of 2.2 dwellings units per acre. The applicant is seeking lot comparability variances for minimum lot size, minimum lot width, and a variance from the requirement to construct sidewalks along Hillmont Drive.

ZONING - R10 district, requiring a minimum lot size of 10,000 square feet .

SUBAREA 10 POLICY

RL (Residential Low-Density) - This subdivision falls within the Subarea 10 Policy’s Residential Low-Density (RL) policy. The RL policy was applied to this area because it is developed residentially with densities at or below 2 dwelling units per acre. According to the Subarea 10 Plan, “the intent of this plan is to ensure that future development of infill sites conform with the existing character of surrounding areas...and the plan recommends that the prevailing character and densities of these areas be conserved.”

February 10, 2003

Glen Echo / Hillmont Community Meeting - On February 10, 2003, planning staff met with Councilman Shulman and invited citizens at the Green Hills Library Branch to discuss the intensification of this area of Green Hills. The citizens expressed that single-family homes were preferred over duplexes, that the intensification of their neighborhood was acceptable under an RLM land use policy, and that the applicant’s (previous) request – to subdivide Lot 12 into three lots – be disapproved because of the considerable size difference between the proposed lots and existing lots on Hillmont Drive. Based upon the citizen comments, staff has recommended to the Commission that an extension of the RLM policy be considered south of the zoning line between Graybar Lane and Hillmont Drive and inclusive of all lots along Glen Echo Road and Benham Avenue.

Proposed Plan - The current subdivision application proposes a two-lot subdivision with a density of 2.2 dwelling units per acre. Although this density still exceeds the Subarea 10 Plan’s RL policy of 0-2 units per acre, the proposal is consistent with the community’s stated support for allowing limited infill development in this area. At the February 10, 2003, community meeting, the neighborhood recommended that the applicant return to the Planning Commission with a 2-lot subdivision in lieu of the 3-lot subdivision.

SUBDIVISION DETAILS - The 0.89-acre tract lies along the north margin of Hillmont Drive, and just north of Glen Echo Road. The applicant is proposing two lots, each 72.52 feet in width and lot sizes of 19,036 and 19,776 square feet.

SUBDIVISION VARIANCES - (Sec. 2-6.1, Sidewalks) The applicant has requested a sidewalk variance based upon the absence of sidewalks along Hillmont Drive, the amount of drainage construction that would be required to meet Metro Public Works sidewalk construction standards, and the possibility of having to relocate or remove a utility pole and existing trees.

The subdivision regulations require a 5-foot wide public sidewalk and a 4-foot wide grass strip along the frontage of the residential properties less than 20,000 square feet in size to be located within the public right-of-way. If the applicant believes that the installation of sidewalks creates an undue hardship, a variance may be requested from the Planning Commission. Staff has reviewed the variance request and determined that:

- The granting of this variance will not be detrimental to the public safety, health, or welfare in the neighborhood in which the property is located. Staff recommends that the Metro Stormwater Division address whether the installation of required pipe and gutter is injurious to other property or improvements.
- The conditions upon which the request for this variance is based are not unique to the subject property and are applicable to other surrounding properties.
- The physical surroundings, shape of the lot frontage, and topography of the grassy swale fronting the subject property do not create an undue hardship.

Sidewalk Constructability Report - The Metro Public Works’ Sidewalk Constructability Report states that currently there is a grassy swale, one utility pole at or near the northeast corner of the parcel, and that the street currently has no sidewalk, nor curb and gutter system. Construction of a standard Metro sidewalk along this lot would require the installation of a curb and gutter and possible relocation of one utility pole.

Staff Recommendation - Staff recommends disapproval of the sidewalk variance based on the criteria explained above. The sidewalk should stop short of the one utility pole at the far northeast corner of the site. Relocation of the one utility pole is not practical because it is located in the far northeast corner of the site – essentially on the property line. If the sidewalk is extended to the north in the future, then the relocation of one or more utility poles must be completed in conjunction with the construction of that sidewalk.

(Sec. 2-4.7, Lot Comparability) - The proposed two lots fail the lot comparability requirements for minimum lot width requirement. The comparability test, which takes into account the lot frontage on lots within 300 feet of the

subject lot, requires that each lot provide not less than 103 feet of lot frontage. Both lots also fail lot comparability for minimum lot size by not providing a minimum lot size of 28,230 square feet.

Staff Recommendation- Staff recommends approval of both lot comparability variances because residential development in this small area of Green Hills is in the process of intensifying. The area residents have expressed support for a 2-lot subdivision and for changing the land use policy in this area from very low-density residential to medium-density residential.

TRAFFIC ENGINEER’S FINDINGS - Recommends approval

Mr. Mitchell stated that staff recommends approval of the proposed subdivision, but disapproval of the request for a sidewalk variance.

Councilman Shulman cited concerns about zoning, allowing 2 duplexes instead of 2 single-family homes as discussed at a recent community meeting.

Mr. Floyd Price, attorney for Eugene Collins, asked the Commission to approve the staff recommendation.

Mr. Russell Parham resident of Hillmont Drive, asked for continuity in long term planning.

Ms. Janice Sinclair, resident of Glen Echo Rd., spoke against approval.

Mr. John Brittingham, resident adjacent to property, requested the Commission to deny subdivision of property.

Commissioner Sweat addressed staff about the lot size comparability analysis.

Commissioner Small moved to disapprove and Commissioner Nielson seconded motion. (9-0-0)

Resolution No. 2003-148

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-077U-10, is **DISAPPROVED (9-0).**”

6. **2003S-088U-07**
Park Street Subdivision
Map 91-1, Parcels 24 and 91
Subarea 7 (2000)
District 22 (Hand)

A request for preliminary plat approval for 10 lots abutting the northeast corner James Avenue and Park Street, (3.85 acres), classified R8 district, requested by Hodges & Sons, owner/developer, Dale and Associates, Inc., surveyor.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 3.85 acres into a 10-lot cluster subdivision, located abutting the northeast corner James Avenue and Park Street.

ZONING - R8 Zoning - R8 district requires a minimum lot size of 8,000 square feet.

CLUSTER LOT OPTION - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts. In this case the applicant proposes a reduction of one base zone district from R8 (minimum 8,000 sq. ft. lots) to R6 (minimum 6,000 sq. ft. lots). A “B” buffer yard is required between lots 1 through 5 and the existing properties to the west. The proposed lots range in size from 6,000 square feet to nearly 8,163 square feet.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant complies with this requirement by proposing a total of 2.16 acres (56.2%) of open space – which exceeds the minimum open space acreage required.

SUBDIVISION DETAILS - Approximately 2.54 acres of the site are encumbered with floodplain and floodway. A total of 1.51 acres (59%) of the floodplain and floodway will be undisturbed.

Turnarounds 2-6.2.1 G - Exceptions to turnaround requirements may be made for short streets, up to 300 feet long where emergency and service vehicles are able to back out with relative ease. The length of the proposed Carley Lane is approximately 200 feet. Additionally, a turnaround would encroach into the dedicated conservation/greenway public access trail easement area.

Public Works Recommendation - It is recommended that the minimum elevation of the proposed street be at least one foot above the 100-year floodplain elevation, which is 409.00 feet.

CONDITIONS

1. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.
2. The minimum elevation of the proposed street, Carley Lane must be a minimum of one foot above the 100-year floodplain elevation, which is 409 feet.
3. A corrected preliminary plat needs to be submitted by May 8, 2003, that shows the greenway labeled as a dedicated conservation/greenway public access trail easement area.
4. All areas designated to be undisturbed must be fenced off prior to the issuance of any grading permits.

Approved (9-0, Consent Agenda)

Resolution No. 2003-149

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-088U-07, is **APPROVED WITH CONDITIONS (9-0)**.”

Staff recommends approval subject to the following conditions:

1. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.
2. The minimum elevation of the proposed street, Carley Lane must be a minimum of one foot above the 100-year floodplain elevation, which is 409 feet.
3. A corrected preliminary plat needs to be submitted by May 8, 2003, that shows the greenway labeled as a dedicated conservation/greenway public access trail easement area.
4. All areas designated to be undisturbed must be fenced off prior to the issuance of any grading permits.”

-
7. **2003S-089U-05**
McFerrin Place
Map 82-8, Parcel 103
Subarea 5 (1994)
District 5 (Hall)

A request for preliminary plat approval for nine lots abutting the west margin of McFerrin Avenue, approximately 168 feet south of Seymour Avenue, (2.09 acres), classified RS5 Urban Zoning Overlay District, requested by Harakas Construction, Inc., owner/developer, Batson and Associates Engineering, Inc., surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 2.09 acres into 9 lots, located abutting the west margin of McFerrin Avenue, approximately 168 feet south of Seymour Avenue.

ZONING - RS5 Zoning - RS5 district requires a minimum lot size of 5,000 square feet. The proposed lots range in size from 5,000 sq. ft. to 5,753 sq. ft.

SUBDIVISION DETAILS - The area located north of the proposed McFerrin Court will also be dedicated as right-of-way so the existing properties that abut this proposal will have access to McFerrin Court and any public utilities located within.

McFerrin Court is approximately 630-feet and falls within the permitted length for a street with a turnaround (2-6.2.1. G).

Public Works Recommendation - No exceptions taken.

CONDITIONS

1. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.

Ms. Fuller stated staff recommends approval, as does the Public Works Department and Stormwater Division of the Water Services Department.

Chairman Lawson noted that Councilman Hall had contacted staff to request deferral. Chairman Lawson gave audience the option whether to defer or speak now, and the audience chose to speak.

Mr. Wade Berryman, resident of Seymour Avenue, concerned about street being behind properties as well as in front, in effect, splitting block, generating more traffic, noise, crime, and decreasing privacy.

Mr. Jerry Hunt, resident of Seymour Avenue, spoke of concerns of crime this development may bring, as well as traffic problems.

Mr. Percy, resident, spoke against new development, citing increase in crime and safety issues another street behind properties may cause.

Mr. Lander, resident, asked Commission to disapprove development due to high traffic and it will deter from the quality of life for the community.

Mr. Gary Batson, engineer for owner, spoke in agreement with staff comments, stating all Metro requirements will be met.

Ms. Elizabeth Powell, resident of West Easlin, spoke concerning element of crime an open street would possibly bring.

Mr. James Easlin, president of Neighborhood Association, stated his concerns on type of houses to be built, traffic development will bring.

Ms. Mary Copeland, resident, mentioned safety and traffic issues of new development, lack of sidewalks, and lack of developer seeking out Neighborhood Association.

Commissioner Neilson moved to defer the item to May 22, 2003, meeting, but keep public hearing open, which motion was seconded by Councilman Summers and unanimously adopted. (9-0-0)

X. FINAL PLATS

- 8. **98S-129U-10**
 Baldwin Arbor, First Revision
 Map 131-1-K, Parcels 1-9
 Subarea 10 (1994)
 District 34 (Williams)

A request for final plat approval to eliminate the sidewalk requirement on nine lots abutting the north margin of Hobbs Road, approximately 147 feet west of Legend Hall Drive, (2.81 acres), classified RS10 district, requested by Hobbs, LLC, owner/developer, Walter Davidson and Associates, surveyor. (Deferred from meeting of April 10, 2003).

Deferred until May, 8, 2003 Meeting. (9-0)

XI. PLANNED UNIT DEVELOPMENTS (revisions)

- 9. **84-87-P-13**
 The Crossings at Hickory Hollow
 Map 174, Parcel 176
 Subarea 13 (1996)
 District 28 (Alexander)

A request for a revision to the preliminary plan for Phases 14 and 15 of the Commercial Planned Unit Development located abutting the south margin of Crossings Boulevard at Old Franklin Road, classified R10, (26.61 acres), to permit 59,420 square feet commercial in Phase 14, and 103,766 square feet of commercial in Phases 15A and 15B, a total of 163,186 square feet of commercial, approved for 278,480 square feet of commercial, request by Hodgson Douglas for TSC Crossings IV, LP, owners.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Prelim & Final PUD
 Final PUD Amend PUD Cancel PUD

A request to revise a 26.61 acre portion of the preliminary plan for Phases 14 and 15 of the Commercial PUD located along the south side of Crossings Boulevard at Old Franklin Road.

This proposal includes a 59,420 square foot office/retail uses in Phase 14, and 103,766 square feet of office, retail, and commercial floor area, and telecommunications equipment space in Phases 15A and 15B. The revision includes a total of 163,186 square feet, replacing 278,480 square feet of commercial uses on the approved plan.

Existing Zoning - R10/Commercial PUD - The property has a base zoning of R10 with a Commercial PUD overlay. The preliminary PUD was approved in 1987 for a total of approximately 1.7 million square feet of “commercial” uses. Other uses in the PUD include the retail uses, car dealership, office uses, and unspecified commercial uses.

PLAN DETAILS - This proposal decreases the square footage on this portion of the PUD by 115, 294 square feet, while it redesigns the access to the site on Crossing Boulevard and Old Franklin Road. The plan moves the proposed driveway on Crossing Boulevard 100 feet to the west and proposes a new driveway to Phase 15A on Old Franklin Road. This driveway is conditioned to be a right-in and right-out only driveway.

Traffic Engineer’s Recommendation - Approval with conditions, including the following conditions to be completed by the developer:

1. The driveway onto Old Franklin Rd. will be a right turn in and a right turn out only.
2. A median, which is a minimum width of 4 feet, will be constructed on Old Franklin Road from the intersection with The Crossings Boulevard south to 150 feet past the driveway.
3. Any additional roadway or traffic control improvements (such as road widening, right of way dedication, pavement markings and signage) necessary to accommodate this median installation will be the responsibility of the developer.

CONDITIONS

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. The driveway onto Old Franklin Road will be a right turn in and a right turn out only.
5. A median, with a minimum width of 4 feet, will be constructed on Old Franklin Road from the intersection with Crossings Boulevard south to 150 feet past the driveway.
6. Any additional roadway or traffic control improvements (such as road widening, Right of Way dedication, pavement markings and signage) necessary to accommodate this median installation will be the responsibility of the developer.

Approved (9-0, Consent Agenda)

Resolution No. 2003-150

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-87-P-13 is **APPROVED WITH CONDITIONS (9-0)**.

Staff recommends approval subject to the following conditions:

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. The driveway onto Old Franklin Road will be a right turn in and a right turn out only.
5. A median, with a minimum width of 4 feet, will be constructed on Old Franklin Road from the intersection with Crossings Boulevard south to 150 feet past the driveway.
6. Any additional roadway or traffic control improvements (such as road widening, Right of Way dedication, pavement markings and signage) necessary to accommodate this median installation will be the responsibility of the developer.”

XII. MANDATORY REFERRALS

10. 2002M-056U-08

Close a Portion of 41st Avenue North
and a Portion of Alley #1204.
Map 91-12, Parcels 189 and 193
Subarea 8 (1995)
District 21 (Whitmore)

A request to close a portion of 41st Avenue North between Clifton Avenue and Indiana Avenue, and to close a 49-foot portion of Alley #1204 from the east margin of 41st Avenue North, requested by Andrew M. Akers, appellant and abutting property owner, for S. Charles Taylor, abutting property owner. (Easements to be retained).

Deferred until May, 8, 2003 Meeting. (9-0)

11. 2003M-040U-03

Price Street Closure
Map 70-8
Subarea 3 (1998)
District 2 (Black)

A request to close Price Street from West Trinity Lane to Freesilver Road, as requested by Parker Toler, for Sabbath Day Church and Wade Phelps, abutting property owners. (Deferred from meeting of April 10, 2003).

Staff Recommendation - Approve

APPLICANT REQUEST - A request to close Price Street from W. Trinity Lane to Freesilver Road, as requested by Parker Toler, for Sabbath Day Church and Wade Phelps, abutting property owners. (Easements are to be retained)

APPLICATION REQUIREMENTS

Application properly completed and signed? Yes

Abutting property owners' sign application? Yes

DEPARTMENT AND AGENCY COMMENTS - All reviewing departments or agencies recommend approval.

Approved (9-0, Consent Agenda)

Resolution No. 2003-151

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-040U-03 is **APPROVED (9-0)**."

12. 2003M-043G-10

Close Portion of Otter Creek Road
Map 159, Parcel 67
Subarea 10 (1994)
District 33 (Turner)

An Ordinance to amend the Official Street & Alley Acceptance & Maintenance Map for the Metro Government of Nashville and Davidson County, by abandoning a portion of Otter Creek Road from Granny White Pike east to the Oak Hill city limit because the Metro Department of Public Works has concluded that this portion of Otter Creek Road is unsafe for vehicular traffic, and the ecology of the area adjacent to the roadway prohibits the type of repairs necessary for the road to be improved to meet safety standards for public use by vehicular traffic; as well as it is the

desire of the State of Tennessee, abutting property owner, that the abandonment be accomplished, as requested by the Director of Public Works.

Deferred until May, 8, 2003 Meeting. (9-0)

- 13. 2003M-044G-14**
Stones River Greenway Easement Acceptance
Map 85, Parcel 76
Subarea 14 (1996)
District 14 (Stanley)

An Ordinance authorizing the Director of Public Property to accept and record easements in favor of the Metro Government, for the use in connection with development of the Stones River Greenway System, and to execute to Mr./Mrs. Gayron C. Lytle a quitclaim deed for the Metro Government's interest in an existing but unbuilt right-of-way, since the Lytle's are donors of easements required for the construction of the greenway system, as requested by the Metro Department of Law.

Staff Recommendation - *Approve, subject to possibly revising the ordinance to state that the unbuilt right-of-way must be closed and abandoned before the conveyance to the designated recipient.*

APPLICANT REQUEST - An Ordinance authorizing the Director of Public Property to accept and record easements in favor of the Metro Government, for the use in connection with development of the Stones River Greenway System, and to execute to Mr./Mrs. Gayron C. Lytle a quitclaim deed for the Metro Government's interest in an existing but unbuilt right-of-way. The Lytle's are donors of easements required for the construction of the greenway system, as requested by the Metro Department of Law.

APPLICATION REQUIREMENTS – None

DEPARTMENT AND AGENCY COMMENTS - Staff does not believe that right-of-way can be quitclaimed to a private property owner. Therefore, staff recommends that the bill be revised to state that the unbuilt right-of-way will be closed and abandoned prior to conveying the interests of the unbuilt road to the recipient.

Approved (9-0, Consent Agenda)

Resolution No. 2003-152

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-044G-14 is **APPROVED (9-0), subject to staff recommendation that the ordinance be amended to close and abandon the unbuilt right-of-way.**

- 14. 2003M-045U-14**
Acceptance of Easements by N&E RR for Greenway
Map 96, Parcel 2
Subarea 14 (1996)
District 14 (Stanley)

An Ordinance accepting an easement from Nashville & Eastern Railroad on a parcel of property for use in the Stones River Greenway System for constructing, operating, and maintaining portions of the greenway system, as requested by the Metro Department of Law.

Staff Recommendation – Approve

APPLICANT REQUEST - An Ordinance accepting an easement from Nashville & Eastern Railroad on a parcel of property for use in the Stones River Greenway System for constructing, operating, and maintaining portions of the greenway system, as requested by the Metro Department of Law.

APPLICATION REQUIREMENTS – None

DEPARTMENT AND AGENCY COMMENTS - All reviewing departments or agencies comments are still forthcoming.

Approved (9-0, Consent Agenda)

Resolution No. 2003-153

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-045U-14 is **APPROVED (9-0)**.

XIII. ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 8pm.

Chairman

Secretary

Minute approval this _____ day of _____, 2003.

