

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: April 26, 2001
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Tonya Jones
William Manier
Ann Nielson
Councilmember Phil Ponder
Douglas Small

Absent:

Mayor Bill Purcell
Frank Cochran
Vicki Oglesby
Marilyn Warren

Staff Present

Richard C. Bernhardt, Executive Director
Ann Hammond, Planning Director
Jerry Fawcett, Planning Division Manager
Jeff Lawrence, Operations Director
Robert Leeman, Planner II
Carolyn Perry, Administrative Assistant II
Jennifer Regen, Planner III
Marty Sewell, Planner I
Cynthia Wood, Planner III
Chris Wooton, Planning Technician I

Others Present:

Jim Armstrong, Public Works
Brook Fox, Legal Department
Chris Koster, Mayor's Office

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Staff announced item number 12. 2001S-111G-02, Chesapeake Subdivision should be for 72 lots.

Ms. Nielson moved and Mr. Small seconded the motion, which unanimously passed, to adopt the agenda.

APPROVAL OF MINUTES

Ms. Nielson moved and Mr. Manier seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of April 12, 2001.

RECOGNITION OF COUNCILMEMBERS

Councilmember Melvin Black stated he will set a date for a community meeting on the Subarea 3 Plan Amendment Request, and asked the Commission for approval on the associated Zone Change, 2001Z-036U-03. He stated he will re-refer that item to the Commissions so the subarea amendment could catch up with the zone change. Councilmember Black also spoke in favor of Mandatory Referral 2001M-032U-03, Proposed Renaming of North Hydes Ferry Road.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS

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

- 2000S-394G-04 Deferred indefinitely, by applicant.
- Subarea 12 Plan Amendment Request Deferred two weeks, by staff.

Ms. Nielson moved and Councilmember Ponder seconded the motion, which unanimously passed, to close the public hearing and defer the items listed above.

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

Councilmember Ponder moved and Ms. Nielson seconded the motion, which unanimously carried, to close the public hearing and approve the following items on the consent agenda:

- 4. 2000Z-070U-13**
 Council Bill No. BL2000-537
 Map 148, Part of Parcel 65
 Subarea 13 (1996)
 District 28 (Alexander)

A council bill to change from AR2a to RS7.5 district a portion of property at Franklin Limestone Road (unnumbered), approximately 140 feet west of Billingsgate Road (25.32 acres), requested by Kevin Estes, Appellant for M. K. Stevenson, owner. (Referred back to the MPC by the Metro Council on 04/03/01).

Staff recommends conditional approval.

Subarea Plan Amendment required? No

Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods? Although none was submitted, staff recommends that there be no access to Franklin Limestone Road until it is upgraded to collector street standards.

This council bill requests to change 25 acres from AR2a (agricultural) to RS7.5 (single-family residential) district a portion of property at Franklin Limestone Road (unnumbered), approximately 140 feet west of Billingsgate Road. This bill was amended from RM4 (multi-family) to RS7.5 and referred back to the Planning Commission on April 3, 200 by Metro Council. The existing AR2a district is intended for single-

family homes, duplexes, and mobile homes at 1 unit per two acres of land. The proposed RS7.5 district is intended for single-family homes at up to 4.9 units per acre.

The Subarea 13 land use policy in this area is Residential Low Medium (RLM) which allows 2 to 4 dwelling units per acre, however, RS7.5 is consistent with the existing zoning pattern in the area. Any new subdivision of this property would be required to use the six existing streets that stub-out into this property (Xavier Drive, Long Branch Road, Terragon Trail, Barclay Square Drive, and Aldwych Way). Staff recommends conditional approval provided that no access is provided to Franklin Limestone Road until it is upgraded to collector street standards. Currently, Franklin Limestone Road does not have capacity to support new residential development. The Traffic Engineer has indicated that Franklin Limestone Road should be upgraded to collector street standards and needs to be straightened before additional development accesses this road directly.

Schools

A single-family development at RS7.5 density will generate approximately 25 K-12 students (11 elementary, 8 middle, and 6 high school). Even with the new redistricting plan approved by Council, there is no excess capacity at Una Elementary, Apollo Middle School, and Antioch High School to accommodate new development in this area. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

Resolution No. 2001-177

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-070U-13 is **APPROVED (6-0) with condition that there be no access to Franklin Limestone Road:**

RS7.5 is consistent with the existing zoning pattern in the area. Any new subdivision of this property would be required to use the existing streets that stub-out into this property. No access should be provided to Franklin Limestone Road until it is upgraded to collector street standards. The Subarea 13 land use policy in this area is Residential Low Medium (RLM) which allows 2 to 4 dwelling units per acre."

5. 2001Z-030U-03

Council Bill No. BL2001-655

Map 60, Parcels 32 (3.51 ac); 33 (.81 ac); 67 (3.2 ac);

76 (4.69 ac)

Subarea 3 (1998)

District 2 (Black)

A council bill to change from R8 to IWD district properties at 2927, 2929, 2931, and 2937 Brick Church Pike, opposite Brick Church Park Drive (12.21 acres), requested by James Jones, appellant, for James R., Buford R., and Gladys F. Jones, owners.

Staff recommends *approval*.

Subarea Plan Amendment required? No

Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods? Yes, and one has been submitted.

This item was deferred at the March 29, 2001 meeting in order for the applicant to complete a traffic impact study (TIS). The study has been submitted for review. This council bill requests to change 12 acres from R8 (residential) to IWD (industrial warehousing/distribution) district properties at 2927, 2929, 2931, and 2937 Brick Church Pike. The existing R8 district is intended for single-family homes and duplexes at up to 4.6 units per acre. The proposed IWD district is intended for warehousing and distribution uses.

The IWD district is consistent with the Subarea 3 Plan's Industrial Policy (IND). That policy includes a large area south of Interstate 24 and east of Interstate 65. This area is committed to industrial activities by means of existing uses and IWD zoning.

The applicant has indicated that once rezoned, the property would be subdivided with the back half of the property sold to Mid-South Printing for an expansion of their existing facility located to the north (parcel 110) along Brick Church Pike. The remaining 6.5 acres would be developed as a warehouse/distribution type facility.

Traffic

Good accessibility is important for industrial areas due to the high volumes of overall traffic generated by the permitted uses and/or the high volumes of truck traffic they may generate. The traffic impact study (TIS) indicates that the Mid-South Printing expansion would gain access from the existing Mid-South Printing driveway. Access to the remaining 6.5 acres would be directly opposite the Brick Church Park approach to Brick Church Pike. The Metro Traffic Engineer has indicated that TDOT has funding and is planning on widening this portion of Brick Church Pike from 2 lanes to 5 lanes.

Resolution No. 2001-178

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-030U-03 is **APPROVED (6-0)**:

The IWD district is consistent with the Subarea 3 Plan's Industrial Policy (IND) for this area. This area is committed to industrial activities by means of existing uses and IWD zoning. Since TDOT has funding and is planning on widening this portion of Brick Church Pike, it will be able to accommodate high volumes of traffic.

7. 2001Z-045U-13

Map 163, Part of Parcel 371 (0.22 acres)
Subarea 13 (1996)
District 28 (Alexander)

A request to change from AR2a to RS7.5 district a portion of property at the northern terminus of Highland Ridge Drive, north of Winton Drive, (0.22 acres), requested by Metro Planning Department staff, for Hickory Highlands, LLC owner.

Staff recommends approval.

Subarea Plan Amendment required? No

Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods? No

This request is to change 0.22 acres from AR2a (agricultural) to RS7.5 (single-family residential) district a portion of property at the northern terminus of Highland Ridge Drive, north of Winton Drive and south of Moss Road. The existing AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 unit per two acres of land. The proposed RS7.5 district is intended for single-family homes at up to 4.9 units per acre. The Subarea 13 land use policy in this area is Residential Medium (RM) calling for 4 to 9 dwelling units per acre.

Staff recommends approval since the RS7.5 district is consistent with the RM policy and the single-family zoning pattern to the north. This request has been initiated by the Planning Department staff as a house-keeping item to correct an error that was made when a portion of the adjacent property (parcel 32) was rezoned to RS7.5 in November 2000 (Council Bill BL2000-270). This triangular piece of property was intended to be rezoned with the previous action.

Traffic

The Traffic Engineer indicates that Rural Hill Road should be upgraded to collector street standards at the point of ultimate access, and that any subdivision with access to Rural Hill Road should provide a left turn lane from Rural Hill Road.

Schools

The acreage of this proposed rezoning is too small to generate any new students, based on the standard formula for calculating student generation.

Resolution No. 2001-179

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-045U-13 is **APPROVED (6-0)**:

The proposed RS7.5 zoning district is consistent with the Residential Medium (RM) policy of the General Plan and the single-family zoning pattern to the north."

PRELIMINARY PLAT SUBDIVISIONS

9. 2001S-026U-13

Hickory Highland Place, Section 4
Map 163, Parcel 32 and Part of Parcels 27 and 30
Subarea 13 (1996)
District 28 (Alexander)

A request for preliminary approval for 62 lots abutting the northwest margin of Rural Hill Road, approximately 1,814 feet northeast of Mt. View Road (20.34 acres), classified within the RS7.5 District, requested by M & D Development, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Staff recommends approval.

This request is for preliminary plat approval for 62 lots on 20.34 acres. This plat is for the final phase of a 303 lot residential development called Hickory Highlands located between Rural Hill Road, Moss Road, and Mt. View Road. The proposed density of 3.34 dwelling units per acre is less than what the RS7.5 district permits (4.9 dwelling units per acre). It is also less than what is called for by the Subarea 13 Plan's Residential Medium policy (4 to 9 units per acre). Although it is less than the approved zoning density, it is consistent with previously approved phases. The plat has 15 critical lots due to steep topography. Critical lots require an additional, more detailed plan to be submitted to the Planning Department and Public Works staff for review and approval, prior to the issuance of any building permits.

Staff recommends approval of this plat subject to Public Works approval prior to the Planning Commission meeting. The applicant shall be required to make improvements to a future collector road proposed within an adjoining PUD not owned by this developer. The developer of Hickory Highlands has agreed to have Metro acquire, at the developer's expense, the necessary right-of-way for this future collector road from the adjacent PUD owner. This right-of-way will be acquired between Rural Hill Road and Rockview Drive. This developer shall then construct to local street standards this section of roadway. It shall be upgraded to collector street standards when the adjacent PUD develops or when this developer of Hickory Highlands connects Highland Ridge Drive to the future collector road, whichever occurs first. When this connection of Highland Ridge Drive occurs to the future collector road, then the developer may create a permanent cul-de-sac at the end of Rockview Drive and reclaim one lot (#282).

Resolution No. 2001-180

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-026U-13, is **APPROVED (6-0).**”

11. 2001S-099U-08

Preston Taylor Homes, Hope VI, Phase 2
Map 92-9, Parcel 31
Subarea 8 (1995)
District 21 (Whitmore)

A request for preliminary approval for 23 lots abutting the southeast corner of Clifton Avenue and 39th Avenue North (20.03 acres), classified within the RM9 District, requested by Metropolitan Development and Housing Agency, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. (Deferred from meeting of 03/29/01).

The applicant deferred this request to address Public Works concerns about the curvature of a proposed new street. This request is for preliminary approval for 23 lots on approximately 20 acres abutting the southeast corner of Clifton Avenue and 39th Avenue North within the RM9 district. The project is the second phase of the redevelopment of Preston Taylor Homes into a residential neighborhood with a mixture of housing types and ownership options.

Staff recommends approval provided Public Works approves the drainage plans and street curvature prior to the Planning Commission meeting. These new lots tie into the existing street network, connecting the development to the neighborhood. The development includes the 23 lots along the eastern side of the development and a combination of multi-family, single-family and duplex housing types in the remainder of the lots. Lots fronting Clifton Avenue and 37th Avenue North between Indiana Avenue and 34th Avenue North include a rear alley. In conjunction with the submittal of any future final plat, the applicant shall be required to show the relocation of the water and sewer lines to be abandoned through 2001M-029U-08 on this same agenda.

Resolution No. 2001-181

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-099U-08, is **APPROVED (6-0).**”

FINAL PLAT SUBDIVISIONS

13. 2000S-110U-10

Sudekum’s Subdivision, Resubdivision
of Part of Lot 3 (Revision)
Map 131-4, Parcel 222
Subarea 10 (1994)
District 33 (Turner)

A request for final plat approval to relocate the private sewer easement on lot 3 abutting the northeast corner of Duncanwood Drive and Granny White Pike (1.77 acres), classified within the R20 District, requested by Paul Cook, owner/developer, John Kohl and Company, surveyor.

Staff recommends approval.

This request is to revise a final plat for three lots by relocating the private sewer easement on lot 3 to the southern portion of this lot. The three lots are located abutting the northeast corner of Duncanwood Drive and Granny White Pike. This plat substantially conforms to the preliminary plat approved on April 13, 2000 (2000S-110U-10). Staff recommends approval as the easement's relocation does not affect any lot configurations.

Resolution No. 2001-182

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-110U-10, is **APPROVED (6-0).**”

15. 2001S-062G-12
Cane Ridge Farms, Phase 3
Map 174, Part of Parcel 17
Subarea 12 (1997)
District 31 (Knoch)

A request for final plat approval to create 77 lots abutting the southwest terminus of Blairfield Drive, approximately 1,350 feet southwest of Cane Ridge Road (29.37 acres), classified within the RS10 District, requested by Cane Ridge Farms, owner/developer, Dale and Associates, Inc., surveyor.

Staff recommends approval subject to bonds for the extension of roads and utilities.

This request is for final plat approval to create 77 lots on 29 acres abutting the southwest terminus of Blairfield Drive, west of Cane Ridge Road. The property is zoned RS10 district. Staff recommends approval of this plat since it conforms substantially with the approved preliminary plat for 498 lots approved on April 27, 2000 (99S-253G-14). Bonds will be required for the extension of roads and utilities.

Resolution No. 2001-183

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-062G-12, is **APPROVED SUBJECT TO A BOND OF \$660,000.00 (6-0).**”

16. 2001S-115G-12
Stone Creek Park, Section 4
Map 180, Part of Parcel 39
Subarea 12 (1997)
District 31 (Knoch)

A request for final plat approval to create 14 lots abutting the west margin of Stone Run Drive, south of Holt Run Drive (7.42 acres), classified within the R20 Residential Planned Unit Development District, requested by Gillespie Land Development, LLC, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Staff recommends approval subject to bonds for the extension of roads and utilities.

This request is for final plat approval to create 14 lots on 7.5 acres on Stone Run Drive, south of Holt Run Drive. The property is located within a residential PUD and is zoned R20 district. The plat conforms with the approved preliminary and final PUD plans. Public Works is still reviewing the proposed drainage facilities and stormwater quality. Most of the property within this plat is located within Davidson County. A portion of it, however, is bisected by the Davidson and Williamson County lines. Therefore, this plat

shall be approved and recorded in both counties. Prior to Metro’s recordation of this plat, Williamson County shall have approved and signed the plat. Staff recommends approval of this plat provided Public Works approves the drainage plans and stormwater quality prior to the Planning Commission meeting. Bonds will be required for the extension of roads and utilities.

Resolution No. 2001-184

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-115G-12, is **APPROVED SUBJECT TO A BOND OF \$126,000.00 (6-0).**”

17. 2001S-125U-14

Jack D. Brown and James E. Nichols Subdivision
Map 94, Parcels 44, 45, 141, 149 and 190
Subarea 14 (1996)
District 15 (Loring)

A request to consolidate four parcels and two lots into four lots abutting the east margin of Spence Lane and the north margin of Lebanon Pike (17.38 acres), classified within the IWD District, requested by Jack D. Brown and James E. Nichols, owners/developers, Ragan-Smith Associates, Inc., surveyor.

Staff recommends approval.

This request is to consolidate four parcels and two lots into four lots abutting the east margin of Spence Lane and the north margin of Lebanon Pike. Access for three of the lots which are zoned IWD district will be from Spence Lane. The fourth lot is zoned CS district and will get access from Lebanon Pike. Staff recommends approval of this final plat.

Resolution No. 2001-185

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-125U-14, is **APPROVED (6-0).**”

PLANNED UNIT DEVELOPMENTS (revisions)

18. 116-74-G-12

Oak Highlands, Phase 3
Map 173, Parcel 165
Subarea 12 (1997)
District 31 (Knoch)

A request to revise the preliminary plan and for final approval for a phase of the Residential Planned Unit Development District located abutting the west margin of Blue Hole Road, 600 feet south of West Oak Highland Drive, classified R15, (56.52 acres), to permit the development of 53 single-family lots, replacing the 54 single-family lots, and to provide a new stub-out street to the south, requested by MEC, Inc. for Pine Oak Properties, L.L.P., owner.

Staff recommends conditional approval.

This request is to revise a portion of the preliminary plan and for final approval for a phase of the Residential PUD district located along the west side of Blue Hole Road to permit the development of 53 single-family lots, replacing 54 single-family lots, and to provide a new stub-street to parcel 43 to the south. This site is just north of the future Maxwell Elementary School that is currently under construction on parcel 45. The plan includes 44 lots that will be designated as critical lots due to steep topography.

Critical lots require an additional, more detailed plan to be submitted to the Planning Department and Public Works staff for review and approval, prior to the issuance of any building permits. This plan is consistent with the approved preliminary plan in terms of lot and road configurations, however, staff is requiring that sidewalks be added along the Blue Hole Road frontage to provide pedestrian accessibility to the future elementary school to the south. Staff recommends conditional approval provided Public Works approves the drainage plans and the Traffic Engineer approves the plans prior to the Planning Commission meeting.

Resolution No. 2001-186

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 116-74-G-12 is given **APPROVAL OF THE REVISION TO THE PRELIMINARY PUD PLAN AND CONDITIONAL FINAL PUD APPROVAL FOR PHASE 3 (6-0)**: The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, a final plat shall be recorded, including all necessary bonds for road improvements, water and sewer lines and the required sidewalk improvements along Blue Hole Road.
3. Prior to or in conjunction with the submittal of any final plat for Phase 3, the developer shall submit construction plans to the Planning Department for review and approval, including the required sidewalk along Blue Hole Road.
4. The final plat shall designate lots 236 thru 257 and lots 259, 260, 262 thru 281 as critical lots (44 total lots).
5. 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.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
8. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.”

MANDATORY REFERRALS

19. **2001M-029U-08**
Abandonment of Utility Easements for
Preston Taylor Homes

Map 92-9, Parcel 31
Subarea 8 (1995)
District 21 (Whitmore)

A request to abandon easements for four areas containing an 8" sewer and two areas containing an 8" water line for Preston Taylor Homes, Phase 2, a Hope VI project, located on the south side of Clifton Avenue, east of 39th Avenue North, requested by Kreis Wetherington of Barge, Waggoner, Sumner & Cannon, appellant for M.D.H.A, owner. (Deferred from meeting of 03/29/01).

Staff recommends conditional approval subject to a final plat submittal showing relocation of water and sewer lines.

This request is to abandon easements for six areas within the proposed Preston Taylor Homes, Hope VI, Phase 2 subdivision plat (2001S-099U-08). Four areas contain 8" sewer lines that will be abandoned and two areas contain 6" water lines. All lines will be relocated at the M.D.H.A.'s expense. All agencies have reviewed these proposed abandonments. Staff recommends conditional approval of these water and sewer line abandonments provided the applicant submits to Metro Water Services a final plat showing the relocation of these lines.

Resolution No. 2001-187

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-029U-08 is **APPROVED (6-0) with condition that final plat be submitted showing relocation of water and sewer lines.**"

20. 2001M-031G-14

Right-of-Way Abandonment at Jackson Meadows
Map 64-15, Parcels 12 and 13
Map 64-16, Parcel 41
Subarea 14 (1996)
District 11 (Brown)

A request to abandon excess right-of-way at the present cul-de-sac terminus of Jackson Meadows Drive for the purpose of extending the road, requested by Doris Constantino, Dale & Associates, appellant. Easements are to be abandoned.

Staff recommends approval.

This request is to abandon excess right-of-way at the present cul-de-sac terminus of Jackson Meadows Drive. This cul-de-sac was originally platted as a permanent feature, but with the approval of a recent final plat (2000S-264G-14), the street is being extended to serve 10 lots within the Andrew Jackson Business Park.

Staff recommends approval of this right-of-way abandonment as all reviewing agencies and departments recommend approval. Since this property owner dedicated the right-of-way for the cul-de-sac, it will revert back to him.

Resolution No. 2001-188

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-031G-14 is **APPROVED (6-0).**"

22. 2001M-034U-11

Underground Encroachment for MCI Fiber Optic Cable
Map 93, Various Parcels

Map 105, Various Parcels
Subareas 9 (1997) and 11 (1999)
District 19 (Wallace)

A request for an underground encroachment for the installation of fiber optic cable, beginning at 1st Avenue South and Molloy Street; then running south on 1st Avenue South to Hermitage Avenue; then running east on Hermitage Avenue to Fairfield Avenue; then running south on Fairfield Avenue to Trimble Street; then running west on Trimble Street to Lewis Street; then running south on Lewis Street to Factory Street; then running east on Factory Street to Woodycrest Avenue; then running east on Woodycrest Avenue to Hackworth Street; then running south on Hackworth Street to Polk Avenue; then running southwest on Polk Avenue to Hutton Drive; then running northwest on Hutton Drive to Woodycrest Avenue; then running north on Woodycrest Avenue to Herron Drive; then running west on Herron Drive to Interstate Boulevard South where the cable terminates at an existing MCI building located at 340 Herron Drive, requested by Joe Price of WorldCom, appellant, on behalf of MCI Metro Access Transmission Services LLC. (Deferred indefinitely from meeting of 04/12/01).

Staff recommends conditional approval subject to NES approval.

Staff deferred this item from the last Planning Commission meeting since NES had not received the construction drawings for the fiber optic cable. This request is to encroach into the public right-of-way to install a fiber optic cable running several miles through Davidson County. MCI WorldCom will install this cable beginning downtown at 1st Avenue North and Molloy Street and terminating at an existing MCI building on Herron Drive.

MCI WorldCom has executed a license agreement for private encroachments into the public right-of-way and furnished a \$2 million certificate of insurance to Metro Government. The agreement and certificate of insurance protect Metro Government from all claims or demands that may result to persons or property as a result of this fiber optic cable within the public right-of-way. These legal documents are standard for any underground encroachment.

Staff recommends conditional approval of this underground encroachment provided all other reviewing agencies and departments recommend approval. At this time, staff has not received final input from Metro's Information Services Department or NES which are still reviewing the proposed route.

Resolution No. 2001-189

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-034U-11 is **APPROVED (6-0)**."

23. 2001M-037U-10
Easement Acquisition: Ashwood Avenue and
15th Avenue South
Map 104-16, Parcels 331, 340 and 341
Subarea 10 (1994)
District 18 (Hausser)

A request to acquire a 10' temporary construction easement and a 20' permanent easement for the construction of a 6" sewer line at the intersection of Ashwood Avenue and 15th Avenue South (CIB 96SG0002), requested by Metro Water Services.

Staff recommends approval.

This request is to acquire a 10' temporary construction easement and a 20' permanent easement for a 6" sewer line at the intersection of Ashwood Avenue and 15th Avenue South for Metro Water Services. The easements will be located on three lots with double-frontage on DelMar Avenue and Ashwood Avenue.

The easements will begin at the rear of parcel 341 on 15th Avenue South and extend across the rear lot of parcel 340, and then cross the upper right corner of parcel 331. Staff recommends approval of these easements as all reviewing agencies and departments recommend approval.

Resolution No. 2001-190

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-037U-10 is **APPROVED (6-0).**"

25. 2001M-039G-14

Easement Acquisition: The Peninsula Pump Station
Map 97-16, Parcel 26
Subarea 14 (1996)
District 12 (Ponder)

A request to accept the donation of property for an existing pump station known as The Peninsula, Phase 1 (Project #01-SG-56), requested by Metro Water Services.

Staff recommends approval.

This request is to accept the donation of property containing an existing private pump station known as The Peninsula, Phase 1 by Metro Water Services (Project #01-SG-56). Metro Water will accept this pump station, will take it out of service, and then convert it into a gravity sewer line.

Resolution No. 2001-191

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-039G-14 is **APPROVED (6-0).**"

26. 2001M-042G-06

Council Bill No. BL2001-691
Metro Conservation Easement for a Greenway and Park
Map 102, Parcel 85
Subarea 6 (1996)
District 23 (Bogen)

A council bill to approve the donation of land for a greenway and park between Metro Government and JDN Realty Corporation, requested by Department of Parks.

Staff recommends approval.

A council bill to approve an agreement for the donation of 14.42 acres of land property from JDN Realty Corporation to Metro Parks. This land is adjacent to the Wal-Mart and Lowes shopping center on Charlotte Pike. When the Planning Commission approved a final plat (2000S-207G-06) on June 20, 2000 that plat created lot 2, Park Tract B.

Staff recommends approval of this property donation. This lot being donated at the Marketplace Shopping Center. The agreement sets forth that JDN Realty Corporation shall construct a paved parking lot, a trailhead plaza, and a pedestrian boardwalk that complies with ADA standards. The corporation is not constructing the 12 foot wide asphalt trail from the parking lot trailhead to the boardwalk. Metro Parks will have to secure funds for those improvements. The agreement requires that JDN Realty Corporation make all improvements 180 days after the Metro Council approves on 3rd reading this council bill. This property donation represents phase 1 of a two phase project. The second phase will continue the trail along the eastern edge of this property and along the Cumberland River where it will terminate. It is not known when Phase 2 will be constructed as no funds are presently available for its completion.

Resolution No. 2001-192

BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-042G-06 is **APPROVED (6-0).**"

27. 2001M-043G-03
Council Bill BL2001-676
Lease Agreement for Property Near
Cheatham Lock & Dam
Map 71-9, Parcel 2
Subarea 03 (1998)
District 1 (Gilmore)

A council bill to approve a lease agreement by and between the U.S. Department of Army and Metro Government for property next to Cheatham Lock & Dam for Metro Parks Department.

Staff recommends *approval*.

A council bill to approve a lease agreement between the U.S. Department of Army and Metro Government for property next to Cheatham Lock & Dam on the Cumberland River for Metro Parks. This property abuts Lock Road, west of Baptist World Center Drive. Staff recommends approval of this lease agreement. Metro Parks intends to use this property for a park/greenway area. There are no lease payments or fee for use of this property.

Resolution No. 2001-193

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-043G-03 is **APPROVED (6-0).**"

28. 2001M-044G-14
Council Bill BL2001-677
Metro Conservation Easement from John J. Kuczma, Jr.
Map 85, Part of Parcel 91
Subarea 14 (1996)
District 14 (Stanley)

A council bill to approve an agreement for a conservation easement between Metro Government and John J. Kuczma, Jr., requested by the Metro Parks Department.

Staff recommends conditional approval subject to NES approval.

A council bill to approve an agreement for a conservation easement between Metro Government and John J. Kuczma, Jr. for Metro Parks. This easement is needed as part of the Stones River Greenway. The property abuts Lebanon Pike and the western margin of Stones River. Staff recommends approval of this easement as it will be acquired at no cost to Metro Government. It will also help to complete the Stones River greenway system. Currently, Mr. Kuczma has a golf driving range on the property adjoining this future greenway trail.

Resolution No. 2001-194

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-044G-14 is **APPROVED (6-0) with condition that NES approve.**"

29. 2001M-047U-12

Kinhawk Drive Water and Sewer Easements
Map 172, Parcel 193
Map 172-7, Parcels 1, 2, 6 and 7
Subarea 12 (1997)
District 31 (Knoch)

A request to acquire easements for two water tanks, a 16" water main, and an 8" sanitary sewer line, located on Kinhawk Drive, classified within the R15 District on 13.76 acres, requested by the Department of Water Services.

Staff recommends approval.

A request to acquire easements for two water tanks, a 16" water main, and an 8" sanitary sewer line, located on Kinhawk Drive, classified within the R15 District on 13.76 acres, requested by the Department of Water Services. Project 97-WG-66E is located on Kinhawk Drive and classified within the R15 District. Staff recommends approval of these easements. They are programmed into the 2000-2001 to 2005-2006 Capital Improvements Budget and Program, Project No. 98WG0011.

Resolution No. 2001-195

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001M-047U-12 is **APPROVED (6-0)**."

OTHER BUSINESS

31. Proposed MPC Land Development Application Fees

Staff is proposing to increase all of the land development application fees beginning with Metro's new fiscal year on July 1, 2001. The proposed fees must be reviewed and approved by the Planning Commission and then forwarded to the Metro Council for its consideration and approval by resolution.

As was provided to the Commission at its November 30, 2000 meeting, staff has spent the better part of two years researching various fees structures used by other cities and counties in Tennessee as well as the southeast United States. The proposed fees cover in part Metro's cost to review, research, analyze and process land development applications. They do not recover 100% of incurred costs. Since the Commission last saw these fees, staff has revised them in four ways.

- Charging less for subarea plan amendments to discourage applicants from circumventing the planning department and having council legislation introduced for re-zonings that are contrary to the General Plan;
- Requiring no site plan review fees for subsequent development within an Urban Design Overlay or Urban Zoning Overlay district. Standard platting fees would apply as would the initial rezoning fee for the overlay district itself;
- Charging less for the initial Urban Zoning Overlay district rezoning to encourage its use;
- A minimum fee for public hearing re-notification of \$35 to create a disincentive for developers to defer their projects repeatedly; and,

- Eliminating a \$2,000 cap on fees within a residential or commercial PUD or development within an overlay district.

LAND DEVELOPMENT APPLICATION FEES	
Application Type	Fee
Subarea Plan Amendment	
- Land use policy map amendment	\$500
- Text amendment	\$500
Zone Change	
- Zoning map amendment (includes all overlays except urban design)	\$1,000
- Zoning text amendment	\$1,000
- Urban design overlay district	\$500
PUDs and Overlay Districts (Neighborhood Landmark, Historic, and Institutional)	
- Administrative staff review	\$500
- Cancellation (any type)	\$500
- Residential use	\$100 + \$25/lot
- Multi-family use	\$100 + \$10/unit
- Commercial/Industrial use	\$500 for developments up to 9,999 square feet \$1,000 for developments of 10,000 - 150,000 square feet \$2,000 for developments over 150,000 square feet
- Mixed-use	Fees calculated for each use above
- Critical lot	\$100/lot
Subdivisions	
- Preliminary plat	\$100 + \$25/lot or unit
- Preliminary & final plat	\$100 + \$25/lot or unit (includes amendments and condominium "horizontal property regimes")
- Final plat	\$100 + \$25/lot or unit (includes amendments and condominium "horizontal property regimes")
- Critical lot	\$100/lot
- Performance bond	\$100 per bond (extension, initial, replacement, or reinstated)
Mandatory Referrals	
- Easement abandonment / relocation	\$300
- Encroachment	\$300
- Street / Alley closure	\$300
- Street renaming	\$300
Other Fees	
- Public hearing renotification	Cost of materials for Metro Planning Commission and/or Metro Council; minimum fee of \$35. Fee payable to the Metro Planning Commission prior to posting or mailing of notification."

32. Employee contract for Cynthia Wood

Resolution No. 2001-197

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the employment contract for Cynthia Wood for one year, from May 1, 2001 through April 30, 2002."

This concluded the items on the consent agenda.

PUBLIC HEARING

GENERAL PLAN and ZONING MAP AMENDMENTS

1. Subarea 3 Plan Amendment Request

Residential Low-Medium Density to Residential Medium-High Density (approximately 28 acres) and Residential High Density (approximately 3.6 acres) Policies located on Buena Vista Pike between Clarksville Pike and Tucker Road.

Ms. Wood stated staff recommends that a public hearing be set for May 24, 2001 to consider this amendment request.

An amendment to the Subarea 3 Plan: 1997 Update has been requested by Jeff Heinze of Littlejohn Engineering. The area in question is an approximately a 32-acre area along both sides of Buena Vista Pike between the commercial area that fronts on Clarksville Pike and Tucker Road. The current land use policy is Residential Low Medium Density (RLM) which calls for 2 to 4 units per acre. The request is to change the policy to Residential High Density (RH) which calls for more than 20 units per acre. The RH policy would apply to that portion of the area adjacent to the Commercial Arterial Existing (CAE) policy along Clarksville Pike and to Residential Medium-High Density (RMH) policy for the remainder of the area. The RMH policy calls for between 4 to 9 units per acre. The plan amendment request arose from a proposal for a 52-unit housing development for the elderly.

The portion of the amendment area that is proposed for RH policy is mainly comprised of the two parcels for which the applicant is requesting RM40 zoning. Those parcels, total 2.21 acres, and are owned by Charles Huddleston et ux. The remaining parcels in the amendment area are owned by various parties who are not involved in the zone change request. Typically, applicants seeking zone changes that involve plan amendments will submit amendment requests that include only the parcels in the zone change request. When those sites are inappropriately small for a plan amendment, staff advises the Commission of the larger area that should be considered for amendment. In this instance, the applicant was willing to consult with staff about an appropriate area to analyze and submit the initial amendment request for that larger area.

Staff believes the request merits further consideration through a public hearing process. The area for which RH policy is requested is located adjacent to a major commercial corridor near the location of two arterial streets and would help meet needs for greater housing diversity. The RMH policy proposed between the site of the zone change request and the existing RMH policy area further east along Buena Vista Pike and West Trinity Lane merits assessment in conjunction with the applicant's proposal because of similarities shared by this portion of the RLM area and the adjoining RMH area.

Ms. Nielson moved and Mr. Manier seconded the motion, which carried unanimously, to set the Subarea 3 Plan Amendment Public Hearing for May 24, 2001.

2. 2001Z-036U-03
Council Bill No. BL2001-657
Map 70-13, Parcels 69 (.71 acres) and 70 (1.5 acres)
Subarea 3 (1998)
District 2 (Black)

A council bill to change from R8 to RM40 district properties at 2112 and 2114 Buena Vista Pike, approximately 440 feet east of Clarksville Pike (2.21 acres), requested by Jeff Heinze of Littlejohn Engineering, appellant, for Charles Huddleston et ux, owners.

Ms. Wood stated staff recommends disapproval as contrary to the General Plan.

This council bill requests to change 2 acres from R8 (residential) to RM40 (multi-family) district properties at 2112 and 2114 Buena Vista Pike. The existing R8 district is intended for single-family homes and duplexes at up to 4.6 units per acre. The proposed RM40 district is intended for high-density residential development at up to 40 units per acre. Currently, these two parcels would allow 10 single-family lots, while RM40 zoning would allow up to 88 dwelling units. The applicant has also submitted a Subarea 3 Plan amendment to change the policy in this area to Residential Medium High (RMH) and Residential High (RH) (see above). The applicant indicates that this request is being made to allow for a 52-unit housing development for the elderly.

Staff recommends disapproval as contrary to the General Plan. The existing Subarea 3 policy for this area is Residential Low Medium (RLM) calling for 2 to 4 dwelling units per acre. That policy does not support 40 units per acre. While the applicant's proposed plan amendment would support the rezoning request, more time is needed to evaluate the policy amendment with the community. It is staff's understanding that Councilmember Black will defer 3rd reading on this bill in order to permit the plan amendment to be considered by the Planning Commission on May 24th at a public hearing.

The traffic impact study indicates that traffic generated by the proposed 52 unit housing development will have only minor impacts on Buena Vista Pike and Clarksville Pike. No off-site road improvements are necessary as a result of this rezoning.

A multi-family development at RM40 density will generate approximately 13 K-12 students (6 elementary, 4 middle, and 3 high school). There is currently excess capacity at Cumberland Elementary, Bordeaux Elementary, Ewing Park Middle School, and Whites Creek High School to accommodate new development in this area.

Mr. Jeff Heinze, Littlejohn Engineering, spoke in favor of the proposal and stated their staff was looking at the traffic impact on the entire area.

Mr. Small moved and Councilmember Ponder seconded the motion, which carried unanimously, to close the public hearing.

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

Resolution No. 2001-198

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-036U-03 is **DISAPPROVED (6-0) as contrary to the General Plan:**

The existing Subarea 3 policy for this area is Residential Low Medium (RLM) does not support the proposed zoning district that would allow multi-family uses up to 40 dwelling units per acre. The current policy calls for low-density residential uses at 2 to 4 dwelling units per acre."

ZONING MAP AMENDMENTS

3. 2001NL-001U-14

3052 Lebanon Road Neighborhood Landmark Plan
Map 85-11, Parcel 101
Subarea 14 (1996)
District 14 (Stanley)

A request for development plan approval for a Neighborhood Landmark Overlay district located abutting the west margin of Lebanon Pike, south of Danyacrest Drive, classified RS10, (1.5 acres), to permit the existing 2,700 square foot house to be used as an attorney's office, and to create a paved parking area for 8 cars, requested by Dale and Associates for David and Deborah Kennedy, owners.

Mr. Leeman staff recommends conditional approval.

This request is for development plan approval for a Neighborhood Landmark district located at 3052 Lebanon Pike. Metro Council approved the landmark overlay district in March 2001. This plan identifies the location, orientation, and size of all existing and proposed improvements on the site. It also includes details on the home's use and the time frame for improvements. The existing 2,700 square foot, one and one-half story home is proposed for an attorney's office, Kennedy and Brown Law Offices. There are no proposed additions to the home, however, eight paved parking spaces will be added to the rear corner of the lot to accommodate employee and client parking. A three foot high row of shrubs will be planted around the new parking area to provide a buffer between the parking area and the surrounding homes, while all existing trees and landscaping will remain undisturbed. A 5-foot wide walkway is also being constructed from the parking area leading to the home's entrance.

Staff recommends conditional approval provided the phone number is removed from the proposed sign. The neighborhood landmark ordinance permits a sign that identifies the property. Staff has indicated to the applicant that the proposed sign goes beyond merely identification. In lieu of advertising the phone number, staff has suggested the sign be revised to show the law office's street address.

This plan proposes a 4-foot tall by 6-foot wide sign that is setback 30 feet from the property line facing Lebanon Pike. The sign is to identify the attorney's office. The sign includes two iron poles with a decorative ball at the top, and one upright to make the sign visible at night. The sign is proposed with 9-inch gold-colored letters on a dark green/black background and will read:

**LAW OFFICES
KENNEDY & BROWN**

883-4998

This plan includes the addition of six, Sternberg Lanterns with 10-foot tall poles along the driveway and parking area leading up to the home. The total height of the lights will be 11 feet 9 inches tall. The applicant has indicated that these lights will be on during the evening working hours and at night. The proposed hours of operation for the attorney's office are 7:00 AM to 6 PM Monday-Friday and 7 AM to 2 PM on Saturday.

The proposed development schedule is that all work will be completed 90-120 days from the day the first permit is issued by the Codes Department.

Mr. Lloyd Shechter spoke in opposition to the proposal.

Mr. Randy Kennedy, property owner, spoke in favor of the proposal and stated he looked forward to preserving this property. There is no opposition from among any property owner that is a homeowner in this entire area. He stated his only difficulty was that staff had conditionally approved this upon him changing a phone number out to an address. He mentioned to staff that they used the word *advertising* on a phone number and the word *information* on an address. It is not advertising it is information. He was also concerned that if staff took such a restricted view of what goes on a sign that it restricts the use of a phone number. What may occur when a doctor comes along and wants to use the universal medical symbol on his sign? Will the staff consider that to be an advertising element? What if another lawyer buys the house down the street and wants to use the universal symbol, the scales of justice? Is that advertising? Is that something the Planning Commission really wants to address? I quite candidly will do whatever the staff recommends, but would hope the Commission would consider amending the staff's recommendation to allow me to build the sign as it appears. I would be remiss if I didn't mention we also presented a previous sign, at the request of the Commission, which was a lot bigger, but also a lot more expensive and so I hope you won't look down on that sign that is smaller and rather minor in appearance. That's apparently what staff wants. I would like for the community to be able to call me without having to stop somewhere and have to lookup the number.

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

Manier asked if this would specify specific use of the landmark overlay.

Mr. Bernhardt stated that this would establish the use as a professional office use. If some other use were to want to go in they would have to come back before the Commission.

Councilmember Ponder stated he didn't have any problem with the telephone number being on the sign.

Mr. Manier moved to approve.

Ms. Nielson asked if that motion was to approve staff recommendation.

Mr. Manier stated yes.

Ms. Nielson seconded the motion.

Councilmember Ponder asked if that would include changing the sign to the address rather than the phone number.

Chairman Lawson stated yes.

Ms. Jones stated he wouldn't have to put the address on the sign if he didn't want to, but that he just couldn't put the telephone number on it.

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

Resolution No. 2001-199

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001NL-001U-14 is given **CONDITIONAL APPROVAL (6-0) and the telephone number be removed from the sign and replaced with street address:** The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.

2. Prior to the issuance of any building permits, the applicant shall revise the plan to remove the phone number shown on the proposed sign. The phone number may only be replaced with the law office's street address with letters no larger than 9-inches tall. The revised plan shall be submitted to the Planning Department staff for review and approval by the Executive Director of Planning.
3. The hours of operation shall be from 7:00 AM to 6:00 PM Monday-Friday and 7:00 AM to 2:00 PM on Saturday.
4. All construction work shall be completed 90 to 120 days from the day the first permit is issued by the Codes Department.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require re-approval by the Planning Commission."

6. 2001Z-042U-14

Map 96-9, Parcels 96 (1.95 acres) and 97 (5.57 acres)
 Map 96-13, Parcel 20 (1.94 acres)
 Subarea 14 (1996)
 District 15 (Loring)

A request to change from R10 to CL district properties at 420 and 424 Donelson Pike and Donelson Pike (unnumbered), approximately 150 feet south of Lakeland Drive (9.46 acres), requested by Jeffrey Clark, appellant, for Ria and Borth Grasman, Betty and Plant S. Grasman, and the 130 Group, owners.

Mr. Leeman stated staff recommends disapproval.

This request is to change 9.5 acres from R10 (residential) to CL (commercial) district properties at 420 and 424 Donelson Pike and Donelson Pike (unnumbered), south of Lakeland Drive. The existing R10 district is intended for single-family homes and duplexes at up to 3.7 dwelling units per acre. The proposed Commercial Limited (CL) district is intended for retail, consumer services, financial, restaurant, and office uses. The applicant has indicated an intent to develop an airport park-and-ride facility. Both this property and the adjacent residential subdivision (to the south and west) fall within an area of Commercial Mixed Concentration (CMC) policy in the Subarea 14 Plan.

Staff recommends disapproval of the CL zoning since the proposed commercial depth encroaches too far into the adjacent residential area. There have been four previous requests to rezone this property (October 1997, May 1998, January 1999, and November 1999). The Planning Commission disapproved two zone changes for the same property that proposed a commercial depth that would impact the existing residential homes (97Z-090U and 98Z-086U). In both of those cases, as in the present one, staff recommended that commercial zoning extend no further than the western edge of parcel 96 from Donelson Pike, a depth of approximately 600 feet. The Commission has also approved a request to rezone the front portion of this property, as suggested by staff, however, that council bill was withdrawn.

By limiting the depth of the commercial zoning, the adjacent residential area is protected, and should remain viable for the foreseeable future since it falls outside of the 2001 Nashville International Airport noise contours (based on the Part 150 Plan noise and sound attenuation study). Given its future viability, any rezoning of these properties, particularly parcel 97, should support completing this residential subdivision with similar lot depths of 170 feet and street connections to McKeige and Heney Drives. The

applicant has discussed leaving the rear portion of this within the R10 district, where the detention facility would be located. Staff has rejected this proposal since it would not allow for the extension of McKeige and Heney Drives, and would not serve to preserve the residential integrity of the existing neighborhood.

The Traffic Engineer indicates that Donelson Pike, an arterial road, can sufficiently accommodate commercial traffic generated by CL zoning.

The use planned for this property is a park and ride lot for the airport.

Councilmember J. B. Loring spoke in favor of the proposal and stated he had spoke to the majority of the homeowners in the adjacent subdivision, had held community meetings, and had heard no objections.

Ms. Leslie Shechter, attorney representing the applicant, asked the Commission to reconsider the staff's report because of the need for additional airport parking, surrounding commercial operations, the subarea plan description for the area and because of the economic reality of developing the property as single-family residential.

Mr. Keith Bogel, president of the Perry Heights Homeowners Association, spoke in favor of the project.

Mr. Phillip Hendrix spoke in opposition to the proposal and stated he had received a flyer that stated the only choice the neighborhood had was the park and ride lot or government subsidized housing with homes in the \$30,000.00 range.

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

Mr. Small asked where the parking lot entrance would gain access.

Mr. Leeman stated staff did not have a plan because this was a re-zoning.

Mr. Manier stated he was concerned that the subarea plan policy may have been developed because of the airport noise contour, which has now changed.

Councilmember Ponder asked what could be developed on CL zoning.

Mr. Leeman stated it could be retail, restaurants, banks, office or wide variety of other commercial uses.

Ms. Jones stated the neighborhood was in favor of this because they had met with the property owner and that he had agreed to the buffering and other requests. If this is changed to CL it could be sold and other things could be built.

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

Resolution No. 2001-200

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-042U-14 is **DISAPPROVED (6-0)**;

The proposed commercial zoning encroaches too far into the existing residential neighborhood. Since this is an existing, stable, residential neighborhood, rezoning the entire area would impact the neighborhood negatively. While the Commercial-Mixed-Concentration (CMC) policy in this area was applied because of the anticipation of noise contours from the airport impacting the area, over time the noise contours have decreased in size. In addition, a significant amount of federal funds

have been expended to attenuate the aircraft noise above these homes making this a viable area for continued residential uses."

PRELIMINARY PLAT SUBDIVISIONS

10. 2001S-072G-02
North 40 Estates
Map 41, Parcels 61 and 63
Subarea 2 (1995)
District 3 (Nollner)

A request for preliminary approval for 71 lots abutting the south margin of Old Hickory Boulevard and the west terminus of Goodmorning Drive (38.7 acres), classified within the RS20 District, requested by G. W. Jones, owner/developer, MEC, Inc., surveyor. (Deferred from meetings of 03/29/01 and 4/12/01).

Ms. Regen stated staff recommends disapproval.

The applicant deferred this plat from the March 29 and April 12, 2001 meetings to revise the plat addressing staff's concerns. This request is for preliminary approval for 71 lots within a cluster lot subdivision on approximately 39 acres at a density of 1.82 dwelling units per acre. The property is zoned RS20 district and abuts the south margin of Old Hickory Boulevard and the terminus of Good Morning Drive. The proposed plat conforms with the zoning and Subarea 2 Plan. The zoning permits 1.85 dwelling units per acre and the subarea plan's Residential Low policy calls for less than 2 dwelling units per acre.

The applicant has not provided the requested street connection to the southern property line. The plat has been through several revisions. Upon its initial submission, the plat showed a cul-de-sac with no street connection. The second submission partially responded to staff concerns. A connection was shown, but the applicant only proposed to dedicate the right-of-way not construct it. Therefore, the applicant showed a temporary cul-de-sac with a right-of-way dedication to the southern property line. The third and latest submission removed the right-of-way dedication and provides a permanent cul-de-sac. Staff does not support this lack of street extension. With any future redevelopment of parcels 64 and 65, the stub-out street could be extended to connect to Marydale Drive and Bell Grimes Lane. By requiring this developer to construct the stub-out street to his property line, Metro ensures better street connectivity in the future. If the applicant dedicates the right-of-way, but does not construct the street, Metro would have to construct it in the future.

The applicant has revised the plat to address the outstanding items identified in the previous staff report. Landscape buffer yard "C" is provided along plat's entire perimeter since lots are being reduced to RS10 district under the cluster lot provision;

Sidewalks are provided on both sides of the street and along the property's frontage on Old Hickory Boulevard;

All lots comply with Subdivision Regulations lot depth to width ratio. No variance required;

Project access has been moved 225 feet westward on Old Hickory Boulevard. Public Works is still reviewing the revised plat's relocated access; and,

Left-turn lane with 75 feet of storage and 150 feet of transition has been provided into the development from Old Hickory Boulevard.

No one was present to speak at the public hearing.

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

Mr. Small asked what is the purpose of having the connection to the south.

Ms. Regen stated it would be to link the neighborhood and have a connection for future extension of the road for additional development.

Mr. Small stated that in that case there should also be a connection to the west.

Ms. Regen indicated that would be a good option to for two street connections, but staff opted for this one since there was a subdivision to the south approved last year. That subdivision would connect.

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

Chairman Lawson stated that it may be best to defer this item so the applicant could come back with a better lay out for his proposal.

Mr. Manier moved and Ms. Nielson seconded the motion modify their motions, which carried unanimously, to defer this matter for two weeks.

12. 2001S-111G-02
Chesapeake Subdivision
Map 50, Parcel 109
Subarea 2 (1995)
District 4 (Majors)

A request for preliminary approval for 72 lots abutting the south termini of Woodstock Drive and Moorewood Drive, approximately 270 feet east of Gwen Drive (17.3 acres), classified within the R8 District, requested by A.H.R., owner/developer, Dale and Associates, Inc., surveyor.

Mr. Sewell stated staff recommends approval.

This request is for preliminary plat approval for 72 lots located on approximately 17 acres abutting the south termini of Woodstock Drive and Moorewood Drive in the R8 District. The applicant proposes a cluster lot subdivision with a minimum lot size of 6,000 square feet. The proposed density is 4.17 dwelling units per acre with 19% of the site in permanent open space (2.6 acres).

The applicant proposes the required 10-foot landscape buffer yard B along the development's perimeter. Moorewood Drive currently stubs at the north and south border of the development. The plat connects these stub streets and completes Moorewood Drive. It also includes street stubs to the east and west for future connections. The plat provides the required drain area buffer on the subdivision's northern border, as required by Public Works.

Staff has received letters of opposition from surrounding neighbors.

Mr. Otis D. Coman, Mr. Bill Vincent, president of Parkwood Homeowners Association, Mr. Joe Shelton, Mr. James Ellison, Mr. George Wallace, an unidentified man and Mr. Alvin Pass spoke in opposition to the proposal and expressed concerns regarding the small lots, small homes, crime, over crowding the area, traffic, flooding, depreciating property value, no sidewalks and safety.

Mr. Roy Dale spoke in favor of the proposal.

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

Chairman Lawson explained the Commission had no control over the type of homes to be built and could not address the crime concerns.

Mr. Manier asked what purpose the road extension to the west served.

Mr. Sewell explained it was for future connectivity if the adjacent lots were to develop.

Councilmember Ponder stated he also objected to the stub out street to the west.

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

Resolution No. 2001-201

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-111G-02, is **APPROVED WITH REQUEST FOR STAFF TO REVIEW POSSIBLE ELIMINATION OF WESTERN STUB-OUT STREET (6-0).**”

FINAL PLAT SUBDIVISIONS

14. 2001S-114G-14

Rolling Green, Resubdivision of Lot 87
Map 44-14, Parcel 126
Subarea 14 (1996)
District 11 (Brown)

A request to subdivide one platted lot into two lots located on the south margin of 11th Street abutting the east margin of Fowler Street (0.59 acres), classified within the R10 District, requested by Norvel D. Hickman et ux, owner/developer, John Kohl and Company, surveyor.

Ms. Regen stated staff recommends approval subject to a variance for lot comparability.

This is a request to subdivide one platted lot into two lots, abutting the south margin of 11th Street and the east margin of Flower Street in Old Hickory, zoned R10 (0.59 acres). The lot was platted as a long narrow lot because of the road configuration. The proposed division of this property will yield two lots. Both lots meet the minimum street frontage requirements. One of the two lots, however, does not meet comparability. The minimum lot area based on comparability is 0.33 acres. One lot is 0.30 acres and the other is 0.29 acres. Staff recommends approval subject to a variance with respect to comparability. The variance is very small and seems justifiable due to the configuration of this lot.

No one was present to speak at the public hearing.

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

Resolution No. 2001-202

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-114G-14, is **APPROVED WITH VARIANCE TO LOT COMPARABILITY (6-0).**”

PLANNED UNIT DEVELOPMENTS (revisions)

21. 2001M-032U-03

Proposed Renaming of North Hydes Ferry Road
Map 69-11, Parcel(s) Various
Map 69-12, Parcel(s) Various
Map 69-16, Parcel(s) Various
Subarea 3 (1998)
District 2 (Black)

A request to rename North Hydes Ferry Road in its entirety to “John Mallette Drive”, beginning at a junction with Ashland City Highway and terminating at the intersection of South Hamilton Road and River Drive, requested by Councilmember Melvin Black. (Deferred from meeting of 04/12/01).

Ms. Regen stated staff recommends approval.

The Planning Commission deferred this street renaming from the April 12, 2001 meeting for staff to do further research. This request is to rename North Hydes Ferry Road in its entirety to “John Mallette Drive”, beginning at a junction with South Hamilton Road and terminating at Ashland City Highway. Councilmember Black has initiated this street renaming due to there being two streets with similar names adjacent to one another, Hydes Ferry Road and North Hydes Ferry Road.

The proposed street is being named in honor of Dr. John Mallette. Mr. Mallette died in 1995 and so more than two years has been since his death, as required by Metro Public Works. Dr. Mallette was a civic, community, and professional leader.

At the last Planning Commission meeting, several people spoke regarding the street renaming, one in favor and two in opposition. One of those opposing submitted a petition containing the signatures of 39 people who opposed the street’s renaming. Confusion arose at the meeting when both those opposing and supporting the street renaming used various street names. These street names did not appear on the Planning Commission sketch and so the Commission asked staff to do further research. Since that meeting, staff reviewed the petition signatures against Metro’s property ownership records, field-checked the entire length of Ashland City Highway – North Hydes Ferry Road – Hydes Ferry Road, met with Public Works staff regarding how streets were named in the area over the years, and spoke with Metro Police, Metro Fire and the U.S. Post Office.

The petition was submitted by Ms. Utley, a property owner on North Hydes Ferry Road. The petition in opposition to the renaming contains 39 signatures of persons living and/or owning property along North Hydes Ferry Road. Of the 39 signatures, 30% were validated as being true and correct (e.g. husband and wife both signed). Of the remaining 27 signatures, only the husband signed, only the wife signed, or someone other than the property owner of record signed. *Note:* The % of correct signatures could be higher in the event one spouse has died. Metro’s records would not reflect a spouse having died unless the surviving spouse updated the property tax record by deleting the deceased spouse’s name.

Staff checked all street signs on Hydes Ferry Road, North Hydes Ferry Road, and Ashland City Highway (east and west of Briley Parkway) for visibility, placement, and identification. After field-checking, staff met with the Public Works staff responsible for street names and E-911 coordination. Based on this research, it was determined that no road in Davidson County is called Hydes Ferry Pike, New Hydes Ferry Road, South Hydes Ferry Road or Old Hydes Ferry Road. These names are vernacular not official.

Over the years, there have been several street renamings. While the official maps have been changed to reflect this information, people living in the area have continued to use the old name. Mailing addresses, emergency response calls, and directions are given using old and new names. This has led to confusion. In addition, the visibility and identification of some signs should be improved, and in one case, an old

street name should be removed from a sign post. Staff has spoken with Metro Police, Fire, the U.S. Post Office, and the publishers of Handy Map. All governmental agencies fully support the proposed renaming. The publisher of Handy Map will correct the 2002 version to reflect the official street names, as noted below.

Letters were mailed to all property owners on March 23, 2000 abutting North Hydes Ferry Road. In the interest of public safety, this renaming should occur. In addition, Old Hydes Ferry Pike near Old Hickory Boulevard should be renamed to eliminate confusion with any vernacular use of that same name in Bordeaux. In addition, staff suggests a community meeting be held by Metro Government to educate residents, businesses, and property owners of how critically important it is for them to use the official street name for personal, business, and financial records.

In 1992 Ashland City Highway was renamed from “Hydes Ferry Pike” to “Ashland City Highway” beginning at Clarksville Pike and going all the way to where the Davidson County line joins the Cheatham County line.

In 1996 North Hydes Ferry Road was renamed from “Hydes Ferry Road” to “North Hydes Ferry Road”. It was changed to “North” when people rejected calling it something more distinctive. People wanted to retain the historical context of the street in its name. “North” was selected since it was north of the original Hydes Ferry Road.

The original Hydes Ferry Pike terminated at the Hydes Ferry Boat Dock on the Cumberland River. At some point, the name changed from “Hydes Ferry Pike” to “Hydes Ferry Road”. While the name was not officially “Old Hydes Ferry Road” it did appear incorrectly for some years on the Davidson County official maps by its vernacular name “Old Hydes Ferry Road”. The vernacular name, “Old Hydes Ferry Road” appears in the 2001 Handy Map and street signs may also have used vernacular name incorrectly at some point in the past

Old Hydes Ferry Pike (Section 1) is located east of Briley Parkway near the Ashland City Highway/Old Hickory Boulevard intersection, this road parallels the Ashland City & Nashville Railroad, goes under a railroad trestle, and connects back to and terminates at Ashland City Highway. This section is miles away from the “North Hydes Ferry Road”.

Old Hydes Ferry Pike (Section 2) is located near Section 1, this former road roughly paralleled the Ashland City & Nashville Railroad and terminated at a point close to Briley Parkway. A section of this road was renamed to WWCR Drive in 1991 and Amy Lynn Drive in 1996. While Old Hydes Ferry Pike (Section 2) no longer exists officially, the 2001 Handy Map edition used by various emergency agencies shows the street name printed directly above WWCR Drive.

At the North Hydes Ferry Road intersection with Ashland City Highway, the sign is barely visible and positioned not at the “Y” junction, but approximately 100 feet east on North Hydes Ferry Road. The sign needs to be relocated to the junction and made larger for clear and easy identification by motorists and emergency personnel.

At the Old Hydes Ferry Pike intersection with Ashland City Highway (near Old Hickory Boulevard), the sign pole has three signs on it. The sign on top says “Hydes Ferry Pike”, the middle “Old Hydes Ferry Pike”, and the bottom says “Ashland City Highway”. The sign saying “Hydes Ferry Pike” should be removed immediately to avoid any confusion since that street name does not exist.

Ms. Frances Utley spoke in opposition to the proposal.

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

Resolution No. 2001-203

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-032U-03 is **APPROVED (6-0).**"

24. 2001M-038G-14

Encroachment: Larchwood Subdivision Sign
Map 97, Between Parcels 29 and 140
Subarea 14 (1996)
District 14 (Stanley)

A request to install a sign with a height of 4'0" within the 15' landscaped median of Blackwood Drive within the Larchwood subdivision, requested by Phil Hall, President of the Villages of Larchwood Homeowner's Association.

Ms. Regen stated staff recommends disapproval.

This request is to install a 6'10" tall sign with a height of 4'0" within the 15' landscaped median of Blackwood Drive. The applicant is requesting to place this sign for better identification of the Larchwood subdivision.

Staff recommends disapproval since this sign is located at the entrance of a commercial shopping center (PUD). It is an off-premises sign (billboard) for the Larchwood subdivision that is located further down Blackwood Drive in a residential PUD. In addition, there is an 8" sewer line within the median running parallel and beneath this sign's location. The sign is in place and must be removed or there will be a 6 month waiting period before it can go to Council and there is also a fine

Mr. Phil Hill spoke in favor of the proposal and stated the homeowners association was unaware the sign had to be approved before it was erected.

Staff recommended to Mr. Hill to remove the sign before this request is considered by Council.

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

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

Resolution No. 2001-204

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-038G-14 is **DISAPPROVED (6-0).**"

OTHER BUSINESS

33. Legislative update

Councilmember Ponder provided an update on the current legislative status of items previously considered by the Commission.

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:50 p.m.

Chairman

Secretary

Minute Approval:
This 10th day of May 2001