

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: August 2, 2001
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Frank Cochran
Tonya Jones
James McLean
Ann Nielson
Vicki Oglesby
Councilmember Phil Ponder
Douglas Small

Absent:

Mayor Bill Purcell

Staff Present:

Richard C. Bernhardt, Executive Director
Ann Hammond, Assistant Executive Director/Planning
Marcus Hardison, Planner I
Lee Jones, Planner I
Jeff Lawrence, Assistant Executive Director/Operations
Robert Leeman, Planner II
Carolyn Perry, Administrative Assistant
Marty Sewell, Planner I
Chris Wooton, Planning Technician I

Others Present:

Brook Fox, Legal Department

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Staff announced the caption for item 20, 88P-054G-13, South Shore, should have and “for final approval” removed. The request is only to revise a portion of the preliminary Planned Unit Development District.

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

Mr. Bernhardt stated he would like to add a redistricting update at the end of the agenda.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver asked for a deferral on item 2, 2001Z-080G-06 and spoke in favor of item 19, 163-73-G-06, Bellevue Place PUD.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS

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

1. 201Z-080G-06 Deferred indefinitely, by applicant.
4. 2001Z-087G-02 Deferred indefinitely, by applicant.
5. 2001P-008G-02 Deferred indefinitely, by applicant.
6. 2000S-396G-04 Deferred indefinitely, by applicant.

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

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

Ms. Nielson moved and Councilmember Ponder seconded the motion, which carried with Mr. McLean abstaining on item 20, 88P-054G-13, to close the public hearing approve the following items on the consent agenda:

ZONING MAP AMENDMENTS

- 3. 2001Z-083U-11**
Map 105-2, Parcels 446 and 447
Subarea 11 (1999)
District 19 (Wallace)

A request to change from IWD, IR, and R6 districts to MUL district properties at 609 Bass Street and 800 Fort Negley Boulevard (40.97 acres), requested by Metro Parks and Recreation, owner.

Staff recommends approval.

No Subarea Plan Amendment is required.

No traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change 41 acres from IWD (industrial, warehousing, and distribution), IR (industrial restrictive), and R6 (residential) to MUL (mixed-use limited) at 609 Bass Street and 800 Fort Negley Boulevard at the Cumberland Science Museum. The current IWD district allows for industrial warehousing and distribution uses. The IR district is intended for a wide range of light manufacturing uses at moderate intensities. The R6 district is intended for residential single-family and duplexes at 6.17 dwelling units per acre. The proposed MUL is intended for a mixture of residential, commercial, restaurant, retail, and office uses. The Metro Parks Department owns this property which includes the Cumberland Science Museum. The proposed MUL zoning will allow for the museum's expansion and other offices. This property also

includes Fort Negley, a historic star fort built by Union forces during the Civil War. Fort Negley is listed on the National Register of Historic Places.

Staff recommends approval of the MUL district. This property is designated in the Subarea 11 Plan as Major Public Open Space (MPOS). That policy is intended to compliment the mixed-use (MU) policy to the southeast. The MU policy encourages a mixture of uses similar to the MUL district. The subarea plan states the MPOS and MU policy areas should be integrated to create an attractive environment for both residential and non-residential uses---a place that supports entertainment, work, shopping, dining, and residential uses.

Traffic

The Traffic Engineer has indicated that the existing streets in this area can accommodate traffic that would be generated by the proposed MUL zoning district.

Resolution No. 2001-342

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-083U-11 is **APPROVED (9-0)**:

The existing Subarea 11 Plan’s Major Public Open Space (MPOS) policy for this area is intended to compliment the mixed-use (MU) policy to the southeast and the MUL zoning is consistent with this policy. The MU policy encourages a mixture of uses similar to the MUL district. The subarea plan states the MPOS and MU policy areas should be integrated to create an attractive environment for both residential and non-residential uses that support entertainment, work, shopping, dining, and residential uses. The MUL zoning will support these goals.”

PRELIMINARY PLAT SUBDIVISIONS

7. 2001S-098U-13

Ransom Park Commercial Property
Map 135, Parcels 69 and 261 and
Part of Parcel 273
Subarea 13 (1996)
District 27 (Sontany)

A request for preliminary plat approval for six lots abutting the northwest corner of Ransom Place and Murfreesboro Pike (9.08 acres), classified within the SCC district, requested by Frances C. Ransom and Karen R. Bennett, owners/developers, MEC, Inc., surveyor.

Staff recommends approval.

This request is for preliminary plat approval for a six lot commercial subdivision located on approximately 9 acres abutting the northeast margin of the intersection of Murfreesboro Pike and Ransom Place in the SCC district. The property is located across from the Kroger and Walgreen’s in Nashboro Village. The applicant proposes access to the properties from Capital Court, a cul-de-sac that accesses Ransom Place. No access to the lots is allowed via Murfreesboro Pike, according to the Traffic Engineer. The applicant has provided the required sidewalks along Murfreesboro Pike, Ransom Place, and Ransom Court. Staff recommends approval, as this plat conforms with the Zoning Ordinance and Subdivision Regulations.

Resolution No. 2001-343

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-098U-13, is **APPROVED (9-0).**”

FINAL PLAT SUBDIVISIONS

9. 2001S-099U-08

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

A request for final plat 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.

Staff recommends conditional approval subject to a bond for the extension of roads, sidewalks, and public utilities, Council approval of BL2001-770, and a revised plat prior to plat recordation.

This request is for final plat 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. 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.

The Planning Commission approved the preliminary plat for this subdivision on April 26, 2001. The preliminary plat was approved provided that the applicant showed on a final plat the relocation of the water and sewer lines to be abandoned through a mandatory referral. The applicant has satisfied this requirement on this final plat. The mandatory referral (2001M-029U-08) was also approved by the Planning Commission on April 26, 2001. The Council is to consider BL2001-770 on 3rd reading on August 21st. The staff recommends conditional approval subject to Council approval of this bill. A revised plat must also be submitted prior to plat recordation along with a bond for the extension of roads, sidewalks, and public utilities.

Resolution No. 2001-344

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-099U-08, is APPROVED (9-0) WITH CONDITIONS, INCLUDING A BOND FOR THE EXTENSION OF ROADS, SIDEWALKS, AND PUBLIC UTILITIES.”

13. 2001S-221U-10

James-Beard Subdivision
Map 104-15, Parcels 169 and 171
Subarea 10 (1994)
District 18 (Hausser)

A request for final plat approval to consolidate one parcel into one lot and to reconfigure two lots abutting the south margin of Blair Boulevard, approximately 465 feet east of 25th Avenue South (.43 acres), classified within the R8 district, requested by David James, owner, R. Scott Cherry Surveying, surveyor.

Staff recommends approval subject to a revised plat prior to recordation.

This request is for final plat approval to consolidate one parcel into one lot and to reconfigure two lots on .43 acres abutting the south margin of Blair Boulevard, approximately 465 feet east of 25th Avenue South. This proposed subdivision is in the Belmont-Hillsboro neighborhood within the R8 district. There are existing homes on parcels 169 and 171. A gravel drive currently exists on parcel 170 between the two homes. This subdivision intends to consolidate the existing gravel drive and parcel 171.

A lot comparability analysis has been performed on this subdivision, and a variance will not be needed. The proposed frontage for parcel 171 is 73.29 feet, and the proposed frontage for parcel 169 is 71.36 feet. The minimum allowable lot frontage for this subdivision is 50 feet. Both lots also exceed the 5,328 square feet minimum allowable lot area for this subdivision. Parcel 169 contains 11,094 square feet and parcel 171 contains 7,484 square feet. Staff recommends approval subject to a revised plat prior to recordation.

Resolution No. 2001-345

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-221U-10, is APPROVED (9-0) WITH CONDITIONS.”

14. 2001S-227G-13
Woodland Pointe, Phase 5
Map 121, Part of Parcel 74
Subarea 13 (1996)
District 13 (Derryberry)

A request for final plat approval to create 40 lots abutting the southwest terminus of Woodland Point Drive (16.39 acres), classified within the RM9 Residential Planned Unit Development District, requested by Bell Road Development Company Gp., owner/developer, Crawford Land Surveyors, surveyor.

Staff recommends conditional approval subject to a bond for extension of roads, sidewalks, and public utilities.

This request is for final plat approval to create 40 lots on 16.39 acres abutting the southwest terminus of Woodland Point Drive.

Resolution No. 2001-346

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-227G-13, is APPROVED (9-0) WITH CONDITIONS, INCLUDING A BOND FOR EXTENSION OF ROADS, SIDEWALKS, AND PUBLIC UTILITIES.”

15. 2001S-228G-13
Woodland Pointe, Phase 6A
Map 121, Part of Parcel 74
Subarea 13 (1996)
District 13 (Derryberry)

A request for final plat approval to create 17 lots abutting the east terminus of Branch Oak Trail and the southeast margin of Woodland Point Drive (3.95 acres), classified within the RM9 Residential Planned Unit Development District, requested by Bell Road Development Company Gp., owner/developer, Crawford Land Surveyors, surveyor.

Staff recommends conditional approval subject to a bond for extension of roads, sidewalks, and public utilities.

This request is for final plat approval to create 17 lots on 3.95 acres abutting the east terminus of Branch Oak Trail and the southeast portion of Woodland Point Drive.

Resolution No. 2001-347

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-228G-13, is **APPROVED (9-0) WITH CONDITIONS, INCLUDING A BOND FOR EXTENSION OF ROADS, SIDEWALKS, AND PUBLIC UTILITIES.**”

16. 2001S-229G-13
Woodland Pointe, Phase 6B
Map 121, Part of Parcel 74
Subarea 13 (1996)
District 13 (Derryberry)

A request for final plat approval to create 17 lots abutting the southeast terminus of Deep Wood Trail and the northeast terminus of Branch Oak Trail (7.38 acres), classified within the RM9 Residential Planned Unit Development District, requested by Bell Road Development Company Gp., owner/developer, Crawford Land Surveyors, surveyor.

Staff recommends conditional approval subject to a bond for extension of roads, sidewalks, and public utilities.

This request is for final plat approval to create 17 lots on 7.38 acres abutting the southeast terminus of Deep Wood Trail and the northeast terminus of Branch Oak Trail.

These three proposed final plats are part of an overall subdivision located within the RM9 Residential Planned Unit Development District. The Planning Commission approved with conditions a final PUD plan, which this plat is consistent with, on March 29, 2001 (98-85-P-13). Staff recommends conditional approval subject to a bond for the extension of roads, sidewalks, and public utilities for all three plats.

Resolution No. 2001-348

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-229G-13, is **APPROVED (9-0) WITH CONDITIONS, INCLUDING A BOND FOR EXTENSION OF ROADS, SIDEWALKS, AND PUBLIC UTILITIES.**”

17. 2001S-231U-09
Fleming Property
Map 93-8, Parcel 14
Subarea 9 (1997)
District 6 (Beehan)

A request for final plat approval to subdivide part of one lot into two lots abutting the west margin of South 5th Street, between Crutcher Street and Davidson Street (1.82 acres), classified within the IR district, requested by Ernest Marvin Fleming, Jr., owner/developer, Crawford Land Surveyors, surveyor.

Staff recommends conditional approval subject to a revised plat prior to recordation, and bonds for removal of trailer homes and construction of sidewalks.

This request is for final plat approval to subdivide part of one lot into two lots on 1.82 acres abutting the west margin of South 5th Street, between Crutcher Street and Davidson Street. This proposed subdivision is in East Nashville within the IR zoning district. There is an existing gas station, residence, and warehouse

building on this lot. The plat subdivides the property to create a separate lot for the gas station. The residence and warehouse building will continue to remain on the same lot. This plat does not increase the degree of non-conformity that already exists for this property with respect to the Zoning Ordinance.

Staff recommends conditional approval of this plat subject to a revised plat prior to recordation. Nearly 100% of this site is within the floodplain of the Cumberland River. Public Works requires that minimum finish floor elevations be specified for new construction on lots within the natural floodplain. Along with meeting the requirements for subdivisions within a floodplain, this request must also have construction plans approved for sidewalk construction by Public Works, prior to plat recordation. Easements must also be shown around existing utilities as required by Water and Sewer. Staff recommends conditional approval subject to a revised plat prior to recordation as well as bonds for removal of two trailer homes and the construction of sidewalks.

Resolution No. 2001-349

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-231U-09, is **APPROVED (9-0) WITH CONDITIONS, INCLUDING A BOND FOR EXTENSION OF ROADS, SIDEWALKS, AND PUBLIC UTILITIES.**”

18. 2001S-232G-14

Andrew Jackson Business Park, Phase 1,
Resubdivision of Lots 18 and 19
Map 64-16, Parcels 43 and 44
Subarea 14 (1996)
District 11 (Brown)

A request for final plat approval to consolidate two lots into one lot abutting the north margin of Jackson Meadows Drive, approximately 460 feet west of Andrew Jackson Parkway (.58 acres), classified within the CS district, requested by Phillip R. and Glenda C. Hammond, owners/developers, Couch Enterprises LLC, surveyor.

Staff recommends conditional approval subject to a bond for extension of roads, sidewalks, and utilities.

This request is for final plat approval to consolidate two lots into one lot abutting the north margin of Jackson Meadows Drive, approximately 460 feet west of Andrew Jackson Parkway. The property is located in Hermitage within the CS zoning district. Since this property is located within a commercial area, lot comparability does not apply. This final plat complies with the Zoning Ordinance and Subdivision Regulations. Staff recommends conditional approval of this plat subject to a bond for extension of roads, sidewalks, and utilities.

Resolution No. 2001-350

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-232G-14, is **APPROVED PUD (9-0) WITH CONDITIONS; APPROVED FINAL PLAT (9-0) SUBJECT TO A BOND.**”

PLANNED UNIT DEVELOPMENTS (revisions)

20. 88P-054G-13

South Shore
Map 165, Parcel 11
Subarea 13 (1996)
District 29 (Holloway)

A request to revise a portion of the preliminary plan and for final approval for a portion of the Residential Planned Unit Development District located abutting the south margin of Hamilton Church Road, approximately, 3,500 feet east of Hobson Pike, classified within the R10 district (66 acres), to eliminate one public street connection to Hamilton Church Road and to add two stub-streets, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Clayton Homes, owner.

Staff recommends conditional approval.

This request is to revise the preliminary plan and for final approval for a portion of the Residential PUD district located abutting the south margin of Hamilton Church Road. This revision eliminates one public street connection to Hamilton Church Road and adds two stub-streets (one to the west and one to the south). Staff recommends conditional approval provided Public Works approves the drainage plans and a revised plan is submitted eliminating the temporary access driveway to Hamilton Church Road from Shoreline Circle, prior to the Planning Commission meeting.

A revised preliminary PUD plan was approved by the Planning Commission in February 2000 for 224 single-family lots. That plan was consistent with the original plan approved by Metro Council in 1988 for 224 single-family lots, including no stub-out streets to surrounding properties. After recent meetings with staff regarding this PUD's relationship to the surrounding parcels, the applicant has agreed to revise the PUD plan to provide two street connections to the surrounding properties. This plan relocates two lots within the PUD in order to allow for the two new stub-streets, while eliminating one of the two public street connections to Hamilton Church Road (a 600 foot long road). Staff supports this change since it will provide better connectivity in the future. The second street connection on Hamilton Church Road is not a vital access point.

Resolution No. 2001-351

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-054G-13 is given **CONDITIONAL APPROVAL OF A REVISION TO PRELIMINARY PUD PLAN FOR A PORTION (9-0)**

The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of preliminary 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 or in conjunction with the submittal of any final plat for Phase I and any final PUD plans for Phase II, a geotechnical study showing how the roads will be engineered and constructed over the sinkholes shall be submitted to the Planning Commission and Public Works staffs for review and approval.
3. Prior to the issuance of any building permits for lots designated as critical lots, plans shall be submitted to the Metropolitan Planning Commission and Public Works staffs for review and approval.
4. Prior to the issuance of any building permits, a final plat shall be recorded and bonds shall be posted for all necessary public improvements. The final plat(s) shall include the dedication of right-of-way along Hamilton Church Road to allow for the future widening of the road to collector standards, if necessary.
 - Prior to the completion of half of the lots in Phase I (42 lots) and prior to final PUD approval for any portion of Phase II, the following off-site road improvements shall be completed by the developer:
 - A northbound left-turn lane from Hobson Pike onto Hamilton Church Road with a lane width of 12 feet and with 100 feet of storage and a 125 foot taper.

- A southbound left-turn lane from Hobson Pike onto Hamilton Church Road with a lane width of 12 feet and with 100 feet of storage and a 125 foot taper.
- An eastbound left-turn lane on Hamilton Church Road onto Hobson Pike with a lane width of 12 feet and with 100 feet of storage and a 125 foot taper.
- A westbound right-turn lane from Hamilton Church Road onto Murfreesboro Pike with a lane width of 12 feet and with 100 feet of storage and a 125 foot taper.”

21. 2000P-009U-13
Hamilton Church Road Property
Map 150, Parcels 123 and 124
Subarea 13 (1996)
District 29 (Holloway)

A request for a revision to the preliminary plan and for final approval of the Planned Unit Development District located abutting the south margin of Hamilton Church Road, 370 feet east of Owendale Drive (5.75 acres), classified within the RS10 district, to permit the development of 19 single-family lots, replacing the 22 single-family lots on the approved plan, requested by Wamble and Associates for Hamilton-Antioch Property, owners.

Staff recommends conditional approval.

This request is to revise the preliminary plan and for final approval of an undeveloped PUD district to permit 19 single-family lots, replacing 22 single-family lots. The property is located abutting the south side of Hamilton Church Road, approximately 370 feet east of Owendale Drive. The Subarea 13 Plan’s Residential Medium (RM) policy calls for 4 to 9 units per acre. This PUD would provide a density of 3.3 units per acre due to environmental constraints.

This plan is designed with a public road connecting to Hamilton Church Road and extending east and west to parcels 121 and 125. The plan proposes two stub-out streets—one to the east and one to the west. Due to a large sinkhole on the south part of the property, the applicant is clustering the homes to a greater extent than the cluster lot provisions normally allow. Within PUDs, the Zoning Ordinance allows a reduction in lot sizes greater than two zoning districts when the PUD provides extraordinary protection of environmentally sensitive areas. This PUD plan preserves approximately 51% of the site as open space, where only 15% is required, and preserves the sinkhole with a substantial area surrounding it. This development will have 15 lots below 5,000 square feet in size. Six (6) lots within the sinkhole area are designated as critical lots requiring further review and approval by the Public Works Department, prior to issuance of a building permit.

Staff recommends conditional approval of the plan since this proposal is consistent with the RS10 district and the area’s zoning pattern. Staff’s recommendation is conditioned upon Public Works approving the drainage plans, prior to the Planning Commission meeting and staff receiving revised plans showing a sidewalk along Hamilton Church Road.

Resolution No. 2001-352

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2000P-009U-13 is given **APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL (9-0)** 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. In conjunction with the submittal of any final plat, including a boundary plat, construction plans shall be submitted to the Planning Department for review and approval of a sidewalk along the frontage of Hamilton Church Road. The final plat will also include any necessary bonds for sidewalks, utilities, and roads.
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. 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. 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.
5. If you are anticipating underground telephone and electrical service, it is suggested that Intermedia Cablevision be contacted for coordinating their cable installation."

MANDATORY REFERRALS

22. 2001M-068G-04

Ravenwood Sewer Easement Abandonment
 Map 52-4, Parcel 92
 Subarea 4 (1998)
 District 9 (Dillard)

A request to abandon an 8" sewer line measuring 2,106 feet long within a 20 foot sewer easement since a new sewer line has been constructed in the Ravenwood subdivision (99-SL-214), requested by Metro Water Services.

Staff recommends approval.

This request is to abandon an 8" sewer line measuring 2,106 feet long within a 20 foot sewer easement located in the Ravenwood subdivision. A new sewer line was constructed (99-SL-214) and this line is no longer needed. All agencies and departments were notified of this request and recommend approval.

Resolution No. 2001-353

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-068G-04 is **APPROVED (9-0)**."

23. 2001M-070U-10

Council Bill No. BL2001-760
 Lease of 1900 Church Street for Pass Program
 Map 92-12, Parcel 288
 Subarea 10 (1994)
 District 21 (Whitmore)

A council bill to amend a lease agreement for property at 1900 Church Street by Metro Government as office space for the Metro Police Department for the "Pass Program" from July 1, 2001 to July 30, 2006, sponsored by Councilmember Norma Hand.

Staff recommends approval.

This council bill is to amend a lease agreement for office space at 1900 Church Street used by the Metro Police Department's "Pass Program". The office is located between 19th and 20th Avenues North within the CF district. The lease is from July 1, 2001 to July 30, 2006. Monthly rent increases from \$7,570.31 to \$8,030.59 over the five-year lease term. Total of all payments for lease term is \$377,134.80. All agencies and departments were notified of this request and recommend approval.

Resolution No. 2001-354

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-070U-10 is **APPROVED (9-0)**."

24. 2001M-077U-09

Frist Center for Visual Arts Banner Encroachment
Map 93
Subarea 9 (1997)
District 19 (Wallace)

A request to encroach 25" over the public sidewalk at a height of 10 feet above the sidewalk with three banners on decorative street light posts along Demonbreun Street, requested by Jack Stringham on behalf of the Frist Center for the Visual Arts.

Staff recommends conditional approval.

This request is to permit an aerial encroachment for three vertical, decorative banners to hang from existing Metro street light posts above the public sidewalk on Demonbreun Street. The banners measure approximately 20" wide and 62" long at a height of 10' above the public sidewalk along Demonbreun Street. These lights posts are located at the rear property line of the Frist Center for the Visual Arts, across from Cummins Station. Staff recommends approval subject to all reviewing agencies and departments recommending approval.

Resolution No. 2001-355

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-077U-09 is **APPROVED (9-0) with conditions**."

This concluded the items on the consent agenda.

PUBLIC HEARING

ZONING MAP AMENDMENTS

1. 2001Z-075G-12

Map 174, Parcel 35
Subarea 12 (1997)
District 31 (Knoch)

A request to change from AR2a district to RS15 district property at 5722 Cane Ridge Road on the east side of Cane Ridge Road, south of Old Franklin Road (30.6 acres), requested by Roy Dale of Dale & Associates, appellant, for Cane Ridge Farms LLC, owner. (Deferred from meeting of 07/19/01).

Mr. Leeman stated staff recommends conditional approval.

No Subarea Plan Amendment is required.

No traffic impact study required to analyze project impacts on nearby intersections and neighborhoods. Please see Traffic note.

This request was deferred at the July 19, 2001 meeting in order for staff to research the property address that was stated on the public hearing notice. An adjacent property owner, Mr. Mark Dugger, informed the Commission of an error in the notice. Staff found the property identified on the sketch was correct, the map and parcel number were correct, but the address was incorrect. Parcel 35 was originally a part of parcel 198 to the north, but when it was subdivided the address never changed in the City's Land Information System. It has now been corrected. Staff sent a letter to Mr. Dugger informing him the street address has been corrected.

This request is to change from AR2a to RS15 district property at 5722 Cane Ridge Road on the east side of Cane Ridge Road, south of Old Franklin Road. The current AR2a district requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family dwellings and mobile homes. The requested RS15 district is intended for low-medium density residential single-family homes at a density of 2.47 dwelling units per acre.

Staff recommends conditional approval since the application coincides with the Residential Medium Density (RM) Policy within the Subarea 12 Plan. RM policy is intended for new residential developments that are within a density range of 4 to 9 units per acre.

Traffic

The Traffic Engineer indicates that a center-turn lane is necessary from the Blairfield Drive/Cane Ridge Road intersection to the Cane Ridge Road/future project entrance of this property. In 1996, an alternatives analysis was conducted for the Southeast Arterial. Through the analysis a preferred alternative alignment was chosen, and that alignment is proposed to cross a corner of this site. If the alignment of the planned Southeast Arterial remains unchanged on the Major Street Plan when the plan update is concluded toward the end of this year, the subdivision design for this parcel will need to "reserve" a corridor for the future Southeast Arterial.

Schools

A single-family development at RS15 density will generate approximately 16 students (7 elementary, 5 middle, and 4 high school). While Maxwell Elementary and Antioch Middle schools may not be impacted by the development of this property under the proposed zoning, Antioch High School will be impacted. The school's capacity is 2,000 students while the current enrollment is 2,015 students, thus exceeding capacity by .01%. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

Ms. Carol Dugger asked that the Commission have the developer finish the current Cain Ridge Farms development before starting another one. The roads need to be finished and the right-of-way restored.

Ms. Margaret Gilmore expressed concerns regarding developer breaking promises, a torn up entrance to her subdivision, mailboxes not moved to proper place, rocks and logs in front of her house, stone front steps that have dropped 3 inches because of blasting and truck traffic.

Mr. Wayne Dugger expressed concerns regarding the narrow road, heavy traffic, and heavy trucks and equipment. He presented petition of opposition.

Mr. Roy Dale, representing owner, apologized for the neighbors disruption and stated the developer will widen Cane Ridge Road. One reason for the road being torn up is because it had to be straightened.

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

Mr. Clifton stated the disruption should be addressed to the Councilmember. The planning body is not responsible.

Mr. McLean stated the road paving should be covered by bond, but for the other items the Commission is not the policing body.

Ms. Oglesby questioned why the community meeting, scheduled for tonight, was being held after the proposal came before the Commission. This seems like a reasonable request until you hear the problems neighbors are dealing with, but planning only considers land use. The Councilmember has a level of responsibility here.

Ms. Nielson stated the Commission is dealing with land use and land use only, and that she hopes that the Councilmember will help.

Mr. Small stated the neighbors expressed concerns and when Mr. Dale spoke he did not address them problems or say whether or not those problems would be fixed. Technically there could be a higher density that what is being asked for. There needs to be a positive communication between the developer and the neighbors. He stated he would like to defer for this matter for two weeks until after community meeting.

Ms. Jones asked if the Commission could add conditions to staff's recommendation.

Mr. Bernhardt stated the Commission could approve with comments to Council, defer one meeting or disapprove for reasons deemed appropriate.

Mr. Small stated the Commission could defer based on the proposed center turn lane not being shown.

Councilmember Ponder stated the neighbors have definite concerns and that he had no problem with a deferral.

Chairman Lawson stated the Commission could send this on to Council with comments.

Ms. Nielson moved to adopt staff recommendation and to include the Commission's comments regarding developers actions. Councilmember Ponder seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 2001-356

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-075G-12 is **APPROVED (9-0) with conditions with comments to Council:**

The existing Subarea 12 Plan's Residential Medium (RM) policy calls for 4 to 9 dwelling units per acre. The proposed RS15 zoning coincides with the RM policy allowing 3.7 dwelling units per acre. The approval is conditioned upon the developer building a center-turn lane from the Blairfield Drive/Cane Ridge Road intersection to the Cane Ridge Road/future project entrance of the property. The Planning Commission also will forward comments to the Council that the neighbors urged Metro not to approve this rezoning until this developer had satisfactorily completed his existing project on the west-side of Cane Ridge Road, including roads that needed to be finished, right-of-way on Cane Ridge Road that needs to be restored, leftover debris from development, and mailboxes that were not moved to their proper location."

FINAL PLAT SUBDIVISIONS

8. 2000S-355U-12
May Lands (1st Amend)
Map 160, Parcels 27 and 245
Subarea 12 (1997)
District 33 (Turner)

A request for final plat approval to subdivide two lots and abandon easements abutting the southeast corner of Hill Road and Stone Box Lane (4.9 acres), classified within the R40 district, requested by Noel Smith, owner/developer, Volunteer Surveying, surveyor.

Mr. Leeman stated staff recommends conditional approval subject to a revised plat submitted prior to the Planning Commission meeting and variances for maximum lot size and sidewalks.

This request is for final plat approval to subdivide 4.9 acres into two lots and to abandon easements. The property abuts the southeast corner of Hill Road and Stone Box Lane within the R40 district. The Planning Commission approved a preliminary plat for this property on November 9, 2000 with a variance for lot 1 due to topography. There is an existing home on lot 1.

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. Lot 2 of this subdivision fails the comparability test for lot area. According to the analysis, the minimum allowable lot area for this subdivision is 58,268 square feet. Lot 2 contains only 51,976 square feet.

A proposed lot cannot exceed three times the minimum lot size of the base zoning within which it is located. The minimum lot size for the R40 district is 40,000 square feet. This means that the lots within this proposed subdivision cannot exceed 120,000 square feet. Lot 1 of this subdivision contains 162,952 square feet. Staff recommends approval of a variance for lot size due to topography.

A variance to Section 2-6.1 of the Subdivision Regulations requiring sidewalks is required. Although this proposed subdivision is within an established neighborhood, the Subdivision Regulations require sidewalks in infill situations. In this case, however, the staff feels that a variance is acceptable based on the fact that this property is unique and the conditions on which the request for a variance is based are not applicable generally to other property. There are no sidewalks on Hill Road, a collector street. A sidewalk at this location could represent a safety hazard due to the variation in street width that would be necessary to accommodate a sidewalk.

Staff recommends conditional approval subject to the applicant providing a revised plat prior to the Commission meeting and variances for lot size and a sidewalk along Hill Road. The plat needs to be revised so that lot 2 meets the minimum lot area requirements based on the comparability analysis.

No one was present to speak at the public hearing.

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

Resolution No. 2001-357

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-355U-12, is **APPROVED (9-0) WITH CONDITIONS AND WITH A VARIANCE FOR MAXIMUM LOT SIZE AND SIDEWALKS.**”

Mr. Small stated he had asked before for staff to make pictures of sidewalk variance request conditions.

Mr. Bernhardt stated staff feels the need for sidewalks to connect to or lead to something that may develop in the future.

Mr. Clifton stated he was concerned about this variance because the Commission promotes sidewalks and also, that he felt they shouldn't always have to connect.

Mr. McLean asked if cash could be collected in lieu of construction of the sidewalks.

Mr. Fox stated the Legal Department is investigating those options.

10. 2001S-182U-10
Russwood Heights, Resubdivision of Lot 20
Map 131-1, Parcel 93
Subarea 10 (1994)
District 34 (Williams)

A request for final plat approval to subdivide one lot into two lots abutting the northwest corner of Colewood Drive and Trimbel Road (1.1 acres), classified within the R20 District, requested by Walter and Sail Rogers Brandt, owners/developers, H and H Land Surveying, Inc., surveyor.

Mr. Leeman stated staff recommends disapproval.

This request is for final plat approval to subdivide one lot into two lots on 1.1 acres abutting the northwest corner of Colewood Drive and Trimble Road. This proposed subdivision is located within Green Hill in the R20 district.

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. The lots in this subdivision meet the frontage requirements, but they fail to meet the minimum requirements for area. The minimum square footage allowable based on comparability is 30,500 square feet. The lots as proposed are only 23,958 square feet.

Lots 143 and 144, located on Colewood Drive next to the proposed subdivision, are similar in size to the proposed lots. These lots are approximately 26,753 square feet, but they were subdivided by a “Zone Lot Division.” From 1982 to 1986 Zone Lot Divisions allowed the creation of 2 single-family lots by creating a lot line through a duplex. Comparability was not an issue when that plat was approved in 1983.

Staff recommends disapproval of this plat. Additional land area would be required to meet the lot comparability requirements. This would require the applicant to purchase an adjoining lot. The surrounding lots in this subdivision are larger than the minimum required by the R20 district (20,000 square feet). Therefore, each lots needs 30,500 square feet, however, they are proposed to have only 23,958 square feet.

Mr. Walter Brant, property owner, spoke in favor of the proposal and stated comparability is approximately 80% of the properties in the area and the Commission has approved these before. It meets road frontage requirements and set back requirements. The zoning is R20, which it meets and exceeds. He said he only

want to put a single family home on the property. He and wife will live in the existing home and build a new home on the other lot. That would be better than building without the division.

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

Ms. Nielson stated there are many lots similar to this that could also ask for a subdivision and that she was opposed to this.

Mr. McLean stated he would prefer the two lot subdivision over a horizontal property regime.

Mr. Clifton stated the problem is that this could happen anywhere and then there would be no comparability. To approve this would set a bad precedent.

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

Resolution No. 2001-358

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-182U-10, is **DISAPPROVED (9-0).**”

11. 2001S-198U-07

Realty Savings Bank and Trust Company’s
Resubdivision of Part of Block 19
Map 103-3, Parcel 92
Subarea 7 (2000)
District 24 (Summers)

A request for final plat approval to subdivide part of one lot into two lots abutting the northwest corner of Idaho Avenue and 51st Avenue North (.41 acres), classified within the RS7.5 District, requested by Kay Gray, owner/developer, Volunteer Surveying, surveyor.

Mr. Leeman stated staff recommends conditional approval subject to a variance for sidewalks and lot comparability as well as revisions to the final plat prior to plat recordation.

This request is for final plat approval to subdivide part of one lot into two lots on .41 acres abutting the northwest corner of Idaho Avenue and 51st Avenue North. This subdivision is located in Sylvan Park within the RS7.5 district.

A lot comparability analysis was performed on this proposed subdivision, and there is a need for a variance for lot comparability. The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. The minimum allowable lot area for this subdivision is 5,889 square feet. Lot 2 more than satisfies this requirement with 7,660 square feet. Lot 2 fails the comparability test, however, for lot frontage. The minimum allowable lot frontage for this subdivision is 48 feet, and Lot 2 has only 45 feet of frontage along 51st Avenue North. The minimum side setback for the RS7.5 district is 5 feet. The proposed lot line is currently 15 feet from the existing home on Lot 1. This lot line could be moved down 5.45 feet in order to satisfy lot frontage requirements and still adhere to the 5 foot side setback regulation.

A variance to Section 2-6.1 of the Subdivision Regulations requiring sidewalks is also required. Although this proposed subdivision is within an established neighborhood, the Subdivision Regulations require sidewalks in infill situations. In this case, however, the staff feels that a variance is acceptable based on the fact that this property is unique and the conditions on which the request for a variance is based are not applicable generally to other property. The Sylvan Park area contains very wide streets. The right-of-way for 51st Avenue North is 80 feet, and the right-of-way for Idaho Avenue is 60 feet. In this neighborhood, these kinds of wide streets do not have sidewalks. The nearest sidewalk to this proposed subdivision is a quarter of a mile away. For this reason, staff recommends conditional approval subject to a variance for sidewalks, lot comparability, and a revised final plat prior to recordation.

No one was present to speak at the public hearing.

Mr. Small stated he would like to see sidewalks in this area.

Chairman Lawson stated safety would be an issue with sidewalks only on 2 lots, but that he would like to see this in the CIB for this area.

Councilmember Ponder stated the sidewalks are starting at schools and going out into the neighborhoods.

Mr. Clifton stated this is a good example where a fee should be collected for the variance.

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

Resolution No. 2001-359

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-198U-07, is APPROVED (9-0) WITH CONDITIONS AND WITH A VARIANCE FOR SIDEWALKS AND LOT COMPARABILITY.”

12. 2001S-219G-04

Woodlawn Estates, Block M, Lot 3
Map 43-9, Parcel 304
Subarea 4 (1998)
District 9 (Dillard)

A request for final plat approval to subdivide one lot into two lots abutting the southeast corner of Duling Avenue and Thelma Street (.41 acres), classified within the RS7.5 district, requested by Charles R. and Barbara L. Ogle, owners/developers, Land Surveying, Inc., surveyor.

Mr. Leeman stated staff recommends conditional approval subject to a variance for sidewalks and final plat revision prior to plat recordation.

This request is for final plat approval to subdivide one lot into two lots on .41 acres abutting the southeast corner of Duling Avenue and Thelma Street. This proposed subdivision is within the Amiqui Station neighborhood and the RS7.5 district.

A lot comparability analysis has been performed on this subdivision. The minimum allowable area for a lot within this subdivision according to the lot comparability analysis is 6,448 square feet. These lots contain 10,164 square feet and 7,986 square feet. They also easily pass the lot comparability test for frontage with 85 feet of frontage for Lot 1 and 72.6 feet of frontage for lot two. The minimum allowable frontage for this subdivision is 46 feet.

While this subdivision will not require a variance for lot comparability, a variance to Section 2-6.1 of the Subdivision Regulations will be required. This proposed subdivision is within the established Amiqui Station neighborhood. This neighborhood has no sidewalks, but the Subdivision Regulations require sidewalks in infill situations. The only sidewalks in the vicinity are along North Gallatin Pike in the CS district. Staff feels that a variance is acceptable based on the fact that this property is unique and the conditions on which the request for a variance is based are not applicable generally to other property. Staff recommends conditional approval subject to a variance for sidewalks and the submission of a final plat revision prior to recordation.

No one was present to speak at the public hearing.

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

Resolution No. 2001-360

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-219G-04, is APPROVED (9-0) WITH CONDITIONS, SUBJECT TO A VARIANCE FOR SIDEWALKS.”

PLANNED UNIT DEVELOPMENTS (revisions)

19. 163-73-G-06

Bellevue Place PUD

Map 142, Parcel 215

Subarea 6 (1996)

District 35 (Lineweaver)

A request to revise a portion of the undeveloped preliminary plan and for final approval for Lots 1 and 3 and final grading only approval for lot 2 of the Commercial (General) Planned Unit Development District located abutting the south margin of Memphis Briston Highway, 1,050 feet west of Sawyer Brown Road (10.55 acres), classified within the SCR District, to permit the development of a 79,573 square foot retail use, (lot 1), a 4,800 square foot restaurant, and an 8,000 square foot financial/office building, (lot 3), for a total of 92,373 square feet, replacing a 3,800 square feet of retail, restaurant, and bank, requested by Gresham-Smith and Partners for Franklin Land Associates, owner. (Also requesting final plat approval).

Mr. Leeman stated staff recommends conditional approval of the PUD and conditional approval of the final plat subject to a bond.

This request is to revise a portion of the preliminary plan and for final approval (lots 1 and 3) and final grading for portions of the Commercial (General) PUD district to permit the development of five retail tenant spaces containing 79,573 square feet and two out parcels along Highway 70 S. One out parcel includes an 8,000 square foot bank/office and the other includes a 4,800 square foot restaurant for a total of 92,373 square feet. The plan replaces the preliminary PUD plan approved for 93,800 square feet of retail, restaurant, and bank uses on June 7, 2001. There is also a request for final plat approval to subdivide one lot into three lots.

Staff recommends conditional approval of the final PUD plan for the five retail tenant spaces, and final plat approval for all three lots with a graphic note that lots 2 and 3 are not building sites. A mandatory referral must first be acted upon by the Metro Council to abandon an existing Harpeth Valley Utility District sewer line that bisects the property before these out parcels can receive final PUD approval. The applicant will be required to amend the final plat to remove the graphic note, as well as submit a revised final PUD plan, after Metro Council approval of the sewer line's abandonment and relocation.

At the time of this report, staff is also working with the applicant to determine the feasibility of a conservation easement from the rear of the property to Highway 70 for a future pedestrian connection from the Harpeth River Greenway to the Bellevue Mall. The Parks Department and the Greenway's Commission have indicated that a trail connection would be desirable on this site. The applicant has agreed to do an analysis to determine the best location for the connection. Given the severe topography at the rear of this site, the applicant has indicated that it may be cost-prohibitive to provide the connection on this site. Therefore, they are analyzing other alternatives. Staff will present to the Commission a recommendation on the greenway.

No one was present to speak at the public hearing.

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

Resolution No. 2001-361

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 163-73-G-06 is given **CONDITIONAL APPROVAL TO REVISE A PORTION OF THE PRELIMINARY AND FINAL APPROVAL FOR A PORTION (9-0)** 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. The recording of a final subdivision plat upon the posting of a bond for all required public improvements.
3. The applicant shall submit four sets of revised PUD plans to the Planning Department Staff by August 10, 2001, showing the 5 to 10 foot pedestrian access easement along the eastern property line of parcel 215 on tax map 142.
4. No building permits shall be issued for lots 2 and 3 until a replacement sanitary sewer has been constructed and accepted by the Harpeth Valley Utility District, the abandonment of the existing sewer easement by the Metropolitan Council and the recording of a revised subdivision plat to establish the new easement and remove references to the abandoned sewer easement from lots 2 and 3.
5. 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.
6. This final plat approval will expire after 180 days have lapsed if the conditions of approval (if applicable) have not been satisfied and plat recorded in the Register's Office of Davidson County, Tennessee. Upon any resubmittal of a final subdivision plat, all applicable fees shall be due.
7. 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.
8. 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. 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.”

OTHER BUSINESS

25. Legislative update

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

Mr. Bernhardt updated the Commission on the redistricting process.

Chairman Lawson stated he would like to create sub committee from the Commission to work with the School Board, Fire Department and Police Department.

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 2:55 p.m.

Chairman

Secretary

Minute Approval:
This 16th day of August 2001

