

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: August 30, 2001
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Bill Purcell
James Lawson, Chairman

Staff Present:

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Manager 2
Ann Hammond, Planning Director
Marcus Hardison, Planner I
Lee Jones, Planner I
Jeff Lawrence, Operations Director
Robert Leeman, Planner II
Carolyn Perry, Administrative Assistant II
Jennifer Regen, Planner III
Marty Sewell, Planner I
Chris Wooton, Planning Technician I

Others Present:

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

Vice Chairman Small called the meeting to order.

PRESENTATION TO FORMER COMMISSIONER BILL MANIER

Vice Chairman Small stated Mr. Manier's leadership, loyalty and concerns for schools had and would continue to make Nashville a better place. He presented former Commissioner Manier with a plaque inscribed as follows:

Presented to

Bill Manier

**In recognition of service on the
Metropolitan Planning Commission of Nashville and Davidson County**

June 1, 1993 to June 7, 2001

With Great Appreciation this service is acknowledged by:

**Metropolitan Mayor
Bill Purcell**

**Commission Chairman
James E. Lawson**

**Executive Director
Richard C. Bernhardt**

ADOPTION OF AGENDA

Vice Chairman Small stated he would like to add a discussion of suspension of the Rules of the Commission to the agenda to consider a new item.

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

APPROVAL OF MINUTES

Mr. McLean moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of August 16, 2001.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver spoke in favor of item 25. 2001M-082U-05, Lease Agreement Between Metro Government and S.P.O.R.T.S.

Councilmember-at-Large Leo Waters spoke in favor of item 12. 2001-258U-08, 5th Avenue North and Van Buren Street.

Councilmember Ludye Wallace spoke in favor of item 2. 2001Z-078U-10 and asked the Commission and Staff to get all information possible so they would be able to work with the business association. He also supports an indefinite deferral.

ADDED ITEM

Vice Chairman Small stated that at this point he would like to discuss suspending the Rules.

Mr. Bernhardt stated each Commissioner had received a letter from Councilmember Ponder requesting a rehearing of the Redistricting Plan before this Commission. He advised the Commission of the rules regarding a rehearing and stated that Councilmember Ponder's request was void because of the Commission rules.

Councilmember Ponder moved and Mr. McLean second the motion to suspend rules and vote to hold a meeting on September 6, 2001, and to consider a rehearing on the Redistricting Plan at that meeting.

Mr. Fox suggested the Commission not suspend 10 day notice rule.

Mr. Clifton asked Councilmember Ponder why he was requesting this rehearing.

Councilmember Ponder stated additional information regarding Districts 2, 7 and 8 had been received and that the reconsideration should be held to those districts.

Mr. Clifton stated he likes the plan as is, but that it should be given every chance for consideration.

Vice Chairman Small stated this would be an additional service to the city.

Mr. Cochran asked why the Commission could not hear the new evidence today. He stated a decision was made on the plan and that he did not want to reverse that decision.

Mr. McLean called for a vote.

Vice Chairman Small stated a motion and a second had been made to hold a Special Called Meeting September 6, 2001 to consider a rehearing on the Redistricting Plan, which carried with Mr. Cochran in opposition, to **APPROVE**.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS

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

- 2. 2001Z-078U-10, Deferred indefinitely.
- 6. 2001P-009G-13, Maxwell Place, Deferred indefinitely.
- 7. 2000S-396G-04, Canton Pass Subdivision, Deferred indefinitely.
- 11. 2001S-251G-04, Warren Place, Deferred indefinitely.

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

ZONING MAP AMENDMENTS

- 1. 2001Z-066U-03**
 Map 71-2, Parcels 136 and 137
 Subarea 3 (1998)
 District 2 (Black)

A request to change from IWD district to CL district properties at 2427 and 2425 Brick Church Pike, west of I-65, (6.18 acres), requested by Danny Lachmandas for United Brothers, LLC, and Katherine Moss and Fred Moss, et ux, owners.

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 5.27 acres from IWD (industrial) to CL (commercial) at 2422 and 2426 Brick Church Pike. The current IWD district is intended for a wide range of warehousing, wholesaling, and bulk distribution uses. The proposed CL district is intended for retail, consumer service, banks, restaurants, hotel/motel and office uses.

Staff recommends approval of the CL zoning, as it is consistent with the Subarea 3 Plan's Commercial Mixed Concentration (CMC) policy. The CMC policy calls for mixed commercial development that provides retail trade, commercial services, offices, research activities and medium-high density residential. The CL zoning should extend no further then Dennis Drive located to the north of the property. Zoning north of Dennis Drive should be industrial (IND or IR) to be consistent with the Subarea 3 Plan's industrial policy for that area.

Resolution No. 2001-384

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-066U-03 is **APPROVED (8-0)**:

The Commercial Limited (CL) district is consistent with the Subarea 3 Plan's Commercial Mixed Concentration Policy (CMC) calling for mixed commercial development that provides retail trade, commercial services, offices, research activities and medium-high density residential. The CL zoning should extend no further than Dennis Drive."

PRELIMINARY PLAT SUBDIVISIONS

- 19. 2001S-258U-08**
 5th Avenue North and Van Buren Street
 Map 82-9, Parcels 85-87
 Subarea 8 (1995)
 District 20 (Haddox)

A request for preliminary approval for seven lots abutting the southeast corner of Van Buren Street and 5th Avenue North (.71 acres), classified within the MUN district, requested by New Hope Associates, LLC, owner/developer, Walter Davidson and Associates, surveyor

Staff recommends conditional approval subject to a bond for extension of public utilities. This request is for preliminary approval for seven lots on .71 acres abutting the southeast corner of Van Buren Street and

5th Avenue North within the MUN district. This proposed subdivision is within the Subarea 8 Plan's Mixed Use policy area and is located in the Germantown neighborhood. The policy calls for a mixture of residential and nonresidential uses that are integrated at a pedestrian scale to create an attractive, exciting environment for both residents and businesses. The staff feels that this subdivision will reinforce these policy objectives. The proposed homes will help to create a comfortable pedestrian environment that is crucial in this historic area by bringing the homes closer to the street and providing alley access to the rear of these homes.

Lot comparability is not an issue in this case. Although the proposed development is intended for residences, comparability only applies to subdivisions within a residential zoning district. This request is also located within the Urban Zoning Overlay District. The Urban Zoning Overlay District is intended to promote reinvestment in areas of Nashville originally developed before the mid-1950s. This district allows developers to preserve and protect existing development patterns and to ensure the compatibility of new development in older portions of the city. As a result, the applicant will be able to build closer to the street and on smaller lot sizes than may be allowed in typical zoning districts. No sidewalk variance is needed since sidewalks already exist along both Van Buren Street and 5th Avenue North.

Staff met with the applicant and Public Works concerning a proposed detention/drainage easement area located within this development's parking lot. Public Works has approved the grassy detention area which will be bordered by shrubs to create a visual barrier and wheel stops to prevent cars backing up into it. Staff recommends conditional approval subject to a bond for extension of public utilities.

Resolution No. 2001-385

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-258U-08, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND (8-0).**”

FINAL PLAT SUBDIVISIONS

- 14. 2001S-177G-12**
Old Hickory Hills, Section 1
Map 182, Part of Parcel 12
Subarea 12 (1997)
District 31 (Knoch)

A request for final plat approval to create 119 lots abutting the north margin of Old Hickory Boulevard, approximately 2,900 feet east of Pettus Road (34.65 acres), classified within the RS10 District, requested by Old Hickory Hills, owner/developer, SEC, Inc., surveyor.

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

This request is for final plat approval to subdivide 34.65 acres into 119 single-family lots on Old Hickory Boulevard between Pettus Road and I-24. The applicant is proposing a cluster lot subdivision within the RS10 district. As a cluster lot development, the applicant can reduce the lot sizes down two base zoning districts to the RS5 district. Lots within this section range in size from 6,188 to 11,018 square feet. The Planning Commission approved a preliminary plat for 412 single-family lots on October 28, 1999 (99S-388G-12). This section represents 29% of the total lots proposed within this development.

There is a blue-line stream that runs through this property. Along that stream a 50 foot buffer is required for stormwater management. The Stormwater Management Committee approved the applicant's variance request to encroach 25 feet into that buffer with lots thereby reducing the buffer to 25 feet (Appeal Case #2000-26). A 60 foot collector road named Legacy Drive is proposed for this development which begins at Old Hickory Boulevard and stubs-out into future phases of this development. Sidewalks are proposed

along one side of the streets within the development since the preliminary plat was approved under the old Subdivision Regulations. The applicant is also dedicating approximately .30 acres for Old Hickory Boulevard's realignment. The applicant will be realigning the road to reduce its severe curvature in front of the subdivision's entrance. Staff recommends conditional approval subject to bonds for the extension of roads, sidewalks, and public utilities.

Resolution No. 2001-386

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-177G-12, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND (8-0).**”

19. 2001S-240G-14
River Glen, Phase 3, Section 1,
(Horizontal Property Regime)
Map 52, Part of Parcel 2
Subarea 14 (1996)
District 15 (Loring)

A request for final plat approval to create 20 lots abutting the west margin of Lock Two Road and the eastern terminus of Penn Meade Drive (4.97 acres), classified within the R15 Residential Planned Unit Development District, requested by Julius Doochin, owner/developer, Civil Site Design Group, P.L.L.C., surveyor.

17. 2001S-241G-14
River Glen, Phase 5, Section 1,
(Horizontal Property Regime)
Map 52, Part of Parcel 2
Subarea 14 (1996)
District 15 (Loring)

A request for final plat approval to create 21 lots abutting the north terminus of Sonar Drive, north of Alandee Street (2.18 acres), classified within the R15 Residential Planned Unit Development District, requested by Julius Doochin, owner/developer, Civil Site Design Group, P.L.L.C., surveyor.

Staff recommends conditional approval subject to a bond for the extension of roads, sidewalks, and public utilities. These requests are for final plat approval for Phase 3 (20 single-family lots) and Phase 5 (21 single-family lots) on 7 acres abutting the west margin of Lock Two Road and the northern terminus of Sonar Drive. This property is classified within the R15 Residential Planned Unit Development District.

The Planning Commission approved with conditions a final PUD plan that encompassed these phases on August 16, 2001 (75-87-P-14). These plats are consistent with the approved final PUD plan. Staff recommends conditional approval subject to a bond for the extension of roads, sidewalks, and public utilities for both plats.

Resolution No. 2001-387

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-240G-14, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND (8-0).**”

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-241G-14, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND (8-0).**”

18. 2001S-246G-14
Truxton Park, Section 3
Map 64-16, Part of Parcel 26
Subarea 14 (1996)
District 11 (Brown)

A request for final plat approval to create 70 lots abutting the north terminus of Remington Park Road, approximately 121 feet north of Brookmeadow Lane (17.65 acres), classified within the R10 district, requested by Phillips Builders, Inc., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Staff recommends conditional approval subject to bonds for roads, sidewalks, and utilities.

This request is for final plat approval to create 70 cluster lots abutting the eastern margin of Sherwood Forest, approximately 850 feet west of Andrew Jackson Parkway. The Planning Commission approved the preliminary plat on August 1, 2000. This final plat conforms with the approved preliminary plat. Cumberland Utility will provide water service and Metro Water and Sewer Services will provide sewer service. Staff recommends conditional approval subject to bonds for the completion of roads, sidewalks and utilities.

Resolution No. 2001-388

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-246G-14, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND (8-0).”**

19. 001S-252G-06
Riverwalk, Phase 1A
Map 126, Parcel 148
Subarea 6 (1996)
District 23 (Bogen)

A request for final plat approval to create 113 lots abutting the north margin of Newsom Station Road and the southwest margin of CSX Transportation Railroad (57.26 acres), classified within the RS15 Residential Planned Unit Development District, requested by Riverwalk Development, Inc., owner/developer, Crawford Land Surveying, surveyor.

Staff recommends conditional approval subject to a bond for the extension of roads, sidewalks, and public utilities as well as a revised plat prior to recordation that shows a paved trail as approved in the final PUD.

This request is for final plat approval to create 113 single-family lots on 57 acres abutting the north margin of Newsom Station Road and the southwest margin of CSX Transportation Railroad. This property is classified within the RS15 Residential Planned Unit Development District. This plat is to record all of Phase 1A and parts of Phase 1B as approved by the Planning Commission on the final PUD plan on March 15, 2001 (2000P-003G-06).

A variance for sidewalks on both sides of the street was granted for the final PUD since it would help to preserve more of the natural features of the site and since a portion of this site has cross-slopes of greater than 9%. In lieu of the sidewalk, the PUD plan provides an 8-foot wide paved trail that extends from the entrance all the way to the one-mile long greenway trail along the Harpeth River. This trail will serve as a pedestrian link to access the greenway trail. The trail as agreed upon for final PUD approval is not clearly denoted on the final plat, and therefore, a revised plat will be required prior to recordation which clearly denotes the 8-foot wide paved trail as it is reflected in the final PUD.

Staff recommends conditional approval subject to this revision as well as a bond for the extension of roads, sidewalks and utilities. A PUD boundary plat shall be recorded prior to the recordation of this final plat.

The applicant currently has a contract with the Harpeth Utility District for the extension of public utilities. Bonds shall include the following off-site road improvements and land dedication as approved with the preliminary and final PUD plans:

19. An eastbound left-turn lane from Newsom Station Road into the project site with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.
20. A right-turn lane from McCrory Lane onto Newsom Station Road with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.
21. A right-turn lane from Newsom Station Road onto McCrory Lane with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.
22. A left-turn lane from Newsom Station Road onto McCrory Lane with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.
23. Widening Newsom Station Road to rural collector standards with 20 feet of pavement width and 8 foot wide shoulders on each side of the road from the Riverwalk project entrance to the Boone Trace PUD entrance, with varying shoulder widths as approved by the Metro Traffic Engineer and in conformance with the approved construction plans. This improvement will include the straightening of the 90 degree curve in the road, the reverse curve, and will utilize the dedicated right-of-way along the frontage of the Boone Trace PUD. This does not include the portion of Newsom Station Road in front of the Lexington Point Subdivision, where a left-turn lane will be constructed by the developer of that site.
24. Dedication of 5 feet of right-of-way along Newsom Station Road.

Resolution No. 2001-389

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-252G-06, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND (8-0).**”

19. 2001S-256U-13
Bayview Estates, Phase 3
Map 136, Part of Parcel 7
Subarea 13 (1996)
District 27 (Sontany)

A request for final plat approval to create 25 lots abutting the west terminus of Tinney Place, approximately 90 feet west of Harbor Lights Drive (5.36 acres), classified within the R10 Residential Planned Unit Development District, requested by Bayview Venture, LLC, owner/developer, Gresham, Smith & Partners, 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 25 lots on 3.32 acres abutting the northwest terminus of Tinney Place. This final plat is located within a R10 Residential Planned Unit Development District. The Planning Commission approved with conditions a final PUD plan, which this plat is consistent with, on May 25, 2000 (97P-010U-13). The applicant also needs to revise the final plat for Phase 2 (lots 59-64) prior to this plat's recordation to address the 20 foot public utility drainage easement shown in this phase that affect lots within that previous phase. Staff recommends conditional approval subject to a revised plat submitted for Phase 2, showing a drainage easement, prior to this plat's recordation and a bond for the extension of roads, sidewalks, and public utilities.

Resolution No. 2001-390

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-256U-13, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND (8-0).**”

MANDATORY REFERRALS

20. 2001M-078U-12
Closure of Old Welch Road
Map 147
Subarea 12 (1997)
District 26 (Arriola)

A request to close Old Welch Road which intersects with Wallace Road and lies east of Hopedale Drive, requested by Larry Alexander of CESP, Inc., appellant, for HCA Realty, Inc., abutting property owner. (Easements are to be retained).

Staff recommends approval.

This request is to close Old Welch Road from where it intersects with Old Wallace Road, between Wallace Road and Harding Place. Easements are to be retained. HCA Realty Inc. is requesting this closure to accommodate an expansion of an office building on an abutting property. Currently, the street right-of-way appears to be part of parking lot for an office building owned by HCA Realty Inc. No properties will be landlocked by this closure. Staff recommends approval subject to all agencies and departments notified of this request recommending approval.

Resolution No. 2001-391

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-078U-12 is **APPROVED (8-0).**"

21. 2001M-079U-12
Closure of Old Wallace Road
Map 147
Subarea 12 (1997)
District 26 (Arriola)

A request to close Old Wallace Road from where it intersects with Wallace Road to its intersection with Old Welch Road lying between Harding Place and Wallace Road, requested by Larry Alexander of CESP, Inc., appellant, for HCA Realty, Inc., abutting property owner. (Easements are to be retained).

Staff recommends approval.

This request is to close Old Wallace Road from where it intersects with Old Welch Road, between Wallace Road and Harding Place. Easements are to be retained. HCA Realty Inc. is requesting this closure to accommodate an expansion of an office building on an abutting property. No properties will be landlocked by this closure. Staff recommends approval subject to all agencies and departments notified of this request recommending approval.

Resolution No. 2001-392

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-079U-12 is **APPROVED (8-0).**"

22. 2001M-081U-00
Council Bill No. BL2001-774
Official Adoption of Property Identification Maps

A council bill to adopt the Metro Nashville and Davidson County property identification maps for the identification of real estate for tax assessment purposes, sponsored by Councilmember Phil Ponder.

Staff recommends approval.

This council bill adopts the property identification maps for The Metropolitan Government of Nashville and Davidson County. These maps are adopted annually by Council and become the official maps for the identification of real estate for tax assessment purposes. Staff recommends approval of this bill since these maps are used to identify all parcels of land within the county.

Resolution No. 2001-393

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-081U-00 is **APPROVED (8-0)**."

23. 2001M-082U-05
Council Bill No. BL2001-782
Lease Agreement Between Metro Government
and S.P.O.R.T.S.
Map 93-4, Parcel 76
Subarea 5 (1994)
District 6 (Beehan)

A council bill to lease the parking lot of the Davidson County Sheriff's Office Training Academy located at 710 S. 5th Street to the Sheriff's Project for Organized Recreation and Team Sports (S.P.O.R.T.S.), a not-for-profit service organization for charitable fundraising during Tennessee Titans football games and Fan Fair, sponsored by Councilmembers Don Knoch and Eileen Beehan.

Staff recommends approval.

This council bill is to lease the parking lot of the Davidson County Sheriff's Office Training Academy located at 710 S. 5th Street to the Sheriff's Project for Organized Recreation and Team Sports (S.P.O.R.T.S.). The parking lot will be used by S.P.O.R.T.S. for charitable fundraising. This not-for-profit service organization will park cars during Tennessee Titan football games and Fan Fair. Funds raised by the parking cars will be used to develop sports programs for children in Nashville and Davidson County. Metro will receive no revenue from the lease or the parking fees. The lease will be for one year with a provision for four lease renewals of one year each. Staff recommends approval since all agencies and departments were notified of this request and recommend approval.

Resolution No. 2001-394

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-082U-05 is **APPROVED (8-0)**."

24. 2001M-083U-09
Council Bill No. BL2001-787
Consent to Easement for Shelby Street Bridge
from U.S. Army Corps of Engineers
Subarea 9 (1997)
District 19 (Wallace)

A council bill to acquire a consent to easement from the U.S. Army Corps of Engineers for the maintenance of Shelby Street Bridge, sponsored by Councilmembers Eileen Beehan, Ludy Wallace, and Don Knoch.

Staff recommends approval.

This council bill is to obtain a consent to easement from the U.S. Army Corps of Engineers for maintaining the Shelby Street Bridge. Staff recommends approval since all agencies and departments were notified of this request and recommend approval.

Resolution No. 2001-395

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-083U-09 is **APPROVED (8-0):**"

OTHER BUSINESS

- 25. Employee contracts for Brian P. Wallace, Michelle Kubant, Amy McAbee-Cummings and Neil Jobe

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contracts for one year; Brian P. Wallace, from September 10, 2001 through September 9, 2002, Michelle Kubant from August 1, 2001 through July 31, 2002, Amy McAbee-Cummings from September 1, 2001 through August 31, 2002, and Neil Jobe from September 1, 2001 through August 31, 2002."

This concluded the items on the consent agenda.

PUBLIC HEARING

- 3. **2001Z-089U-03**
Council Bill No. BL2001-801
Map 49, Parcel 263
Subarea 3 (1998)
District 3 (Nollner)

A request to change from R10 district to IWD district property at 3401 Knight Drive, opposite Green Lane (.37 acres), requested by Councilmember Ron Nollner on behalf of Jerry W. and Linda Joan Smotherman, owners. (Referred back to the Planning Commission by the Metro Council).

Ms. Regen stated staff recommends disapproval.

No Subarea Plan Amendment is required.

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

This council bill is to rezone .37 acres from R10 (residential) to IWD (industrial warehousing and distribution) district property at 3401 Knight Drive. The existing R10 district is intended for single-family homes and duplexes at up to 3.7 units per acre. The proposed IWD district is intended for warehousing and bulk distribution uses. The applicant wants to operate a sheet metal operation within the existing structure on this property, which requires IWD zoning. Limited manufacturing is not permitted in R10 zoning.

The Planning Commission disapproved this same request in December 2000 (2000Z-150U-03) and it subsequently failed at Council (Council Bill BL2001-661). Councilmember Nollner has introduced this rezoning as a new council bill for the September public hearing. Staff recommended disapproval since this property is located within an area of stable residential homes. While this is a small site, allowing industrial zoning to expand in this area would prematurely implicate the properties across the street and to the north. The Commission previously felt that it was premature to intensify zoning with inadequate infrastructure in the area. This property falls within the Subarea 3 Plan's IND (industrial and distribution) policy. IND policy is intended for industrial and distribution uses, including storage, business centers, wholesale centers, and manufacturing. Staff, however, recommends disapproval since the proposed zone change is premature, as is indicated in the text of the Subarea 3 Plan.

The Subarea 3 Plan reads as follows:

"The existing infrastructure is inadequate to support industrial activities, which is likely a major reason this area has only partially developed. In order for this area to reach its full development potential during the planning period, adequate infrastructure must be made available, more specifically adequate accessibility. It is the intent of this IND area that the existing residential and institutional uses within this area will over time convert to industrial uses. It is recommended that industrial access to the area be improved both to accommodate the areas in industrial uses and to minimize the impacts of industrial traffic on existing residential areas." (Subarea 3 Plan, page 76).

Public Policy on Industrial Expansion in the "12A" policy area of Subarea 3

A consistent public policy is needed for this and other premature zone changes that may be requested. The appropriateness of this area for industrial policy was specifically linked to access from a future industrial access road. "Currently, the road network for this industrial policy area is inadequate. Heavy truck traffic is co-mingling with residential traffic, which is negatively impacting the established residential areas." (p. 118, Subarea 3 Plan) The subarea plan reiterates that access to industrial areas by way of local streets that are residential in character is inappropriate. Metro and/or private sector developers may decide, at some point in the future, to construct appropriate access that would support increased industrial activity in this area. Such access would need to channel industrial traffic to the Briley Parkway/Whites Creek Road interchange on road(s) built to industrial standards. As a matter of public policy, staff recommends that no more industrial rezonings be approved in this future industrial development area until such time as standard industrial access is available to direct industrial vehicles to the Whites Creek Pike/Briley Parkway interchange without traversing residential areas on substandard streets.

Traffic

The Traffic Engineer indicates that Brick Church Lane, Knight Drive, and Green Lane should be upgraded in the future to commercial street standards to sufficiently accommodate industrial development in this area. However, he also indicated that this sheet metal operation would not significantly impact these roads currently.

Councilmember Ron Nollner stated this area falls in subarea plan as calling for industrial uses. The two adjacent residents have signed letters stating they have no opposition, and the neighborhood association has no opposition.

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

Mr. McLean asked if this item came before the Commission before it went to Council last time.

Ms. Regen stated yes it did. The Commission disapproved it and Council disapproved it.

Councilmember Ponder moved Mr. McLean seconded the motion, which carried unanimously to approve the following resolution:

Resolution No. 2001-396

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-089U-03 is **APPROVED (8-0)**:

This property currently involves a non-conforming industrial land use, a plumbing shop. The applicant wants to add sheet metal fabrication to his existing plumbing business. This use requires a zone change since it involves light manufacturing, a use not grandfathered under the non-conforming use provisions of the Zoning Ordinance. The property falls within the Subarea 3 Plan's Industrial (IND) policy. That policy supports industrial, warehousing, distribution, wholesale centers and manufacturing. The area along Knight Drive and Green Lane; however, has inadequate infrastructure for water, sewer, and roads. While industrial zoning should not be intensified due to this lack of infrastructure, the property proposed for IWD zoning is very small in size (.37 acres). It also has had an industrial use (plumbing shop) on it for a number of years. Therefore due to the property's size and its long-term industrial use, rezoning this property will not have a detrimental impact on the surrounding area. Future industrial rezonings in this area though need to be evaluated based on their size and the existing infrastructure's capacity to accommodate additional truck traffic, water, and sewer service."

4. 2001Z-090G-12
Map 173, Parcel 47
Subarea 12 (1997)
District 31 (Knoch)

A request to change from AR2a district to RS10 district property at 5485 Blue Hole Road, (5 acres), requested by Lori D. Atchley, for Danflor Development LLC, owner.

Ms. Regen stated 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 5 acres from AR2a (agricultural) to RS10 (residential) at 5485 Blue Hole Road, north of Pettus Road. The current AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 unit per 2 acres of land. The proposed RS10 district is intended for single-family homes at 3.7 dwelling units per acre. With RS10 zoning, up to 19 single-family homes could be constructed on this property.

Located on this property is the Simpson family cemetery. The applicant has contacted the surviving decedents and inquired about the family's wishes for the cemetery. The decedents expressed that they wanted the remains placed in a permanent cemetery. The applicant has agreed to have a licensed mortuary arrange and coordinate the moving of the remains to a location satisfactory to the Simpson decedents. Upon submission of the preliminary plat the relocation of the remains will be confirmed or the applicant must provide protection for the area.

Staff recommends approval of the proposed RS10 zoning. This zone change is consistent with the Subarea 12 Plan's Residential Low Medium (RLM) policy, which calls for 2 to 4 dwelling units per acre and the area's emerging zoning pattern.

Traffic

The Traffic Engineer has indicated that Blue Hole Road can currently accommodate the traffic generated by the proposed RS10 zoning.

Schools

A single-family development at RS10 density will generate approximately 5 students (2 Elementary, 2 middle, and 1 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 2,003 students, thus exceeding capacity slightly. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

Ms. Kisha Bercham, area resident, stated she had heard 19 homes would be built, but it could be apartments, duplexes or any thing. That would cause too much traffic and devalue surrounding property.

Ms. Regen stated the notice went out wrong. It said R10 and it should have said RS10.

Mr. Yasar stated 19 homes would be too many homes. They will be cheap and too small to blend in with the surrounding neighborhood.

Vice Chairman Small stated the Commission will reconsidering rezoning only, and that they have no authority over they type of housing built, or type of materials used.

Mr. Bob Welch expressed concerns regarding the little wedge of cheap homes that would drive property values down.

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

Ms. Regen stated the Commission has supported other RS10 in the area in the past.

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

Resolution No. 2001-397

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-090G-12 is **APPROVED (8-0)**:

The RS10 district is consistent with the Subarea 12 Plan's Residential Low Medium (RLM) policy, calling for 2 to 4 dwelling units per acre. The RS10 district is intended for single-family dwellings at 3.7 dwelling units per acre."

5. 2001Z-091G-13

Map 135, Parcel 39
Subarea 13 (1996)
District 27 (Sontany)

A request to change from AR2a district to R40 district property at 510 Franklin Limestone Road (2.4 acres), requested by Steven and Claire Norris, 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 2.4 acres from AR2a (agricultural) to R40 (residential) at 510 Franklin Limestone Road. The current AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 unit per 2 acres of land. The proposed R40 district is intended for single-family and duplex homes at 1 dwelling unit per acre. With R40 zoning one additional single-family home could be constructed on this property.

The applicant is requesting this zone change to construct an additional dwelling on this property. This zone change represents a "timing" issue. This rezoning is consistent with the Subarea 13 Plan's Residential Low Medium (RLM) policy, which calls for 2 to 4 dwelling units per acre. However, Franklin Limestone Road according to the Metro Traffic Engineer is a substandard collector road. Therefore, rezoning property along Franklin Limestone Road is not appropriate until this road is brought up to collector road standards.

Originally staff was recommending disapproval of the proposed R40 zoning. Rezoning this small property at this time could set in motion a series of similar rezoning requests on surrounding properties, which would cause more problems with the substandard collector Franklin Limestone Road. As a matter of public policy, staff recommends no rezonings be approved that would increase vehicle trips on Franklin Limestone Road until such time as this road is improved. Presently, no funds have been allocated or appropriated for this road's improvement in the Capital Improvements Budget. Once Franklin Limestone Road is brought up to collector road standards rezoning this property will be more feasible.

Ms. Regen stated staff is now changing their recommendation to approval because the Traffic Engineer has indicated creating one additional lot would not further impact the traffic.

Ms. Clarie Norris, applicant, stated she wants to create private drive to have access to the back of the property.

Ms. Regen stated that would be a second process after the rezoning.

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

Resolution No. 2001-398

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-091G-13 is **APPROVED (8-0)**:

The R40 district is consistent with the Subarea 13 Plan's Residential Low Medium (RLM) policy, calling for 2 to 4 dwelling units per acre. The R40 district is intended for single-family and duplex homes at less than one dwelling unit per acre."

19. 2001S-137U-03
Old Matthews Road Subdivision
Map 60-13, Parcel 6
Subarea 3 (1998)
District 2 (Black)

A request for preliminary and final plat approval to subdivide one parcel into five lots abutting the northwest margin of Old Matthew Road, approximately 272 feet northeast of Yokley Road (1.43 acres), classified within the RS7.5 district, requested by Eugene Holmes, owner/developer, L. Steven Bridges, Jr., surveyor. (Deferred indefinitely from 06/07/01).

Ms. Regen stated staff recommends conditional approval subject to a variance for a sidewalk along Old Matthews Road.

This request is for preliminary and final plat approval to subdivide 1.43 acres containing one parcel into five lots along Old Matthews Road, south of Silas Drive. The property is located in Trinity Hills within the RS7.5 district. The applicant is proposing to dedicate between 17 to 25 feet of land along Old Matthews Road to bring the street's width up to local street standards. The plat proposes a density of 3.5 dwelling units per acre; less density is proposed than permitted by the RS7.5 district (4.9 dwelling units per acre).

There is an existing home on lot 1 that will remain. This home was constructed 3 feet from the rear property line. It does not conform to The Zoning Ordinance's current 20 foot rear setback requirement. This plat does not, however, increase the home's degree of non-conformity since the rear property line is not being altered from its original configuration.

A lot comparability analysis was performed on this proposed subdivision, and no variances are required. 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 5,958 square feet while the minimum lot frontage is 48 feet. All lots meet or exceed these minimum requirements.

The applicant is also requesting a variance to the sidewalk requirement of Section 2-6.1 of the Subdivision Regulations. Although this proposed subdivision is within an established neighborhood without sidewalks, the Subdivision Regulations require sidewalks in infill situations. In this case, however, the staff feels that a variance is acceptable. There are no existing sidewalks along Old Matthews Road or in this neighborhood.

Staff recommends conditional approval subject to a variance for a sidewalk along Old Matthews Road.

Mr. James Wallace, adjacent property owner, stated the previous property owner had fenced a 10' easement into that property and that needs to remain as an easement.

Ms. Regen stated that easement is not included in plat.

Mr. Wallace stated the map he had seen indicated it was.

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

Ms. Regen and Mr. Wallace reviewed the plan.

Ms. Regen stated she recommended deferring this to the end of the meeting.

Ms. Nielson moved and Ms. Oglesby seconded the motion, which carried unanimously, to defer this matter until the end of the meeting.

20. 2001S-216G-14

Abbington Park
Map 52, Parcel 10
Subarea 14 (1996)
District 15 (Loring)

A request for preliminary approval for 399 single-family lots abutting the south margin of Pennington Bend Road and the west terminus of Paddle Wheel Drive (158.0 acres), classified within the RS15 district, requested by John E. Stevenson, Trustee, owner/developer, Dale and Associates, Inc., surveyor.

Mr. Jones stated staff recommends conditional approval.

This proposal was originally scheduled for the July 19, 2001, Commission meeting. It was deferred indefinitely by the applicant in order to work out design issues with the staff. This request is for preliminary plat approval for 399 single-family lots on 158 acres abutting the south margin of Pennington Bend Road and the west terminus of Paddle Wheel Drive. The plan involves three properties, this large parcel, an adjacent property (parcel 1), and a portion of the River Trace Estates PUD. Homes will be built on the large parcel with access from Pennington Bend Road via parcel 1 and a portion of the adjoining PUD.

This is a cluster lot development within the RS15 district at a proposed density of 2.52 dwelling units per acre. The Zoning Ordinance allows residential developments to cluster lots within the manipulated areas of the natural floodplain under the cluster lot option. Lots may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the RS15 district may create lots equivalent in size to the RS7.5 district. The cluster lot option has been used in this case in order to protect a large wetland area on the site. This allows for greater design flexibility in order to protect the wetland, while providing a similar number of lots allowed on 158 acres within the RS15 district.

The applicant appeared before the Stormwater Management Committee on August 17, 2001, seeking approval for the disturbance of a stormwater buffer area. Appeal Case #2001-42 was approved by the Committee allowing the relocation of an existing creek provided it be placed within a 60-foot bufferyard. The Committee's ruling enabled the applicant to resume working with the Planning Commission staff. A revised plan was submitted by the applicant following the Stormwater Management Committee's decision. This plan reflects changes requested by the staff to create a more useable, contiguous open space. The applicant pledges to continue to work with the staff through the final plat stage to create open space for this subdivision that makes optimal use of the existing wetland and is accessible by all of the residents, including those in the existing River Trace Estates. Although this plan has been revised several times, certain concerns still remain.

Streets and Street Connections

Abutting property owners are concerned about two proposed access points: Pennington Bend Road and Delta Queen Drive. Residents of River Trace Estates (a PUD development) favor access from Pennington Bend Road to this site as an alternative to driving through their neighborhood.

Delta Queen Drive

This plan proposes street connections to two of the three existing stub-streets in the River Trace PUD. No connection has been proposed to Delta Queen Drive since existing residents along that street oppose the connection. Staff has indicated to the applicant a connection is necessary to disburse traffic and for public safety. Delta Queen Drive was shown on the original PUD approved in 1986 as a thru street, as well as on the recorded plat. It was never intended or approved as a permanent dead-end street. Staff recommends that there be a connection to Delta Queen Drive as designed in the River Trace PUD to reduce the potential impacts on Cain Harbor Dr. and Paddle Wheel Dr.

Pennington Bend Road

Residents along Barton Lane have expressed opposition to access from Pennington Bend Road because they fear that it will create an even more dangerous intersection. This plan proposes a permanent green space easement along the frontage of Barton Lane and Pennington Bend Road that extends 210 feet into this property. The green space has been set up to abut parcel 72 to the east and parcel 1 to the west. As a result, the applicant is showing access to this site through parcel 1 (See PUD Proposal 18-86-P-14). A final plat that is submitted for this subdivision must have the signature of the owner of parcel 1 in order to create the proposed access to Pennington Bend Road.

The Metro Traffic Engineer has confirmed that the proposed intersection of Longfellow Drive (the new road proposed in this subdivision) and Pennington Bend Road is acceptable. A traffic signal will be required at this intersection. The signal's cost and installation will be the developer's responsibility. A left-

turn lane with 100 feet of storage and an appropriate taper will also be required at this intersection. The developer is also proposing a right-turn lane, which the Metro Traffic Engineer has not required, but has indicated will work at this location. The cost and installation of these turn lanes will be the developer's responsibility. According to the Metro Traffic Engineer, an alternate proposal to access this development via Lock Two Road through River Trace Estates would produce traffic exceeding 2,000 vehicles per day. This traffic volume would normally call for roadways built to collector standards, but the roads within River Trace Estates were not constructed to carry that amount of traffic. Therefore, the Traffic Engineers does not recommend approval of this alternative.

Conditions of Approval

21. The property owner of tax map 62-2, parcel 1 shall be named on the final plat submitted showing access from Pennington Bend Road into the proposed subdivision.
22. In conjunction with the final plat's submission, construction plans for the signal at the Pennington Bend Road/Longfellow Drive intersection shall be submitted to Public Works. The signal shall be bonded prior to final plat recordation.
23. In conjunction with the final plat's submission, construction plans shall be submitted for all proposed turn lane(s) to Public Works.
24. The final plat shall show Longfellow Drive as a 60-foot collector road with 37 feet of pavement from Pennington Bend Road to Ibsen Road; it will then transition to 50 feet of right-of-way with 27 feet of pavement to the roundabout, as required by the Metro Traffic Engineer.
25. The final plat shall show the Cain Harbor stub-street to the east of Longfellow Drive as a 60-foot collector road with 37 feet of pavement, as required by the Metro Traffic Engineer.
26. The final plat shall provide rear access to lots 278-289. The staff considers the proposed roundabout in Phase 5 to be an amenity, but accessing the lots fronting the roundabout from the street could present a safety hazard. This is especially true since the roundabout occurs on a road that directly connects this subdivision to River Trace Estates and the Cumberland River.
27. Delta Queen Drive shall be constructed as a local street, connecting to the existing River Trace Estates, as required by the River Traces Estates PUD and final plat. This street will be constructed to match the existing Delta Queen Drive right-of-way and pavement.
28. Street names shall be revised with the final plat to avoid duplication and to ensure public safety.

Greenways

There are 57 acres of open space within the proposed subdivision of which 39 acres have been reserved as a Conservation Easement/Public Greenway Trail. The applicant has proposed a 25% density bonus for the greenway dedication. This bonus has been applied to the area dedicated for public greenway use and would allow 28 additional lots for a total of 418 lots. The applicant is requesting only 399 single-family lots.

Conditions of Approval

29. The final plat shall show areas now shown on the plat as greenway easement or open space area as dedications instead of reservations. The 25% density bonus requires the land be dedicated to Metro. In addition, these areas shall be relabeled on the plat as "Conservation Easement/Public Greenway Trail" to ensure future homeowners are aware a public trail will be constructed in these areas to which their rear yards will back up.
30. Signs indicating the presence of the public greenway trail must be located every 100' along the property at the edge of the conservation easement prior to the first building permit. Signs shall be posted with the text facing inward on the lot. The developer shall be responsible for the maintenance of all signs until all lots within the subdivision have been sold to the ultimate home purchaser.
31. The final plat shall have a phasing plan for trail construction and sign posting. Trails shall be ADA compliant, compatible with the requirements of the Stormwater Management Committees decision in the Appeal Case #2001-42, and Metro greenway standards.

Specifically, all trails shall 10' of pavement with 2' stable shoulders as shown in the Greenway Design Standards. Proposed 5' trails should be labeled as "Primitive Foot Trails built to Greenway Standards." Cross-section drawings depicting the proposed trails shall be provided as part of the phasing plan.

32. Trail crossings on roads will need at a minimum: 1) a center removable bollard per Greenway Design Standards, 2) either bollards or boulders immediately on either side of the trail, and 3) ADA compliant ramps at curbs.
33. The final plat shall relocate the 60' bufferyard required by the Stormwater Management Committee for water quality purposes to maximize useable open space.
34. A note shall be added to the final plat indicating that open space used for alternate storage for stormwater quality purposes shall be the developer's responsibility within the Conservation Easement/Public Greenway Trail areas.
35. The final plat shall be redesigned such that open space areas to which lots back up to along the site's periphery are reduced, eliminated, or made part of the proposed contiguous, useable open space areas.

36. 18-86-P-14
River Trace Estates
Map 52, Part of Parcel 9
Subarea 14 (1996)
District 15 (Loring)

A request to revise a portion of the preliminary plan of the Residential Planned Unit Development District located abutting the eastern terminus of Paddle Wheel Drive, north of Pennington Bend Road, (.62 acres), classified within the RS10 district, to permit the addition of new right-of-way for the extension of Paddle Wheel Drive, requested by Dale and Associates, for River Trace Homeowners Association, George T. Hicks, owner.

This request is to revise a portion of the preliminary plan of the Residential PUD district located abutting the eastern terminus of Paddle Wheel Drive, north of Pennington Bend Road, to allow a new road from the proposed Abbington Park subdivision (See 2001S-216G-14) to extend through a portion of this PUD to the south. Paddle Wheel Drive has always been proposed and approved with a stub-out street to the east for future development. This plan provides for that street connection, as well as a street connection to Pennington Bend, located to the south. The stub-street connection to Pennington Bend goes through a portion of this PUD originally approved as open space area for an overflow parking lot/recreation area. Although this revision reduces the overall open space area by approximately 0.14 acres, there are still 53.4 acres of open space in this PUD (32% open space). Only 15% open space is required. With this revision, this open space area south of Paddle Wheel Drive is proposed for repaving and a new fence is proposed around this existing parking area. The plan also proposes new landscaping along the frontage of Paddle Wheel Drive. Staff recommends conditional approval, provided the preliminary plan for the Abbington Park Subdivision is approved by the Planning Commission.

Councilmember Ponder stated that Councilmember Loring is out of town and moved to defer this matter for one meeting.

Ms. Nielson seconded the motion leaving the public hearing open.

Councilmember Leo Waters stated this item is very controversial and there has been intense negotiation. He stated ordinarily it would not make much difference in time, and asked the Commission to grant the deferral motion.

Mr. Bernhardt stated Mr. Loring's letter is for deferral until September 22nd.

Councilmember Ponder stated he did not realize it was for that long and changed his motion.

Ms. Nielson changed her second to the motion.

Mr. Tom White, representing Phillips Builders, stated this was heard by Council and set there for 9 to 10 months until the Councilmember was satisfied. Councilmember Loring is in agreement everything and all had agreed that everything would be clear before it came to this Commission. With respect to Councilmember Loring, he has met with planning staff and public works, and has made it very clear what is required.

Mr. White stated that when he heard of deferral he asked for a reason why. If this matter is not acted on today the contract will be null and void. There is no reason, except that Councilmember Loring is not here, to defer this. Councilmember Loring has given his input for months. He asked the Commission not to defer and to act today.

Mr. Fox referenced the deferral section in the Commission Rules and Procedures and stated that a Councilmember's request is not a sufficient reason to defer.

Mr. Patrick Kohane, area resident, stated he has met with other residents, the developer, Councilmember Loring and that he has always taken the stance to do what the residents want, and that River Trace Estates Homeowners association supports development.

Troy Heap stated there were several archeological sites in this area and one is a prehistoric Indian cemetery. He urged the developer to have archeological study done so that it can be taken into account.

Ms. Berdie Grodackie favor expressed concerns regarding traffic.

Mr. Randy Wright asked not to defer and asked for action today.

Ms. Connie Horton asked the Commission to approve today.

Mr. David Bauer expressed concerns regarding safety with the entrance onto Pennington Bend, amount of homes, and not being included in meetings. He asked for a deferral.

Mr. John A. Hobbs, asked for deferral and stated the only meeting he had heard about was two weeks ago and was a closed meeting with only River Trace residents invited.

Mr. Clifton stated a simple motion to defer is much more complex than one would expect. He stated he would like to hear the history.

Ms. Regen stated the applicant submitted the plat in July and deferred indefinitely. This applicant, working with staff, has made drastic changes. This new revision ties the River Trace development with this development.

Mr. McLean called for a vote on the deferral.

Mr. Clifton objected to vote at this point.

Vice Chairman Small called for a vote as to whether or not to vote on the deferral at this time. The vote unanimously failed and discussion continued.

Mr. Clifton asked what the Commission should be looking for at this time.

Mr. Bernhardt stated it is the standards, plat, roads, design in character of the area, and technical issues.

Mr. Clifton said that was what he suspected and that he was not in favor of a deferral.

Mr. Fox stated that under state law, and by the Commission's own rules, that if this item were not acted upon in 30 days it would be deemed approved. An improper deferral could be deemed approved.

Ms. Regen stated that when an item first appears on the agenda that clock start, and that in this case it would be today.

Vice Chairman Small stated there was a motion and second on the floor and called for the vote.

The motion to defer failed with Mr. Clifton, Mr. McLean, Ms. Oglesby, Mr. Cochran, Vice Chairman Small and Ms. Jones in opposition.

Vice Chairman Small stated the public hearing is now open.

Mr. Roy Dale, developer, presented the plan and stated they have hired archeologist because of the Indian concerns. He stated this development is below density that would be allowed by the ordinance.

Ms. Gail Stroud, adjacent property owner, stated no one has discussed this with her or her husband. All property owners are not in agreement and that she did know about the previous plan when Council voted. She asked if it could be deferred to give other property owners the opportunity to learn more about the development.

Mr. Hobbs expressed concerns regarding safety, traffic, parking, lot size, the distance from Barton Lane and the 2000 additional car trips per day.

Mr. Randy Wright, Vice President of Homeowners Association Board, stated the private meeting Mr. Hobbs referred to was the annual homeowners association meeting, this development would only produce 800 additional cars and asked for approval.

Mr. John Crow expressed concerns regarding safety and traffic, and stated the proposed traffic light will regulate the traffic.

Mr. Bill Carey agreed with Ms. Stroud's concerns regarding traffic.

Mr. White stated his applicant was not here for zoning restrictions, but for technical requirements, which have been met. He asked for approval.

Ms. Grodackie expressed concerns regarding safety because of the big trees blocking the sight distance. She stated she was in favor and was looking forward to using the facilities.

Mr. Joe Hobbs, Barton Lane homeowner, asked to hear from the traffic engineer.

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

Mr. McLean stated the archeological study should be added to the conditions.

Mr. Clifton stated he would like to hear from the Traffic Engineer.

Mr. Ali Afis, Traffic Engineer, stated the 300 foot requirement is in the subdivision regulations. The relocation of access to Pennington Bend is 150 feet from Barton Lane. If access is not allowed on Pennington Bend all the traffic will be routed through Riverbend Drive. Barton Lane only has 3 houses so the 300 foot requirement can be waived.

Ms. Oglesby asked about the variance on a road connection.

Mr. Dale stated that at the end of Paddle Wheel Drive a trailhead would be constructed.

Mr. McLean moved and Nielson seconded the motion, which carried unanimously, to approve staff recommendation of items 9 and 10 with addition of the condition an archeological study be required.

Resolution No. 2001-400

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-216G-14, is **DISAPPROVED (1-7) THE MOTION TO DEFER TWO MEETINGS AND LEAVE PUBLIC HEARING OPEN FAILED.**

Approved with conditions and amend conditions to include requirement that an archeological study be submitted with final plat and with ongoing construction with a variance to Section 2-6.2.1.H(2) for a 300 foot distance for a T-type intersection on a collector street.

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 18-86-P-14 is given **CONDITIONAL APPROVAL OF A REVISION TO THE PRELIMINARY PUD PLAN (8-0)**: The following conditions apply:

1. Prior to the issuance of any building permits, 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 PUD plan or final plat for Abbington Park, the applicant shall submit a signed application or letter from the President of the River Trace Estates Homeowner’s Association for the PUD revision.
3. The Planning Commission shall approve the preliminary plat for the Abbington Park Subdivision (2001S-216G-14), and a valid preliminary plat shall exist at the time the final PUD plan is submitted for review and approval for the roadway portion that crosses this section of the River Trace Estates PUD.
4. Prior to the issuance of any building permits, the requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met.
5. Prior to the issuance of any building permits, a final plat shall be recorded, including all necessary bonds for utilities and public improvements.”

Mr. Bernhardt stated that Ms. Regen and Mr. Wallace had determined there were no problems with item 8. 2001S-137U-03, Old Matthews Road Subdivision and that the Commission could now vote on it.

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

Resolution No. 2001-399

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-137U-03, is **APPROVED WITH A VARIANCE FOR SIDEWALKS (8-0).**”

FINAL PLAT SUBDIVISIONS

- 13. 2001S-058U-05**
L. M. Ezell, Resubdivision of Part of Lots 38
and 39Map 72-13, Parcel 264

Subarea 5 (1994)
District 7 (Campbell)

A request for final plat approval to subdivide part of two lots into two lots abutting the south margin of West Avenue, approximately 365 feet east of Cline Avenue (.37 acres), classified within the R6 and RM40 districts, requested by Woodbine Community Organization, Inc., owner/developer, Thornton and Associates, Inc., surveyor.

Ms. Regen stated staff recommends conditional approval subject to a variance for a sidewalk and a revised plat prior to recordation.

This request is for final plat approval to subdivide .37 acres containing part of two lots into two lots on West Avenue, east of Cline Lane. The applicant is proposing to dedicate 25 feet along West Avenue since this street narrows considerably. The Public Works Department has agreed to the applicant dedicating the right-of-way, but not improving it with either paving or a sidewalk. In addition, the applicant has shown a reservation of 5 feet of right-of-way along Douglas Avenue. This reservation must be shown as a dedication of right-of-way on a revised plat prior to recordation. Also, a note needs to be added to the plat indicating no access will be gained from Douglas Avenue to serve either of these two lots. Lot 2 is a flag-shaped lot with approximately 8 feet of frontage along Douglas Avenue. The property was originally configured with this strip of land.

A lot comparability analysis was performed on this proposed subdivision, and no variances are required. 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 5,227 square feet while the minimum lot frontage is 48.6 feet. Both lots meet or exceed these minimum requirements.

The applicant is also requesting a variance to the sidewalk requirement of Section 2-6.1 of the Subdivision Regulations. Although this proposed subdivision is within an established neighborhood, the Subdivision Regulations require sidewalks in infill situations. There are no sidewalks along West Avenue although sidewalks do exist along Cline and Douglas Avenues. In this case, however, staff feels that a variance is appropriate since there are no existing sidewalks along West Avenue and since Public Works is not requiring West Avenue in front of this property to be improved by the applicant.

Staff recommends conditional approval subject to a variance for sidewalks along West Avenue and submittal of a revised plat prior to recordation, a 5 foot dedication of right-of-way for Douglas Avenue, and a note indicating no access to these lots will be provided from Douglas Avenue.

No one was present to speak at the public hearing.

Ms. Nielson moved and Mr. Clifton seconded the motion, which carried with Mr. McLean abstaining, to close the public hearing and approve the following resolution:

Resolution No. 2001-401

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-058U-05, is **APPROVED WITH CONDITIONS AND A VARIANCE FOR SIDEWALK (8-0).**”

19. 2001S-200G-14
Stoners Bend Business Park,
Resubdivision of Lot 2Map 86, Parcel 15
Subarea 14 (1996)
District 12 (Ponder)

A request for a sidewalk variance along Stoners Bend Drive, approximately 191 feet northeast of Central Pike (1.4 acres), classified within the IWD district, requested by Cornwell and Rozwell, owner/developer, J. Franklin and Associates, surveyor.

Ms. Regen stated that after further study staff has changed their recommendation from disapproval to approval.

This request is for a sidewalk variance along Stoners Bend Drive. The Planning Commission conditionally approved on July 19, 2001 a final plat for a three lot subdivision subject to sidewalks along the road being shown prior to plat recordation. Since the final plat was approved, the applicant has decided not to construct the sidewalks. The applicant is not eligible to apply for the sidewalk in-lieu fee program administered by the Public Works Department. The Zoning Ordinance permits payment of a fee in-lieu of sidewalk construction where such sidewalk construction is currently programmed by Metro Government within an adopted capital improvements budget, and where the property fronts on an arterial or collector street. This business park fronts a local street, and therefore, is not eligible.

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

Resolution No. 2001-402

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-200G-14, is **APPROVED WITH A VARIANCE FOR SIDEWALKS (8-0).**”

Vice Chairman Small stated there had been several of these cases of sidewalk variances on this agenda and that was a concern to him.

Councilmember Ponder stated that in this case there is an emissions testing center on the road and nobody walks it.

19. 2001S-250U-10
Derryberry Property
Map 131-11, Parcel 86
Map 131-12, Parcel 98
Subarea 10 (1994)
District 33 (Turner)

A request for final plat approval to subdivide part of three lots into two lots abutting the south margin of Battery Lane and the east margin of Granny White Pike (5.29 acres), classified within the R40 district, requested by Harriette J. and Jack W. Derryberry, Jr., owners/developers, Dale and Associates, Inc., surveyor.

Ms. Regen stated staff recommends conditional approval subject to a revised plat prior to plat recordation for stream buffering and right-of-way dedication.

This request is for final plat approval to subdivide 5.29 acres containing part of three lots into two lots abutting the south margin of Battery Lane and the east margin of Granny White Pike by adjusting the lot line between lots 1 and 2. The lot lines today are as they were approved on a plat in 1923 called J. T. Jenkin's Home Tract. The existing structures on both lots will remain.

A stream traverses the rear portion of these lots. A revised plat shall need to be submitted prior to plat recordation showing the stream and a 25 foot buffer along both sides of the stream. The buffer is required for stormwater management. In addition, right-of-way dedications need to be shown on the plat for Battery Lane and Granny White Pike.

The applicant is also requesting a variance to the sidewalk requirement of Section 2-6.1 of the Subdivision Regulations. Although this proposed subdivision is within an established neighborhood, the Subdivision Regulations require sidewalks in infill situations. There are no sidewalks along Battery Lane or Granny White Pike. While there are no plans presently to widen these roadways within the adopted Capital Improvements Budget, given the volume of daily traffic on these roads, some widening is anticipated in the future. Therefore, constructing sidewalks today would not be advisable.

Staff recommends conditional approval subject to a variance for sidewalks along Battery Lane and Whites Creek Pike and submittal of a revised plat prior to plan recordation. The revised plat needs to show a 25 foot stream buffer, a 12 foot right-of-way dedication along Battery Lane, and a 11 foot right-of-way dedication along Granny White Pike.

This is a reservation of right of way, not a dedication.

No one present to speak at the public hearing.

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

Resolution No. 2001-403

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-250U-10, is **APPROVED WITH CONDITIONS AND A VARIANCE FOR SIDEWALKS (8-0).**”

OTHER BUSINESS

28. Legislative update

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

ADJOURNMENT

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

Chairman

Secretary

Minute Approval: This 13th day of September 2001

