

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: February 27, 2003
Time: 4:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Tonya Jones
James McLean
Ann Nielson
Councilmember John Summers
Joe Sweat, Mayor's Designee
Victor Tyler

Absent:

Douglas Small, Vice Chairman
Judy Cummings

Staff Present:

Richard C. Bernhardt, Executive Director
Kathryn Fuller, Planner 2
Ann Hammond, Assistant Executive Director/Planning
Marcus Hardison, Planner 1
David Kleinfelter, Planner 3
Robert Leeman, Planner 2
Preston Mitchell, Planner 2
Carolyn Perry, Administrative Assistant
Abby Scott, Planner 1
Chris Wooton, Planning Technician 1

Others Present:

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

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Staff announced the following changes to the agenda:

Approval of February 13, 2003 minutes will be scheduled for March 13, 2003.

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

RECOGNITION OF COUNCILMEMBERS

Councilman Charlie Tygard spoke regarding item 17. 2003S-043G-06, and stated this subdivision is serviced by a one-lane gravel road. This request is for the property owner to be able to build his own home there.

He stated he hopes the revision of item 21. 94P-025G-06, Bellevue Commercial PUD (Bank of Nashville) will solve volatile issues and that there are serious issues in that area.

Councilman Summers asked if this should go back as an amendment.

Councilman Tygard stated he doesn't want to delay bank being built.

Councilmember Tony Derryberry asked for indefinite deferral on item 8. 2003Z-026U-14, to hold community meetings.

He also spoke in favor of item 10. 2003Z-029U-13.

PUBLIC HEARING

OTHER BUSINESS:

1. Executive Director Report

Mr. Bernhardt thanked Rose French, reporter for The Tennessean, for her report on the Planning Commission's recommendations to Council.

4. Legislative Update

Councilmember Summers stated Jerry Fawcett has been working with Councilmembers on Institutional Overlay Districts.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS

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

3. 2002Z-110G-14, Deferred until March 13, 2003.
4. 2003P-003G-14, Tulip Grove Townhomes, Deferred until March 13, 2003.
7. 2003Z-022U-03, Deferred indefinitely.
8. 2003Z-026U-14, Deferred indefinitely, by request of Councilman Tony Derryberry.
27. 2003m-016u-13, deferred until March 13, 2003.

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

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

Note: Items on the Consent Agenda will be voted on at a single time. No individual public hearing will be held, nor will the Commission debate these items unless a member of the audience or the Commission requests that the item be removed from the Consent Agenda.

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

OTHER BUSINESS

- 2. Amendment to Contract Between the Metropolitan Government of Nashville and Davidson County and Multisystems, Inc., for the Preparation of a Regional Transit Development Plan.

Resolution No. 2003-59

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the amendment to Contract Between the Metropolitan Government of Nashville and Davidson County and Multisystems, Inc., for the Preparation of a Regional Transit Development Plan.”

**PUBLIC HEARING:
ZONING MAP AMENDMENTS**

- 6. **2003Z-011U-03**
Map 69, Part of Parcels 34, 35 and 100
Subarea 3 (1998)
District 2 (Black)

A request to change from RS15 district to CS district portions of properties at 3837 Clarksville Pike and 3848 and 3854 Abernathy Road, at the intersection of Clarksville Pike and Abernathy Road, (5.81 acres), requested by Gus Richards, owner.

Project No. Zone Change 2003Z-011U-03
Associated Case None
Council Bill Substitute Bill BL2003-1334
Staff Reviewer Hardison

Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST Rezone 5.78 acres from Residential Single-Family (RS10) to Commercial Services (CS) at 3837 Clarksville Pike and 3848 and 3854 Abernathy Road.

Existing Zoning

RS15 zoning RS15 zoning is intended for single-family homes at 2.47 units per acre.

Proposed Zoning

CS zoning CS is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

SUBAREA 3 PLAN POLICY

Retail Concentration

Community (RCC) RCC policy is intended to accommodate concentrations of community scale retail such as restaurants, retail, office, and financial uses.

Policy Conflict

None. The Subarea 3 Plan defines this area as RCC policy. The CS zoning will implement the intent of the RCC policy. The applicant is requesting this change in order to increase the size of parcel 36. The portions of parcels 34 and 100 will be consolidated into parcels 35 and 36.

The area of this rezoning has increased from the original request. This request will end the CS zoning at the same location as the rear portion of the Metro Fire Station across Abernathy Road from this property. Staff also recommends that the CS zone extend no further than this point. With any commercial development on this property the applicant will be required to provide a bufferyard to any adjacent residentially zoned property.

RECENT REZONINGS Yes. Metro Planning Commission approved rezoning a portion of parcels 34, 100 from RS15 to CS district (2003Z-011U-03). Metro Council referred the request back to the MPC to include a larger portion of parcel 100.

TRAFFIC Based on typical uses in CS districts, this proposed zoning would generate approximately 173 to 527 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings **No exception taken**

recommends approval with the following condition:

No additional access points on Abernathy Road other than the existing driveway on parcel 35.

Resolution No. 2003-60

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-011U-03 is **APPROVED (8-0) with conditions:**

The proposed CS district is consistent with the Subarea 3 Plan's Retail Concentration Community (RCC) policy, which is intended to accommodate concentrations of community scale retail such as restaurants, retail, office, and financial institutions. As a condition of this approval, no additional access points on Abernathy Road, other than the existing driveway on parcel 35, shall be permitted."

9. 2003Z-027U-13
Map 135, Parcel 393
Subarea 13 (1996)
District 13 (Derryberry)

A request to change from AR2a district to R20 district property at 2995 Ned Shelton Road, approximately 1,500 feet north of Smith Springs Road, (2.03 acres), requested by Billy F. Thomas, owner.

Project No. Zone Change 2003Z-027U-13
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 2.03 acres from Agricultural/Residential (AR2a) to Residential (R20) at 2995 Ned Shelton Road.

Existing Zoning

AR2a zoning AR2a zoning permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas.

Proposed Zoning

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

SUBAREA 13 PLAN POLICY

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

Policy Conflict The Subarea 13 Plan defines this area as RM policy. The proposed R20 district is below the density range of the RM policy. The surrounding properties are predominantly zoned R20 district. With the area having a characteristic of R20 density developments the proposed R20 district fits the zoning pattern and the character of the area.

RECENT REZONINGS None

TRAFFIC With R20 zoning the applicant would be allowed to construct four single-family dwellings or three single-family dwellings and one duplex. The proposed five units would generate approximately 48 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings **No exception taken**

SCHOOLS

Students Generated 1 Elementary 1 Middle 0 High School

Schools Over/Under Capacity **Students will attend Una Elementary School, Apollo Middle School, and Antioch High School. Una Elementary School, Apollo Middle School, and Antioch High School have been identified as being overcrowded by the Metro School Board.**

Resolution No. 2003-61

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-027U-13 is **APPROVED (8-0)**:

The proposed R20 district is consistent with the Subarea 13 Plan's Residential Medium (RM) policy calling for residential development at 4 to 9 dwelling units per acre. Although the R20 is below the density range of the RM policy, the surrounding properties are predominantly zoned R20. The proposed R20 is consistent with the surrounding zoning pattern."

11. 2003Z-031U-11
Council Bill No. BL2003-1323
Map 118-15, Parcel 16
Subarea 11 (1999)
District 33 (Turner)

A request to change from IWD district to CS district property at 100 Powell Place, abutting the south side of Powell Place, (2.18 acres), requested by Ed Freeman of The Freeman Group, applicant, for Shurgard-Freeman 100 Oaks, L.L.C.

Project No. Zone Change 2003Z-031U-11
Associated Case None
Council Bill BL2003-1323
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 2.18 acres from Industrial Warehouse/Distribution (IWD) to Commercial Services (CS) at 100 Powell Place.

Existing Zoning

IWD zoning IWD zoning is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

Proposed Zoning

CS Zoning CS zoning is intended for a wide range of commercial service related uses, including low-intensity manufacturing, self-service storage, auto-repair, vehicular sales, distributive business wholesale, retail, office, and restaurant.

SUBAREA 11 PLAN POLICY

Commercial Mixed

Concentration (CMC) CMC policy is intended for major concentrations of retail, offices, and medium density residential.

Policy Conflict None. The proposed CS zoning is consistent with the intent of the CMC policy. The Subarea 11 Plan discusses the CMC policy in this area as follows: "*CMC policy is applied to this area in response to the types of uses already there and those that are felt to be appropriate. The center has a blend of larger and smaller retail stores, small office and professional services, entertainment facilities, and support services, such as restaurants.*" The proposed CS zoning allows for all the uses listed above, and the CS zoning is the emerging zoning along Powell Avenue.

RECENT REZONINGS None

TRAFFIC Based on typical uses in CS districts this proposed zoning would generate approximately 580 to 1,235 vehicle trips per day (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings No exception taken

Resolution No. 2003-62

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-031U-11 is **APPROVED (8-0)**:

The proposed CS district is consistent with the Subarea 11 Plan's Commercial Mixed Concentration (CMC) policy intended for major concentrations of retail, offices, and medium density residential uses."

PRELIMINARY SUBDIVISION PLATS

12. 2003S-030G-14
Hickory Hills, Section 18
Map 76, Parcel 46
Subarea 14 (1996)
District 11 (Brown)

A request for preliminary plat approval for 11 lots abutting the northwest terminus of Leesa Ann Lane, approximately 210 feet northwest of Halifax Court (access from Wilson County), (9.73 acres), classified within the R10 district, requested by JCH Development Company, Inc., owner/developer, MEC, Inc., surveyor.

Project No. Subdivision 2003S-030G-14
Project Name **Hickory Hills, Section 18**
Associated Cases None
Staff Reviewer Fuller

Staff Recommendation *Approve with conditions and a variance to Section 2-6.2.1 of the Subdivision Regulations.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 9.73 acres into an 11-lot subdivision. This is part of a 300 acres subdivision with more than 1,000 single family and town house lots located mostly within Wilson County. Currently, this property can only be accessed from Wilson County roads.

ZONING **The R10 district requires a minimum lot size of 10,000 square feet.**

SUBDIVISION DETAILS The majority of this subdivision, and half of this particular phase of Hickory Hills Subdivision, is located within Wilson County. Water Services will be provided by the West Wilson Utility District and Sanitary Sewer Services will be provided by Metro.

Street Layout and Design Access to these 11 lots will be from the Wilson County side of Leesa Ann Lane.

Stormwater Management Committee A variance was granted on February 6, 2003, to allow the relocation of the unnamed blue line stream to the rear of lot 244. The buffer of the blue line stream was permitted to remain within the boundary of lot 244.

SUBDIVISION VARIANCES A four-part variance to Sections 2-6.2.1 (Street Design Standards) is being requested:

A “K value” of 11 for a vertical curve at a stop condition (half of the curve is located in Wilson County). Approximately 70 linear feet of roadway at a 15% grade. A portion of the roadway is within Wilson County and approved for 15% grade.

Use of extruded curb on the portions of the street within Davidson County.

Elimination of sidewalks within the portions of the streets within Davidson County.

Public Works Recommendation Public Works staff agreed to the applicant’s reasons for the variances for maximum grades, K value, elimination of sidewalk, and use of extruded curb. *The applicant has agreed to construct a Metro standard curb & gutter and sidewalks along Leesa Ann Lane fronting lots 243, 244, 245, and 246 so that any future construction on adjacent lots in Davidson County can tie in to existing curb and gutter.*

Planning Recommendation The Planning Staff is in agreement with the applicant’s variance request and the agreement to construct Metro curb and gutter and sidewalks on lots 244, 245 and 246 on Leesa Ann Lane as these are located in Davidson County and will serve as the “gateway” into Davidson County once the adjacent parcel to the west is developed and Leesa Ann Lane is connected to form a continuous street.

CONDITIONS

A revised preliminary plat shall be submitted by March 13, 2003, showing the required sidewalks on lots 244, 245 and 246.

Approval from the Stormwater Management Department must be received prior to the Planning Commission Meeting at which this item will be heard (February 27, 2003).

Both the Secretary of the Wilson County Planning Commission and the Secretary of the Metropolitan Planning Commission will sign the final plat prior to recording.

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

Resolution No. 2003-63

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-030G-14, is **APPROVED WITH CONDITIONS AND A VARIANCE FOR STREET STANDARDS (8-0)**.

Staff recommends approval subject to the following conditions:

- 1. A revised preliminary plat shall be submitted by March 13, 2003, showing the required sidewalks on lots 244, 245 and 246.**
- 2. Approval from the Stormwater Management Department must be received prior to the Planning Commission Meeting at which this item will be heard (February 27, 2003).**
- 3. Both the Secretary of the Wilson County Planning Commission and the Secretary of the Metropolitan Planning Commission will sign the final plat prior to recording.**

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

13. 2003S-046G-12

Second Addition to Indian Creek
Map 181, Parcel 37
Subarea 12 (1997)
District 31 (Knoch)

A request for preliminary plat approval for 41 lots located on the south margin of Culbertson Road, approximately 2,895 feet southwest of Old Hickory Boulevard, (15.76 acres), classified within the RS10 district, requested by Paul E. Johnson, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Project No. Subdivision 2003S-046G-12
Project Name Second Addition to Indian Creek
Associated Cases None

Staff Reviewer Fuller

Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 15.76 acres into a 41-lot cluster lot subdivision, at a proposed density of 2.6 dwelling units per acre.

ZONING RS10 district requiring minimum lot size of 10,000 square feet.

CLUSTER LOT OPTION The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS10 (minimum 10,000 sq. ft. lots) to RS5 (minimum 5,000 sq. ft. lots). The proposed lots range in size from 5,068 square feet to nearly 11,654 square feet.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant complies with this requirement by proposing a total of 6.4 acres (40.6%) of open space – which exceeds the minimum open space acreage required.

SUBDIVISION DETAILS

Critical Lots This particular property contains steep slopes, and is within the Mill Creek floodplain. There are 14 lots in this subdivision designated as critical lots due to steep topography or flood plain, requiring individual review and approval of the grading plans for each lot by the Metro Water Services Stormwater Management division, Public Works, and Metro Planning Department staffs prior to the issuance of building permits.

Greenway Easement The developer will dedicate the Mill Creek floodway on the property as a conservation/greenway public access trail easement area for the future Mill Creek greenway.

Access The access to this subdivision will be through future phases of Indian Creek Subdivision and Addition to Indian Creek to the east and Autumn Oaks Subdivision to the west. The streets in these subdivisions have not been platted to the boundary of this property. The development of this subdivision will be dependent on the platting of those streets.

Stormwater A possible water quality and detention pond may be located within the last 25’ feet of the 75’ foot dedication of the conservation/greenway public access trail easement area. Metro Parks is in agreement with this because the area will not be required for the greenway trail since the existing Culbertson Road is extended to become the trail. The Parks Department has required, however, a note that the Homeowner’s Association will be responsible for the maintenance of any water quality ponds that may be constructed within that area.

TRAFFIC

Traffic Engineer’s Findings **No exception taken**

CONDITIONS

There will be no access to Culbertson Road.

The developer will dedicate the Mill Creek floodway on the property as a public open space/conservation easement for the future Mill Creek greenway.

With the final plats for each phase, bonds will be needed for the extension of streets and sidewalks, and public utilities.

Resolution No. 2003-64

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-046G-12, is **APPROVED WITH CONDITIONS (8-0)**.”

Staff recommends approval subject to the following conditions:

1. There will be no access to Culbertson Road.

2. The developer will dedicate the Mill Creek floodway on the property as a public open space/conservation easement for the future Mill Creek greenway.
3. With the final plats for each phase, bonds will be needed for the extension of streets and sidewalks, and public utilities.”

FINAL PLATS

14. 2003S-001G-04
 Montague Falls, Resubdivision of Lots 3 and 4
 Map 52-9, Parcels 29 and 30
 Subarea 4 (1998)
 District 8 (Hart)

A request for final plat approval to reconfigure two lots abutting the southeast margin of Falls Avenue, approximately 240 feet northeast of East Palestine Avenue, (1.68 acres), classified within the RS10 district, requested by John C. and Marie F. Harford, owners/developers, Land Surveying, Inc., surveyor.

Project No. Subdivision 2003S-001G-04
Project Name Montague Falls, Resubdivision of Lots 3 & 4
Associated Cases None
Deferral Deferred from the 1-23-03 Planning Commission meeting in order to evaluate the potential requirement for a full Open Space Conservation Easement dedication.
Staff Reviewer Scott

Staff Recommendation *Approve with conditions, subject to a variance to Section 2-7.5 of the Subdivision Regulations requiring an Open Space Conservation Easement.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Revise two lots by shifting the lot line between them.

ZONING **The R10 district requires a minimum lot size of 10,000 square feet.**

PLAN DETAILS The purpose of this resubdivision is to adjust a lot line so that a sidewalk and HVAC pad will be located on the same lot as the house and not encroach upon the adjacent lot. No new development rights were created with this subdivision.

This property lies within the floodplain of the Cumberland River and is contiguous to a greenway as indicated on the Countywide Greenways Plan.

SUBDIVISION VARIANCES

Conservation Easements

(Section 2-7.5) The applicant is seeking a subdivision variance for the Open Space Conservation Easement.

The subdivision regulations require a greenway easement with a minimum width of 75 feet, measured from the edge of the floodway. Currently, a house is located within the required easement area on lot four and a pool and greenhouse are located within the required easement area on lot three. With these existing uses, adding a greenway easement at this time is not possible.

Because this request is for a minor shift of an existing lot line and no new development rights are being created, staff supports the applicant’s request for a variance to the Open Space Conservation Easement.

TRAFFIC ENGINEER’S

FINDINGS No exception taken

CONDITIONS Prior to recordation of a final plat, the following conditions must be completed:
The names of adjacent property owners and corresponding plat book and page numbers must be included on the plat.
NES approval is needed.
Revise the plat to show the councilmanic district as 8, not 4.
Stormwater approval must be obtained before recordation.
Signatures from both property owners are required.
Madison Suburban Utility District approval is needed.

Resolution No. 2003-65

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-001G-04, is **APPROVED WITH CONDITIONS AND A VARIANCE FOR AN OPEN SPACE CONSERVATION/GREENWAY EASEMENT (8-0)**.

Staff recommends approval subject to the following conditions:
The names of adjacent property owners and corresponding plat book and page numbers must be included on the plat.
NES approval is needed.
Revise the plat to show the councilmanic district as 8, not 4.
Stormwater approval must be obtained before recordation.
Signatures from both property owners are required.
Madison Suburban Utility District approval is needed.”

15. 2003S-038U-05
McGaughey’s 2nd Haysboro Subdivision,
Block 1, Revision of Lots 4 and 5
Map 61-8, Parcels 154 and 155
Subarea 5 (1994)
District 8 (Hart)

A request for final plat approval to reconfigure two lots abutting the southwest margin of Brush Hill Road, approximately 100 feet southeast of Log Cabin Road, (1.37 acres), classified within the RS20 district, requested by Frank Watrous, Jr., owner/developer, Cantrell-Kemp, LLC, surveyor.

Project No. Subdivision 2003S-038U-05
Project Name McGauhey’s 2nd Haysboro Subdivision, Block 1, Revision of Lot 4 and 5
Associated Cases None
Staff Reviewer Fuller

Staff Recommendation *Approve with conditions and a variance to Section 2.4-2.A*

APPLICANT REQUEST
 Preliminary Plat Preliminary & Final Plat Final Plat

Revise the property line between lots 4 and 5 to clear a house encroachment on lot 5.

ZONING **The RS20 district requires a minimum lot size of 20,000 square feet.**

SUBDIVISION VARIANCES

Frontage (Section 2.4-2.A) The new lot configuration causes lot 4 to fail lot comparability. The minimum lot frontage permitted by the comparability test would be 83 feet. Lot 4 has 70 feet of frontage.

Staff recommends approval of the variance. Both lots are already developed and this change will not affect the development pattern of the area.

CONDITIONS Subject to a revised plat prior to recordation showing the following:

A 20' by 20' Public Sanitary Sewer Easement needs to be shown around the manhole at the rear of lot 5 and beside it a 12' private sanitary sewer easement needs to be provided for Lot 4 (Parcel 155).

Resolution No. 2003-66

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-038U-05, is **APPROVED WITH CONDITIONS AND A VARIANCE FOR LOT COMPARABILITY (8-0)**.

Staff recommends approval subject to the following condition:
Prior to recordation, a 20' by 20' Public Sanitary Sewer Easement needs to be shown around the manhole at the rear of lot 5 and beside it a 12' private sanitary sewer easement needs to be provided for Lot 4 (Parcel 155).”

16. 2003S-039G-10

Middleton, 3rd Revision, Resubdivision of Reserve Parcel
Map 157-8-A
Subarea 10 (1994)
District 34 (Williams)

A request for final plat approval to create two lots abutting the south margins of Middleton Circle and Chatham Court, (2.03 acres), classified within the R40 Residential Planned Unit Development District, requested by Sallie R. Hicks, owner/developer, Dale and Associates, Inc., surveyor.

Project No. Subdivision 2003S-039G-10
Project Name Middleton, Third Revision, Resubdivision of Reserve Parcel
Associated Cases None
Staff Reviewer Fuller

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Create two lots from an existing reserve parcel.

ZONING **The R40 district requires a minimum lot size of 40,000 square feet within a Planned Unit Development. This request is consistent with approved.**

SUBDIVISION DETAILS The majority of these two lots are located in Williamson County, however, Williamson County has agreed to the recording of these lots in Davidson County and forfeiting the property taxes that would be generated by these lots. Official documentation has been received from the Williamson County Attorney that Williamson County has no objection to the subdivision or forfeiting the property taxes generated.

CONDITIONS **A revised final plat needs to be submitted prior to recording showing the following:**

Subdivision Number 2003S-039G-10
Parcel number 52 on lot 1 and Parcel number 53 on lot 2.

Resolution No. 2003-67

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-039G-10, is **APPROVED WITH CONDITIONS (8-0)**.

A revised final plat needs to be submitted prior to recording showing the following:
Subdivision Number 2003S-039G-10.
Parcel number 52 on lot 1 and Parcel number 53 on lot 2.”

PLANNED UNIT DEVELOPMENTS (revisions) AND URBAN DESIGN OVERLAYS

18. 199-83-U-05
Ellington View Apartments
Map 61, Parcel 86
Subarea 5 (1994)
District 4 (Majors)

A request to revise a portion of the Residential Planned Unit Development located abutting the south terminus of Lemont Drive, west of Ellington Parkway, classified RM9, (10 acres), to permit 32 multi-family units to replace the undeveloped 114 multi-family, requested by Gresham-Smith and Partners, for Woodbine Community Organization, owner.

Project No. Planned Unit Development 199-83-U-05
Project Name Ellington View Residential PUD
(Formerly Cobblestone Corner PUD)
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD **Amend PUD** **Cancel PUD**

Request to revise the preliminary Residential Planned Unit Development to allow for the development of 32 apartment units on approximately 10 acres, replacing the previously-approved plan which allowed for 114 apartment units. Total number of units for the entire PUD will now be 128. The property is located along the east side of Ellington Parkway, north of Ben Allen Road.

PLAN DETAILS The proposed plan does a better job than the previously approved plan of preserving the environmentally sensitive hillsides that exceed 15% slope. Aside from the reduction in number of units, the revised plan proposes a 5,000 square-foot community building that is accessible by a seamless network of internal sidewalks and appropriate crosswalks.

Although a portion of the proposed development encroaches into a Ewing Creek drainage basin, which services the existing Cobblestone Corners Apartments as well as the Poplar Glen Subdivision, the applicant has received conditional approval from Metro Water Services and is aware that new water quality requirements must be met in addition to existing quantity requirements. Ingress and egress to the site is provided via direct access off Lemont Drive and off Ben Allen Road through the Cobblestone Corners Apartments.

TRAFFIC ENGINEER'S FINDINGS No exception taken

CONDITIONS

A final plat needs to be recorded prior to the issuance of any building permits. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of preliminary approval of this proposal to the Planning Commission.

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.

Resolution No. 2003-68

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 199-83-U-05 is **APPROVED WITH CONDITIONS (8-0)**. The following conditions apply:

1. A final plat needs to be recorded prior to the issuance of any building permits.
2. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
3. 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.”

19. 53-84-U-12
Swiss Ridge Apartments
Map 161, Part of Parcel 93
Subarea 12 (1997)
District 31 (Knoch)

A request to revise a portion of the preliminary plan and for final approval for a phase of the Residential Planned Unit Development located abutting the east margin of Swiss Avenue, west of Nolensville Pike, classified RM15, (17.96 acres), to permit the redesign of an undeveloped phase to permit the development of 128 multi-family units in six buildings to replace 128 units in 16 buildings, and for final approval for 84 multi-family units in the first phase, requested by Ragan-Smith Associates, for Swiss Ridge LP/ Murphy Development, owner.

Project No. Planned Unit Development 53-84-U-12
Project Name Swiss Ridge Apartments
Council Bill None
Associated Case None
Staff Reviewer Leeman

Staff Recommendation *Approve with conditions, including the installation of a sidewalk along Swiss Avenue. Staff recommends a variance to vary the width of the required 4-foot grass strip where necessary.*

APPLICANT REQUEST
 Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD **Amend PUD** **Cancel PUD**

This request is to revise a portion of the preliminary PUD plan to permit the development of 128 multi-family units in six buildings, replacing the plan approved for 128 units in 16 buildings. This plan also includes a pool and clubhouse. The applicant has requested a variance to the required sidewalk along Swiss Avenue due to the steep topography in the area. This application includes a request for final PUD approval to permit the development of 84 multi-family units in four buildings in the first phase.

PLAN DETAILS The proposed plan redesigns the layout of a portion of the residential PUD to minimize the amount of grading in an area with up to 20% slopes. Although the plan does not change the number of units, it does consolidate 128 units into six buildings of two and three stories, replacing the plan that had 128 units in 16 buildings. The consolidation of units reduces the area within the site to be graded.

Sidewalks
(Section 2-6.1 of Subdivision Regulations and Section 17.20.120 of the Zoning Code) Section 2-6.1 of the Subdivision Regulations and Section 17.20.120 of the Zoning Code requires a 5-foot wide public sidewalk and a 4-foot wide grass strip along the frontage of the property.

The applicant has requested a variance to the sidewalk regulations since there are no existing sidewalks in the area and since the applicant believes sidewalks would require construction of a 20-foot tall retaining

wall at some locations. The Planning Commission will make a recommendation to the Board of Zoning Appeals (BZA) on the sidewalk variance.

VARIANCES The applicant is requesting a variance for a 1,400-foot long portion of sidewalk along Swiss Avenue. The applicant has indicated that the steep topography along the east side of Swiss Avenue makes it impractical to construct sidewalks. Swiss Avenue is between 790 feet in elevation, at the south end of the property, and 730 feet in elevation, at the north end of the property. The applicant believes that the elevation change between Swiss Avenue and where the sidewalk would be constructed would require extensive construction, including retaining walls and guardrails since there is over a 30-foot drop-off at some portion of the site.

Staff Recommendation Disapprove sidewalk variance. After inspecting the site, there appears to be sufficient room for a standard sidewalk to be constructed along the east side of Swiss Avenue (4-foot grass strip and 5 foot wide sidewalk). Staff recommends disapproval of the sidewalk variance along Swiss Avenue since there is a relatively flat area adjacent to the road. Metro Public Works has also inspected the site and indicated that a standard sidewalk can be constructed at this location without major construction or retaining wall.

**TRAFFIC ENGINEER'S
FINDINGS/ CONDITIONS**

Approve subject to the following conditions:

Prior to the recording of a final plat for any phase, a bond shall be posted for a traffic signal at the intersection of Old Hickory Boulevard and Zermatt Avenue, as per an agreement between the Metro Traffic Engineer and the applicant. The traffic signal shall be installed prior to the issuance of any Use and Occupancy permits for any phase. No right turn lane will be required with the installation of the traffic signal.

In conjunction with any final plat, construction details showing an improved turning radius at the southwest corner of Old Hickory Boulevard and Zermatt Avenue shall be submitted for review and approval by the Planning Commission and Public Works Department. The turning radius shall be designed in accordance with the Metro Traffic Engineer's requirements.

Prior to the issuance of any Use and Occupancy permits for the 41st unit/lot, Zermatt Avenue shall be widened and striped to include one southbound entering lane and two northbound exiting lanes. The northbound lanes shall include a minimum of 150 feet of storage with a transition to AASHTO standards. Plans detailing these improvements shall be submitted to the Planning Commission in conjunction with final PUD plans for the first phase.

Prior to the issuance of any Use and Occupancy permits for the 51st unit/lot, Swiss Avenue shall be striped to include one westbound entering lane and two eastbound exiting lanes. The eastbound exiting lanes shall be striped as separate left and right turn lanes with a minimum of 100 feet of storage with a transition to AASHTO standards. Plans detailing these improvements shall be submitted to the Planning Commission in conjunction with final PUD plans for the first phase.

As per an agreement between the applicant and the Metro Traffic Engineer, a bond shall be established with the plat that includes the 51st unit/lot for a possible traffic signal at the intersection of Nolensville Pike/Swiss Avenue. The bond shall remain in place for three years there after. If the applicant and Public Works agree that the signal is not warranted after that three year time period, the bond may be released and the developer will be relieved of any obligation to install the signal.

Prior to the issuance of a Use and Occupancy permit for any phase, a separate right-turn lane shall be constructed on Nolensville Pike at Swiss Avenue, including 75 feet of storage with a transition to AASHTO standards. Construction plans shall be submitted in conjunction with the final PUD plans for the first phase of development.

Prior to the issuance of any building permits, a final plat must to be recorded including any bonds for necessary for public improvements.

The final PUD plan must be revised to include a standard sidewalk along the frontage of the property on Swiss Avenue, including construction drawings, unless the BZA recommends approval of the sidewalk variance. The 4-foot grass strip may vary in width where necessary.

Resolution No. 2003-69

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 53-84-U-12 is **APPROVED WITH CONDITIONS INCLUDING A SIDEWALK VARIANCE AND A CONDITION THAT A SIDEWALK IS TO BE CONSTRUCTED ON SWISS AVENUE FROM NOLENSVILLE PIKE TO THE PROPERTY ON BOTH SIDES OF SWISS AVENUE (8-0)**.The following conditions apply:

1. Prior to the recording of a final plat for any phase, a bond shall be posted for a traffic signal at the intersection of Old Hickory Boulevard and Zermatt Avenue, as per an agreement between the Metro Traffic Engineer and the applicant. The traffic signal shall be installed prior to the issuance of any Use and Occupancy permits for any phase. No right turn lane will be required with the installation of the traffic signal.
2. In conjunction with any final plat, construction details showing an improved turning radius at the southwest corner of Old Hickory Boulevard and Zermatt Avenue shall be submitted for review and approval by the Planning Commission and Public Works Department. The turning radius shall be designed in accordance with the Metro Traffic Engineer’s requirements.
3. Prior to the issuance of any Use and Occupancy permits for the 41st unit/lot, Zermatt Avenue shall be widened and striped to include one southbound entering lane and two northbound exiting lanes. The northbound lanes shall include a minimum of 150 feet of storage with a transition to AASHTO standards. Plans detailing these improvements shall be submitted to the Planning Commission in conjunction with final PUD plans for the first phase.
4. Prior to the issuance of any Use and Occupancy permits for the 51st unit/lot, Swiss Avenue shall be striped to include one westbound entering lane and two eastbound exiting lanes. The eastbound exiting lanes shall be striped as separate left and right turn lanes with a minimum of 100 feet of storage with a transition to AASHTO standards. Plans detailing these improvements shall be submitted to the Planning Commission in conjunction with final PUD plans for the first phase.
5. As per an agreement between the applicant and the Metro Traffic Engineer, a bond shall be established with the plat that includes the 51st unit/lot for a possible traffic signal at the intersection of Nolensville Pike/Swiss Avenue. The bond shall remain in place for three years there after. If the applicant and Public Works agree that the signal is not warranted after that three year time period, the bond may be released and the developer will be relieved of any obligation to install the signal.
6. Prior to the issuance of a Use and Occupancy permit for any phase, a separate right-turn lane shall be constructed on Nolensville Pike at Swiss Avenue, including 75 feet of storage with a transition to AASHTO standards. Construction plans shall be submitted in conjunction with the final PUD plans for the first phase of development.
7. Prior to the issuance of any building permits, a final plat must be recorded including any bonds for necessary for public improvements.
8. ~~The final PUD plan must be revised to include a standard sidewalk along the frontage of the property on Swiss Avenue, including construction drawings, unless the BZA recommends approval of the sidewalk variance. The 4 foot grass strip may vary in width where necessary.”~~
8. The developer shall construct a sidewalk along the north side of Swiss Avenue, from the end of the existing sidewalk proceeding from Nolensville Rd. approximately 820 feet to the entrance of the existing multifamily complex as shown on the attached image. This sidewalk is to replace all previous sidewalk requirements along Swiss Avenue and shall be completed by November 1, 2008. **Amended by MPC on May 8, 2008, see Agenda Item #11**

20. 98-85-P-14
Woodland Point, Phase 8
Map 121, Parcel 104
Subarea 14 (1996)
District 13 (Derryberry)

A request for a revision to the preliminary plan for Phase 8 the Residential Planned Unit Development located abutting the east margin of Bell Road at Woodland Pointe, classified RM9, (4.89 acres), to permit the development of 54 condominium units replacing the undeveloped 55 condominium units and a realign the current entry drive, requested by Land-Design, for James Carbine, Trustee.

Project No. Planned Unit Development 98-85-P-14
Project Name Woodland Point, Phase 8
Council Bill None
Associated Case None
Staff Reviewer Leeman

Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD **Amend PUD** **Cancel PUD**

This request is for final PUD approval for Phase 8 of the Residential PUD district to permit the redesign of the layout for 54 condominium units, replacing 55 condominium units on the approved plan. The plan also relocates an unbuilt driveway onto Woodland Point Drive.

PLAN DETAILS The proposed plan is consistent with the approved overall master development plan calling for multi-family development in Phase Eight, while this revision only makes minor changes to the layout of this phase of the development. The preliminary PUD plan is currently approved for 741 total units in 11 phases, including 55 multi-family units in Phase Eight, 468 multi-family units in other phases and 218 single-family lots. The current proposal reduces the overall number of units to 740.

TRAFFIC ENGINEER'S FINDINGS No exceptions taken

CONDITIONS

Prior to the issuance of any building permits, 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 and Water Services.
Prior to the issuance of any Use and Occupancy permits for any unit in Phase 8, a traffic signal study must be completed by a certified traffic engineer. If the study shows that a traffic signal is warranted, the signal must be installed at the entrance to the PUD at Bell Road by the developer prior to the Use and Occupancy permit for the 20 unit in Phase 8.
Prior to the issuance of any Use and Occupancy permits, the three-lane cross-section between Pleasant Hill Road and the site entrance shall be constructed by the developer, and inspected and accepted by the Metro Public Works Department, as required by the Traffic Impact Study. This cross-section shall include the following turning lanes:
A northbound left-turn lane on Bell Road onto Pleasant Hill Road with 200 feet of storage and a transition of 150 feet.

Resolution No. 2003-70

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 98-85-P-14 is **APPROVED WITH CONDITIONS (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, 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 and Water Services.
2. Prior to the issuance of any Use and Occupancy permits for any unit in Phase 8, a traffic signal study must be completed by a certified traffic engineer. If the study shows that a traffic signal is warranted, the signal must be installed at the entrance to the PUD at Bell Road by the developer prior to the Use and Occupancy permit for the 20 unit in Phase 8.
3. Prior to the issuance of any Use and Occupancy permits, the three-lane cross-section between Pleasant Hill Road and the site entrance shall be constructed by the developer, and inspected and accepted by the Metro Public Works Department, as required by the Traffic Impact Study. This cross-section shall include the following turning lanes:
 - a. A northbound left-turn lane on Bell Road onto Pleasant Hill Road with 200 feet of storage and a transition of 150 feet.”

21. 94P-025G-06

Bellevue Commercial PUD (Bank of Nashville)
Map 142, Parcels 29.01, 29.02, 29.03 and 252
Subarea 6 (2003)
District 35 (Tygard)

A request to revise a portion of the Commercial Planned Unit Development located abutting the south margin of Highway 70 and the east margin of Sawyer Brown Road, classified ON, (3.5 acres), to permit a 3,896 square foot bank with a temporary right in right out access to Highway 70 to replace an undeveloped 5,000 square foot bank, requested by Littlejohn Engineering, for Elvis L. Wallace and Sarah Jones Risdahl, owners.

Project No. Planned Unit Development 94P-025G-06
Project Name Highway 70S Joint Venture Commercial PUD (Bellevue Commercial PUD)
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD **Amend PUD** **Cancel PUD**

Request to revise the preliminary master plan of the commercial portion of the PUD and final PUD approval, to allow for the development of a 3,896 square-foot bank with the possibility to expand the bank to 5,000 square feet. This application replaces the previously-approved plan, which allows for a 5,000 square-foot bank with a drive-through facility facing Sawyer Brown Road. The new plan not only reduces the initial size of the bank, but also reverses the drive-through facility to the east side of the building. The property is located at the intersection of Sawyer Brown Road and Highway 70S. The 15,000 square-foot Office/Medical building planned further east of the bank is not affected by this preliminary PUD revision and is not a part of the final PUD approval request.

PLAN DETAILS The previously-approved plan, dated December 7, 1994, allowed for the development of the 5,000 square-foot bank with one point of ingress/egress onto Sawyer Brown Road and a joint-access agreement that would allow for ingress/egress onto Highway 70S via the Office/Medical site. This request does not affect the joint access agreement between parties and still proposes the access point onto Sawyer Brown Road; however, the applicant is requesting a temporary access point onto Highway 70S from the northeast corner of the bank site.

The Office/Medical site is included on this revision plan because of a future 20-foot Sanitary Sewer Easement that will ultimately service both sites. The easement was previously approved with the 1994 plan and is only revised on the bank site to take a southward turn sooner than previously intended.

The bank site provides adequate parking for the proposed use, provides a seamless pedestrian connection from the internal sidewalk system to the external sidewalks, and locates all garbage facilities to the rear of the site and away from view from the adjacent rights-of-way. Sidewalks are provided along Sawyer Brown Road as well as Highway 70S.

TRAFFIC ENGINEER'S

FINDINGS No exception taken

Temporary Access to Hwy. 70S The plan proposes a temporary access point onto Highway 70S until at such time the Office/Medical site is constructed immediately east of the bank site. The previously approved plan approved a joint access agreement between the Office/Medical site and the bank site to minimize the number of curb cuts onto the abutting roadways, but still providing access to either roadway

from either site. The bank is requesting temporary access onto Highway 70S to provide a better flow of traffic in and out of the site until the adjacent building is constructed.

There is no turn lane on Sawyer Brown Road adjacent to the Sawyer Brown access point – in fact; southbound traffic on Sawyer Brown Road turning left into the bank must queue within the travel lane because any center turn lane becomes a double left-turn lane for traffic traveling north on Sawyer Brown Road. Although the temporary access point is relatively close in proximity to the intersection of Sawyer Brown Road and Highway 70S, the distance meets minimum Public Works’ standards.

Since an adequate center turn lane exists on Highway 70S, staff concurs with Public Works that a left-in, right-in, and right-out movement with the temporary access point provides better traffic circulation than requiring all traffic to queue on southbound Sawyer Brown Road within the travel lane. A stipulation to this allowance is that the applicant must provide clearly marked signage that prohibits a left turn out of the temporary access point. In addition, the applicant is required to comply with Section 17.20.170(D)(4) of the Metro Zoning Code, which states that the property owner shall enter into a written agreement with the Metropolitan Government, recorded in the public records of Metropolitan Nashville and Davidson County and running with the land, that existing driveways shall be closed and eliminated after the construction of both sides of a joint use driveway.

CONDITIONS

An expansion of the 3,896 square-foot bank to the maximum square-footage of 5,000 square feet must receive final PUD approval by the Metro Planning Commission.

Signage approved by Metro Public Works must be placed adjacent to the temporary access point that prohibits a left-turn movement onto Highway 70S.

Pursuant to Section 17.20.170 (D) (4) of the Metro Zoning Code, the property owner shall enter into a written agreement with the Metropolitan Government, recorded in the public records of the Metropolitan Nashville and Davidson County and running with the land, that the temporary access driveway shall be closed and eliminated after the construction of both sides of the joint use driveway with the Office/Medical building.

A final plat needs to be recorded before the issuance of any building permits.

Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of final approval of this proposal to the Planning Commission.

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.

The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.

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.

Resolution No. 2003-71

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-025G-06 is **APPROVED WITH CONDITIONS (8-0)**. The following conditions apply:

1. An expansion of the 3,896 square-foot bank to the maximum square-footage of 5,000 square feet must receive final PUD approval by the Metro Planning Commission.
2. Signage approved by Metro Public Works must be placed adjacent to the temporary access point that prohibits a left-turn movement onto Highway 70S.
3. Pursuant to Section 17.20.170 (D) (4) of the Metro Zoning Code, the property owner shall enter into a written agreement with the Metropolitan Government, recorded in the public records of the Metropolitan Nashville and Davidson County and running with the land, that the temporary access

- driveway shall be closed and eliminated after the construction of both sides of the joint use driveway with the Office/Medical building.
4. A final plat needs to be recorded before the issuance of any building permits.
 5. Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of final approval of this proposal to the Planning Commission.
 6. 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.
 7. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before 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.
 9. 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."

22. 2001UD-001G-12
 Lenox Village, Phase B
 Map 172, Part of Parcel 89
 Subarea 12 (1997)
 District 31 (Knoch)

A request for final plan approval for a phase of the urban design overlay district located on the east margin of Nolensville Pike, opposite Bradford Hills Drive, classified RM9, to permit the development of 35 townhouses and 12 single-family lots, requested by Anderson-Delk & Associates, Inc., for Lenox Village I, LLC, owner.

Project No. Urban Design Overlay Proposal 2001UD-001G-12 Lenox Village Phases B and E
Council Bill N/A
Associated Cases None
Reviewer Fawcett

Staff Recommendation *Approve Phase B; defer indefinitely Phase E. Phase B is consistent with the UDO design concept plan. Phase E is being redesigned to address slope and street connection issues.*

APPLICANT REQUEST Approval of final construction plans for Phases B and E.
Current Zoning
 RM9 zoning with a UDO Mixed housing type residential development in accordance with a design concept plan and design guidelines.

SUBAREA 12 PLAN POLICY

Residential Medium (RM) RM policy calls for 4 to 9 dwelling units per acre.

Policy Conflict None. The RM9 zoning and UDO are consistent with the RM policy

RECENT REZONINGS None

TRAFFIC

Traffic Study Submitted No – none required.

Metro Traffic Engineer's

Findings Approve subject to the following issues being resolved prior to the Planning Commission meeting:

All roads should be classified as minor local, local, etc. by the engineer. All alleys should be labeled as private or public.

All public alleys shall be constructed to meet Metro standard ST-263 (20-ft ROW and 18-ft pavement section). Currently alleys are showing 20-ft ROW and 17-ft pavement section. It would be desirable to have any private alleys meet the same specification to facilitate any future dedication for public use.

The rate of vertical curvature ($K = 23.84$) at the sag curve on Porterhouse Drive at STA 12+00.00 does not meet the minimum AASHTO specification of 37 as required for a local road with a 30 mph design speed.

The rate of vertical curvature ($K = 25.06$) at the sag curve on Sunnywood Drive at STA 6+83.50 does not meet the minimum AASHTO specification of 37 as required for a local road with a 30 mph design speed.

The typical cross section for Gauphin Place does not meet the minimum specifications for either a residential low-density minor local street or local street (ST-251). A minimum 23-ft pavement section is necessary. ROW would need to be modified accordingly.

St. Darasus Drive fails to meet the required 100-ft tangent between reverse curves at STA 5+54 and STA 5+85 for non-super elevated local roads.

Public Works recommends the use of Metro standard curb & gutter in lieu of mountable curb throughout the project.

The rate of vertical curvature ($K = 18.83$) at the sag curve on St. Darasus Drive at STA 1+25.00 does not meet the minimum AASHTO specification of 37 as required for a local road with a 30 mph design speed.

The rate of vertical curvature ($K = 35.77$) at the sag curve on St. Darasus Drive at STA 2+77.16 does not meet the minimum AASHTO specification of 37 as required for a local road with a 30 mph design speed.

The rate of vertical curvature ($K = 35.31$) at the sag curve on St. Darasus Drive at STA 9+00.00 does not meet the minimum AASHTO specification of 37 as required for a local road with a 30 mph design speed.

Resolution No. 2003-72

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001UD-001G-12 is **APPROVED WITH CONDITIONS, INCLUDING A CONDITION THAT THE CURB RADII STANDARDS WILL BE RECONCILED WITH PUBLIC WORKS PRIOR TO FINAL PLAT RECORDATION (8-0).**

Approve subject to the following issues being resolved prior to the Planning Commission meeting:

1. All roads should be classified as minor local, local, etc. by the engineer. All alleys should be labeled as private or public.
2. All public alleys shall be constructed to meet Metro standard ST-263 (20-ft ROW and 18-ft pavement section). Currently alleys are showing 20-ft ROW and 17-ft pavement section. It would be desirable to have any private alleys meet the same specification to facilitate any future dedication for public use.
3. The rate of vertical curvature ($K = 23.84$) at the sag curve on Porterhouse Drive at STA 12+00.00 does not meet the minimum AASHTO specification of 37 as required for a local road with a 30 mph design speed.
4. The rate of vertical curvature ($K = 25.06$) at the sag curve on Sunnywood Drive at STA 6+83.50 does not meet the minimum AASHTO specification of 37 as required for a local road with a 30 mph design speed.
5. The typical cross section for Gauphin Place does not meet the minimum specifications for either a residential low-density minor local street or local street (ST-251). A minimum 23-ft pavement section is necessary. ROW would need to be modified accordingly.
6. St. Darasus Drive fails to meet the required 100-ft tangent between reverse curves at STA 5+54 and STA 5+85 for non-super elevated local roads.

7. Public Works recommends the use of Metro standard curb & gutter in lieu of mountable curb throughout the project.
8. The rate of vertical curvature ($K = 18.83$) at the sag curve on St. Darasus Drive at STA 1+25.00 does not meet the minimum AASHTO specification of 37 as required for a local road with a 30 mph design speed.
9. The rate of vertical curvature ($K = 35.77$) at the sag curve on St. Darasus Drive at STA 2+77.16 does not meet the minimum AASHTO specification of 37 as required for a local road with a 30 mph design speed.
10. The rate of vertical curvature ($K = 35.31$) at the sag curve on St. Darasus Drive at STA 9+00.00 does not meet the minimum AASHTO specification of 37 as required for a local road with a 30 mph design speed.
11. The curb radii standards must be reconciled with Metro Public Works prior to final plat recordation.”

MANDATORY REFERRALS

23. 2003M-022U-08
 Lena Street Partial Right-of-Way Closure
 Map 92-6, Parcels 530 and 531
 Subarea 8 (2002)
 District 21 (Whitmore)

A request to close a 10-foot by 30-foot (300 square feet) section of Lena Street fronting Map 92-6, Parcel 531 since this surplus right-of-way was obtained when the streets were being improved, requested by Leslie Shechter, attorney, for Magdalene, Inc., property owner. (Easements to be retained)

Project No. Mandatory Referral 2003M-022U-08
Project Name Lena Street Partial Right-of-Way Closure
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Disapprove*

APPLICANT REQUEST A request to close a 10-foot by 30-foot (300 square feet) section of Lena Street fronting Map 92-6, Parcel 531 since this surplus right-of-way was obtained when the streets were being improved.

(Easements to be retained)

APPLICATION REQUIREMENTS
Application properly completed and signed? Yes

Abutting property owners sign application? N/A

DEPARTMENT AND AGENCY

RECOMMENDATIONS Metro Public Works Department recommended disapproval of this request because this portion of right-of-way was purchased for future roadway widening.

Resolution No. 2003-73

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-022U-08 is **APPROVED (8-0)**:"

24. 2003M-023U-08

Buena Vista Elementary Easement Abandonment
Map 81-12, Parcel 300
Subarea 8 (2002)
District 20 (Haddox)

A request for easement and sewer line abandonment for Project No. 02-SL-175, Buena Vista Elementary School Addition, in which a manhole will be installed over an existing 10-inch sewer line to establish separation of public and private lines, property located at 1531 9th Avenue North, as requested by the Metro Department of Water & Sewerage Services.

Project No. Mandatory Referral 2003M-023U-08
Project Name Buena Vista Elementary Easement Abandonment
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request for easement and sewer line abandonment for Project No. 02-SL-175, Buena Vista Elementary School Addition, in which a manhole will be installed over an existing 10-inch sewer line to establish separation of public and private lines, property located at 1531 9th Avenue North.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY RECOMMENDATIONS None

RECOMMENDATION All reviewing departments or agencies recommend approval.

Resolution No. 2003-74

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-023U-08 is **APPROVED (8-0)**:"

25. 2003M-024U-05

MDHA Water Line Easement Abandonment & Relocation
Map 93-4, Parcel 82
Subarea 5 (1994)
District 6 (Beehan)

A request for a 6-inch water line easement abandonment and relocation for Project No. 02-WL-162 for the expansion of a MDHA Section 8 office building, property located at 890 South 7th Street, as requested by the Metro Department of Water & Sewerage Services.

Project No. Mandatory Referral 2003M-024U-05
Project Name MDHA Water Line Easement Abandonment & Relocation
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request for a 6-inch water line easement abandonment and relocation for Project No. 02-WL-162 for the expansion of a MDHA Section 8 office building, property located at 890 S. 7th Street.

APPLICATION REQUIREMENTS None

**DEPARTMENT AND AGENCY
RECOMMENDATIONS**None

RECOMMENDATION All reviewing departments or agencies recommend approval.

Resolution No. 2003-75

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-024U-05 is **APPROVED (8-0)**:

26. 2003M-025U-05
Meigs Magnet School Partial Sewer Abandonment
Map 82-12, Parcel 12
Subarea 5 (1994)
District 5 (Hall)

A request for an 8-inch sewer line abandonment for Project No. 03-SG-026, Meigs Magnet School, property located at 715 Ramsey Street, as requested by the Metro Department of Water & Sewerage Services.

Project No. Mandatory Referral 2003M-025U-05
Project Name Meigs Magnet School Partial Sewer Abandonment
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST

A request for an 8-inch sewer line abandonment for Project No. 03-SG-026, Meigs Magnet School, and property located at 715 Ramsey Street.

APPLICATION REQUIREMENTS None

**DEPARTMENT AND AGENCY
RECOMMENDATIONS**None

RECOMMENDATION All reviewing departments or agencies recommend approval.

Resolution No. 2003-76

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-025U-05 is **APPROVED (8-0)**:

This concluded the items on the consent agenda.

**PUBLIC HEARING:
ZONING MAP AMENDMENTS**

1. 2003Z-003T
Council Bill No. BL2003-1336

A request to amend Section 17.16.220 E of the Zoning Ordinance, modifying the special exception standards for "Recreation Center", requested by Councilmember John Summers. (Deferred from meeting of February 13, 2003).

Ms. Hammond stated staff recommends disapproval.

Project No. Text Change 2003Z-003T
Associated Case None
Council Bill BL2003-1336
Staff Reviewer Hammond

Staff Recommendation *Disapprove*

REQUEST Request from Councilmember John Summers to modify the special exception standards for “Recreation Center”.

ANALYSIS

Background This item was deferred from the February 13, 2003 meeting to allow the staff to obtain additional input from stakeholders. On February 20 a meeting was held to identify issues raised by this proposed text change. The meeting was attended by a representative group that included neighborhood leaders, YMCA management, public and private school representatives, Metro Parks Department, youth sport representative and three Metro Councilmembers.

Among issues most frequently raised were: advisability of adapting conditions for athletic fields to ensure compatibility with the specific residential context, including concerns about noise, light, and aesthetics; need for conditions to correspond to the level of activity expected on the field(s), including use of lighting, access, parking, presence of bleachers/ concession stand(s), and hours of operation; types of uses that would be allowed within the proposed 100 foot setback (e.g. Tot lots); strengths and weaknesses of the current Special Exception process.

The additional issues and concerns raised at the meeting confirmed that to address the wide variety of conditions attendant to neighborhood/athletic field relationships will require more analysis of the suitability of the existing Special Exception conditions and, if found inadequate, to jointly develop a proposal that more finely-tunes these conditions.

Based on the input received, staff recommends disapproval of the proposed zoning text change.

Existing Code A Recreation Center use can be a community center, playground, park, swimming pool, tennis courts, or athletic playing field that is available to the public or members of a club. Permitted by special exception in residential zoning districts or districts permitting residential use, these facilities are subject to the Board of Zoning Appeals approval. Section 17.16.220 of the Zoning Code sets forth three development standards that a “Recreation Center” must comply with relative to setback, landscaping, and driveway access.

Proposed Text Change The proposed council bill, if approved by Metro Council, **modifies** the special exception standards as follows:

Establishes a 100-foot setback for developed outdoor recreational areas (includes athletic fields);
Requires no setback for parking lots serving the Recreation Center;
Increases the required minimum size of the landscape buffer yard from 5 feet to 10 feet; and
Permits a Recreation Center use on a local street provided it is located on less than 5 acres and will not have a substantial impact on the surrounding area.

Actual Text The specific changes to the Zoning Code are listed below:

Amend Section 17.16.220 “Recreation and Entertainment Special Exceptions” by **modifying** the development standards as follows:

Recreation Center.

Setback. Where any building, ~~or~~ outdoor storage area, **or developed outdoor recreation area that includes athletic fields, excluding passenger car parking lots** abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet from the property line. **The setback requirement shall not apply to passenger car parking lots built for recreation center users.**

Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard standard ~~A-B~~ shall be applied along common property lines. Street Standard. At a minimum, driveway access shall be from a collector street. **A recreation center of less than 5 acres may be accessed from a local street upon a finding by the board that the surrounding area will not be substantially impacted.**

No one was present to speak at the public hearing.

Councilmember Summers moved and Mr. Clifton seconded the motion, which carried with Mr. Sweat in opposition, to close public hearing and disapprove.

Resolution No. 2003-77

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-003T is **DISAPPROVED (7-1)**:

There are still issues concerning the advisability of adapting conditions for athletic fields to ensure compatibility with the specific residential context, including concerns about noise, light, and aesthetics. The additional issues and concerns raised confirmed that to address the wide variety of conditions attendant to neighborhood/athletic field relationships will require more analysis of the suitability of the existing Special Exception conditions and, if found inadequate, to jointly develop a proposal that more finely-tunes these conditions."

2. 2002Z-052U-03
Map 69, Part of Parcels 59 and 121
Subarea 3 (1998)
District 1 (Gilmore)

A request to change from RS15 district to RM9 district properties at 4343 Ashland City Highway and Ashland City Highway (unnumbered), abutting the southern terminus of Drakes Branch Road, (6.24 acres), requested by Lou Bratton, Ragan Hall, and Bob Adler, applicants, for Volunteer Investments, Inc., owner.

Mr. Kleinfelter stated staff recommends approval.

Project No. Zone Change 2002Z-052U-03
Council Bill None
Associated Cases None
Staff Reviewer Leeman

Staff Recommendation *Approve. The RM9 district is consistent with the Subarea 3 Plan's Residential Medium (RM) policy.*

APPLICANT REQUEST Change 6.24 acres from residential single-family (RS15) to multi-family residential (RM9) at 4343 Ashland City Highway and Ashland City Highway (unnumbered)

Existing Zoning

RS15 zoning RS15 allows single-family lots with a minimum lot size of 15,000 square feet with a maximum density of 2.5 dwelling units per acre.

Proposed Zoning

RM9 zoning RM9 allows multi-family residential at a maximum density of 9 dwelling units per acre. The RM9 district also allows for assisted-living uses. Rezoning the 6.24 acres on this property would allow 56 multi-family units or 168 assisted-living bedrooms.

SUBAREA 3 PLAN POLICY

Residential Medium (RM) RM policy calls for 4 to 9 dwelling units per acre.

Policy Conflict None. The RM9 district is consistent with the Subarea 3 Plan's Residential Medium (RM) policy calling for up to 9 dwelling units per acre. "The application of RM policy to this area will

help meet the goal of providing diverse housing opportunities within the subarea” (page 67). These parcels are adjacent to an existing Commercial PUD approved for a nursing home, and an undeveloped Commercial PUD approved for an office/retail strip center and convenience market.

RECENT REZONINGS Yes. MPC recommended approval on 6/17/98 (98Z-105U) of rezoning this property to RM9. There has been no Council action on this request. Pursuant to Section 17.40.070 of the Zoning Code, a recommendation from the Planning Commission becomes “null and void” two years after it is made.

TRAFFIC Ashland City Highway is classified on the Major Street Plan as a U4 (4 lane arterial with 84 feet of right-of-way). Currently, Ashland City Highway is constructed with two lanes and approximately 24 feet of pavement width.

Traffic Engineer’s

Findings No exceptions taken

SCHOOLS

Students Generated by 7 new lots 8 Elementary 6 Middle 5 High

Schools Over/Under Capacity **A multi-family development with 56 units could generate approximately 19 students. Students will attend Cumberland Elementary School, Joelton Middle School and Whites Creek High School. The Metro School Board has indicated that Joelton Middle School is currently over capacity with a capacity of 540 students. Current enrollment is 602 students. The Metro School Board has not identified Whites Creek High School or Cumberland Elementary School as being over capacity.**

Pastor Curtis Bryant, Dr. A. C.t Wells, Mr. James Utley, and Mr. Chris Utley spoke in opposition to the proposal and expressed concerns regarding small lots, property depreciation, changing the Subarea plan, traffic, not performing a traffic study, and density.

Mr. Regan Hall and Mr. Lou Bratton, property owners, stated these will be not be small homes and that they had met with the neighborhood executive committee and had received their requests. There is a community meeting scheduled for March 10, 2003.

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

Ms. Nielson questioned the March 10th community meeting and asked if this could be deferred until after that time.

Chairman Lawson reminded the Commission of the land use policy that is in place in this area and asked if the Commission felt they should go by that or wait for the community input after the March 10th meeting.

Mr. Clifton stated this Commission does not play the political role some people thing we do. There is usually a consensus that neighborhoods want the same type development that is already present. He stated he was not sure he would be in favor of a deferral because this is approvable the way it is.

Mr. Sweat stated this Commission would have to approve this the way it is today, but since there is no Council Bill filled, it would do no harm to defer it until after the community meeting.

Chairman Lawson stated by us approving or disapproving it today, would that deny the community from having meetings with the developers.

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

Resolution No. 2003-78

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-052U-03 is **APPROVED (8-0)**:"

The proposed RM9 district is consistent with the Subarea 3 Plan’s Residential Medium (RM) policy calling for residential development at 4 to 9 dwelling units per acre. The RM policy in this area calls for providing diverse housing opportunities within the subarea.”

5. 2002Z-124G-12
Map 173, Parcel 101
Subarea 12 (1997)
District 31 (Knoch)

A request to change from AR2a district to RS10 district property at 1000 Barnes Road, abutting the southern margin of Barnes Road, (10.37 acres), requested by Jake Brooks of Digidata Corporation, applicant, for Charles M. Gary, owner.

Mr. Hardison stated staff recommends approval.

Project No. Zone Change 2002Z-124G-12
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 10.37 acres from Agricultural (AR2a) to Residential Single-Family (RS10) at 1000 Barnes Road.

Existing Zoning

AR2a zoning AR2a zoning is intended for agricultural uses and residential uses at up to 1 unit per 2 acres.

Proposed Zoning

RS10 zoning RS10 zoning is intended for single-family houses at 3.7 units per acre.

SUBAREA 12 PLAN POLICY

Residential Low Medium (RLM) RLM policy is intended for 2 to 4 dwelling units per acre.

Policy Conflict None. The RS10 district allows for 3.7 dwelling units per acre, which is consistent with the intent of the RLM policy. The emerging zoning pattern in this area is RS10.

RECENT REZONINGS None

TRAFFIC **The proposed zone change would permit a total of 38 dwelling units, including 9 duplexes, for a total of 47 households. This number of units would create approximately 450 vehicle trips per day. The recommended RS10 zoning would permit a total of 38 households units, which would create approximately 364 vehicle trips per day. (Institute of Transportation Engineers, 6th Edition, 1996).**

Traffic Engineer’s Findings No exception taken

SCHOOLS

Students Generated 7 Elementary 5 Middle 4 High School

Schools Over/Under Capacity Students will attend Maxwell Elementary School, Antioch Middle School, and Antioch High School. Maxwell Elementary, and Antioch Middle, and Antioch High schools have been identified as being overcrowded.

Irene Jennings, adjacent property owner, spoke in opposition to the proposal and expressed concerns about homes being built on the property rather than the original church that was planned, Barnes Road being a 2-lane road, and density.

Mr. Jake Brooks, Digidata Corporation, spoke in favor of the proposal and asked for approval.

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

Resolution No. 2003-79

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-124G-12 is **APPROVED (8-0)**:

The proposed RS10 is consistent with the Subarea 12 Plan's Residential Low Medium (RLM) policy calling for residential development at 2 to 4 dwelling units per acre. The RS10 is also consistent with the emerging zoning pattern in the area."

10. 2003Z-029U-13
Map 120, Parcels 79, 179 and 181
Subarea 13 (1996)
District 13 (Derryberry)

A request to change from CL district to CS district properties at 1315 and 1325 Vultee Boulevard, and Briley Parkway (unnumbered), at the intersection of Vultee Boulevard and Briley Parkway, (1.57 acres), requested by Donald E. and Rita G. Burgner, owners.

Mr. Hardison stated staff recommends disapproval.

Project No. Zone Change 2003Z-029U-13
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation *Disapprove*

APPLICANT REQUEST Rezone 1.57 acres from Commercial Limited (CL) to Commercial Services (CS) at 1315, 1325 Vultee Boulevard and Briley Parkway (unnumbered).

Existing Zoning

CL zoning CL zoning is intended for retail, consumer service, financial, restaurant, and office uses.

Proposed Zoning

CS Zoning CS zoning is intended for a wide range of commercial service related uses, including low-intensity manufacturing, self-service storage, auto-repair, vehicular sales, distributive business wholesale, retail, office, and restaurant.

SUBAREA 13 PLAN POLICY

Residential Low Medium (RLM) RLM policy calls for two to four dwelling units per acre.

Policy Conflict Yes. Currently these properties are zoned CL district which is inconsistent with the RLM policy. These properties were rezoned from CS district to CL district during the county-wide rezoning of 1998. At the time of the county wide rezoning the uses on these properties were compatible with the CL zoning. Areas of commercial activities can be incorporated into residential areas, but these commercial areas should contain neighborhood scale commercial uses. The proposed CS zoning does not reflect a neighborhood scale commercial development. **RECENT REZONINGS** None

TRAFFIC Based on typical uses in CS districts this proposed zoning would generate approximately 114 to 589 vehicle trips per day (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings No exception taken
Councilman Tony Derryberry stated Thrifty Car Rental owns the 2 lots right behind this building and are using those lot for parking. They are building a nice building and will have an office in it. This is on Briley Parkway and this property should be used that way.

Councilman Summers stated staff is recommending disapproval because of the transitional effect into residential, and that when the office is complete it will be used for selling cars.

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

Mr. Clifton stated this Commission couldn't make decisions on a specific user. Our decision must be based on land use.

Mr. Clifton moved and Ms. Nielson seconded the motion, which carried unanimously, to disapprove.

Resolution No. 2003-80

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-029U-13 is **DISAPPROVED (8-0)**:

The proposed CS district is not consistent with the Subarea 13 Plan's Residential Low Medium (RLM) policy calling for residential development at 2 to 4 dwelling units per acre. These properties are currently zoned CL, which is more of a neighborhood scale commercial district, but also inconsistent with the RLM policy. Changing the zoning to a more intense commercial district would not be consistent with the surrounding residential neighborhood."

FINAL PLATS

17. 2003S-043G-06
Jeff Amann Subdivision
Map 154, Parcel 283
Subarea 6 (2003)
District 35 (Tygard)

A request for final plat approval to record one parcel as one lot and a variance from private street standards, abutting the west terminus of Taylor Lane (private road), approximately 1,920 feet northwest of Poplar Creek Road, (5.42 acres), classified within the AR2a district, requested by Jeffrey B. and Lisa B. Amann, owners/developers, Bruce Rainey and Associates, surveyor.

Ms. Fuller stated staff recommends approval with conditions.

Project No. Subdivision 2003S-043G-06
Project Name Jeff Amann Subdivision
Associated Cases None
Staff Reviewer Fuller

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST
 Preliminary Plat Preliminary & Final Plat Final Plat

A request to convert one parcel into one buildable lot.

ZONING **AR2a requiring a minimum lot size of 2 acres.**

SUBAREA 6 POLICY
Natural Conservation (NC) This parcel falls within the Subarea 6 Policy's Natural Conservation (NC) policy.

SUBDIVISION DETAILS This parcel of land is one of 21 parcels created by deed in 1995. The access for these 21 parcels of land is the extension of an existing private ingress-egress easement from Poplar Creek Road. With the addition of these 21 parcels, there are now approximately 27 parcels that use at least a small portion of this access easement as their sole access from Poplar Creek Road.

Although it is legal to create parcels of land five acres and greater by deed (Subdivision Regulation 3-8.7.A), it does not automatically make them “buildable” lots. If a parcel accesses utilities from a public right-of-way, a subdivision plat is not required. This parcel will obtain water and electric service from the private easement and thus a subdivision plat is required.

Additionally, the standards for a private street are applicable in creating buildable lots off of this private ingress-egress easement. Private streets are permitted in the natural conservation land use policy, where lots are proposed to be five acres and greater, with certain conditions. Currently this private ingress-egress easement is a gravel base.

SUBDIVISION VARIANCES

Private Streets (Section 2-6.2.1 K.4) This section of the ordinance states that no more than 10 lots may be served by a private street or network of streets. If a private street serves six or more lots it is required to be paved with an eight-inch rock base with an asphalt surface or other durable surface.

A joint maintenance agreement is also required that provides each owner is jointly liable for the maintenance of the private street and that each owner can enforce contributions to offset the cost of that maintenance, based on proportionality on the units served by the private street. A joint use agreement was recorded in 1997 for all of the properties using the easement, but it did not address maintenance.

There are currently nine permitted houses served by the substandard drive located within the private ingress-egress easement. Approval of this subdivision plat would create the tenth lot.

Public Works Recommendation This parcel and the adjacent parcels are accessed by a private ingress-egress easement that has a gravel surface. The gravel easement does not meet Metro standards for a private road. It is likely that in the future, the users of this private ingress-egress easement will request Metro to accept dedication of the easement and its improvements. This could place a future burden on the existing homeowners and Metro, therefore, Public Works recommends disapproval as submitted, or adding a condition of approval to achieve compliance with the private roadway standards.

Similar Case In 1995, the Planning Commission approved a similar subdivision named *Fox Hollow Farms* (located just west of Old Harding Road on Hwy. 96). Although similar, the *Fox Hollow Farms Subdivision* had a development entity involved. All of the roadways were approved to be constructed with an eight inch base, a two inch binder and an inch and a half topping (twenty-three feet wide). A set of restrictive covenants were recorded and a homeowners association established to deal with the future maintenance of the road.

CONDITIONS

1. Staff recommends that the street be upgraded to the standard set forth in section 2-6.2.1 K (4) of the Subdivision Regulations requiring that the road be paved with an eight-inch rock base with an asphalt surface or other durable surface and be twenty-three feet in width from Poplar Creek Road to the point where the main shared access easement intersects with the access drive serving this property as well as parcels 50, 51 and 262 (a point 1,450 feet north of Poplar Springs Road) and a maintenance agreement be recorded among all of the property owners using this portion of the access.

2. That Metro Health Department Approval is received for septic systems prior to the recording of the plat.

Mr. Jeff Amann, spoke in favor of the proposal and gave a brief history of purchasing the property. He stated he had letters from the Metropolitan Health Department and from Sonny West of Codes Department stating there would be no action required by the Planning Department in order to obtain a building permit.

Ms. Lisa Bryant, area resident, expressed concerns regarding the road and safety.

Ms. Beverly Lawson stated she originally owned 2 of the lots and explained the history of the road. The road is presently not stable and will cost a fortune to build. She expressed concerns regarding being required to help build it.

Ms. Susan Petty stated she and her husband own 3 of the lots at the present time and expressed concerns about future subdivision access.

Mr. Winston Huff stated the individual landowners of this property are not developers and asked for help with the expense for building the road.

Councilman Tygard stated there would be an attempt by Metro to widen a culvert at the beginning of the existing road along with improvements to Poplar Creek Road. He explained that Mr. Amann has been following directions from Metro and stated he has a letter from Mr. West, Codes Administration, stating there is no Planning Commission action necessary. This needs to be worked out and a compromise reached between Metro and area homeowners.

Mr. Lloyd Green owner of 3 lots, stated if Metro fixes one portion of the road they should fix it for all residents.

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

Mr. Clifton stated this Commission does not accept roads unless they meet Metro standards.

Mr. Bernhardt stated there is no requirement for any Metro review for lots that are auctioned off. Their are different requirements for the amount of lots on a road.

Chairman Lawson asked if there is some sort of bonding for situations like this.

Councilman Summers stated gravel road should be outlawed and it is not equitable. The only equitable way is to make all owners help pay for building the road.

Mr. McLean moved to approve.

Ms. Jones stated there is nothing in the Subdivision Regulations to allow for development like this and perhaps they should be grand fathered in.

Councilman Tygard agreed with grand fathering in the lots already there and putting a limit at 6 lots allowed on a gravel road. This would give the Subdivision Regulations a rule to go by to deal with these situations.

Councilman Summers asked what the Commission's legal requirements are.

Mr. Fox stated this is granting a variance to the Subdivision Regulations.

Councilman Summers asked for a deferral to give Legal Counsel time to review the legal aspects of this case.

Councilman Summers moved and Mr. Sweat seconded the motion, which carried unanimously, to defer this matter for one meeting.

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 6:15 p.m.

Chairman

Secretary

Minute approval this 13th day of March 2003

