

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: February 28, 2002
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Ann Nielson, Acting Chairman
Stewart Clifton
Judy Cummings
Frank Cochran
Tonya Jones
James McLean
Councilmember John Summers

Absent:

Mayor Bill Purcell
James Lawson, Chairman
Douglas Small, Vice Chairman

Staff Present:

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Manager 2
Ann Hammond, Assistant Executive Director/Planning
Marcus Hardison, Planner 1
Lee Jones, Planner 1
David Kleinfelter, Planner 3
Jeff Lawrence, Assistant Executive Director/Operations
Robert Leeman, Planner 2
Carolyn Perry, Administrative Assistant
Jennifer Regen, Planning Manager 2
Marty Sewell, Planner 1
Chris Wooton, Planning Technician 1

Others Present:

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

Acting Chairman Nielson called the meeting to order.

ADOPTION OF AGENDA

Ms. Jones moved and Mr. McLean seconded the motion, which unanimously passed, to adopt the agenda.

APPROVAL OF MINUTES

Mr. McLean moved and Mr. Cochran seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of February 14, 2002.

RECOGNITION OF COUNCILMEMBERS

Councilmember-At-Large Leo Waters spoke in favor of item 1. 2002Z-005T, and stated the purpose of this change would allow people to display the flag in a reasonable order. He asked for approval.

Councilmember Vic Lineweaver mentioned March 6 Subarea 6 Meeting.

Mr. Bernhardt stated the Subarea 6 Review kickoff meeting would be March 25th at The Bellevue Mall.

Councilmember Jim Shulman stated item 2002Z-009U-10 was deferred at the last meeting and asked for another deferral for this meeting. He stated he would defer it at Council and re-refer it to the Commission.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS

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

- 5. 2002Z-008U-03 Deferred indefinitely.
- 6. 2002Z-009U-10 Deferred indefinitely.
- 7. 2002Z-011G-04 Deferred indefinitely.

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

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

PUBLIC HEARING ZONING MAP AMENDMENTS AND TEXT AMENDMENTS

16. 2000Z-073G-06

Council Bill No. BL2000-394
Map 128-00, Parcel(s) 71 (32.5 ac); 44 (26.31 ac)
Subarea 6 (1996)
District 23 (Bogen)

A council bill to rezone from R15 and R20 districts to RM4 district property at Old Hickory Boulevard (unnumbered), approximately 1,900 feet south of Ridgelake Parkway, (58.81 acres), requested by Gary Whaley, appellant, for Hutton R. Buchanan et ux, owners. (See also PUD Proposal 2001P-003G-06).

17. 2001P-003G-06

Council Bill No. BL2001-654
Hutton Residential Development
Map 128, Parcel(s) 44 (26.31 ac);
Map 128, Parcel(s) 71 (32.50ac)
Subarea 6 (1996)
District 23 (Bogen)

A council bill for preliminary approval of a Planned Unit Development District located along the west margin of Old Hickory Boulevard, approximately 2,000 feet south of Ridgelake Parkway, (58.81 acres),

classified R15 and R20 districts and proposed for RM4 district, to permit 130 condominium units and a 484 square foot clubhouse in three phases with 42 acres of open space, requested by Dale and Associates, appellant, for Hutton R. Buchanan et ux, owners. (See also Zone Change Proposal 2002Z-073G-06).

Staff recommends *conditional approval*.

Subarea Plan amendment required? No.

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

Zone Change

The Metro Council referred this item back to the Planning Commission for reconsideration since the traffic issues have been resolved. The Commission recommended disapproval of the zone change and the preliminary PUD plan on March 1, 2001, due to access issues. This council bill proposes to change 59 acres of land from R15 (residential) and R20 (residential) districts to RM4 (multi-family) district properties at Old Hickory Boulevard (unnumbered). The existing R15 district is intended for single-family homes and duplexes at up to 2.5 units per acre. The existing R20 district is intended for single-family homes and duplexes at up to 1.5 units per acre. The proposed RM4 district is intended for multi-family uses at up to 4 units per acre.

PUD

The request is for preliminary approval of a new PUD containing 130 condominiums, a 484 square foot clubhouse, and 42 acres of open space. Development will occur in three phases. The plan will incorporate sidewalks within the project and along the property's frontage on Old Hickory Boulevard. This plan proposes 2.2 multi-family dwelling units per acre, which is consistent with the proposed RM4 district. The density and the open space designation are also consistent with the Subarea 6 Plan's Natural Conservation (NC) policy. That policy calls for protecting the area's steep hillsides and low-density residential density development at up to 4 units per acre.

On March 1, 2001, staff recommended disapproval of the plan due to sight distance concerns at Old Hickory Boulevard. Since then, the applicant has been working with the Metro Public Works Department and TDOT to find a workable solution. Since Old Hickory Boulevard is a state road, TDOT and Metro Public Works have been involved in reviewing conceptual plans for guardrail modifications to allow adequate sight distance. Both TDOT and Metro Public Works have approved the conceptual plan to modify the guardrail and improve sight distance. The final plans shall be approved by TDOT prior to the submittal of any final PUD plan, and the modifications shall be completed by the developer prior to the issuance of any Use and Occupancy permits. Public Works is also requiring the following conditions: (1) 450 feet of sight distance must be achieved in both directions on Old Hickory Blvd from the proposed access. This will involve modification to the alignment of the existing intersection, relocation of an existing guardrail (to meet TDOT's standards) and clearing of vegetation; and (2) Should a traffic signal be installed at the Old Hickory Boulevard access point (by development on opposite side of Old Hickory Boulevard) prior to development of this property, the developer will be required to make the necessary signal modifications in order to accommodate traffic generated by this development.

In light of all traffic concerns having been resolved, staff recommends conditional approval subject to the guardrail modifications gaining final approval by TDOT prior to the submittal of any final PUD plans, and provided a note is added to the plan indicating that parcel 44 on tax map 128 remain as permanent open space. Should any development be proposed on this parcel in the future, it will require further action by the Metro Council through the PUD amendment process. The open space designation will protect the steep hillsides and prohibit access to Holt Valley Road.

Schools

A 130 unit multi-family development at RM4 density may generate approximately 20 K-12 students (9 elementary, 6 middle, and 5 high school). Students in this area would attend Brookmeade Elementary,

H.G. Hill Middle, and Hillwood High. The Metro School Board has provided information that indicates these schools were not over capacity in November 2001. The School Board is currently reviewing school capacity figures and final numbers for the current year are not available for these schools.

Resolution No. 2002-78

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2000Z-073G-06 is **APPROVED with conditions (6-0):**

This proposal is consistent with the Subarea 6 Natural Conservation (NC) policy for this area, which allows low-intensity development at up to 4 dwelling units per acre. The zone change is conditioned upon the developer making guardrail modifications, meeting TDOT specifications, at the entrance to the project on Old Hickory Boulevard."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001P-003G-06 is given **CONDITIONAL PRELIMINARY PUD APPROVAL (6-0):** The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. Approval of this PUD (Council Bill BL2001-654) and associated zone change (Council Bill BL2000-394) by the Metropolitan Council.
3. Prior to the submittal of any final PUD plans, TDOT shall have approved the final construction plans for guardrail modifications along Old Hickory Boulevard. A stamped copy of the approved construction plans shall be submitted to the Planning Department staff in association with any final PUD plans.
4. Parcel 44 on tax map 128 shall be designated on the final plat as "Permanent Open Space". Any proposal to change this designation or to construct any structure within this Open Space area shall require a PUD amendment and council action.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
6. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any bonds for necessary improvements. A PUD boundary plat shall also be submitted in conjunction with the final plat."

This proposal is consistent with the Subarea 6 Natural Conservation (NC) policy for this area, which allows low-intensity development at up to 4 dwelling units per acre. The proposed density and the 42 acres to be preserved as "Permanent Open Space" is consistent with the NC policy. The PUD is conditioned upon the developer making guardrail modifications, meeting TDOT specifications at the entrance to the project on Old Hickory Boulevard, and no access to Holt Valley Road.

PRELIMINARY PLAT SUBDIVISIONS

12. 2002S-046G-12

CANE RIDGE FARMS, Revised
Map 174-00, Parcel(s) 017 & 214
Subarea 12 (1997)
District 31 (Knoch)

A request for revised preliminary approval for 498 lots abutting the southwest margin of Cane Ridge Road, approximately 2,000 feet south of Old Franklin Road, (162 acres), classified within the RS10 district, requested by Dotson-Thomason, owner/developer, Dale and Associates, Inc., surveyor.

Staff recommends *conditional approval* subject to a revised preliminary plat showing standard notes required by Public Works, a note within the subdivision title stating that this is a cluster lot subdivision, a note indicating that the lot sizes will be reduced from RS10 to RS5, and the future stub street shown as a constructed street extending to the adjacent property.

The Planning Commission conditionally approved the Cane Ridge Farms preliminary subdivision plat on August 5, 1999, subject to a revised plat. Since that approval, the Planning Commission conditionally approved a revised preliminary plat on April 27, 2000. Additional changes were made to the road pattern within the subdivision, and the lot count changed from 522 to 498 lots due to a 70-foot buffer along the tributary of Mill Creek as opposed to the standard 50-foot buffer required by the Stormwater Management Regulations.

Cluster Lot Option

This request is for a revised preliminary approval to create 498 lots on 162 acres abutting the southwest margin of Cane Ridge Road, approximately 2,000 feet south of Old Franklin Road. The subdivision is a cluster lot development within the RS10 district at a proposed density of 3.1 dwelling units per acre. The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain under the cluster lot option. A significant portion of this property is encumbered by the floodplain of Turkey Creek, a tributary of Mill Creek, and several lots contain slopes greater than 20%. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the RS10 district may create lots equivalent in size to the RS5 district. The minimum lot size for a subdivision within the RS5 district is 5,000 square feet. A typical subdivision on 162 acres and classified within the RS10 district would allow 706 lots. In this case, the applicant has chosen to preserve the natural features of the property by employing the cluster lot option and is proposing only 498 acres.

Street Network

The main purpose for this revision is to better utilize existing grades. A portion of one street is being removed, and another is terminating into a cul-de-sac rather than continuing down a steep grade. Both streets are being adjusted to prevent unnecessary grading and blasting. Several final plats have been approved and recorded for this subdivision. As the engineers have developed the construction documents required for final plat approval, they have discovered that these roads could be altered to preserve the existing grade to the maximum extent possible. Staff feels that it is important to preserve the existing topography of the site, and the removal of the streets will not adversely affect to a great degree the road system that was previously approved.

Along with the removal of two street portions, this request adds a street extending from the main collector, Layla Lane, and extends a street that previously terminated into a cul-de-sac. Staff has also requested that an additional stub-street be provided to the adjacent property to the west. The applicant has revised the plat to show the stub-street, but the stub is labeled as "Future Stub for Future Connection." It is not being shown as a stub-street at this time, rather it is being reserved to be constructed as a stub-street in the future. Staff feels this street should be extended the 150 feet necessary to stub into the adjacent property, and

constructed by this developer. A revised plat providing the constructed stub-street should be submitted by the applicant.

The Southeast Arterial is planned to pass just south of the Cane Ridge Farms property bisecting several properties. The roadway network established in this subdivision provides stub streets to each of future landlocked properties. In addition, a main access road through the property from east to west has been designed with 60 feet of right-of-way. Staff anticipates that this road will extend west in the future connecting to Pettus Road providing an east/west collector road. Several stubs have been established to the north so that they can be connected to Old Franklin Road.

Traffic Impact Study and Road Improvements

A traffic study was conducted with the original preliminary that established all roads and intersections will be operating at an acceptable level within the development of this property. As part of this study, the developer agreed to realign Cane Ridge Road, taking out the S-curve, thereby improving the entrance to the property. In addition, Cane Ridge Road was agreed to be improved to collector standards along the frontage.

As with the original approval, the development will require the relocation of Cane Ridge Road and turn lanes provided at the development's entrance. The original preliminary was conditioned subject to these improvements taking place with the first phase of the development. Phase 1 of the subdivision was recorded on August 25, 2000. Phase 3 of the subdivision was recorded on June 6, 2001. Section 1, Phase 2 of the subdivision was recorded on April 4, 2001. The relocation of Cane Ridge Road and the addition of turn lanes have been completed to the satisfaction of Metropolitan Traffic and Parking division.

Staff recommends conditional approval subject to a revised preliminary plat showing standard notes required by Public Works, a note within the subdivision title stating that this is a cluster lot subdivision, a note indicating that the lot sizes will be reduced from RS10 to RS5, and the future stub street shown as a constructed street extending to the adjacent property.

Resolution No. 2002-79

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-046G-12, is APPROVED WITH CONDITIONS AND A BOND FOR EXTENSION OF PUBLIC ROADS, UTILITIES AND SIDEWALKS (6-0).

Staff recommends approval of the preliminary plat with the condition that the applicant satisfy the following:

16. A revised preliminary plat shall be submitted within 2 weeks of preliminary plat approval that shows:
 17. A vicinity map,
 18. An updated FEMA note,
 19. The existing pond,
 20. A future pond,
 21. A note within the subdivision title stating that this is a cluster lot subdivision,
22. A note indicating that the lot sizes will be reduced from RS10 to RS5, and
23. The future stub street shown as a constructed street extending to the adjacent property.
A bond for the extension of roads, sidewalks, and public utilities prior to final plat recordation.”

MANDATORY REFERRALS

16. 2002M-020G-14
Pennington Bend Road Water Line Extension
Map 062-01, Parcel(s) 3
Subarea 14 (1996)
District 15 (Loring)

A request to acquire an easement for a 10" water line extension on Pennington Bend Road between Music Valley Drive and Briley Parkway (99-WG-198; CIB# 96SG005), requested by the Department of Metro Water and Sewerage Services.

Staff recommends *approval*.

This request is to acquire an easement measuring approximately 30 feet long on Pennington Bend Road between Music Valley Drive and Briley Parkway. The easement is needed for a 10" water line extension. The Department of Metro Water and Sewerage Services has made this request as part of its implementation of the Capital Improvements Budget (99-WG-198; CIB# 96SG005). Staff recommends approval of this water line extension.

Resolution No. 2002-80

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-020G-14 is **APPROVED DISAPPROVED.**"

OTHER BUSINESS

17. Employee contract for Jim McAteer.

Resolution No. 2002-81

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the employee contract for Jim McAteer for one year, from February 16, 2002, through February 15, 2003."

18. Employee contract for Kathryn Fuller.

Resolution No. 2002-82

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the employee contract for Kathryn Fuller for one year, from March 1, 2002, through February 28, 2003."

19. Amendment to existing MPO contract with ICF Consulting for the Preparation of a Regional Funding Strategy Plan.

Resolution No. 2002-83

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the Amendment to existing MPO contract with ICF Consulting for the Preparation of a Regional Funding Strategy Plan."

This concluded the items on the consent agenda.

PUBLIC HEARING ZONING MAP AMENDMENTS AND TEXT AMENDMENTS

1. 2002Z-005T
Council Bill No. BL2002-969
Map , Parcel(s)
Subarea ()
District ()

A council bill to amend Section 17.32.040H (Exempt Signs) of the Zoning Ordinance to allow official government, fraternal, religious, or civic flags to be displayed in a fashion other than being mounted individually on permanent poles attached to the ground or building, requested by Councilmembers Don Majors, Leo Waters, and Carolyn Tucker. (Deferred from meeting of 2/14/02).

Ms. Regen stated staff recommends *approval*.

This item was deferred by at the February 14, 2002, Planning Commission meeting to allow staff to make modifications to the proposed text. The Commission asked staff to look at making the text less broad. We have revised the text to address concerns expressed about the display of the American flag.

This council bill is to amend Section 17.32.040H (Exempt Signs) of the Zoning Ordinance to allow official government, fraternal, religious, or civic flags to be displayed in a fashion other than being mounted individually on permanent poles attached to the ground or building. This request came about due to an auto-dealership on Nolensville Pike being cited for non-compliance with the Zoning Ordinance for flying several American flags on cars on the car lot. Staff recommends approval.

The following shows the amended text with a ~~strike through~~ for the text that is proposed to be deleted and new text is shown underlined.

H. Except for the official flag of the United States of America, official government, fraternal, religious or civic flags when mounted individually on permanent poles attached to the ground or building; The official flag of the United States of America may be displayed without limitation provided such display is made in accordance with the provisions of the United States Code.

Councilmember Ron Nollner stated he is opposed to changing anything concerning the official government flag or state flag. This is not about patriotism it is about commercialism and businesses should not be allowed to display the flag for advertisement.

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

Mr. Cochran stated he felt the way the ordinance is written well. It also helps to avoid clutter, blocking sight, and obstruction.

Clifton moved and McLean seconded the motion, which carried with Mr. Cochran in opposition, to approve staff recommendation.

Resolution No. 2002-84

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002ZT-005T is **APPROVED (5-1) with proposed amendment:**

4. 2001Z-125G-13

Map 164-00, Parcel(s) 276
Subarea 13 (1996)
District 29 (Holloway)

A request to change from RM15 district to CS district property at Murfreesboro Pike (unnumbered), at the intersection of Murfreesboro Pike and Summercrest Boulevard, (5.3 acres), requested by Joe McConnell of MEC, Inc., appellant, for Summerfield Development, LLC, owner. (Deferred indefinitely at December 6, 2001 meeting).

Mr. Hardison stated staff recommends *disapproval as contrary to the General Plan*.

Subarea Plan amendment required? No.

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

This zone change was deferred indefinitely by the applicant at the December 6, 2001 Planning Commission meeting. This request is to change 5.3 acres from RM15 (residential) to CS (commercial) district property at Murfreesboro Pike (unnumbered), at the intersection of Murfreesboro Pike and Summercrest Boulevard. The existing RM15 district is intended for residential multi-family at 15 dwelling units per acre. The proposed CS district is intended for retail, restaurant, consumer service, financial, self-storage, office uses, light manufacturing, and small warehousing uses.

Staff recommends disapproval as contrary to the General Plan since the CS zoning is a commercial use and the property is located in the Subarea 13 Plan's Residential Medium High (RMH) policy area, which calls for 9 to 20 dwelling units per acre. Staff's recommendation is consistent with a prior recommendation to disapprove a similar commercial rezoning in September 1999 (99Z-118G-13). This earlier request was deferred indefinitely by the applicant due to the lack of staff support.

Pin Hook Road serves as the boundary between the residential policy and the neighborhood commercial policy area to the north, at the Mt. View Road /Murfreesboro Pike intersection. The southern boundary of this node is Pin Hook Road. Within this established commercial node there remains over 30 acres of vacant property that is currently zoned CS district. This vacant property represents almost 30% of land available in the commercial node. The intent of the Subarea 13 Plan was to contain and fully utilize the area designated within the node for commercial uses.

Traffic

The Traffic Engineer indicates that Murfreesboro Pike can sufficiently accommodate commercial traffic generated by CS zoning.

Mr. James McAnalley expressed concerns regarding changing the quality of life and depreciation of existing homes.

Mr. Rod Parker agreed with the staff report and stated he felt there was potential of commercial area above this property.

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

Mr. McLean moved and Mr. Cochran seconded the motion, which carried unanimously, to accept staff recommendation.

Resolution No. 2002-85

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2000Z-073G-06 is **DISAPPROVED (6-0) as contrary to the General Plan:**

This proposal is inconsistent with the Subarea 13 Plan's Residential Medium High (RMH) policy in the area. Ample opportunities for commercial development exist north of the Pin Hook Road/Summercrest Boulevard intersection on vacant and underutilized properties already zoned CS district."

8. 2002Z-014U-05

Map 072-16, Parcel(s) 204

Subarea 5 (1994)

District 7 (Campbell)

A request to change from R10 district to RM9 district property at 2106 Porter Road, at the intersection of Porter Road and Hayden Drive, (0.51 acres), requested by Nola Troxel and Bell Troxel, owners.

Mr. Hardison stated staff recommends *disapproval as contrary to the General Plan*.

Subarea Plan amendment required? No. A subarea plan amendment would normally be required for a request to allow residential zoning with a density of 9 units per acre within a residential policy area that is intended for 2-4 units per acre. Staff feels this particular request does not warrant an amendment.

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

This request is to change 0.51 acres from R10 (residential) to RM9 (residential multi-family) district property at 2106 Porter Road, at the intersection of Porter Road and Hayden Drive. The existing R10 district is intended for single-family and duplex dwellings at up to 3.7 units per acre. The proposed RM9 district is intended for multi-family dwellings at a density of 9 units per acre. The applicant has stated that RM9 zoning will allow the structure on the property, a quadplex, to be used as it was in past. Staff researched the use of the property and found that there is no record of the structure having been permitted as a quadplex. The structure prior to 1993 was a triplex, but this use was not permitted and the owner of the property at that time converted the triplex to a duplex. The applicant would be unable to use the property as either a triplex or a quadplex with the current zoning.

Staff recommends disapproval as contrary to the General Plan the proposed RM9 zoning. This property is located in the Subarea 5 Plan's Residential Low Medium (RLM) policy area, which calls for 2 to 4 units per acre. RM9 zoning would allow 9 units per acre. Given this property's size, up to 4 units could be constructed on it. Changing the property to RM9 district will make it the only property in the area with RM9 zoning.

Traffic

The Metro Traffic Engineer has indicated that Porter Road can accommodate the traffic generated by changing this property from R10 to RM9. However, the Traffic Engineer indicated that Porter Road could not sufficiently accommodate additional rezonings that would allow a density similar to the RM9 district.

Schools

At RM9 density, the property's small size of 0.51 acres would not generate a significant amount of new students. Using the standard calculation for student generation, no new students are anticipated from the rezoning. Students in this area would attend Rosebank Elementary School, Litton Middle School, and Stratford High School. The Metro School Board has provided information that indicates Rosebank Elementary School, Cameron Middle School, and Stratford High School were over capacity in 2001. The School Board is currently reviewing school capacity figures and final numbers for the current year are not yet available for these schools.

Ms. Nola Troxel stated she did not want to change the property but just wanted to rezone it and to use as a quadplex because it has 4 kitchens.

Mr. McLean asked how many electric meters the house had.

Ms. Troxel stated there were two.

Mr. Sam Holt spoke in opposition to the zone change.

Councilmember John Summers arrived at 2:00 p.m., at this point in the agenda.

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

Ms. Jones and Councilmember Summers agreed this change would be inappropriate.

Councilmember Summers moved and Ms. Jones seconded the motion, which carried unanimously, to disapprove as contrary to the General Plan.

Resolution No. 2002-86

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-014U-05 is **DISAPPROVED (7-0) as contrary to the General Plan:**

This proposal is inconsistent with the Subarea 5 Plan's Residential Low Medium (RLM) policy calling for 2 to 4 dwelling units per acre. Changing the property to RM9 district will make it the only property in the area with RM9 zoning."

9. 2002Z-015U-10

Map 105-02, Parcel(s) 100

Subarea 10 (1994)

District 19 (Wallace)

A request to change from IWD district to CS district property at 919 8th Avenue South, approximately 100 feet north of Archer Street, (0.14 acres), requested by Peter Weiss of Weiss and Weiss Attorneys, appellant, for Leon Strauss, owner.

Mr. Hardison stated staff recommends *disapproval as contrary to the General Plan*.

Subarea Plan amendment required? No. A subarea plan amendment would normally be required for a request to allow commercial zoning within an industrial area. Staff feels this particular request does not warrant an amendment.

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

This request is to change 0.14 acres from IWD (industrial warehousing/distribution) to CS (commercial) district property at 919 8th Avenue South, approximately 100 feet north of Archer Street. The existing IWD district is intended for light and medium manufacturing, warehousing, and distribution. The proposed CS district is intended for a wide range of commercial service related uses including retail, restaurants, banks, offices, self-storage, light manufacturing. The applicant is requesting this zone change to return the permitted uses on the property to what was permitted before the countywide zone change of 1998. Prior to 1998, this property was zoned CG (commercial general). On January 1, 1998 all property zoned CG in the county was changed to either CS or IWD district.

Staff recommends disapproval of the proposed CS zoning as contrary to the General Plan. This zone change is not consistent with the Subarea 10 Plan's Industrial Distribution (IND) policy. That policy calls for storage, business centers, wholesale centers, and manufacturing uses. Subarea 10 has only two IND policy areas and the plan clearly states the intent is to maintain these areas, as they exist. The IWD district implements the current IND policy.

Traffic

The Metro Traffic Engineer has indicated that 8th Avenue South can accommodate traffic generated by CS zoning.

Mr. Peter Weiss, attorney representing Mr. Leon Strauss, appellant, explained the history of the property and spoke in favor of the proposal.

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

Councilmember Summers stated that contrary to what Mr. Weiss stated the zoning changes that took effect in 1998 were a wide-open project and there was much public involvement.

Mr. Clifton explained the procedure and involvement that was used for the 1998 zoning changes.

Mr. McLean discussed the dilemma of rezoning and downgrading an individual's property without his consent.

Councilmember Summers moved to disapprove as contrary to the General Plan. The motion failed due to a lack of a second.

Mr. Clifton moved to and Mr. McLean seconded the motion, which carried with Councilmember Summers in opposition and Ms. Jones abstaining, to approve the following resolution:

Resolution No. 2002-87

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-015U-10 **motion to DISAPPROVE as contrary to the General Plan failed for lack of a second; APPROVED (4-1-1):**

Prior to the 1998 countywide comprehensive zoning update, this property was zoned CG (commercial general) district. The CG district allowed the type of uses intended by the applicant for this property. It is appropriate to rezone this property back to its original classification since the property owner was not aware in 1998 that the zoning on the property was going to change."

Councilmember Summers stated the Commission, in making this decision, is making a political decision and not a planning decision.

10. 2002Z-017G-02

Map 041-12, Parcel(s) 002, 003

Subarea 2 (1995)

District 3 (Nollner)

A request to change from RS20 district to CS district properties at 1100 A, 1100 B Bell Grimes Lane, approximately 200 feet west of Dickerson Pike, (0.43 acres), requested by Buist Richardson of Mission Property Company, appellant, for Hettie Ann Wall, owner.

Mr. Leeman stated staff recommends *conditional approval*.

Subarea Plan amendment required? No.

Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods? No, one was not required.

This request is to change .43 acres from RS20 (residential) to CS (commercial) district properties at 1100 A (.21 acres) and 1100 B (.22 acres) Bell Grimes Lane. The existing RS20 district is intended for single-family residential at up to 1.85 dwelling units per acre. The proposed CS district is intended for a wide range of commercial services related uses including retail, restaurant, bank, office, self-storage, light manufacturing, and small warehouse uses.

Staff recommends approval of the rezoning of parcel number 3 (1100 A Bell Grimes Lane) since the proposal is consistent with the Subarea 2 Plan's CAE policy. This parcel falls within the Subarea 2 Plan's Commercial Arterial Existing (CAE) policy. Staff does not recommend approval of rezoning parcel 2 since it would encroach further into the residential neighborhood. The Subarea 2 Plan states that the adjacent intersection of Old Hickory Boulevard and Dickerson Pike should be monitored as a possible location for a Retail Concentration Community (RCC) policy area. Although the population growth for this area does not warrant the implementation of the more intense RCC policy, rezoning parcel 3 is consistent with the existing CAE policy and a future RCC policy. Staff recommends conditional approval provided the applicant concurs with rezoning only parcel 3.

Traffic

The Metro Traffic Engineer has indicated that Bell Grimes Lane and Dickerson Pike can accommodate the traffic that would be generated by the CS zoning.

Mr. Buist Richardson, appellant, stated he and neighbors felt a Walgreen's would be good for this neighborhood.

A representative of the development company explained the plans to the Commission.

Mr. Russ Jeffers, area resident, spoke in favor of the proposal.

Councilmember Ron Nollner stated he didn't like to see the commercial moved back into the residential neighborhood, but this would be good for the neighborhood and that he had heard no complaints against it.

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

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

Resolution No. 2002-88

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-017G-02 is **APPROVED (7-0)**:

This proposal is consistent with the Subarea 2 Plan's Commercial Arterial Existing (CAE) policy in the area that allows commercial zoning along Dickerson Pike."

PRELIMINARY PLAT SUBDIVISIONS

20. 2002S-031G-02

The FIELDS of BRICK CHURCH
Map 041, Parcel(s) 114
Subarea 2 (1995)
District 4 (Majors)

A request for preliminary plat approval to create 37 lots abutting the east margin of Brick Church Pike, south of Bellshire Drive, (10.0 acres), classified within the R10 district, requested by J. Michael Crane, M.D., owner/developer, Bridges Land Surveying, surveyor.

Mr. Jones stated staff recommends *conditional approval* subject to a revised preliminary plat that labels the cul-de-sac at the north terminus of Church Court as “Temporary Cul-de-sac, to be Extended in the Future” and shows sidewalks along Brick Church Pike in relation to the future right-of-way, as well as a bond for the extension of public roads, utilities, and sidewalks with the final plat.

This request was originally scheduled for the February 14, 2002 Planning Commission meeting, but was deferred indefinitely by the applicant to provide additional street connections to the adjacent properties on the plat. This request is for preliminary plat approval to create 37 lots on 10 acres abutting the east margin of Brick Church Pike, south of Bellshire Drive. The subdivision is a cluster lot development within the R10 district at a proposed density of 3.7 dwelling units per acre.

Cluster Lot Option

The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain under the cluster lot option. A portion of this property is encumbered by the floodplain of a tributary of North Fork Ewing Creek. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the R10 district may create lots equivalent in size to the R6 district. The minimum lot size for a subdivision within the R6 district is 6,000 square feet. The proposed lots for this subdivision range in size from just over 6,000 square feet to just over 10,000 square feet. A typical subdivision on 10 acres and classified within the R10 district would allow 37 lots. In this case, the applicant has chosen to preserve the natural features of the property by employing the cluster lot option and is proposing the maximum number of lots allowed for the property, but over 2.5 acres are being preserved as open space.

Street Connections

As mentioned previously, the request indefinitely deferred by the applicant in order to revise the plat to provide additional street connections to the adjacent properties. The original plat showed only one connection to the adjacent parcel to the east. Since this is a largely undeveloped area within the R10 district, staff feels that the existing large parcels will be subdivided in the future to create lots that are in accordance with the 10,000 square foot minimum lot size of the zoning district. A revised plat has been submitted that provides street connections to parcels to the north, south, east, and west. The connection to the north has been labeled as a temporary turnaround. A revised preliminary plat shall be submitted labeling the cul-de-sac as, “Temporary Cul-de-sac, to be extended in the Future.” A bond for a sign indicating the extension of the road will be necessary prior to final plat recordation.

Sidewalks

The plat provides sidewalks throughout the subdivision as well as along Brick Church Pike. The sidewalks along Brick Church Pike are shown in relation to the existing right-of-way, however, and they should be shown in relation to the future right-of-way. This plat reserves 12 feet of right-of-way along Brick Church Pike because the Major Street Plan shows this portion of Brick Church Pike as a future U-4 roadway with 84 feet of right-of-way. A revised preliminary plat shall be submitted showing the sidewalks in relation to the 12-foot right-of-way reservation along Brick Church Pike rather than in relation to the existing right-of-way.

Staff recommends conditional approval subject to a revised preliminary plat that labels the cul-de-sac at the north terminus of Church Court as “Temporary Cul-de-sac, to be Extended in the Future” and shows

sidewalks along Brick Church Pike in relation to the future right-of-way, as well as a bond for the extension of public roads, utilities, and sidewalks with the final plat.

Mr. Jerry Sears, Ms. Cynthia Frye, Ms. Debbie Baird, Dr. Leon Cauley, Ms. Vonda Powell, and Mr. Herbert Frye spoke in opposition to the proposal and expressed concerns regarding traffic, safety, unwanted sidewalks, property value depreciation, and crime.

Ms. Tone Jackson stated this developer has built homes and duplexes in this area before and now they are not cared for and are rundown.

Mr. Steve Bridges spoke in favor the proposal and stated he is not asking for a zone change, but only for what they are allowed.

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

Councilmember Summers stated these lots looked out of place in this area with all the larger lots surrounding them.

Councilmember Summers stated staff should meet with the community to see if they can help them out.

Mr. McLean moved and Ms. Cummings seconded the motion, which carried with Councilmember summers abstaining, to approve the following resolution:

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

Resolution No. 2002-89

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-031G-02, is **APPROVED WITH CONDITIONS, INCLUDING A CONDITION REQUIRING THE TRAFFIC ENGINEER TO EVALUATE SIGHT DISTANCE ALONG BRICK CHURCH PIKE AT PROJECT ENTRANCE PRIOR TO FINAL PLAT APPROVAL BY THE METRO PLANNING COMMISSION, AND STAFF TO REVIEW WHETHER SUBAREA 2 PLAN POLICY AND CURRENT RS20 AND R10 ZONING IS APPROPRIATE IN THIS AREA FOR FUTURE DEVELOPMENT (7-0).**

Staff recommends approval of the preliminary plat with the condition that the applicant satisfy the following:

- a. A revised preliminary plat shall be submitted within 2 weeks of plat approval that labels the cul-de-sac at the north terminus of Church Court as “Temporary Cul-de-sac, to be Extended in the Future”;
- b. A revised preliminary plat shall be submitted within 2 weeks of plat approval that shows sidewalks along Brick Church Pike in relation to the future right-of-way;
- c. A bond for the extension of public roads, utilities, and sidewalks with the final plat;
- d. Sight distance shall be addressed by the Traffic and Parking division of Public Works prior to final plat approval; and
- e. Staff shall determine if the General Plan should be amended for this area prior to final plat approval.”

21. 2002S-049U-03
ALPINE HILL
(FORMERLY CALDWELL WRIGHTSUBDIVISION)
Map 070-09, Parcel(s) 008

Subarea 3 (1998)
District 2 (Black)

A request for preliminary plat approval to create 8 lots abutting the east margin of Alpine Avenue, and the north margin of Pfeiffer Street, classified within the R10 district, (2.4 acres), requested by Greg Daniels, surveyor, for Caldwell Wright, owner.

Ms. Jones stated staff recommends *conditional approval* subject to a variance for sidewalks along Pfeiffer Street and Roberts Street as well as a revised preliminary plat showing right-of-way dedications of 3 feet along Alpine Avenue and Pfeiffer Street and a landscape buffer yard at the rear of lots 5, 6, 7, and 8 as they abut Pfeiffer Street.

This request is for preliminary plat approval to create 8 lots on approximately 2.5 acres abutting the east margin of Alpine Avenue, and the north margin of Pfeiffer Street, classified within the R10 district. The property is located north of Buena Vista Pike in the Bordeaux area. The subdivision request is to subdivide lot 19 of Alpine Terrace subdivision, recorded in 1919.

Street Network

Many of the streets within the Alpine Terrace subdivision are “paper” streets. Paper streets are streets that have not been constructed; yet they are shown on The Official Street and Alley Map because the right-of-way has been dedicated. In the case of the proposed subdivision, the only street that has been constructed is Alpine Avenue. Pfeiffer Street, Roberts Avenue, Hale Street, and Mattie Street are all paper streets. Mattie Street has been constructed up to Lincoln Avenue, but it actually turns into East Lane, a narrow, winding lane that will not likely be improved in the future. Metro’s Solid Waste division does not pick up trash on this strip of road.

The proposed 8 lots will all be accessed from Alpine Avenue. Alpine Avenue currently contains 40 feet of right-of-way along this property’s frontage, but staff feels that 3 feet of right-of-way should be dedicated with this plat to bring this side of the street up to the 46-foot right-of-way standard. This road has a very narrow pavement width, and the proposed subdivision is located adjacent to a curve in the road. Staff feels that the additional right-of-way may be necessary in the future to accommodate the existing curve if the road is upgraded to Public Works standards.

Pfeiffer Street, a paper street to the south of the proposed subdivision, also contains 40 feet of right-of-way. Staff also feels that 3 feet of right-of-way along Pfeiffer Street should be dedicated with this plat to bring this side of the street up to the 46-foot right-of-way standard. Since this is a paper street, staff considered allowing it to remain with only 40 feet of right-of-way, but parcel 11 is currently a land-locked parcel. Staff feels that if the parcel is ever developed, Pfeiffer Street will have to be extended to the property, and will be constructed to Public Works standards. The dedication along the frontage of the proposed subdivision will allow Pfeiffer Street to be constructed with 46 feet of right-of-way in the future.

Double Frontage Lots

Although Pfeiffer Street is a paper street, staff has reviewed the lots within the proposed subdivision that back onto the street as “double frontage lots” because Pfeiffer Street may be constructed in the future. Double frontage lots are lots that are created with frontage and access to a street within the subdivision and the rear of the lots are oriented toward a public right-of-way. Section 17.24.060 of the Zoning Ordinance requires that in cases where residential lots are developed with frontage and access to a street within the subdivision and the rear of the lot is oriented toward a local public street, the rear of such double frontage lots shall be screened from the public right of way by a standard “A” landscape buffer yard. A revised preliminary plat shall be submitted showing a buffer yard to the rear of all of the double frontage lots.

Variance – Sidewalks

Staff is recommending approval of a variance for sidewalks along Pfeiffer Street and Roberts Street because the streets have not been constructed, and the time of construction is unknown. The roads will have to be constructed up to Public Works standards in the future, and sidewalks will be required on both

sides of the streets. Staff feels that the applicant in this case should not be required to construct the streets because they are not necessary for the development of this property, and have remained un-constructed since 1919. Staff does believe that the right-of-way dedication along Pfeiffer Street associated with this development will accommodate the installation of sidewalks when the road is constructed in the future. Staff is not requiring a right-of-way dedication along Roberts Street because it is not likely that the street will ever be constructed.

Staff recommends conditional approval subject to a variance for sidewalks along Pfeiffer Street and Roberts Street as well as a revised preliminary plat showing right-of-way dedications of 3 feet along Alpine Avenue and Pfeiffer Street and a landscape buffer yard at the rear of lots 5, 6, 7, and 8 as they abut Pfeiffer Street.

Mr. Ronald Lasiter expressed concerns regarding traffic, too many homes, and stormwater runoff.

Mr. Greg Daniels, surveyor, spoke in favor of the proposal.

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

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

Resolution No. 2002-90

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-049U-03, is **APPROVED WITH CONDITIONS AND A BOND FOR EXTENSION OF PUBLIC ROADS, UTILITIES AND SIDEWALKS WITH A VARIANCE TO SECTION 2-6.2.1, TABLE 2 OF THE SUBDIVISION REGULATIONS IF THE 3 FOOT RIGHT-OF-WAY DEDICATION CREATES LOTS THAT FALL BELOW THE MINIMUM LOT SIZE 10,000 SQUARE FOOT REQUIREMENT (7-0).**

Staff recommends approval of the preliminary plat with the condition that the applicant satisfy the following:

22. The Planning Commission must approve a variance for sidewalks along Pfeiffer Street and Roberts Street.
23. A revised preliminary plat shall be submitted within two weeks of preliminary plat approval showing right-of-way dedications of 3 feet along Alpine Avenue and Pfeiffer Street.
24. A revised preliminary plat shall be submitted within two weeks of preliminary plat approval showing a landscape buffer yard at the rear of lots 5, 6, 7, and 8 as they abut Pfeiffer Street.
25. The applicant shall meet with staff within two weeks of preliminary plat approval to determine whether or not the 3-foot right-of-way dedication will cause the number of proposed lots to drop from 8 to 7. **If a lot is lost, the Planning Commission grants a variance to the right-of-way dedication requirement.**
26. A bond for the extension of public roads, utilities, and sidewalks with the final plat.”

FINAL PLAT SUBDIVISIONS

**27. 2002S-042G-14
JOHN FRANKLIN PROPERTY**

Map 076, Parcel(s) 004.01, 004.02, 004.03, 004.04 & 005
Subarea 14 (1996)
District 11 (Brown)

A request for final plat approval to subdivide five parcels into two lots abutting the east margin of Tulip Grove Road, approximately 250 feet north of Leesa Ann Lane, (1.34 acres), classified within the R10 district, requested by John Franklin, owner/developer, Ernest P. Hall, surveyor.

Mr. Hardison stated staff recommends *conditional approval* subject to a variance for street frontage, a sidewalk variance along Tulip Grove Road, and a revised final plat before recordation.

This request is for final plat approval to subdivide five parcels into two lots on approximately 1.34 acres abutting the east margin of Tulip Grove Road. Four of the five parcels are landlocked. The property is located within the R10 district in the Hermitage area. The Subarea 14 Plan's Residential Low Medium (RLM) policy is applied to this area.

Lot Comparability

A lot comparability study was prepared to determine whether or not the proposed subdivided lots are comparable to the surrounding lots. The minimum allowable lot areas for a lot within this area is 10,010 square feet, and have a minimum allowable frontage of 76.1 feet. These lots met and exceeded both the lot area and lot frontage with lot areas of 34,435 square feet for lot 1 and 23,796 square feet for lot 2, and lot frontages of 107.5 feet and 217.7 feet, respectively. Lot 1 currently is 3 times larger than the base zoning allows. Section 2-4.2.D of the Subdivision Regulations require that lots not be greater than three times the base zoning. This property is zoned R10 which requires a minimum of 10,000 square foot lots and a maximum of 30,000 square foot lots. Staff recommends this plat be conditioned upon the applicant adjusting the lot line on lot 1 into compliance with the regulations.

Variance - Street Frontage

Section 2-4.2.A of the Subdivision Regulations requires all lots to have public street frontage to allow vehicular access. This subdivision will consolidate five existing parcels, four of which have no public road frontage, into two lots. The applicant is proposing to access lot 2 from an existing 20 foot public utility, drainage, ingress and egress easement to the north of the property. Staff supports the applicant's variance for street frontage since this subdivision is decreasing the number of potential lots that would gain access by the easement, and this subdivision also is removing two landlocked properties. Lot 2 could possibly have street frontage, but a rock bluff prevents Shadowlawn Drive from extending to proposed lot 2. Currently Shadowlawn Drive dead-ends at the property line of lot 2. Staff considered the extension of Shadowlawn Drive to Tulip Grove, however, extending Shadowlawn cannot occur because blasting would be necessary. Metro Water and Sewer will not allow blasting within 100 feet of an existing service line.

Variance - Sidewalks

The applicant has requested a sidewalk variance due to the future upgrade of Tulip Grove Road. Future improvements to Tulip Grove Road were adopted with the 2001-02 to 2006-07 Capital Improvements Budget (95PW004). If the applicant were to construct the sidewalks at this time, when the improvements to Tulip Grove Road reach his property those sidewalks would have to be removed and replaced. Staff supports the applicant's sidewalk variance request based on Metro's future improvement of Tulip Grove Road. The applicant is also requesting a sidewalk variance for Shadowlawn Drive due to the rock bluff that abuts Shadowlawn at the applicant's property line. Staff also supports this sidewalk variance since the rock bluff prevents the construction of the sidewalks.

Staff recommends conditional approval subject to variances for street frontage for lot 2, sidewalks along Tulip Grove Road and Shadowlawn Drive, and the applicant revising the final plat before recordation to adjust the lot line for lot 1 to comply with the three times base zoning requirement.

Mr. John Franklin spoke in favor of the proposal.

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

Resolution No. 2002-91

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-042G-14, is **APPROVED WITH CONDITIONS AND A VARIANCE TO THE SUBDIVISION REGULATIONS FOR STREET FRONTAGE (SECTION 2-4.2), SIDEWALKS ALONG TULIP GROVE ROAD AND SHADOWLAWN DRIVE (SECTION 2-6.1), AND A REVISED FINAL PLAT PRIOR TO RECORDATION (7-0).**”

Staff recommends approval of the final plat with the condition that the applicant satisfy the following prior to plat recordation:

- 28. Planning Commission must approve sidewalk variances for sidewalks along Tulip Grove Road and Shadowlawn Drive.
- 29. Planning Commission must approve a variance for street frontage.”

15. 2002S-043U-03
ALPINE TERRACE,
Resubdivision of Part of Lot 13
Map 070-05, Parcel(s) 029
Subarea 3 (1998)
District 2 (Black)

A request for final plat approval to subdivide one parcel into two lots abutting the west margin of Stivers Street, approximately 139 feet north of West Street, (.68 acres), classified within the R10 district, requested by Stephen F. Meade, owner/developer, Thornton and Associates, Inc., surveyor.

Mr. Hardison staff recommends *disapproval*.

This request is for final plat approval to subdivide one parcel into two lots on approximately 0.68 acres, abutting the west margin of Stivers Street. The property is located within the R10 district in the Bordeaux area.

Variance - Lot Comparability

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. The minimum allowable lot area for lots within the subdivision is 0.27 acres, and the minimum allowable frontage is 70 feet. Although all lots pass comparability for lot area, lot 2 fails comparability for lot frontage. Lot 2 has 55 feet of frontage. The applicant has requested a lot comparability variance for the frontage of lot 2 due the constraints of existing property. Staff does not support the variance request since the frontage of lot 2 is 70% of the average frontage for lots in the area and the Subdivision Regulations require the frontage to be at least 90% of the average frontage. The applicant is unable to achieve the required amount of frontage due to an existing, small one-car garage. If this garage were relocated, the applicant could gain the required 15 feet to meet the frontage requirement. The lot comparability analysis took into account 17 of the 31 lots within 300 feet of the property. Lots were dropped from the analysis due to the current uses, commercial zoning, and being too small or too large in size. Of the remaining lots only three lots were equal to or smaller than what is proposed for lot 2.

Variance - Dedication of Right-of-Way

Section 2-6.2 Table 2 of the Subdivision Regulations requires a minimum right-of-way of 46 feet for minor local roads with residential uses that have a density of 2 to 4 units per acre. Stivers Street currently has 25 feet of right-of-way. With just 25 feet of right-of-way the applicant is required to dedicate 10.5 feet of right-of-way to provide 23 feet of right-of-way on his portion of the road. The applicant has requested a variance for the 10.5 feet of dedication along Stivers Street. This dedication would leave the Nashville Electric Service's required 20-foot utility easement lying within the existing residence on lot 1. Staff supports this variance since this road's improvement is unlikely due to the majority of the residences along it lying within any future right-of-way or road upgrade.

Variance - Sidewalks

The applicant has also requested a sidewalk variance to Section 2-6.1 of the Subdivision Regulations due to limited right-of-way along Stivers Street. Staff supports the sidewalk variance since the right-of-way along Stivers Street is not being required, and the limited room between the residences and the road, as they exist presently. This area currently is developed with substandard roads and any future development to the north would not gain access through this area.

Staff recommends disapproval of this final plat due to the proposed lot 2 failing lot comparability for lot frontage.

No one was present to speak at the public hearing.

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

Resolution No. 2002-92

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-043U-03, is APPROVED WITH CONDITIONS AND A VARIANCE TO THE SUBDIVISION REGULATIONS FOR A SIDEWALK ON STIVERS STREET (SECTION 2-6.1), DEDICATION OF RIGHT-OF-WAY ON STIVERS STREET (SECTION 2-6.2.1, TABLE 2), AND A DEMOLITION BOND FOR A GARAGE ON LOT 2 (6-0).

Staff recommends approval of the final plat with the condition that the applicant satisfy the following prior to plat recordation:

30. Planning Commission must approve a sidewalk variance for sidewalks along Stivers Street.
31. Planning Commission must approve a variance for dedication of right-of-way.
32. A bond for the demolition of an existing garage.
33. A revised plat showing a new lot line which gives lot 2 a frontage equal to or greater than 70 feet and having a square footage equal to or greater than 11797.5 square feet.”

OTHER BUSINESS

34. Legislative update

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:00 p.m.

Chairman

Secretary

Minute Approval: this 14th day of March 2002



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