

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: January 10, 2002
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Bill Purcell

Staff Present:

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

Others Present:

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

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

- 28. 88P-038G-13 Should include part of parcel 320
- 40. 2002M-012U-08 Should read as; to terminus at Clay Street
- 47. Employee contract for Lou Edwards should have effective date changed to January 21,2002 through January 20, 2003.

Vice Chairman Small moved and Mr. McLean seconded the motion, which unanimously passed, to adopt the agenda.

APPROVAL OF MINUTES

Vice Chairman Small moved and Mr. McLean seconded the motion, which unanimously passed, to approve the minutes of the two meetings of November 26, and the meetings of December 6 and December 13, 2001.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver stated he was present to speak about Zone Change proposal 2002Z-005G-06, but that it had been deferred indefinitely. He also repeated his request that Subarea 6 be reviewed.

Councilmember Loring stated that he supports item 13. 2001S-187U-14, Merry Oaks, Section 4, Resubdivision of Lot 14.

Councilmember Ponder stated he was in favor of item 26. 13-87-P-14, Chandler Square Commercial PUD and the variance to sidewalk on back side of it.

PRESENTATION TO VICKI OGLESBY AND COUNCILMEMBER PHIL PONDER

Chairman Lawson presented Ms. Vicki Oglesby and Councilmember Phil Ponder plaques inscribed as follows:

Presented to

Vicki Oglesby

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

July 8, 1999 to September 27, 2001

With Great Appreciation this service is acknowledged by:

**Metropolitan Mayor
Bill Purcell**

**Commission Chairman
James E. Lawson**

**Executive Director
Richard C. Bernhardt**

Presented to

Councilmember Phil Ponder

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

October 14, 1999 to August 30, 2001

With Great Appreciation this service is acknowledged by:

**Metropolitan Mayor
Bill Purcell**

**Commission Chairman
James E. Lawson**

**Executive Director
Richard C. Bernhardt**

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED AND WITHDRAWN ITEMS

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

22. 2002S-012U-07, B. F. Cockrill Estates, Resubdivision of Lots 49 and 50

Ms. Nielson moved and Vice Chairman Small seconded the motion, which unanimously passed, to close the public hearing and defer the item listed above.

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

ZONING MAP AMENDMENTS

4. 2002Z-001U-03

Map 071-05, Parcel(s) 18, 242, 243

Subarea 3 (1998)

District 2 (Black)

A request to change from CN district and RS7.5 districts to CL district properties at 405 West Trinity Lane and 2206 and 2210 Monticello Drive, approximately 750 feet east of Old Matthews Road, (1.74 acres), requested by Billy and Victor Gregory, owners.

Staff recommends *approval*.

Subarea Plan amendment required? No.

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

This request is to change 1.6 acres from RS7.5 (residential) and CN (commercial) to CL (Commercial) district at 405 West Trinity Lane and 2206, 2210 Monticello Drive, approximately 750 feet east of Old Matthews Road. The existing RS7.5 district is intended for single-family dwellings at a density of 4.94 units per acre. The existing CN district is intended for very low intensity retail, office and commercial service uses. The proposed CL district is intended for retail, consumer service, financial, restaurant, office uses. The applicant is seeking this zone change to make the zoning conform to a proposed commercial project. This property is part of a cancelled residential PUD (205-73-U Council Bill O99-1701). The Metro Council canceled this PUD July 21, 1999.

Staff recommends approval of the proposed CL zoning as consistent with the Subarea 3 Plan. A commercial zoning pattern exists in this area along West Trinity Lane. The Subarea 3 Plan's Commercial Arterial Existing (CAE) policy applies to this property and along West Trinity Lane, and extends to the rear of the applicant's property. The portion of the property that is residentially zoned is vacant as well as the surrounding property. Commercial zoning should be limited to the northern border of parcel 153 along Monticello Drive and extend no further north than the depth of parcel 17 to the west of Monticello Street. Adjacent to these parcels to the north is parcel 153 and to the south is parcel 19. These parcels are not apart of this request, but if requested for CL zoning, staff would support their rezoning too.

Traffic

The Metro Traffic Engineer has indicated that West Trinity Lane can accommodate the traffic that would be generated by changing this property to CL zoning. The Traffic Engineer also indicated that commercial traffic should be not significant enough to be a major concern on Monticello Drive.

Resolution No. 2002-01

"BE IT RESOLVED by the Metropolitan Planning Commission that following Zone Change Proposal No. 2002Z-001U-03 **APPROVED (9-0)**:

The proposed CL district is consistent with the Subarea 3 Plan's Commercial Arterial Existing (CAE) policy applied to this property and along West Trinity Lane. Commercial zoning should be limited to the northern border of parcel 153 along Monticello Drive and extend no further north and west than the depth of parcel 17 to the west of Monticello Street."

5. 2002Z-002U-10

Map 092-11, Parcel(s) 107, 144, 178, 380, 382, 385; Map 092-11, Parcel(s) Part of 111 (.2 ac), 377 (.2 ac) Subarea 10 (1994) District 21 (Whitmore)

A request to change from CS district to ORI district properties at 2219, 2305, 2401, 2405, 2409, and 2415 Charlotte Avenue, 340 23rd Avenue North, 345 24th Avenue North, and 310 25th Avenue North, east of Park Plaza, (2.21 acres), requested by Tom Ramsey of HCA Realty, appellant, for HCA Realty, Centennial Surgical Center, LTD, Park Plaza Medical Building, LTD, and MPA Nashville, LLC, owners.

Staff recommends *approval*.

Subarea Plan amendment required? No.

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

This request is to change 2.21 acres from CS (commercial) to ORI (office and residential) district property at 310 25th Avenue North, 340 23rd Avenue North, 345 24th Avenue North, 2415, 2219, 2305, 2401, 2405, 2409, Charlotte Avenue, east of Park Plaza. The existing CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. The proposed ORI district is intended for office and/or residential multi-family uses with limited retail opportunities. This request is made to develop a proposed office complex project.

Staff recommends approval of the proposed ORI zoning district. The ORI zoning district is consistent with the Subarea 10 Plan's Regional Activity Center (RAC) policy area which calls for concentrated mixed-use areas with uses such as small scale retail activities, offices, public uses and higher density residential. The proposed ORI district will allow the construction of an office park, which is consistent with this area's growing office and medical office uses. The ORI zoning is also consistent with existing zoning pattern of all properties in the surrounding area, south of Charlotte Avenue.

Traffic

The Metro Traffic Engineer has indicated that Charlotte Avenue can accommodate the traffic that would be generated by ORI zoning.

Resolution No. 2002-02

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-002U-10 is **APPROVED (9-0)**:

The proposed ORI zoning district is consistent with the Subarea 10 Plan's Mixed-Used policy (MU) area which calls for concentrated mixed-use areas. The proposed ORI district will allow the construction of an office park, which is consistent with this area's growing office and medical office uses. The ORI zoning is also consistent with the existing zoning pattern of all properties in the surrounding area, south of Charlotte Avenue."

FINAL PLAT SUBDIVISIONS

12. 2001S-184U-09

BALCH & WHITESIDE'S ADDN. to NASH., Resubd. Pt. Lot 5 & 93 (1st Rev.)

Map 082-13, Parcel(s) 119

Subarea 9 (1997)

District 20 (Haddox)

A request for final plat approval to dedicate additional right-of-way along 9th Avenue North, abandon an existing combined sanitary sewer/stormwater line easement and dedicate a new sanitary sewer line easement abutting the north margin of Jackson Street, between 8th Avenue North and 9th Avenue North, (1.8 acres), classified within the MUL Urban Zoning Overlay district, requested by Metropolitan Development and Housing Agency ,owner/developer, Thornton and Associates, Inc., surveyor. (See also Mandatory Referral 2002M-008U-08).

Staff recommends *conditional approval* subject to approval by Metro Council to abandon and relocate an existing combined sanitary sewer/stormwater line, a revised plat that illustrates the relocation of the line and references the council bill that relocates it, N.E.S. approval of the plat, and a bond for public utilities and sidewalks.

This request is for final plat approval to dedicate additional right-of-way along 9th Avenue North, abandon an existing combined sanitary sewer/stormwater line easement, and dedicate a new sanitary sewer line easement abutting the north margin of Jackson Street. A mandatory referral to abandon and relocate the combined sewer/stormwater line easement has also been requested (see 2002M-008U-09). The property is located in the MUL district within the Urban Zoning Overlay. The site is across 8th Avenue North from the Farmer's Market, and is located within the Hope Gardens neighborhood and the Phillips-Jackson redevelopment area.

A final plat to consolidate 13 parcels into one lot was approved by the Planning Commission on June 27, 2001, and was later recorded on August 27, 2001 (2001S-184U-09). M.D.H.A. requested the consolidation plat, commonly referred to as "Row 8.9," to redevelop the property with 30 condominium units. The plat was approved with the understanding that another final plat would be necessary to dedicate right-of-way for on-street parking and sidewalks along 9th Avenue North and a portion of Jackson Street, and to relocate and dedicate a new easement for a sanitary sewer line. This new plat dedicating right-of-way and relocating the sanitary sewer line easement will allow the property to be developed, according to the proposed site plan.

The exact location of the new combined sanitary sewer/stormwater line easement has not been determined. The Department of Metro Water and Sewerage Services has indicated that changes occurring in the field regarding the relocation shall be reflected on the final plat prior to recordation. N.E.S. approval will also be necessary prior to plat recordation. Typically, a public utility easement of 20 feet adjacent to all street rights-of-way is requested by N.E.S. The 20-foot easement is currently shown on the plat. The existing MUL zoning and the Urban Zoning Overlay allow the buildings in this case to be constructed closer to the street than the 20-foot easement will allow. The site plan for the development of the property conforms to the existing zoning, but it shows proposed buildings within the utility easement area shown on the plat. A revised plat is required that provides a utility easement that does not interfere with the construction of the proposed buildings. A stamped copy from N.E.S. approving the reduced easement width will be required prior to plat recordation.

Staff recommends conditional approval subject to approval by Metro Council to abandon and relocate the existing sanitary sewer/stormwater line, a revised plat that illustrates the relocation of the sewer line and references the council bill that relocates it, N.E.S. approval of the plat, and a bond for public utilities and sidewalks.

Resolution No. 2002-03

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-184U-09, is **APPROVED WITH CONDITIONS AND A BOND (9-0).**”

19. 2002S-008U-05

DALEWOOD, Section 1, Resubdivision of Lot 107
Map 072-08, Parcel(s) 065
Subarea 5 (1994)
District 8 (Hart)

A request for final plat approval to subdivide one lot into two lots abutting the northwest corner of Berrywood Road and Stratford Avenue, (.84 acres), classified within the RS10 district, requested by Charles F. and Leta Frances McKelvey, owners/developers, Cherry Land Surveying, Inc., surveyor.

Staff recommends *conditional approval* subject to the dedication of 5 feet of right-of-way along Stratford Avenue.

This request is for final plat approval to subdivide one lot containing 0.84 acres into two lots abutting the northwest corner of Berrywood Road and Stratford Avenue, approximately 600 feet south of McGavock Pike. The property is located within the RS10 district in the Inglewood area. Presently there are sidewalks along Stratford Avenue.

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 14,113 square feet, and have a minimum allowable frontage of 71.67 feet. These lots met and exceeded both the lot area and lot frontage with lot areas of 19,487 square feet for lot 1 and 17,191 square feet for lot 2, and lot frontages of 92 feet and 85 feet, respectively.

Maximum Lot Size

The base zoning for this area is the RS10 district that calls for 10,000 square feet lots, which means that lots in this area cannot exceed 30,000 square feet. These lots are well below 30,000 square feet and do not exceed the three times base zoning rule, as defined in Section 2-4.2D of the Subdivision Regulations.

Stratford Avenue Right-of-Way Dedication

The applicant is required by Section 2-6.2.1.D of the Subdivision Regulations to dedicate 5 feet of right-of-way along Stratford Avenue. Stratford Avenue is a future collector road with a minimum right-of-way of 60 feet. The applicant is required to provide 30 feet from the centerline of the existing road. Currently from the centerline of the road to the edge of the applicant's property, there is 25 feet, which leaves 5 feet the applicant is required to dedicate.

Staff recommends conditional approval subject to a revised final plat that shows a 5-foot dedication of right-of-way along Stratford Avenue.

Resolution No. 2002-04

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-008U-05, is **APPROVED WITH CONDITIONS (9-0).**”

20. 2002S-009U-10

SECOND PRESBYTERIAN CHURCH OF NASHVILLE,
TENNESSEE
Map 117-12, Parcel(s) 015 & 016
Subarea 10 (1994)
District 25 (Shulman)

A request for final plat approval to consolidate two parcels into one lot abutting the north margin of Graybar Lane, between Belmont Boulevard and Richards Street, (3.67 acres), classified within the R40 Urban Zoning Overlay district, requested by Second Presbyterian Church of Nashville, Tennessee, owner/developer, Cherry Land Surveying, Inc., surveyor.

Staff recommends *conditional approval* subject to a bond for demolition and approval of a variance for maximum lot size.

This request is for final plat approval to consolidate two parcels into one lot on approximately 4 acres abutting the north margin of Graybar Lane, between Belmont Boulevard and Richards Street. The property is located within the R40 Urban Zoning Overlay district. The applicant is requesting this consolidation to construct a building adjacent to the existing church for a new fellowship hall and classrooms for the church youth. The construction of sidewalks will not be required because the property is located within the R40 district. The Subdivision Regulations require sidewalks in all subdivisions except those proposed within residential zones with minimum required lot sizes 20,000 square feet or greater. The existing R40 district requires lot sizes 40,000 square feet or greater, and therefore is exempt from the sidewalk requirement.

Variance – Maximum Lot Size

The Subdivision Regulations require that a lot not exceed three times the minimum lot size required for the zone district. In this case, the subdivision is located within the R40 zone district. The minimum lot size within this district is 40,000 square feet. A proposed lot could not exceed 120,000 square feet according to this regulation, but the proposed lot contains 160,052 square feet. The applicant has requested a variance to the maximum lot size regulation. The applicant claims that the property has been used by a religious institution since the original church was constructed in the early 1940's. Both lots are currently owned by the church, and the consolidation of the lots is necessary to allow for the new addition to the existing building.

Staff supports the variance for maximum lot size since the church is a pre-existing, non-residential use. Also, churches and schools typically are not able to satisfy residential lot size requirements. The Subdivision Regulations do not differentiate between lots created in a residential zoning district for residential and non-residential use.

Staff recommends conditional approval subject to a bond for demolition and approval of a variance for maximum lot size.

Resolution No. 2002-05

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-009U-10, is **APPROVED WITH CONDITIONS, A DEMOLITION BOND AND A VARIANCE FOR MAXIMUM LOT SIZE (SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS) (9 -0).**”

PLANNED UNIT DEVELOPMENTS (revisions)

24. 69-83-G-14
Lowe's Home Center
Map 75, Parcel(s) 35
Subarea 14 (1996)
District 12 (Ponder)

A request to revise the preliminary plan for a portion of the Commercial Planned Unit Development District located abutting the south margin of Old Hickory Boulevard at Juarez Road, classified SCR district, (14.7 acres), to add 3,080 square feet to the existing 113,509 square foot Lowe's Store for a Nation's-Rent tool rental center, requested by Site Engineering Consultants, Inc., appellant, for Lowe's Home Center, Inc., owner.

Staff recommends *conditional approval*.

This request is to revise a portion of the preliminary plan of the Commercial PUD district located along the south side of Old Hickory Boulevard at Juarez Drive to add 3,080 square feet to the existing Lowe's facility containing 144,831 square feet. The additional square footage is proposed for a tool rental facility (Nation's Rent) at the front of the existing building. This proposal also includes an additional building to be placed in an open area on the south side of the Lowe's building. This building will be used for the rental facility's offices. The underlying base zoning of SCR allows for retail uses with a maximum Floor Area Ratio (FAR) of 1.0, while this development will have an FAR of .19. While only 15 parking spaces are required for the proposed addition, 504 spaces are required for the existing Lowe's facility, for a total of 519 spaces. Currently, this site has excess parking spaces with a total of 560 parking spaces. Furthermore, people using the Lowe's Home Center and Nation Rent facility will likely be the same customer, so as not to create a parking demand problem. Staff recommends conditional approval provided Public Works and Water Services approve the plans prior to the Planning Commission meeting.

Resolution No. 2002-06

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 69-83-G-14 is given **CONDITIONAL APPROVAL OF A REVISION TO PRELIMINARY (9-0)**: The following conditions apply:

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. 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.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. 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."

25. 73-85-P-06
The Reserve
Map 128, Parcel(s) Part of 154
Subarea 6 (1996)
District 23 (Bogen)

A request to revise a portion of the preliminary plan and for final approval for a phase of the Residential Planned Unit Development District located abutting the east margin of Old Hickory Boulevard, north of Memphis Bristol Highway, classified R15 and R20 districts, (18.07 acres being revised), to permit the relocation of 48 apartment units and to convert them to condominium units, requested by Barge, Waggoner, Sumner and Cannon, appellant, for Nashville Highlands LLC, owner.

Staff recommends *conditional approval*.

This request is to revise a portion of the preliminary plan and for final approval for a portion of the Residential PUD district to relocate and convert 48 unbuilt apartment units to condominium units. These units are proposed to be moved from Phase Two to Phase One. Staff recommends conditional approval provided Public Works approves the plans prior to the Planning Commission meeting. A condition of this approval will be that there will be no further sign variances within this PUD. Moving these units into Phase One creates a separate pocket of development within this phase, which may create the possibility for separate ownership in the future. The Zoning Regulations only allow for a limited number of signs and square footage per development entrance. Staff is conditioning this PUD that no further variances are granted for signage. The Commission and the Board of Zoning Appeals have already granted one variance to allow one sign that exceeds the allowable square footage at the development entrance.

The Commission will recall that this is a large grandfathered PUD that extends down to Highway 70. The preliminary plan was revised by the Commission on January 20, 2000, to allow for 150 condominium/townhome units, 912 apartments (1,062 total units), a 500,000 gallon water tank, and two 2,000 square foot clubhouses, which replaced 1,012 apartments and 50 townhomes (1,062 total units) originally. The final PUD plan for Phase One now consists of the 150 townhomes, 48 condominium units, a clubhouse, and water tank for a total of 198 condominium/townhome units and 864 apartment units.

Resolution No. 2002-07

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 73-85-P-06 is given **APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE (9-0)**: The following conditions apply:

1. Prior to the issuance of any 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.
2. 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.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. There shall be no further sign variances within this PUD.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

27. 75-87-P-14
River Glen Subdivision
Map 52, Parcel(s) part of 2
Subarea 14 (1996)
District 14 (Stanley)

A request for final approval for Phases 6 and 7 and Sections 2 and 3 of Phase 3 of the Residential Planned Unit Development District located abutting the east terminus of Penn Meade Way and west of Lock Two

Road, classified RS10 district , (89.42), to develop 119 single-family lots, requested by Civil Site design Group, appellant, for Julius Doochin, owner.

Staff recommends *conditional approval*.

This request is for final approval for Phases 6 and 7, and Sections 2 and 3 within Phase 3 of the Residential PUD district located at the western end of Lock Two Road, to develop 119 single-family lots. The proposed plan maintains the same lot configuration and access locations as the revised preliminary plan approved by the Planning Commission on July 19, 2001. This plan provides three public street connections to existing stub-out streets built in previous phases. The proposed plan includes internal sidewalks on both sides of the street and a sidewalk along a portion of Lock Two Road that will connect this development to Lock Two Park at the northern end of the road. Since there is a severe grade difference between the development area and Lock Two Road, a pedestrian bridge will be built by the developer in Phase 6 to provide a connection to the sidewalk on Lock Two Road. Staff recommends conditional approval provided Public Works approves the grading and drainage plans and Water Services approves the plan prior to the Planning Commission meeting.

Traffic

A traffic impact study (TIS) was prepared for this revision analyzing the project entrances and the intersection of Lock Two Road and Pennington Bend Road. The TIS concludes that this intersection will operate acceptably without new turn lanes or a traffic signal. However, the TIS recommends that Pennington Bend Road and Lock Two Road be restriped to designate travel lanes, as well as a stop bar on Lock Two Road to accommodate the “skewed” intersection. The developer will be responsible for making those improvements.

Resolution No. 2002-08

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 75-87-P-14 is given **CONDITIONAL FINAL APPROVAL FOR PHASE 6 AND 7 AND SECTION 2 AND 3 OF PHASE 3 (9-0)**: The following conditions apply:

1. Prior to the issuance of any 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.
2. Prior to the issuance of any permits, a final plat shall be recorded for each phase, including a bond for all required public improvements and including a pedestrian easement for the sidewalk leading to Lock Two Road and the sidewalk along Lock Two Road. The developer shall be responsible for the construction of this sidewalk and the homeowners association shall be responsible for its maintenance.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. 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.”

28. 88P-038G-13

Long Hunter Chase
Map 151, Parcel(s) Part of 17, 22 and 320; Map 151, Parcel(s) 20
Subarea 13 (1996)
District 12 (Ponder)

A request for final approval for Phase 3, Section 2 of the Residential Planned Unit Development District located abutting the north margin of Hobson Pike, opposite South Hampton Boulevard, classified RS15 district, (7.80 acres), to permit the development of 30 single - family lots, requested by John Coleman Hayes, appellant, for JCH Development Company, Inc., owner.

Staff recommends *conditional approval*.

This request is for final approval for a portion of the Residential PUD to develop 30 single-family lots where 30 lots were approved. The final plan closely matches the preliminary plan that was approved with a total of 322 single-family lots. Staff recommends conditional approval of the PUD provided Public Works approves the drainage and grading plans, and Water Services approve the plans prior to the Planning Commission meeting.

The preliminary PUD plan was approved in 1988 for a total of 322 single-family lots. At that time sidewalks were only required on one side of the street and were not required on cul-de-sacs of less than 350 feet in length. Since this is not a revision to the preliminary, and since the first two phases have already received final plat approval, the plan is being built as it was approved with sidewalks on one side of the street. The plan provides no sidewalks on the three cul-de-sacs in this phase since they are less than 350 feet in length. This would not require a variance since it is how the original preliminary PUD plan was approved prior to the new sidewalk regulations. The applicant has added a stormwater quality plan to Open Space Area "A" shown on the plan in order to comply with the new Stormwater Management Regulations; this pond was not included on the original plan.

Resolution No. 2002-09

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-038G-13 is given **CONDITIONAL FINAL APPROVAL FOR PHASE 3 SECTION 2. (9-0)**: The following conditions apply:

1. Prior to the issuance of any 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.
2. Prior to the issuance of any permits the recording of a final subdivision plat upon the bonding of all required public improvements.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. 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."

MANDATORY REFERRALS

29. 2001M-125U-05
Council Bill No. BL2001-884
Salvation Army Lease
Map 082-07, Parcel(s) 271
Subarea 5 (1994)
District 5 (Hall)

A council bill to approve a lease agreement allowing the Salvation Army to use Metro Government property at 617 Stockell Street as a childcare center, sponsored by Councilmember Jim Shulman.

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

This council bill is to approve a lease agreement allowing the Salvation Army to use Metro Government property at 611 Stockell Street as a childcare center. The agreement commenced July 1, 2001 and terminates on July 1, 2002. Metro Government and the Salvation Army share on a pro-rata basis the cost of utilities, custodial service, and building maintenance. Staff recommends conditional approval of this lease provided all reviewing agencies and departments recommend approval.

Resolution No. 2002-10

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-125U-05 is **APPROVED (9-0)**."

30. 2001M-126G-14

Council Bill No. BL2001-926
Property Donation on Heartland Drive
Map 085, Parcel(s) Part of 1
Subarea 14 (1996)
District 14 (Stanley)

A council bill to accept the donation of 37.9 acres of land from the Donelson Church of Christ, Trustees for the benefit of Metro Parks and Recreation for use as a park and recreational area, sponsored by Councilmembers J. B. Loring and Ed Whitmore.

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

This council bill is to accept the donation of 37.9 acres of land from the trustee of Donelson Church of Christ for park and recreational use along the Stones River. Metro Parks and Recreation will oversee the use and maintenance of this land. This property provides a key link in completing the Stones River Greenway. All of the property is located within the river's floodplain.

Provided in the warranty deed is a clause stating that should Metro cease to use the property as a park or recreational facility, then at the request of Donelson Church of Christ, Metro will promptly convey the property back to the church. While Metro is paying \$0 to the church for the actual land, Metro has agreed to pay the church \$1,605 to cover its costs for engineering and survey work necessary to donate the property.

Staff recommends conditional approval subject to all reviewing agencies and departments recommending approval.

Resolution No. 2002-11

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-126G-14 is **APPROVED (9-0)**."

31. 2002M-001G-14

Council Bill No. BL2001-918
Trinet Trust Greenway Easement on Stones River
Map , Parcel(s)
Subarea 14 (1996)
District 14 (Stanley)

A council bill to approve an agreement with Trinet Trust for greenway easements along the Stones River, sponsored by Councilmembers Ed Whitmore, Phil Ponder, and Bruce Stanley.

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

This council bill is to approve an agreement for two easements, one permanent and the other temporary, from Trinet Trust along the Stones River. These easements will be used to construct the Stones River Greenway. Staff recommends conditional approval subject to all reviewing agencies and departments recommending approval.

Resolution No. 2002-12

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-001G-14 is **APPROVED (9-0)**."

32. 2002M-004U-05

Close Portion of Alley #2027 and Accept Dedication of Right-of-Way for Alley #2025
Map 071-11, Parcel(s) 146; Map 071-11, Parcel(s) 8
Subarea 5 (1994)
District 5 (Hall)

A request to accept the dedication of land for a pedestrian easement for Alley #2025 measuring approximately 350 square feet (7' wide x 50' long) at the rear of Jimmy and Johanna Choate's property at 344 Marshall Street (tax map 71-11, parcel 146) and to abandon portions of Alley #2027 measuring approximately 429 square feet (3' wide x 143' long) along the eastern property line of the Choate's property and the western property line of Marcelle C. Carter's property at 1606 Lischey Avenue (tax map 71-12, parcel 8) running from Marshall Street south for 143' and converting the remaining Alley #2027 from a public alley to a pedestrian walkway from Marshall Street to Alley #2027's intersection with Alley #2025, requested by the Interim Director of Public Works. Easements are to be retained.

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

This request involves two alleys, Alley #2025 and #2027 lying between Marshall Street and Pullen Avenue, west of Lischey Avenue. Metro Public Works has worked with two property owners adjacent to Alley #2027, Mr. and Mrs. Jimmy D. Choate and Ms. Marcella Carter to abandon a portion of the alley and convert a portion into a pedestrian walkway (no vehicular traffic). Public Works has also worked with Mr. and Mrs. Choate to have a small portion (350 square feet) of their property adjacent to Alley #2025 dedicated to Metro. Public Works is requesting these alley modifications. Ms. Carter's house slightly encroaches over Alley #2027, and Mr. Choate had constructed a fence across Alley #2027 which has been removed. Mr. Choate constructed the fence years ago, in an informal arrangement, and had allowed use of the 350 sq foot parcel at the rear of his property, although no formal action was taken by Metro Council to close the alley or to accept the 350 sq foot parcel. This mandatory referral is to address existing conditions. The specific changes to these alleys are as follows:

Alley #2025

- Metro to accept dedication of 350 square feet of land measuring 7' wide by 50' long at the rear of Jimmy and Johanna Choate's property at 344 Marshall Street (tax map 71-11, parcel 146) as a pedestrian easement for public right-of-way purposes.

Alley #2027

- Metro to abandon two strips of land, each containing 429 square feet of land measuring 3' wide by 143' long, one adjacent to the eastern property line of the Choate's and the

other adjacent to the western property line of Ms. Carter (tax map 71-12, parcel 8). Metro retains all easements within these two abandoned strips of land.

- Metro to convert remaining portion of Alley #2027 into a pedestrian walkway from Marshall Street to its intersection with Alley #2025.

Staff recommends conditional approval of these alley modifications provided all reviewing agencies and departments recommend approval.

Resolution No. 2002-13

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-004U-05 is **APPROVED (9-0)**."

33. 2002M-005G-00

Acquire Right-of-Way for Sidewalks Throughout Davidson
County
Map , Parcel(s)
Subarea 0 ()
District 0 ()

A request to acquire property for sidewalk construction within Davidson County to implement the capital improvements budget (CIB #95PW0A03, 92PW002A, 00UW012, 99UW006), requested by the Interim Director of Public Works.

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

This request is by the Interim Director of Public Works to permit the Public Property Administrator to acquire property for sidewalk construction within Davidson County, to implement the recently adopted capital improvements budget (project nos. CIB#95PW0A03, 92PW002A (GSD), 00UW012, and 99UW006 (USD).

The ordinance, to be filed for Metro Council action, would permit the Public Property Administrator to acquire by negotiation or condemnation property for right-of-way or easements on which to construct the sidewalks. By approving this request, the Metro Planning Commission would not be reviewing each and every property interest acquired by negotiation or condemnation by the Public Property Administrator on behalf of Metro Government (Public Works). Instead, the Department of Public Works would inform the Public Property Administrator of right-of-way or easements it needed for sidewalk construction. The Public Property Administrator would then take that information and secure the necessary right-of-way or easements. The draft ordinance provides that in the event of a condemnation, the Public Property Administrator could not exercise the power of eminent domain or condemnation *without* first obtaining the Metro Council's approval by resolution (21 affirmative votes).

Staff supports this request since it will improve Metro Government's ability to construct sidewalks more efficiently and implements the capital improvements budget. Staff recommends conditional approval subject to all reviewing agencies and departments recommending approval.

Resolution No. 2002-14

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-005G-00 is **APPROVED (9-0)**."

34. 2002M-006U-08
Close Portion of Alley #932
Map 092-10, Parcel(s) 336, 337, 414
Subarea 8 (1995)
District 21 (Whitmore)

A request to close a portion of Alley #932 from its terminus at the railroad tracks northerly to almost the northeastern edge of parcel 336 on tax map 92 -10, requested by Lawrence Murphy of Murphy Plumbing Company, abutting property owner. Easements are to be retained.

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

This request is to close a portion of Alley #932 from its terminus at the CSX railroad tracks northerly to almost the northeastern edge of parcel 336 on tax map 92-10. All easements are to be retained. An abutting property owner, Lawrence Murphy of Murphy Plumbing Co. has requested this portion of the alley's closure to help secure his plumbing business on parcel 336. The property owners of parcels 337 and 414, James and Joseph Bell, have also signed the application requesting the alley's partial closure.

Staff recommends conditional approval of Alley #932's partial closure subject to all reviewing agencies and departments recommending approval.

Resolution No. 2002-15

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M -006U-08 is **APPROVED (9-0)**."

35. 2002M-007U-05
Temporary Easement for Sewer Line Extension
Map 083-10, Parcel(s) 261, 262
Subarea 5 (1994)
District 6 (Beehan)

A request for a temporary easement to extend a 6" sewer line on Forrest Avenue (01-SG-156; 96SG0005), requested by Metro Water Services.

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

This request is to acquire a temporary easement to extend a 6" sewer line on Forrest Avenue (project #01-SG-156) by Metro Water Services. This sewer line extension will serve a new lot created by a two-lot plat, Egerton Subdivision (2001S-320U-05), approved by the Planning Commission on December 13, 2001. The easement traverses a portion of parcels 261 and 262 on tax map 83-10.

Staff recommends conditional approval of this easement acquisition provided all reviewing agencies and departments recommend approval.

Resolution No. 2002-16

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M -007U-05 is **APPROVED (9-0)**."

36. 2002M-008U-09

Abandon and Relocate a 20" Combined Sewer/Stormwater Line
Map 082-13, Parcel(s) 116-125; Map 128-130, Parcel(s)
Subarea 8 (1995)
District 19 (Wallace)

A request to abandon a 20" combined sewer and stormwater line and relocate and upgrade the sewer to a 24" line for the Row 8.9 project located between 8th Avenue North and Ninth Avenue North abutting Jackson Street, requested by Metro Water Services. (See also Subdivision 2001S-184U-09).

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

This request is to abandon a 20" combined sewer and stormwater line and relocate and upgrade the sewer to a 24" line for the Row 8.9 project located between 8th Avenue North and 9th Avenue North abutting Jackson Street. The new line will extend from the existing 20" line that enters the property from 9th Avenue North near the midpoint of the property. The new line will continue down the property line along 9th Avenue North. It will then travel along Jackson Street until it ties into an existing line along 8th Avenue North.

Staff recommends approval of the abandonment and relocation. A final plat that references the abandonment and relocation is also being considered by the Commission (see 2001S-184U-09). A final plat was approved by the Planning Commission on June 27, 2001, to consolidate 13 parcels into one lot to allow for the construction of affordable housing units. The plat was approved with the condition that a second plat and a mandatory referral be submitted to abandon and relocate the existing sanitary sewer line easement. The exact location of the new combined sanitary sewer/stormwater line easement has not been determined. The Department of Metro Water and Sewerage Services has indicated that changes occurring in the field regarding the relocation shall be reflected on the final plat prior to recordation. The plat approval is conditioned upon a revised plat that illustrates the relocation of the line and references the council bill that abandons and relocates it. Staff recommends conditional approval provided all reviewing agencies and departments recommend approval.

Resolution No. 2002-17

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-008U-09 is **APPROVED (9-0).**"

37. 2002M-009G-10

Acquire Easements for Water Line at Hillsboro Road and Otter
Creek Road
Map 144-11, Parcel(s) 76
Subarea 10 (1994)
District 33 (Turner)

A request to acquire easements for a water line extension at Hillsboro Road and Otter Creek Road, requested by Metro Water Services.

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

This request is to acquire additional easements for the Hillsboro Road/Bancroft Place water main project by Metro Water Services (project #01-WG-085). Two easements are needed, a 20 foot temporary easement and a smaller permanent easement, at the northeast corner of Hillsboro Road and Otter Creek Road located on tax map 144, part of parcel 76.

Staff recommends conditional approval of these easement acquisitions provided all reviewing agencies and departments recommend approval.

Resolution No. 2002-18

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-009G-10 is **APPROVED (9-0)**."

38. 2002M-010U-11

Acquire Easements for Sewer Line between Fain Street and J. C. Napier Street
Napier Street
Map 93-16, Parcel(s) 320-325
Subarea 11 (1999)
District 19 (Wallace)

A request to acquire easements for a 6" sewer line extension between Fain Street and J. C. Napier Street for parcels fronting Fairfield Avenue (01-SG -165, 96SG0005), requested by Metro Water Services.

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

This request is to acquire permanent and temporary easements for a 6" sewer line extension by Metro Water Services (01-SG-165). The easements are needed along the rear of properties fronting Fairfield Avenue between Fain and J. C. Napier Street (tax map 93-16, parcels 320-325). The sewer line will serve these same properties, except parcel 325. That property already has sewer service.

Staff recommends conditional approval of these easement acquisitions provided all reviewing agencies and departments recommend approval.

Resolution No. 2002-19

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-010U-11 is **APPROVED (9-0)**."

39. 2002M-011U-10

Close Portions of Leslie Avenue, 24th Avenue North, and Alleys #909 and #927
Map 92-11, Parcel(s) 144, 152, 174, 380-382, 394
Subarea 10 (1994)
District 21 (Whitmore)

A request to close a portion of Leslie Avenue from 23rd Avenue North to its terminus at Alley #927, to close Alley #909 from Leslie Avenue to its terminus at 24th Avenue North, to close Alley #927 from Leslie Avenue to Alley #909, to close 24th Avenue North from its terminus to Charlotte Avenue, to close Alley #909 from 24th Avenue North to its western terminus, requested by Tom Ramsey of HCA Realty Inc., abutting property owner. All easements are to be retained.

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

This request is to close a portion of Leslie Avenue from 23rd Avenue North to its terminus at Alley #927, to close Alley #909 from Leslie Avenue to its terminus at 24th Avenue North, to close Alley #927 from Leslie Avenue to Alley #909, to close 24th Avenue North from its terminus to Charlotte Avenue, to close Alley #909 from 24th Avenue North to Charlotte Avenue. All easements are to be retained.

A request for final plat approval has been submitted to consolidate ten lots, part of two alleys, and part of two streets into one lot (2002S-017U-10). The plat has been deferred indefinitely in order to receive grading plan approval from the Department of Public Works. The plat will not be recorded until the street

and alley closures are approved by Metro Council, for that reason, the applicant wants to go forward with the mandatory referral to prevent further delay in the recording of the plat. Several alleys, portions of alleys, and portions of roads that abut this property have been closed in the past, and staff feels that these closures have left a fragmented road and alley system that no longer functions as a means to circulate traffic. Since this is the case, staff feels that closing these road and alley portions will not adversely affect circulation in the area. The easements are to be retained, therefore, while the streets and alleys do not function for circulation, they will still provide for utility access and maintenance.

As mentioned before, several alleys and portions of alleys near this property have been closed in the past. Some of the closures, however, have not been reflected on the Official Street and Alley Map that is annually adopted by Metro Council. Since the map is adopted each year, errors and all, staff feels that the alleys affecting this property that have been closed in the past but are not reflected on the map should be included in this mandatory referral request. There is also a portion of an alley abutting this property that has not been closed by council action, but it has been removed from the Official Street and Alley Map. Staff feels that this portion should also be made a part of the request. The alleys, portions of alleys, and portions of streets to be closed can be evaluated as follows:

- Alleys that have been closed by Metro Council, but are still shown on the Official Street and Alley Map (Alley No. 929 extending between Charlotte Avenue and 25th Avenue North and Alley No. 927 from the terminus of Leslie Avenue to its terminus at old Parkview Place).
- Alleys that have not been closed by Metro Council, but have been removed from the Official Street and Alley Map (Alley No. 909 from Charlotte Avenue to the terminus of Alley No. 928.)
- Alleys and streets that need to be closed by Metro Council and removed from the Official Street and Alley Map (Alley No. 909 from the terminus of Alley No. 928 to 24th Avenue North, Alley No. 909 from 24th Avenue North to its terminus at Leslie Avenue, Alley No. 927 from Leslie Avenue to Alley No. 909, Leslie Avenue from 23rd Avenue North to its terminus at Alley No. 927, and 24th Avenue North from its terminus to Charlotte Avenue.

Staff recommends conditional approval subject to all reviewing agencies and departments recommending approval.

Resolution No. 2002-20

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-011U-10 is **APPROVED (9-0)**,"

40. 2002M-012U-08

Close Portions of 5th Avenue North, 4th Avenue North, and Alley # 509 and #510
Map 81-04, Parcel(s) 84-96, 98-107, 111, 113, 114, 122-125
Subarea 8 (1995)
District 20 (Haddox)

A request to close a portion of 4th Avenue North from Clay Street to its terminus at Alley #509, to close a portion of 5th Avenue North from Dominican Drive to its terminus at Clay Street, to close Alley #201 from Clay Street to Dominican Drive; to close Alley #508 from Clay Street to Dominican Drive; to close Alley #508 from Dominican Drive to Alley #509, to close Alley # 509 from Dominican Drive to MetroCenter Boulevard; and to close Alley #510 from Dominican Drive to Alley #509, requested by Phillip Piercy of Littlejohn Engineering Associates, Inc., appellant for abutting property owners. All easements are to be retained.

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

This request is to close portions of several streets and alleys in MetroCenter. The applicant is requesting their closure in order to consolidate numerous parcels by plat in the future. All easements within these streets and alleys are to be retained. The properties effected by these proposed closures is bounded by MetroCenter Boulevard to the west, Dominican Drive to the north, and Clay Street to the south. The applicant's request is as follows:

- A portion of 4th Avenue North from Clay Street to its terminus at Alley #509;
- A portion of 5th Avenue North from Dominican Drive to its terminus at Alley #509;
- To close all of Alley #201 from Clay Street to Dominican Drive;
- To close all of Alley #508 from Dominican Drive to Alley #509;
- To close all of Alley #509 from Dominican Drive to MetroCenter Boulevard; and,
- To close Alley #510 from Dominican Drive to Alley #509.

Staff recommends conditional approval of these street and alley closures provided all reviewing agencies and departments recommend approval.

Resolution No. 2002-21

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-012U-08 is **APPROVED (9-0)**."

41. 2002M-013G-12

Rename Aaron Drive to "Syrah Lane"
Map 173-04-A, Parcel(s) 129 and 130
Subarea 12 (1997)
District 31 (Knoch)

A request to rename Aaron Drive to "Syrah Lane" located between parcels 129 and 130 on tax map 173-04-A from West Oak Highland Drive to its terminus, requested by Jim Stinson of MEC, Inc.

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

This request is to rename Aaron Drive to "Syrah Lane" between parcels 129 and 130 on tax map 173-04-A, from West Oak Highland Drive to its terminus. Currently, there is another street with the exact same spelling, Aaron Drive, that does not connect to this stub-street, Aaron Drive. The plat for the Oak Highlands (Phase 1) subdivision in which these two Aaron Drive streets are located was approved and recorded about 10 years ago. The streets within Phase 1 have been accepted by Metro Public Works. Once a street has been accepted for public maintenance, a mandatory referral must be submitted and approved by the Metro Council to formally change the street name. Prior to public acceptance, the street name can be modified through the recording of a revised final plat.

Staff supports the proposed street renaming since it avoids name duplication within the same subdivision and any confusion for friends, family, and emergency personnel trying to locate an address. Staff recommends conditional approval provided all reviewing departments and agencies recommend approval.

Resolution No. 2002-22

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-013G-12 is **APPROVED (9-0)**."

42. 2002M-014U-11

Close Alley #1846 between Glenrose Avenue and I-440
Map 119-01, Parcel(s) 139, 141-144, 155-158, 160, 162
Subarea 11 (1999)
District 16 (McClendon)

A request to close Alley #1846 between Glenrose Avenue and I-440, requested by James Haygood, abutting property owner and appellant for other abutting property owners. Easements are to be retained.

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

This request is to close unbuilt Alley #1846 from Glenrose Avenue to its terminus at I-440 lying between Wickson Avenue and Dortch Avenue. Easements are to be retained. Property owners adjacent to this alley are requesting its closure because it has never been used as an alley for vehicular traffic, although utilities lie within it. Over the years, owners have constructed garages, sheds, and other outbuildings that encroach into this alley's right-of-way. The applicant, James Haygood, has worked with all the abutting property owners as well as Councilmember McClendon to gain approval of the proposed alley closure. All signatures of abutting property owners have been provided, and a death certificate too for a deceased owner.

Staff supports the proposed alley closure, however, since some of these encroachments are within public utility easements, exceptions to easements may be needed by the various utilities. Staff recommends conditional approval provided all reviewing departments and agencies recommend approval.

Resolution No. 2002-23

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-014U-11 is **APPROVED (9-0)**."

OTHER BUSINESS

43. MPO contract with the City of Lebanon to provide Technical Assistance for Fiscal Year 2002

Resolution No. 2002-24

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the MPO contract with the City of Lebanon to provide Technical Assistance for Fiscal Year 2002"

44. MPO contract with the City of Hendersonville to provide Technical Assistance for Fiscal Year 2002

Resolution No. 2002-25

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the MPO contract with the City of Hendersonville to provide Technical Assistance for Fiscal Year 2002"

46. Employee contract amendment for Carol Croop

Resolution No. 2002-26

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the employee contract amendment for Carol Croop from December 10, 2001 through September 30, 2002."

46. Employee contract for Lou Edwards

Resolution No. 2002-27

“BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the employee contract for Lou Edwards from January 21, 2002, through January 20, 2003.”

This concluded the items on the consent agenda.

PUBLIC HEARING: SUBDIVISION REGULATIONS AMENDMENT (SIDEWALKS)

2-6 Streets and Pedestrian Ways

2-6.1 Sidewalks

A. General

All sidewalks and pedestrian ways constructed upon public rights-of-way or pedestrian easements shall be in accordance with the adopted construction standards of the Metropolitan Department of Public Works.

B. Standards

1. Dimensions

The minimum width of public sidewalks shall be five (5) feet. Where concrete curbs are required or constructed, grass or landscaped areas or strips with a minimum width of four (4) feet shall separate all sidewalks from the adjacent street (Figure 2-6.1 B.1), except within ten (10) feet of a street intersection.

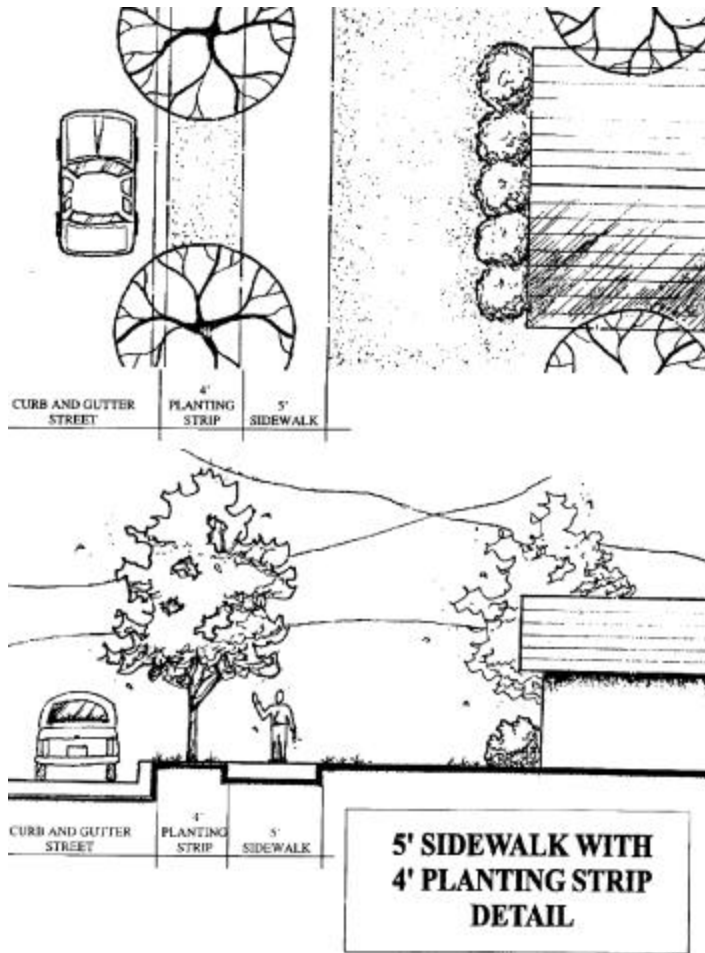


Figure 2-6.1 B.1: Dimensions

2. **Encroachments/Obstructions** (Figure 2-6.1 B.2)
 - a. Encroachments including, but not limited to utility poles, fire hydrants, parking meters, mailboxes, sign standards, and street furniture shall not be located within the concrete portion of the sidewalk area, unless determined to be compliant by Metro Public Works, and except as provided in 2b, below.
 - b. Drainage grates, tree grates, utility grates, and manholes shall be permitted within a sidewalk provided four (4) feet of unobstructed clearance is provided on one side, unless less clearance is determined to be compliant by Metro Public Works.

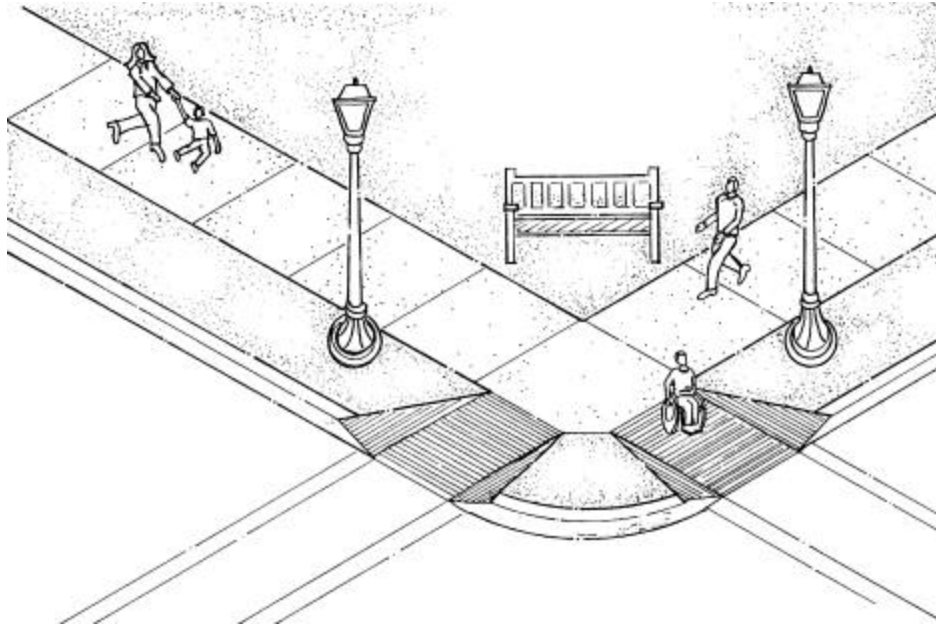


Figure 2-6.1 B.2: Encroachments/Obstructions

3. **Materials** -- When there is an existing sidewalk built of alternative materials (e.g. brick, exposed aggregate) either along the property's frontage or adjoining it, sidewalks may be constructed with like materials, if the materials are determined to be compliant by Metro Public Works.
4. **Location** -- Sidewalks complying with applicable Metro Public Works requirements shall be located on both sides of any new street, and within the public right-of-way, regardless of whether new or existing lot(s) have frontage on said street.
 - a. When a plat has frontage on an existing street(s), sidewalks shall be required in relation to the future curb line along the property's frontage on the existing street(s).
 - b. When the right-of-way is inconsistent with the future curbline, a pedestrian easement may be allowed, subject to approval by Metro Public Works.
 - c. When specimen quality trees or other natural features exist, that are desired to be preserved or protected, in the path of a sidewalk, the sidewalk may be located so as to preserve those features. Under such conditions the sidewalk may be located within a pedestrian easement outside of the dedicated public right-of-way. Exceptions to allow a non-contiguous pedestrian easement may be considered by the Planning Commission, after obtaining a recommendation from the Metropolitan Department of Public Works.
5. **Wheelchair-Accessible Curb Ramp** -- Wheelchair accessible curb ramps complying with applicable Metro Public Works standards shall be constructed at street crossings. If an existing street curb has not been constructed with a sidewalk ramp, the sidewalk and curb shall be reconstructed to meet applicable Metro Public Works standards.
6. **Lot Size** -- Sidewalks shall be required on all non-residential development plats, and all residential lots that are zoned for less than 20,000 square feet minimum lot size, or are proposed to be less than 20,000 square feet by the cluster lot provisions.
7. **Existing Character** -- For infill developments, sidewalks and associated grass or landscape areas or strips shall be comparable in character and width to sidewalks along the existing street, or in the area.

8. **Existing Sidewalks** -- When a substandard sidewalk already exists along a property's frontage on a public street, and is non-compliant with Metro Public Works standards, it shall be brought into compliance with applicable requirements.

C. Sidewalk Relief

If the property falls within one of the areas listed below (1-8), where the construction of a sidewalk is not feasible or practical at the time the final plat is approved, the applicant may request relief from the requirement to construct a sidewalk. In such cases, relief may be granted and a variance shall not be required. Sidewalk relief may be granted along existing or new streets by the Executive Director of the Metropolitan Planning Department for two-lot subdivisions, and by the Metropolitan Planning Commission for subdivisions of more than two lots. A request for relief shall be reviewed in consultation with the Director of Metro Public Works, who may recommend that the installation of the sidewalk is not in the best interest of Nashville and Davidson County at that time. Should such relief be granted, a fee in-lieu of sidewalk construction shall be paid by the applicant in accordance with the fee schedule established by Metro Public Works, except in C.7. below. The fee in-lieu of construction shall be used to accommodate pedestrian needs within the established benefit zone, as provided in Section 2-6.1 D.1.b. The following conditions shall be considered for sidewalk relief but shall not alone establish a right to relief:

1. **Drainage Ditches** -- When drainage ditches are present along an existing street that preclude the reasonable installation of a sidewalk within either the existing or future right-of-way or a pedestrian easement;
2. **Developed With Sidewalks on One Side** -- When the surrounding area within a .25 mile radius is predominantly developed with sidewalks on the opposing side of the street, and no sidewalks exist on the applicant's side of the street within .25 miles;
3. **Developed Without Sidewalks** -- When the surrounding area within a .25 mile radius is predominantly developed without sidewalks and the installation of the sidewalks would be non-contiguous and not from intersection to intersection;
4. **Historic Character** -- When the Metropolitan Historic Commission determines that a sidewalk would inappropriately alter the historic character of a property or neighborhood;
5. **Scenic Highway** -- When a sidewalk would inappropriately alter the character of a designated scenic highway;
6. **Capital Improvement Budget** -- When the adopted current capital improvements budget includes a project that has approved funding for any improvements, widening, or changes to the roadway or within the right-of-way the property fronts, or TDOT has committed approved funds, and construction of sidewalks are anticipated in the next six (6) years at the same location;
7. **Alternative Pedestrian Trail** -- When an alternative pedestrian trail or greenway trail meeting Metro Greenways Design Standards is proposed to be constructed by the developer and the trail substantially serves the same purpose as the sidewalk section for which relief is sought;
8. **Slope** -- When the sidewalk and landscaped strip cross-section areas are located on land with a cross-slope greater than 9%, and the applicant has demonstrated to Metro Public Works that construction of sidewalks on both sides of the street would create a hazardous condition or is impracticable.

D. Payment In-Lieu of Sidewalks

When the Planning Commission or the Executive Director of the Metropolitan Planning Department grants relief to this section of the Subdivision Regulations, the applicant shall pay a fee in lieu of sidewalk construction, except for the provision in C.7., above.

1. **Amount** -- The amount of any in-lieu fee shall be calculated and paid in accordance with the fee schedule established by the Metropolitan Department of Public Works.
 - a. **Payment** -- The fees shall be paid to the Metropolitan Government and administered by the Metropolitan Department of Public Works.
 - b. **Expenditure of Collected Funds** – Within six (6) years of collection of a fee in-lieu of sidewalk construction for a proposed subdivision, such fee shall be spent for the design, construction and/or upgrade of sidewalks and similar pedestrian walks/trails within the pedestrian benefit zone in which the proposed subdivision is located. Funds shall not be spent for anything other than the design and construction of sidewalks and related pedestrian walks/trails, and necessary roadway and drainage improvements to accommodate the sidewalks. Funds not spent within six (6) years will be refunded in full (excluding interest) by Metro Public Works. For the purposes of in-lieu fee refunds, the six (6) year timeframe in which Metro Public Works has to expend the funds shall not commence until all in-lieu fees for the entire development (i.e. all phases and sections) are paid to Metro Public Works.
2. **Fee Deadline** – Prior to the recording of a final plat for the applicable phase(s) of any subdivision, the applicant shall either pay all in-lieu fees with a cashier's check or post a performance agreement with an accompanying security document, as defined in Section 4-1.2 of these regulations. Partial payments of the in-lieu fee (i.e. combinations of cash and surety) shall not be accepted.
3. **Security Document** – Performance agreements shall be reviewed annually by the Metro Planning Department in accordance with its established performance agreement procedures. However, in-lieu fee performance agreements are not eligible for a refund or reduction. The security document will be released once full payment of the in-lieu fee is made by cashier's check to Metro Public Works. Payment of the in-lieu fee shall be made prior to the release of any bond covering roads and drainage for the same development phase or section to which the in-lieu fee applies.

E. Variances

Granting of Variances -- The Planning Commission may grant a variance to Section 2-6.1 based upon the evidence presented to it in each specific case, as required in Section 1-10 of these regulations. Nothing in this section, Section 2-6.1, shall preclude an applicant from seeking a variance under Section 1-10 of these regulations.

F. Pedestrian Easements

To facilitate pedestrian access from streets to schools, museums, parks, greenways, playgrounds, or other nearby community facilities, major shopping malls, or commercial amusement activities, the Planning Commission or the Executive Director of the Metropolitan Planning Department may require perpetual unobstructed easements or dedications of land measuring at least ten (10) feet in width on a subdivision plat. Easements shall be indicated on the plat as a "public pedestrian access easement."

5-2 Words and Terms Defined

Infill Development refers to areas previously subdivided or predominantly developed, where a plat may combine lots, tracts, and/or parcels, may alter an existing public right-of-way, and/or may alter existing lot or parcel lines.

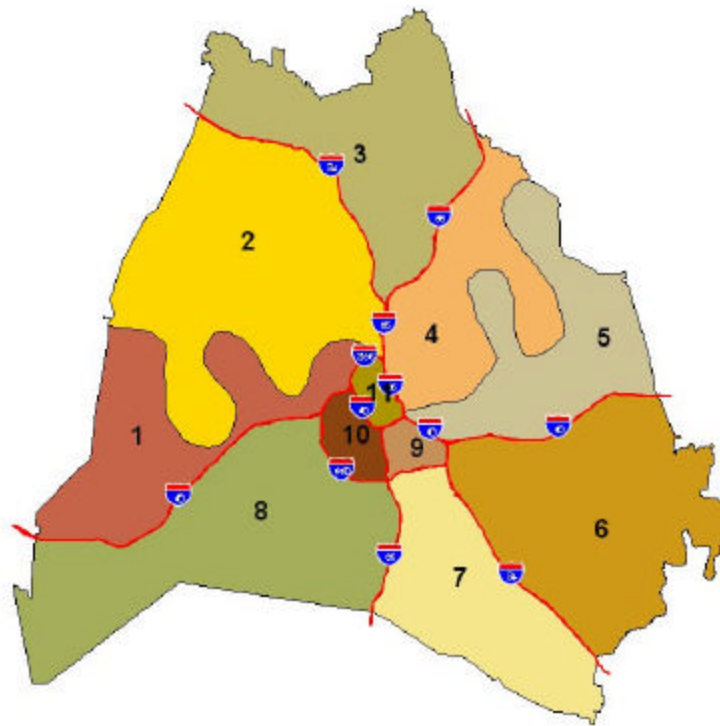
Pedestrian Benefit Zone refers to each of eleven (11) zones established by these regulations in which fees in-lieu of sidewalk construction may be collected, and where such fees shall be spent for the safety

and convenience of pedestrians utilizing the sidewalk or pedestrian network within that zone. Each zone represents, to the extent practicable, an area where pedestrian circulation can take place without traversing major barriers to movement such as interstate freeways and major federal highways that are, by definition, unsafe or unsuitable for pedestrian crossing. Pedestrian Benefit Zones are described as follows (see Map below):

- Zone 1. Bounded by I-40 and I-265 on the southeast; Cumberland River on north/northwest; county line on west. (*West, edge*)
- Zone 2. Bounded by Cumberland River and I-265 on the south; I-24 on the east and north; county line on the west. (*Northwest, edge*)
- Zone 3. Bounded by I-24 on the west; I-65 on the southeast and east; county line on the north. (*North, edge*)
- Zone 4. Bounded by I-65 on the northwest; I-24 on the west; Cumberland River on the south and east; county line on the northeast. (*Northeast, edge*)
- Zone 5. Bounded by Cumberland River on the north/northwest; I-40 on the south/southwest; county line on the east. (*East, edge*)
- Zone 6. Bounded by I-40 on the north; I-24 on the west and southwest; county line on the east. (*Southeast, edge*)
- Zone 7. Bounded by I-24 on the east/northeast; I-65 on the west; I-440 on the north; and county line on the south. (*South, edge*)
- Zone 8. Bounded by I-65 on the east; I-440 on the north/northeast; I-40 on the northwest; county line on the south. (*Southwest, edge*)
- Zone 9. Bounded by I-440 on the south; I-24 on the northeast and east; I-40 on the north/northwest; and I-65 on the west. (*South, inner*)
- Zone 10. Bounded by I-65 on the east/northeast; I-440 on the south and southwest; I-40 on the north and northeast. (*Southwest, inner*)
- Zone 11. Bounded by the downtown loop (*Downtown*)

Specimen quality trees—Trees that are generally considered to be prototypical of that particular species, accurately representing the typical line, form, texture and color. Generally, larger than 12 inches in caliper.

Pedestrian Benefit Zones:



OLD TEXT

2-6 Streets and Pedestrian Ways

2-6.1 Pedestrian Ways

A. ~~Sidewalks~~ Sidewalks shall be required on both sides of the street in all subdivisions except those proposed within residential zones with minimum required lot sizes 20,000 square feet or greater. In cluster lot developments, sidewalks shall be required on both sides of the street when the minimum lot size is less than 20,000 square feet. When sidewalks are to be constructed in a subdivision adjoining a developed area with sidewalks, the sidewalks shall be joined.

The Planning Commission may grant a variance to Section 2-6.1 to require a sidewalk on only one side of the street, subject to design review by Metropolitan Planning Commission staff, in cases where the sidewalk and landscaped strip cross section area is located on land with a cross-slope greater than 9%, and the applicant has demonstrated to the Planning Commission that construction of sidewalks on both sides of the street would create a hazardous condition or is impracticable.

~~Sidewalks, where required, shall be included within the dedicated non-trafficway portion of the right of way of all roads. Where concrete curbs are required or constructed, strips of grassed or landscaped areas at least four~~

~~(4) feet wide shall separate all sidewalks from adjacent curbs, except that within ten (10) feet of street intersections no grass strip will be required. Construction detail shall conform to the Metropolitan Department of Public Works Subdivision Construction Specifications.~~

~~Where sidewalks are required to be constructed along existing substandard streets or along existing or planned streets designated as collector routes on the Collector Plan, the sidewalks shall be located in relation to the future curb line. The design cross section as set forth in the Metropolitan Department of Public Works Subdivision Construction Specifications shall be used as a location guide.~~

~~———— In all residential and commercial districts, including the low density residential zones, sidewalks shall be required along streets proposed for public dedication which are within a one and one half mile radius of any school, and within a one half mile radius of any community facility activity or commercial activity, which includes, but is not limited to, libraries, parks, and commercial, mixed use, or office zones.~~

~~All sidewalks shall be a minimum of five (5) feet wide.~~

~~NOTE~~

~~Width shall be exclusive of encroachments such as utility poles, fire hydrants, parking meters, sign standards, street furniture, etc. The grass strip or four-foot clearance area behind the curb is intended for these purposes.~~

~~B. Pedestrian Access Easements — To facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby facilities, the Planning Commission may require perpetual unobstructed easements or dedications at least ten (10) feet in width parallel to side lot lines. Easements shall be indicated on the plat as "pedestrian access easement."~~

Ms. Regen stated staff was requesting this have an effective date of February 10, 2002.

Mr. Tom White stated he appreciated staff's time and effort on these amendments. There should be some clarification of the 2.5 miles referred to in the "Developed Without Sidewalks" statement. It should be from street to street or from point to point.

Mr. Steve Neighbors, Director of Affordable Housing, stated sidewalks are essential to livability, and are desired. He said he would rather pass the saving of no sidewalks to buyers rather than have the developers pay fees in lieu of.

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

Mr. McLean stated this is a good regulation.

Vice Chairman Small stated he is an advocate of sidewalks. He stated he had some concerns and questions regarding new construction versus infill, relocation of utilities, what are the ADA requirements, who do they impact, and how do they impact current Public Works construction such as replacing streets. He described problems that he has seen with signs, utility poles, fire hydrants and other objects being in the middle of sidewalks and asked whose responsibility will it be to move those obstacles.

Mr. McLean stated that on a new street you have to construct a new sidewalk and you can't put those poles in it. On Bransford duplexes were torn out, new homes and sidewalks were constructed and Public Works told the developers they would have to put in sidewalks on both sides of the street like ones on the other side of town. Those sidewalks had to be torn out and rebuilt. Now those new homeowners are paying for them.

Mr. Bernhardt stated ADA is a federal law and has been in effect since 1990 and has certain requirements for public access to facilities. The city is under a federal court order to comply with those laws because of action not taken earlier. Any new sidewalks built to be accepted by Metro have to meet those requirements. Those standards are straight forward and must have 3 feet of clear path on a sidewalk. The other key issue is that on state highway projects they are not required to be compliant.

Diana Vincent, Metro ADA Coordinator, stated we are obligated to review all accessibility standards Public Works is responsible for. Design standards are being worked on and Public Works is responsible for what happens in the right-of-way. Many of the questions Commissioner Small asked have been brought up and are being looked at. There are lots of things to be worked out.

Councilmember Summers stated he was concerned that this may force new cost on existing homeowners by being a tax burden in the future. The sidewalks need to go in as new homes are built. It is a quality of life issue. Look at the subdivisions that have sidewalks and those that don't.

Mr. Nick Thompson, NES, stated that presently NES is in discussions with Public Works as to who will bear the cost of retrofitting the sidewalks. Either way it will be the NES customers or the Public Works tax payers that will pay. This issue could have an impact of 7 to 10 million dollars to NES.

Ms. Jones asked how much it cost to move an NES pole.

Mr. Thompson stated it could be up to \$15,000 per pole.

Mr. Don Pace, Metro Water Services, stated that if anything that needs to be retrofitted it is at the expense of the developer.

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

Resolution No. 2002-28

“BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the Subdivision Regulations Amendment (Sidewalks) (9-0) to become effective on 02/10/02 with a status review meeting 06/27/02.

PUBLIC HEARING

ZONING MAP AMENDMENTS

1. 2001Z-059U-03

Map 071-14, Parcel(s) 52
Subarea 3 (1998)
District 2 (Black)

A request to change from RS5 district to CS district property at Brick Church Pike (unnumbered), north of Baptist World Center Drive, (0.17 acres), requested by Hozell Anderson, owner. (See also Subdivision 2001S-319U-03).

16. 2001S-319U-03

R. ANDERSON SUBDIVISION
Map 071-14, Parcel(s) 032 & 033
Subarea 3 (1998)
District 2 (Black)

A request for final plat approval to consolidate two lots and one parcel into one lot abutting the west margin of Brick Church Pike, approximately 172 feet south of Fern Avenue (.69 acres), classified within the CS and RS5 districts, requested by Hozell Anderson, owner/developer, Land Surveying, Inc., surveyor. (See Zone Change 2001Z-059U-03).

Mr. Hardison stated staff recommends *approval*.

Subarea Plan amendment required? No.

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

This request is to change 0.17 acres from RS5 (Residential) to CS (Commercial) district at Brick Church Pike (unnumbered), approximately 400 feet north of World Baptist Center Drive. The existing RS5 district is intended for single-family homes at 7.41 dwelling units per acre. The proposed CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. This parcel is currently land locked between Brick Church Pike and Willis Street. The properties abutting this property along Willis Street is zoned RS5 and the abutting properties along Brick Church Pike are zoned CS. The applicant is requesting this zoning change to give this parcel the same zoning as the properties located along Brick Church Pike. This rezoning is part of a two-step process for this applicant. The first step for the applicant was to submit a final plat for approval to combine three parcels into one lot, including the parcel being considered in this zone change request.

R. Anderson Subdivision Plat

This zone change is associated with a final consolidation plat, R. Anderson (2001S-319U-03) that was presented to the Metro Planning Commission (MPC) at its December 13, 2001 meeting. The MPC deferred the plat to the January 10, 2002 meeting in order to hear the subdivision and the zone change request at the same time. Staff is recommending conditional approval of the plat subject to a sidewalk variance and the rezoning of parcel 52 from RS5 to CS district.

Staff recommends approval of the CS zoning since it will provide a transition between the Subarea 3 Plan's Commercial Arterial Existing (CAE), Residential Medium (RM), and Industrial and Distribution (IND) policies. The CAE policy recognizes an existing areas commercial development, the RM policy calls for 4 to 9 residential units per acre, and the IND policy calls for a wide-range of industrial uses.

This property is uniquely situated at the point where the commercial policy, residential policy, and industrial policy intersect. In this area several parcels appear to have similar orientation to parcel 52, those being parcels 44, 67, 68, and 70, which are partially within the IWD district and the RS5 district. Unlike parcel 52 these parcels are neither landlocked nor situated directly between the policy areas. Parcels 44, 67, 68, and 70 are located within the IND policy area and the intent of the Subarea 3 Plan is to eventually have these parcels zoned for industrial use.

Rezoning this property is not an encroachment into the residential policy area, although it is within a residentially zoned area. The property, however, is located in an industrial policy area with a growing IWD zoning pattern. The IWD district properties abut the R8 district properties. If parcel 52 remains zoned RS5, when the industrial uses develop further in this area, the opportunity for a commercially zoned buffer may not exist. Without the buffer, the industrial zoned area would abut the residential area.

Traffic

The Metro Traffic Engineer has indicated Brick Church Pike can sufficiently accommodate the traffic that would be generated by CS zoning.

Staff also recommends *conditional approval* for the subdivision subject to a sidewalk variance and the rezoning of parcel 52 from RS5 to CS district by Metro Council, prior to plat recordation.

This request was deferred at the December 13, 2001 Planning Commission meeting in order to consider it with Zone Change Proposal 2001Z-059U-03. This request is for preliminary and final plat approval to

combine 0.69 acres containing three parcels into one lot abutting the west margin of Brick Church Pike, approximately 170 feet south of Fern Avenue. Parcel 52 is zoned RS5 district and the other two properties. Parcels 32 and 33 are within the CS district.

Variance - Sidewalk

The applicant has requested a sidewalk variance due to the future upgrade of Brick Church Pike. If the applicant were to construct the sidewalks at this time, when Brick Church Pike is upgraded those sidewalks would have to be removed and replaced. Staff supports the applicant’s sidewalk variance request based on the future upgrade of Brick Church Pike.

Zone Change

The applicant has submitted an application to rezone parcel 52, is on this same agenda. When this final plat was submitted, the zone change application had been deferred indefinitely in order to consolidate the properties and not create a landlocked property between a CS district and a RS5 district. The Planning Commission deferred this plat in order to consider the subdivision and the zone change together. Prior to the recordation of this final plat the applicant's rezoning application will need to be approved by the Metro Council. Parcels 32 and 33 (along with parcel 31, not included in subdivision) were rezoned from RS5 to CS district (Council Bill: O99-1635, Zone Change Proposal 99Z-021U) by the Council with the Planning Commission’s recommendation on May 24, 1999.

Staff recommends conditional approval subject to a sidewalk variance and the rezoning of parcel 52 from RS5 to CS district by Metro Council, prior to plat recordation.

No one was present to speak at the public hearing

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

Resolution No. 2002-29

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-059U-03 is **APPROVED (9-0)**:

The proposed CS district will provide a transition between the Subarea 3 Plan's Commercial Arterial Existing (CAE), Residential Medium (RM), and Industrial and Distribution (IND) policies. The CAE policy recognizes the existing areas commercial development. Rezoning this property is not an encroachment into the residential policy area, although it is within a residentially zoned area. The property is located in an industrial policy area with a growing IWD zoning pattern. The IWD district properties abut the R8 district properties. If parcel 52 remains zoned RS5, when the industrial uses develop further in this area, the opportunity for a commercially zoned buffer may not exist. Without the buffer, the industrial zoned area would abut the residential area."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-319U-03, is APPROVED WITH CONDITIONS AND A SIDEWALK VARIANCE ON BRICK CHURCH PIKE (SECTION 2-6.1 OF THE SUBDIVISION REGULATIONS) (9-0)."

2. 2001Z-127U-14

Map 084-00, Parcel(s) 12, 25
Subarea 14 (1996)
District 15 (Loring)

A request to change from R15 district and AR2a district to CS district properties located at the terminus of Two Rivers Court and bordered by Briley Parkway and Nashville & Eastem Railroad, a portion of the property located in a Commercial Planned Unit Development District, (75.8 acres), requested by Randy Caldwell of Ragan-Smith Associates, appellant, for Laurie (Eakes) Mills and L.P. HJL, L.P., owners. (See PUD Proposal No. 84-82-U-14).

3. 84-82-U-14
Donelson Kennels
Map 84, Parcel(s) 25, Part of 12
Subarea 14 (1996)
District 14 (Stanley)

A request to cancel the Planned Unit Development District located east of Briley Parkway, at the southern terminus of Two Rivers Court, classified R15 and proposed for CS district, (27.2 acres), approved for use as a kennel and pasture, requested by Randy Caldwell of Ragan-Smith Associates, appellant, for HJL, L.P. and Laurie Mills, owners. (See Zone Change Proposal No. 2001Z - 127U-14).

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

Subarea Plan amendment required? A subarea plan amendment would normally be required for a request to allow commercial zoning within a residential, or natural conservation policy area. However, staff feels this particular request does not warrant an amendment because this change in zoning would represent a significant intrusion into the residential and natural conservation policies applied to this area.

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

This request is to change 76 acres from R15 (residential) and AR2a (agricultural) to CS (commercial) district properties at 169 and 149 Barker Road, located at the southern terminus of Two Rivers Court and the west side of Briley Parkway. There is also a request to cancel an existing Commercial PUD district approved for a kennel and pasture on a portion of this property. The existing R15 district is intended for single-family and two-family residential at 2.5 dwelling units per acre and the existing AR2a is intended for agricultural and residential uses at one dwelling unit for every two acres. The proposed CS district is intended for a wide range of commercial uses including: retail, consumer service, bank, restaurant, office, mini-storage, light manufacturing, and small warehouse uses. CS would also allow for billboards. The applicant has not indicated the exact plans for the property, however, the traffic impact study (TIS) assumes a 200,000 square foot office development. The CS district allows a maximum Floor Area Ratio (FAR) of .60, which would allow approximately 2 million square feet of floor space on this property.

Staff recommends disapproval of the CS district and the PUD cancellation since the majority of this site falls within the Subarea 14 Plan's Natural Conservation (NC) and Residential Low Medium (RLM) policies. These policies allow up to 4 dwelling units per acre and do not allow for intense commercial activities. The NC policy was applied to this property, during the last Subarea 14 Plan update in 1996, since approximately 50 acres (65%) of the site includes floodplain or floodway from the Cumberland River. A small portion (4.5 acres) of this site falls within the Subarea 14 Plan's IND policy; however, this portion of the site is entirely within the Cumberland River's floodway and floodplain as well. The current RLM and NC policies are appropriate since they only allow for low-intensity residential uses. However, schools, churches, and day-care would also be permitted. There is also a TVA line that crosses this site, nearly bisecting it. Staff also recommends disapproval since access to this site is limited to Two Rivers Court, a two lane minor local road with 6 single-family homes fronting on it. Access to Two Rivers Court is at the interchange of Briley Parkway and Two Rivers Parkway, one mile to the north.

Traffic

The TIS recommended no improvements, other than speed humps along Two Rivers Court, since the intersection could operate at an adequate level of service for 200,000 square feet of office. The TIS did not take into account the possible 2 million square feet of commercial development that could occur in the CS district. Staff feels the study is incomplete since it does not take this into account.

Mr. Scott Crane stated he was opposed to any change because of traffic, noise, and possible crime.

Mr. Steve Simmons gave some history of having to put up with the noise from the dogs in the existing kennel and he expressed concerns regarding a decrease in property value, traffic, and flooding.

Mr. William Osborne and Mr. Jim Williamson stated they were opposed to the proposal.

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

Resolution No. 2002-30

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-127U-14 is **DISAPPROVED (9-0) as contrary to the General Plan:**

The CS district and the PUD cancellation are not consistent with the Subarea 14 Plan's Natural Conservation (NC) and Residential Low Medium (RLM) policies. These policies allow up to 4 dwelling units per acre and do not allow for intense commercial activities. The current RLM and NC policies are appropriate since they allow only for low-intensity residential uses. Furthermore, there is insufficient access to this site with access limited to Two Rivers Court, a two lane minor local road with 6 single-family homes fronting on it, and Barker Road, a one lane road under the railroad tracks."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-82-U-24 is given **DISAPPROVAL AS CONTRARY TO THE GENERAL PLAN (9-0):**

The CS district and the PUD cancellation are not consistent with the Subarea 14 Plan's Natural Conservation (NC) and Residential Low Medium (RLM) policies. These policies allow up to 4 dwelling units per acre and do not allow for intense commercial activities. The current RLM and NC policies are appropriate since they allow only for low-intensity residential uses. Furthermore, there is insufficient access to this site with access limited to Two Rivers Court, a two lane minor local road with 6 single-family homes fronting on it, and Barker Road, a one lane road under the railroad tracks."

6. 2002Z-003U-07

Map 091-16, Parcel(s) 230, 231, 236, 265; Map 091-16, Parcel(s) part of 238 (.68 ac)
Subarea 7 (2000)
District 24 (Summers)

A request to change from IR district to RM40 district properties at 300 42nd Avenue North, 4108 Dakota Avenue, 4105 Nevada Avenue, Nevada Avenue (unnumbered), and Dakota Avenue (unnumbered), approximately 1,200 feet south of Charlotte Avenue, (4.7 acres), requested by Jeff Jones of Jones Development, appellant, for Jack Oman, Trustee.

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

Subarea Plan amendment required? Yes. A subarea plan amendment would normally be required for a request to allow residential zoning with a density of 40 units per acre within a residential policy area that is intended for 4-9 units per acre. Staff feels this particular request does not warrant an amendment because this change in zoning would represent an increase in density that is so great that it will not coincide with the existing residential fabric. The applicant has also indicated that time constraints make the subarea plan amendment process unfeasible.

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

This request is to change approximately 5 acres from IR district to RM40 district properties at 300 42nd Avenue North, 4108 Dakota Avenue, 4105 Nevada Avenue, Nevada Avenue (unnumbered), and Dakota Avenue (unnumbered), approximately 1,200 feet from Charlotte Avenue. The existing IR district is intended for light industrial uses at a small to moderate scale. The proposed RM40 district is designed for

high intensity multifamily developments typically characterized by mid and high-rise structures and structured parking.

The main use of the existing property is as a large-scale sheet metal fabrication company. The company operates out of a 76,000 square foot building with a 3,000 square foot shop and office building. There is also a 3,500 square foot granite and marble cutting business located on the property to be rezoned. All of these buildings and their appurtenances are scheduled to be demolished and removed from the site if the property is developed at RM40.

The Sylvan Park Neighborhood Association met on December 10th, and the applicant presented his plan for rezoning the property to the 30 to 40 people in attendance. This was a regularly scheduled meeting for the association, and it did not include residents of the Sylvan Heights community. The people who attended the meeting did not support the RM40 rezoning.

Staff recommends disapproval of the proposed RM40 zoning as contrary to the General Plan. This zone change is not consistent with the Subarea 7 Plan's Residential Medium Density (RM) policy. That policy calls for between 4 to 9 dwelling units per acre. The Subarea 7 Plan has labeled this particular property as a "sensitive location." The plan states that the expansion of the existing non-conforming industrially zoned area is not intended, and any changes should be toward greater conformance with RM policy.

If this property were developed within the parameters of the existing policy, 42 units would be permitted within the RM9 district. Under the proposed RM40 district, however, 188 units would be allowed. The applicant claims that the request for such a high density is due to the cost of redeveloping this industrial property for residences. The applicant is requesting a change to RM40 because a higher density residential use is necessary to off-set the cost of developing industrial property for residential use. The applicant intends to construct condominiums much like the Park Lane Condominiums located just south of Murphy Road, near McCabe Golf Course. The Park Lane property is also zoned RM40, is nearly the same size, and contains a similar number of units, as the proposed RM40 would permit on this property. Staff likes the idea of redeveloping this industrial property for residential use, but the proposed density is too great to receive a recommendation of approval.

Traffic

A traffic impact study was submitted by the applicant. The study indicates that the anticipated traffic generated by the proposed project will have a minimal impact on the roadways and intersections within the area. The study claims that no additional road improvements will be necessary to accommodate the increase in traffic generated by the proposed development. The Metro Traffic Engineer disagrees. The Metro Traffic Engineer is recommending the following road and intersection improvements:

- 1) **Addition of a left-turn lane on westbound Charlotte Avenue at 42nd Avenue North along with the corresponding signal modifications.** According to the traffic study, the proposed development will increase the westbound left-turn volume from Charlotte Avenue onto 42nd Avenue North by 53% in the PM peak hour. The current configuration at this intersection is two through lanes with left-turns being made from (and blocking) one of the through lanes. The Traffic Engineer believes that the addition of a left-turn lane will increase capacity and reduce the possibility of rear-end accidents.
- 2) **Restriping of northbound 42nd Avenue North to include a left-turn lane and a combined through/right-turn lane at the Charlotte Avenue intersection.** The Traffic Engineer has indicated that additional road construction will not be necessary because the pavement is currently wide enough to accommodate the restriping.
- 3) **Location of the northernmost access driveway should provide optimum safety for vehicles leaving the proposed development.** The Traffic Engineer believes that a sight distance problem may occur due to a hill between Nevada Avenue and Charlotte Avenue. The access driveway should be located in a place that minimizes the impact of the existing hill on drivers exiting the property.

Schools

A multi-family development at RM40 density will generate approximately

39 students (17 elementary, 12 middle, and 10 high school). Students would attend Sylvan Park Elementary School, West End Middle School, and Hillsboro High School. The School Board is currently reviewing school capacity figures and final numbers are not yet available for these schools.

Mr. Bernard Pickney, President of Sylvan Park Neighborhood Association, expressed concerns regarding parking, traffic, and not being owner occupied.

Mr. Wilson Montgomery, Ms. Sara Bucklan concerned about looks, crime, safety, traffic, speeding, changing the character of the neighborhood, building mini warehouses.

Mr. William Hedrick Caurthers, Oman Construction, stated that at one time this location was store yard and shop and is now being used as sheet metal operation. He spoke in favor of the proposal and stated he felt it would improve the neighborhood. It can be sold as Industrial.

Ms. Hope Jackson stated she wants single family residential, and expressed concerns regarding the high density, safety, speeding, and running red lights. It would be better for it to remain Industrial.

Ms. Molly Mitchell spoke in opposition and expressed concerns regarding speed, traffic, and safety.

Mr. Buddy Bowenstein stated he would move into the new apartments because now he has to look at the ugly building in the Industrial zoning.

Mr. Alton Underwood stated the steel manufacturing was a terrible neighbor because of the noise. That ugly building needs to go and something else be built.

Ms. Nicole Tyree spoke in support of development and stated the neighborhood association has legitimate concerns about the density.

Ms. Kimberly Davis, real estate broker, stated the Oman property is devaluing the neighborhood, and that the developer needs to work with the neighborhood.

Mr. Christopher Lilly stated the density is too high.

Mr. Howard Eaves complained about noise from the industrial and stated this area is for residential.

Ms. Gloria Tate stated the Oman property is ugly, and expressed concerns regarding the noise, degrading the neighborhood. She stated she was in favor of residential but not high density.

Mr. John Dean stated he had heard no opposition from his neighborhood group.

Ms. Gloria Russell stated she was opposed to the current plan, it is too dense, there are no sidewalks, no traffic control and no infrastructure. She said she wants 6 habitat for humanity houses instead.

Mr. Brett Quinn expressed concerns regarding traffic, safety, it won't fit neighborhood, and crime.

Mr. Jeff Jones, developer, spoke in favor of the proposal and explained plan.

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

Mr. Clifton referred to the subarea plan which involved the neighborhood and that indicates this area should not go residential with less density than what is proposed. If this Commission turns this down it may stay Industrial for another 100 years.

Councilmember Summers stated he would like to see this developed as residential. All calls have been concerned with the density. Will work with Mr. Jones.

Councilmember Summers moved and Vice Chairman Small seconded the motion, which carried unanimously, to disapprove as contrary to the General Plan:

Resolution No. 2002-31

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-003U-07 is **DISAPPROVED (9-0) as contrary to the General Plan:**

The proposed RM40 district is not consistent with the Subarea 7 Plan's Residential Medium Density (RM) policy. That policy calls for between 4 and 9 dwelling units per acre. The Subarea 7 Plan has labeled this particular property as a "sensitive location." The plan states that the expansion of the existing non-conforming industrially zoned area is not intended, and any changes should be toward greater conformance with RM policy. The RM40 zoning would allow up to 40 dwelling units per acre or 188 units vs. 42 units under an RM9 zoning."

7. 2002Z-004G-13

Map 175-00,, Parcel(s) 85

Subarea 13 (1996)

District 29 (Holloway)

A request to change from AR2a district to CS district property at 4119 Murfreesboro Pike, approximately 1,100 feet northwest of Hurricane Creek Boulevard, (2 acres), requested by Robert Lanning, appellant, for Cheryle Jonathon and Robert Lanning, owners.

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 request is change 2 acres from AR2a (agricultural) to CS (commercial) at 4119 Murfreesboro Pike, located approximately 1,100 feet northwest of Hurricane Creek Boulevard. The existing AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 unit per 2 acres of land. The proposed CS is intended for a wide range of commercial service related uses including low intensity manufacturing and storage facilities. The applicant is requesting this zone change to accommodate the development of a retail business on the property.

Staff recommends disapproval as contrary to the General Plan of the proposed CS zoning. This zone change is inconsistent with the Subarea 13 Plan's Industrial and Distribution (IND) policy, which calls for storage, business centers, wholesale centers, and manufacturing uses. The CS zoning is less intensive than any of the industrial zoning districts, but it does not promote the type of development that an IND policy area limits the amount of available land for industrial uses. Consequently, it forces future industrial development wanting to locate in this area into adjoining policy areas where industrial uses are inappropriate.

Commercial PUD

Located adjacent to parcel 85 is the undeveloped Hickory Valley Business Park (285-84-G) Commercial PUD. This PUD was approved for office and distribution uses by the Metro Council on January 17, 1985. The Commercial PUD property should be developed before any other property in this area is allowed to expand commercial uses.

Traffic

The Metro Traffic Engineer has indicated that Murfreesboro Pike can accommodate the traffic that would be generated by CS zoning.

Mr. Robert Lank, property owner, spoke in favor of the proposal and stated that on one side of property is truck terminal and on the other side is a Commercial PUD.

Ms. Nielson moved Mr. Cochran seconded the motion, which carried unanimously, to disapprove as contrary to the General Plan:

Resolution No. 2002-32

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-004G-13 is **DISAPPROVED (9-0) as contrary to the General Plan:**

The proposed CS district is not consistent with the Subarea 13 Plan's Industrial and Distribution (IND) policy, which calls for storage, business centers, wholesale centers, and manufacturing uses. The CS zoning is less intensive than any of the industrial zoning districts, but it does not promote the type of development that an IND policy area and limits the amount of available land for industrial uses. Consequently, it forces future industrial development wanting to locate in this area into adjoining policy areas where industrial uses are inappropriate."

8. 2002Z-006U-05

Map 082-11, Parcel(s) 003

Subarea 5 (1994)

District 5 (Hall)

A request to change from R6 district to OR20 district properties at 516 North 2nd Street, at the terminus of Treutlan Street, (.16 acres), requested by Walter Braden, appellant, for Exum Chapel Christian Episcopal Church, Trustee.

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 request is to change 0.16 acres from R6 (residential) to OR20 (office/residential) district property at 516 North 2nd Street, at the terminus of Treutlan Street. The existing R6 district is intended for single-family and duplexes at up to 6.17 units per acre. The proposed OR20 district is intended for office and multi-family residential uses at up to 20 dwelling units per acre. The applicant's intent with the property is to use the existing church as a funeral home.

Staff recommends disapproval of the proposed OR20 zoning as contrary to the General Plan. The Subarea 5 Plan designates this area as a Residential Medium (RM) policy area, which calls for 4 to 9 dwelling units per acre. This property is currently the location of the Exum Chapel C.M.E. Church. The church fits the uses allowed within a residentially zoned area, whereas, a funeral home is not permitted under any residential zoning district. This area is a viable residential area. A large commercial and office area exist along Meridian Street to the northeast of the property, above Hancock Street. These areas provide ample commercial development opportunities for a funeral home.

Traffic

The Metro Traffic Engineer indicates that North 2nd Street cannot support the traffic that would be generated by OR20 zoning.

Mr. Alex Benjamin, church member, spoke in favor of the proposal.

Mr. Walter Braden stated he wants to help the church by opening this temporary funeral home until a permanent facility can be built.

Mr. Travis Trovich spoke in opposition and stated this area should remain a residential neighborhood.

Ms. Nielson stated that since it is temporary she wished there was something the Commission could do to help.

Mr. Bemhardt explained the BZA cannot issue a temporary permit and any zoning change would be permanent.

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

Resolution No. 2002-33

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-006U-05 is **DISAPPROVED (8-0) as contrary to the General Plan:**

The proposed OR20 district is not consistent with the Subarea 5 Plan's Residential Medium (RM) policy, which calls for 4 to 9 dwelling units per acre. The existing church fits the uses allowed within a residentially zoned area, whereas, a funeral home is not permitted under any residential zoning district. This area is a viable residential area. A large commercial and office area exists along Meridian Street to the northeast of the property, above Hancock Street. These areas provide ample commercial development opportunities for a funeral home. In addition, there is a vacant piece of property at the corner of North 2nd Street and Berry Street (parcel 212) that is already zoned OR20. The funeral home could locate on this property, just seven lots north of the property the applicant is wanting to rezone."

9. 300-84-U-04

Coventry Woods
Map 52-1, Parcel(s) 148 and 149
Subarea 4 (1998)
District 9 (Dillard)

A request to revise a portion of the preliminary plan of the Residential Planned Unit Development District located abutting the east margin of Forest Park Road, 250 feet north of Neeley's Bend Road, classified RS5 district, (3 .89 acres), to permit the development of 40 multi-family units, replacing 56 multi-family units, requested by Bruce Rainey and Associates, appellant, for The Amador Company, optionee, and Henry Hooper, owner.

Mr. Leeman stated staff recommends *disapproval*.

This item was deferred at the December 6, 2001, meeting to allow the applicant more time to meet with the neighbors. The applicant has requested to revise the preliminary plan for a portion of the unbuilt, Residential PUD district located abutting the east side of Forest Park Road at Coventry Woods Drive to permit 40 multi-family units, replacing 56 multi-family units. This revision provides internal driveways that stub-out into the front portion of the plan. The front portion of the plan will remain single-family and is not included in this PUD revision. Access is proposed from the existing private drive named Coventry Woods Drive. The proposed plan eliminates 16 units and eliminates the previously planned clubhouse and pool.

Staff argues that this request should be an amendment, requiring Metro Council action, since the plan changes the basic development concept of the PUD by eliminating the pool and clubhouse originally proposed as part of the overall PUD. The Zoning Ordinance (Section 17.40.120 G.2.a) establishes the criteria for the Planning Commission to decide whether a proposed change is an amendment or a revision: "In the judgment of the commission, the change does not alter the basic development concept of the PUD."

The entire plan for Coventry Woods was originally approved for 90 units in 1984, while only 20 units have been built in Phase 1. The PUD falls within the Subarea 4 Plan's Residential Medium High (RMH) policy

calling for 9 to 20 dwelling units per acre. The proposed density of 10 dwelling units per acre for the 40 multi-family units on 3.89 acres is consistent with the RMH policy. Staff is recommending disapproval of this plan since it eliminates the pool and clubhouse, which were originally a central component of the plan. All walkways and units were designed around this amenity area.

Since this PUD was approved in 1984, there have been several attempts to cancel the PUD in 1985, 1997, and again in 2000. Each attempt to cancel the PUD failed since many of the owners were not in agreement. Most recently in 2000, the people in the developed portion of the PUD were not in favor of the cancellation since they were anticipating the amenity area to be built in the future. Since this PUD was originally approved under common ownership (options) that has subsequently become fragmented, it has been difficult for one portion of the PUD to proceed without the others. However, the proposed plan now only changes the portion of the plan located on tax map 52-1, parcels 148-149. This allows the property owners in the front portion of the PUD to be able to continue living in their single-family homes. Although parcels 141 through 147 are also included in this PUD district, they are not included in this PUD amendment. Staff has sent a "Courtesy Notice" to all of the owners in the PUD and the adjacent properties to notify them of this request.

Mr. Gene Grah, representing the homeowners association, opposed the addition, especially the pool and clubhouse. He stated they will be using a private drive and will double the amount of traffic. This will depreciate property value. He referred to Councilmember Dillard's letter asking the Commission to treat this as an amendment rather than a revision.

Mr. Harvey Wright stated he doesn't want a construction road next to his house or two story buildings. He expressed concerns regarding crime.

Ms. Sherry Sterbin, president of phase one of Coventry Woods, expressed concerns regarding traffic, and the quality of the development.

Ms. Amanda Ferrell expressed concerns regarding crime and the quality of the buildings.

Mr. Doug Kirk, developer, explained the plan and stated the neighborhood warrants this type of development. He asked the Commission to treat this as a revision to the PUD and not an amendment.

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

Mr. Clifton stated they are making a dramatic reduction to which they have the right to build and they are eliminating the pool and clubhouse.

Mr. Bernhardt stated that PUD's are put in place with the trust of the community. Any change should go before the Council.

Ms. Nielson moved and Ms. Jones seconded the motion, which carried unanimously to disapprove as amendment.

Resolution No. 2002-34

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 300-84-U-04 is given DISAPPROVAL AS A REVISION TO THE PUD; APPROVAL AS AN AMENDMENT REQUIRING METRO COUNCIL ACTION (9-0):

Disapproval as a revision to the PUD since the elimination of the pool and clubhouse were a major design Component of the original plan approved by Metro Council. Their removal would constitute a major change to concept of this PUD plan. Approval of their removal as an amendment to the plan requiring Metro Council action. The following condition applies:

This proposed revision does not include the amenity area provided on the plan approved by the Metropolitan Council. The amenity area was to be shared with the existing Phase One of the development. The pool and clubhouse was originally a central component of the plan and the units were designed around this amenity area.”

Ms. Cummings left at 4:25, at this point in the agenda.

Mr. Clifton left at 4:30, at this point in the agenda.

10. 91-71-G-14

Jackson Square Commercial PUD

Map 64-16, Parcel(s) 1; Map 64-15, Parcel(s) 10, 25, -29

Subarea 14 (1996)

District 11 (Brown)

A request to amend the Commercial Planned Unit Development District located abutting the north margin of Lebanon Pike between Andrew Jackson Parkway and Shute Lane, classified SCR district, (23.06 acres), to permit the addition of 3.82 acres, classified CS district, and the development of a 203,622 square foot Wal-Mart Supercenter, and to relocate a 6,500 square foot Blockbuster video rental store, replacing a 111,713 square foot retail center, a 19,715 square foot theater, and a 6,503 square foot video rental store, requested by Carlson Consulting Engineers, appellant, for MRW Retail Joint Venture and B. B. Doubleday Jr., owners.

Mr. Leeman stated staff recommends *disapproval*.

This request is to amend the existing Commercial PUD district located at the corner of Lebanon Pike and Andrew Jackson Parkway to permit a 203,622 square foot Wal-Mart Supercenter, the addition of a gas station in the parking lot of the Wal-Mart, and the relocation of the existing 6,500 square foot Blockbuster Video store, replacing 131,428 square feet of retail and movie theater space. This plan is an amendment, requiring Metro Council action, since it proposes to add 5 parcels totaling 3.82 acres to the PUD and increases the total square footage within the PUD by more than 10% of that last approved by Council. Staff recommends disapproval of the amendment since the proposed orientation of the Wal-Mart would separate this portion of the PUD from the existing Kroger, office buildings, and retail shops on the western side of the PUD forcing more vehicles back out onto Lebanon Pike and Andrew Jackson Parkway, and since the applicant has not agreed to all of the traffic conditions by the Metro Traffic Engineer.

Zoning

This proposal is consistent with the Subarea 14 Plan’s Retail Concentration Super Community (RCS) land use policy, which calls for large-scale retail and consumer service uses drawing people from a wide market area. The land area being added to the PUD, which will include parking spaces and a detention pond, is within Office Concentration (OC) and Residential Medium (RM) policies; however, these parcels are currently zoned CS district. Parking and detention are permitted within the CS district. The remainder of the site is currently zoned Shopping Center Regional (SCR), which allows for large-scale retail and gas station uses.

Building Orientation

The proposed building faces Andrew Jackson Parkway, while the existing buildings in this PUD are oriented toward Lebanon Pike. The layout of this building leaves little room for cars to maneuver within the PUD, and it breaks the continuity that was intended when Metro Council originally approved this plan. Wal-Mart’s car care center, which faces Lebanon Pike, also makes it difficult to get from one end of the PUD to the other. The applicant has indicated the reason the building faces Andrew Jackson Parkway is to allow the majority of the parking spaces to face the front door.

Traffic

Section 17.36.050C of the Zoning Ordinance requires PUD's to have coordinated vehicular access, including internal circulation that can "adequately support the operational needs of the development itself in a manner that maintains and protects the operational integrity of the community's major streets and highways to standards equal to or greater than otherwise required by Chapter 17.20."

Although the plan proposes several off-site traffic improvements, the proposed driveway location on Lebanon Pike conflicts with the requirements of the Metro Traffic Engineer. The Traffic Engineer is requiring the main access driveway for the Wal-Mart to be aligned with the existing driveway on the opposite side of the street for the H.G. Hill store. This realignment of the driveway will serve to avoid serious traffic conflicts--reducing congestion and improving safety. Although the driveway is proposed at the same location as it currently exists, the Traffic Engineer has indicated that the increased traffic volume from the Wal-Mart would worsen a situation that is already bad. This would require Wal-Mart to relocate the existing Taco Bell similarly to what Wal-Mart has already agreed to do on its own for the Blockbuster Video store.

Other required traffic improvements include the following:

Construction of a new right-turn lane on Andrew Jackson Parkway from the proposed main driveway to the intersection at Lebanon Pike, as required by the Metro Traffic Engineer, to allow for two thru-lanes, a left turn lane and a right turn lane at the southbound approach to Lebanon Pike.

- Installation of a new traffic signal at the intersection of Jackson Meadow Drive and Andrew Jackson Parkway.
- Installation of a new traffic signal at the main driveway entrance to the site on Andrew Jackson Parkway.
- Modifications to the existing traffic signal at the intersection of Andrew Jackson Parkway and Lebanon Pike to allow for the additional right-turn lane.
- Extension of the existing center-turn lane on Andrew Jackson Parkway to provide a 150-foot northbound left-turn lane at the Wal-Mart driveway, a 75-foot southbound left-turn lane at the Wal-Mart driveway and a 50-foot northbound left-turn lane onto Jackson Meadows Drive.
- Construction of one entering lane and two exiting lanes from the Wal-Mart driveway onto Andrew Jackson Parkway.

The applicant has not agreed to the new right-turn lane on Andrew Jackson Parkway from the main entrance to Lebanon Pike, and the relocation of the main driveway on Lebanon Pike to line-up with the H.G. Hill driveway. The Metro Traffic Engineer has indicated that these conditions are the *minimum* requirements for this proposal and are necessary to allow the Wal-Mart to operate.

Signage

Although the Planning Commission does not typically review or approve signage unless there is a variance, given this sites proximity to the Hermitage, any final PUD plan should include signage details. Those details should include square footage, size, lighting, and height. The signage plans will be reviewed by the Metro Historic Commission for comments to the Planning Commission regarding the possible impact to this National Historic site.

George Dean, attorney, representing Walmart, explained the plan and their reasoning for the orientation of the building toward Andrew Jackson Parkway.

Ms. Lois Dowles and Ms. Diana Diaz, spoke in opposition to the proposal and expressed concerns regarding traffic, flooding

Mr. Rick Shepherd, area resident, expressed concerns regarding traffic and the FAR exceeding the allowed amount for a PUD by 37%. The reason the orientation is on Andrew Jackson is because it takes such a large piece of property for a Super Walmart. All the improvements Walmart has offered to make to the streets will only benefit Walmart not the neighborhood. He asked the Commission to accept staff recommendation.

Chairman Lawson left at 4:50, at this point in the agenda.

Councilmember Feller Brown stated this existing PUD is less than 50% occupied. All concerns are not about Walmart but about the traffic and location.

Mr. Roger Johnson, store Manager of the existing Walmart, presented a petition 4,400 people in favor of the expansion and relocation.

Mr. Cochran asked where the petition was solicited.

Mr. Johnson stated it was solicited at present Walmart.

Mr. McLean stated it should not be permissible.

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

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

Resolution No. 2002-35

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 91-71-G-14 is given **DISAPPROVAL (6-0)**:

Disapproval of this PUD amendment due to the proposed orientation of the Wal-Mart Supercenter building to Andrew Jackson Parkway, internal circulation concerns, and off-site traffic improvements. The Wal-Mart Supercenter’s design leaves little room for cars to easily drive between the Kroger and Wal-Mart Supercenter. Customers would be forced to drive in and around buildings and parking lot areas in a serpentine fashion. The design encourages people to drive out onto Lebanon Pike to go from one portion of this PUD to the other. The Wal-Mart Supercenter’s layout breaks the continuity intended by Council within this shopping center. While the applicant has addressed a number of off-site traffic concerns, a number of others remain unresolved. Of particular concern is access and traffic flow along Andrew Jackson Parkway as well as the center’s entrance/exit on Lebanon Pike. The Lebanon Pike access must be realigned with the H. G. Hill’s access point across the street.”

11. 94P-009U-12

Brentwood Properties
Map 160, Parcel(s) 54 & 223
Subarea 12 (1997)
District 32 (Jenkins)

A request to amend the preliminary plan of the Planned Unit Development District located abutting the north margin of Old Hickory Boulevard and the east margin of Franklin Pike Circle, classified OR40 and CL districts, (14.42 acres), to permit the development of three 6-story, 150,000 square foot office buildings and parking garages, and two 8,000 square foot restaurants, replacing 130 condominium units, a 10 story 250,000 square foot office building and two 8,000 square foot restaurants, requested by Barge, Cauthen and Associates, appellant, for Brentwood Properties, owners.

Mr. Leeman stated staff recommends *conditional approval*.

This request is to amend the preliminary plan for the Commercial PUD located at the northeast intersection of Old Hickory Boulevard and Franklin Pike Circle, known as the “Elks Club” property. This plan proposes three, 6-story office buildings -- each with four levels of underground parking, and two 8,000 square foot restaurants, replacing a 10-story, 250,000 square foot office building, an 11-story, 130 unit

residential building with condo's, and two 8,000 square foot restaurants. The original PUD plan approved in 1994, and most recently amended in July 1998, showed two restaurants (totaling 12,000 square feet), one office building (200,000 square feet, 10 floors), two hotels (130 rooms, 54,000 square feet and 250 rooms, 100,000 square feet), and two parking structures. Staff recommends conditional approval since this plan is consistent with the Subarea 12 Plan's Office Concentration (OC) policy calling for large concentrations of office development.

Zoning

This plan is also consistent with the existing underlying OR40 (office and residential) and CL (commercial limited) base zoning that allows maximum FAR's of 1.0 and .6. The proposed plan has an FAR of .86 for the office portion and .15 for the restaurant portion, which is within the allowable floor areas established by the underlying zoning districts.

Traffic & Circulation

A traffic impact study (TIS) was prepared and approved, with some modifications by the Traffic Engineer, for this revised plan. The improvements include the following:

- A southbound left-turn lane on Franklin Pike Circle to Old Hickory Boulevard.
- A 50-foot long left turn lane into the Waffle House (Map 160, parcel 56.02).
- A right-turn lane with 250 feet of storage on Old Hickory Boulevard to Franklin Pike Circle.
- The extension of the existing eastbound left turn lane on Old Hickory Boulevard at Franklin Pike Circle by 150 feet, for a total of approximately 300 feet of storage with a 100-foot long transition.
- Modification to the existing traffic signal at the intersection of Old Hickory Boulevard and Franklin Pike Circle to include a right turn overlap for the westbound approach on Old Hickory Boulevard and the southbound approach on Franklin Pike Circle.
- Two exiting lanes and one entering lane at the northernmost project driveway.
- Crosswalks shall be striped and pedestrian signals and push buttons shall be installed so that pedestrians can cross each approach of the intersection at Old Hickory Boulevard and Franklin Pike Circle/Stonebrook Drive.
- Widen Franklin Pike Circle to provide two southbound lanes, one center lane, and one northbound lane for a total of four lanes between the northernmost driveway and Old Hickory Boulevard.
- Widen Franklin Pike Circle to three lanes, north of the Wilson Inn driveway (map 160, parcel 56), to a three-lane section to allow for left -turn lanes into the site and other immediate driveways.

Mr. Dan Barge III spoke in favor of the proposal and explained the plan.

Ms. Linda Owens and Mr. Jim Owens spoke in opposition to the proposal, and expressed concerns regarding traffic and speeding.

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

Resolution No. 2002-36

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-009U-12 is given **CONDITIONAL APPROVAL (6-0):**

The proposal is consistent with the existing OR40 and CL districts, and the Subarea 12 Plan's Office Concentration (OC) policy calling for large concentrations of office development. The proposal is conditioned upon the traffic improvements shown on the PUD plan and the approved Traffic Impact Study. The following conditions apply:

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

2. Prior to or in conjunction with final PUD plan submittal to the Planning Commission, construction plans for the following road improvements shall be submitted to the Planning Commission for review and approval and are to be completed by the developer prior to the issuance of the first use and occupancy permit for any building within the PUD:
 - A southbound left-turn lane on Franklin Pike Circle to Old Hickory Boulevard.
 - A 50-foot long left turn lane into the Waffle House (Map 160, parcel 56.02).
 - A right-turn lane with 250 feet of storage on Old Hickory Boulevard to Franklin Pike Circle.
 - The extension of the existing eastbound left turn lane on Old Hickory Boulevard at Franklin Pike Circle by 150 feet, for a total of approximately 300 feet of storage with a 100-foot long transition.
 - Modification to the existing traffic signal at the intersection of Old Hickory Boulevard and Franklin Pike Circle to include a right turn overlap for the westbound approach on Old Hickory Boulevard and the southbound approach on Franklin Pike Circle.
 - Two exiting lanes and one entering lane at the northernmost project driveway.
 - Crosswalks shall be striped and pedestrian signals and push buttons shall be installed so that pedestrians can cross each approach of the intersection at Old Hickory Boulevard and Franklin Pike Circle/Stonebrook Drive.
 - Widen Franklin Pike Circle to provide two southbound lanes, one center lane, and one northbound lane for a total of four lanes between the northernmost driveway and Old Hickory Boulevard.
 - Widen Franklin Pike Circle to three lanes, north of the Wilson Inn driveway (map 160, parcel 56), to a three-lane section to allow for left-turn lanes into the site and other immediate driveways.”

FINAL PLAT SUBDIVISIONS

13. 2001S-187U-14

MERRY OAKS, Section 4, Resubdivision of Lot 14
 Map 095-07, Parcel(s) 128
 Subarea 14 (1996)
 District 15 (Loring)

A request for final plat approval to subdivide one lot into two lots and a sidewalk variance on McGavock Pike, approximately 250 feet north of Cloverdale Road, (.73 acres), classified within the R10 district, requested by Rosa Bell and Robert L. Pittman, Jr., owners/developers, Daniels and Associates, Inc., surveyor.

Ms. Regen stated staff recommends *disapproval*.

The applicant deferred indefinitely this plat at the July 19, 2001 Planning Commission meeting to get Stormwater Management Committee approval of a blue-line stream encroachment. On October 25, 2001, the committee approved the applicant’s variance to construct a home within 25 feet of the blue-line stream’s top of bank located at the rear of this property.

This request is for preliminary and final plat approval for two lots on .73 acres on McGavock Pike, across the street from McGavock Elementary School. The applicant wants to subdivide a larger lot into two lots. The Planning Commission and Metro Council approved the rezoning of this property from R20 to R10 district in May 2001 (2001Z -029U-14; BL2001-660).

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 this subdivision are comparable to surrounding lots.

The minimum allowable lot area for lots within this subdivision is 13,517 square feet, and the minimum allowable frontage is 86 feet. Both lots satisfy comparability for lot area with Lot 1 containing 13,982 square feet and Lot 2 containing 18,037 square feet. While Lot 2 passes lot frontage, Lot 1 fails since it has only 73 feet of frontage (13 feet less than required).

One of the difficulties with this property is the other large lots surrounding it. They skew the comparability analysis causing Lot 1 to fail for lot frontage. When the Planning Commission approved this property (parcel 128) for R10 zoning, it did so with the understanding that similarly situated properties along McGavock Pike would transition to R10 over time. That transition would occur since RS10 zoning surrounds this strip of R20 zoning along McGavock Pike. Therefore, staff supports a variance for lot frontage.

Variance – Sidewalk

The applicant is requesting a variance to Section 2-6.1 of the Subdivision Regulations along McGavock Pike. The applicant believes a sidewalk on this side of McGavock is unnecessary since one exists across the street in front of the elementary school. The applicant has also indicated that a sidewalk is impractical because there is no other sidewalk on this side of McGavock Pike, the cost to install it, the lack of a sidewalk connection on adjoining properties, and the slope of this property. A field-check of the site indicates there is room to construct a sidewalk within the existing right-of-way, however, a landscape strip could not be accommodated. While the land does slope away, a narrow sidewalk similar to what exists on the opposite side of McGavock in front of the school could be constructed. The Commission has previously indicated that sidewalks near public facilities are important on both sides of the street. The Metro Council has also indicated its support for such improvements with the adoption of the recent capital improvements budget that allocates a significant amount of funding to sidewalk construction around schools. Staff recommends disapproval of this sidewalk variance.

Staff recommends disapproval of this final plat since a sidewalk variance cannot be supported. Staff would recommend conditional approval of this final plat if the applicant agreed to construct a sidewalk on McGavock Pike and submitted a revised final plat showing the following prior to plat recordation:

- Show a sidewalk along McGavock Pike in accordance with Metro Public Works standards.
- Identify the Stormwater Management Committee decision on the plat as Appeal #2001-37 where building envelope on Lot 1 encroaches into the blue-line stream’s 25’ buffer area.
- Provide an engineer’s true cost estimate for the construction of the sidewalk along McGavock Pike to Metro Public Works standards. That estimate shall be provided to the Metro Planning Department along with an application for a performance agreement.

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

Resolution No. 2002-37

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-187U-14, is **APPROVED WITH CONDITIONS AND A SIDEWALK VARIANCE ON MCGAVOCK PIKE (SECTION 2-6.1 OF THE SUBDIVISION REGULATIONS) (6-0).**”

14. 2001S-204U-10

EARTHGRAINS BAKING COMPANIES, INC.

Map 105-14, Parcel(s) 204 & 205; Map 118-02, Parcel(s) 057, 059 & 059.1

Subarea 10 (1994)

District 17 (Greer)

A request for sidewalk variances along Elliott Avenue and a portion of Inverness Avenue and Hillview Heights for a previously approved final plat located within both Davidson County and the City of Berry

Hill, (6.51 acres), classified within the CS district, requested by Earthgrains Baking Companies, Inc., owner/developer, F. V. Clinkscales, Jr., surveyor.

Ms. Regen stated staff recommends *approval* of sidewalk variances on Franklin Pike, Hillview Heights, and Inverness Avenue, but recommends *disapproval* of sidewalk variance on Elliott Avenue.

The Planning Commission conditionally approved a final plat on July 19, 2001 for this same property. That plat consolidated seven lots and two parcels into one lot. As part of the Commission's action it required the applicant to submit a revised plat showing sidewalks along the property's frontage on Franklin Pike, Hillview Heights, Elliott Avenue, and Inverness Avenue. The applicant is now requesting a sidewalk variance for all these streets.

Variance – Sidewalk

The applicant is requesting a variance to Section 2-6.1 of the Subdivision Regulations which requires sidewalks along existing public streets where none exist now along a property's frontage. With the approved final plat, staff mistakenly required sidewalks on portions of Franklin Pike, Hillview Heights, and Inverness Avenue that are within the City of Berry Hill – not Metro. Therefore, the Commission's action to require sidewalks is unenforceable, and should be rescinded as part of its motion on this revised final plat. For those portions of Inverness Avenue and Hillview Heights within Metro, staff supports a variance request due to slope.

Staff does not support, however, the applicant's request to not construct sidewalks on Elliott Avenue. While Earthgrains' property (formerly Colonial Baking Company) slopes upwards from Franklin Pike, Elliott Avenue levels out and is flat. A field-check of the site indicates there is plenty of room to construct the sidewalk within the existing right-of-way. The land is flat and has no perceptible drainage ditch or swale. According to the applicant's plat, from the edge of pavement on Elliott Avenue to the property line, there is approximately 15 feet of right-of-way in which this sidewalk can be constructed. Elliott Avenue has 50 feet of right-of-way. Staff recommends disapproval of a sidewalk variance along Elliott Avenue.

Staff recommends disapproval of this final plat as submitted because a sidewalk can be constructed along Elliott Avenue. If the applicant agrees to construct the sidewalk along Elliott Avenue, staff would recommend approval of the final plat with sidewalk variances on Hillview Heights and Inverness Avenue, subject to the following conditions being satisfied, prior to plat recordation:

- Show a 5' sidewalk and a 4' landscape strip along Elliott Avenue in accordance with Metro Public Works standards.
- Provide an engineer's true cost estimate for the construction of the sidewalk along Elliott Avenue to Metro Public Works standards. That estimate shall be provided to the Metro Planning Department along with an application for a performance agreement and security (i.e. bond) for the sidewalk's construction.

No one was present to speak at the public hearing.

Ms. Nielson moved and Councilmember Summers seconded the motion, which carried unanimously, to close the public hearing and approve. The motion was revised to list the sidewalk variances.

Resolution No. 2002-38

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-204U-10, is **APPROVED WITH SIDEWALK VARIANCE ON FRANKLIN PIKE, INVERNESS AVENUE AND HILLVIEW HEIGHTS (SECTION 2-6.1 OF THE SUBDIVISION REGULATIONS). SIDEWALK MUST BE CONSTRUCTED ON ELLIOTT AVENUE (6-0).”**

15. 2001S-243G-02
RIPPETOE SUBDIVISION., Resubdivision of Lot 1
Map 041-12, Parcel(s) 143
Subarea 2 (1995)
District 3 (Nollner)

A request for final plat approval to subdivide one lot into three lots and a sidewalk variance on Darbytown Drive and Dickerson Pike, located at the southwest corner of Darbytown Drive and Dickerson Pike (2.36 acres), classified within the CS District, requested by M. D. and Karen Rippetoe and C. H. and Juanita Evilcizer, owners/developers, Land Surveying, Inc., surveyor.

Ms. Regen stated there was no staff recommendation included in the Commission's mailout, but now staff is recommending disapproval.

The Planning Commission deferred indefinitely this plat at its meeting on October 11, 2001 at the request of Councilmember Nollner. The councilmember does not support the sidewalk variance request on Darbytown Drive (see discussion below).

This request is for preliminary and final plat approval to subdivide a 2.4-acre lot into three lots. The property abuts the southwest corner of Darbytown Drive and Dickerson Pike. Since this subdivision is within a CS (commercial) district, lot comparability, size, depth, and frontage are not applicable in this zoning.

Existing Conditions

The owners consolidated this property on January 25, 1999 from four parcels into one lot (Subdivision No. 99S-041G). At the time of the consolidation, the proposed lots 2 and 3 had buildings on them. Since that time another building has been constructed which is on proposed lot 1. This subdivision will create three commercial lots. The buildings on lots 1 and 2 are occupied retail commercial buildings (Dollar General Store and Perry and Derek Paint & Wallpaper), located on lot 3 is a vacant retail commercial warehouse.

Access

Lot 1 has access from Darbytown Drive and a paved connection to lot 2, lot 1 is also serviced by two asphalt parking areas on the north and west side of the building. Access to lot 2 is from Dickerson Pike while lot 3 is accessed from Darbytown Drive.

Variance - Sidewalk

The applicant has requested a variance for sidewalks along Dickerson Road and Darbytown Drive based on there being no sidewalks except around the buildings, drainage ditches along the streets, and the terrain not warranting sidewalks. Upon investigation of the area, sidewalks have been placed at the intersection of Dickerson Pike and Old Hickory Boulevard, which is approximately 850 feet away. Dickerson Pike has been widened to its ultimate width and currently a curb and gutter system is in place. The Metro Public Works Department has indicated a sidewalk can be constructed on Dickerson Pike. Staff is still evaluating whether a sidewalk can be constructed on Darbytown Drive. Councilmember Nollner wants the sidewalks constructed. Staff will present to the Commission its final recommendation on this plat and sidewalk variances at the meeting.

Mr. McLean moved and Councilmember Summers seconded the motion, which carried unanimously, to close the public hearing and approve staff recommendation of disapproval.

Resolution No. 2002-39

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-243G-02, is APPROVED WITH CONDITIONS TO SHOW SIDEWALKS ALONG DARBYTOWN DRIVE AND DICKERSON PIKE (6-0)."

17. 2002S-004U-03
FORGES SUBDIVISION
Map 070-06, Parcel(s) 014 & 015
Subarea 3 (1998)
District 2 (Black)

A request for final plat approval to subdivide two parcels into three lots and a sidewalk variance on Youngs Lane and Buena Vista Pike, abutting the northeast corner of Youngs Lane and Buena Vista Pike, (.76 acres), classified within the R8 district, requested by Sarah R. T. Forges, owner/developer, Land Surveying, Inc., surveyor.

Mr. Hardison stated staff recommends *disapproval*.

This request is for final plat approval to subdivide 0.76 acres containing two parcels into three lots abutting the northwest corner of Youngs Lane and Buena Vista Pike, at the intersection of Buena Vista Pike and Youngs Lane. This property is classified within the R8 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 0.35 acres, and the minimum allowable frontage is 68 feet. All lots pass for frontage, but lots 2 and 3 fail comparability for acreage with 0.2 acres and 0.19 acres, respectively. These lots contain only 51% and 48% of the required 75% of acreage. Staff does not support the proposed lot area variance since these lots are well below the minimum allowable acreage for lots in this area.

Variance - Sidewalk

The applicant is requesting a variance to Section 2-6.1 of the Subdivision Regulations. This section requires sidewalks to be constructed on both sides of the street within new subdivisions, and along property's frontage on existing streets. The applicant is requesting the variance for sidewalks along Buena Vista Pike because it is a substandard road with a conventional "ditch section" with steep terrain. The Subdivision Regulations Section 1-10.1 allow the Planning Commission to grant a variance for the following reason: "Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out" Staff supports this variance due to the severity of the ditch sections slope and the condition of the road.

Staff recommends disapproval of this final plat since it fails to meet lot comparability. If the applicant revised the plat, and resubmitted with comparability, staff could support this plat with a sidewalk variance.

Mr. Rocky Montoya stated they need the variance because the surrounding lots are large, and that before they started work they talked to Planning staff and they said everything looked okay, but now they say we have a comparability problem.

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

Ms. Jones asked if the two CN zoned lots were included in the comparability.

Mr. Hardison stated they were.

Councilmember Summers moved and Ms. Nielson seconded the motion to disapprove, which failed, with Councilmember Summers, Ms. Nielson and Vice Chairman Small in favor of disapproval, and with Mr. McLean, Ms. Jones and Mr. Cochran in opposition of disapproval.

Councilmember Summers stated these lots are nowhere near the size of the others and didn't see how the Commission could even consider approval. He stated he was going to file some sort of legislation to change the limitations of the Commission because he didn't agree with it.

Ms. Jones suggested staff go back and redo the comparability excluding the 2 CN zoned lots.

Mr. Fox, legal counsel, stated the Council has no authority over subdivisions. That authority is solely with the Planning Commission so there would be no need for legislation to be filed.

Ms. Jones moved and Mr. Cochran seconded the motion, which carried unanimously, to defer this matter so staff can rerun the comparability excluding the CN zoned lots.

Subdivision No. 2002S-004U-03, is **DEFERRED TO 01/24/02 MEETING; STAFF TO PREPARE ANOTHER LOT COMPARABILITY ANALYSIS TO DELETE COMMERCIAL PARCELS ZONED CN FROM ANALYSIS (6-0).**

18. 2002S-007U-05
ANDREW W. WILLIAMS LOTS
Map 094-01, Parcel(s) 070 & 072
Subarea 5 (1994)
District 6 (Beehan)

A request for final plat approval to subdivide part of three lots into two lots abutting the northwest margin of Sevier Street and South 12th Street, (.32 acres), classified within the RS5 Urban Zoning Overlay district, requested by Andrew W. Williams, owner/developer, Tommy E. Walker, surveyor.

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

This request is for final plat approval to subdivide part of three lots into two lots on .32 acres abutting the northwest margin of Sevier Street and South 12th Street. The property is located in East Nashville within the RS5 Urban Zoning Overlay district. Sidewalks are currently located along this property's frontage. This request moves a portion of the existing lot line nine feet to the south.

Variance – Lot Comparability

The relocation of the existing lot line creates a lot, proposed lot 2, that fails 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 5,786 square feet, and the minimum allowable frontage is 46 feet. Both lots satisfy lot comparability for lot frontage with approximately 60 feet of frontage, but proposed lot 2 fails lot comparability for lot area because it contains 5,551 square feet (235 square feet less than required). The new lot line could be moved 5 feet to the north, and the lot would satisfy lot comparability.

The applicant is seeking a variance for lot comparability because the lot line must be moved to allow for the construction of a retaining wall between the two properties. The retaining wall is necessary to accommodate the construction of a new home on lot 1. Due to the existing topography, the wall must be constructed in a specific location to function as a grade-changing device. The most appropriate place for the wall just happens to be nine feet within the adjacent property which is also owned by the applicant. Staff recommends approval of the variance for lot comparability to provide for the necessary retaining wall.

Staff recommends conditional approval subject to a variance for lot comparability.

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

Resolution No. 2002-40

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-007U-05, is APPROVED WITH CONDITIONS AND A VARIANCE FOR LOT COMPARABILITY (SECTION 2-4.7 OF THE SUBDIVISION REGULATIONS) (6-0).”

21. 2002S-010U-07
5111 INDIANA AVENUE
Map 091-11, Parcel(s) 210 & 337
Subarea 7 (2000)
District 21 (Whitmore)

A request for final plat approval to reconfigure two lots and a sidewalk variance on 52nd Avenue North located at the southeast corner of Indiana Avenue and 52nd Avenue North, (.34 acres), classified within the R6 Urban Zoning Overlay district, requested by Charles F. Caudill, III, owner/developer, E. Roberts Alley & Associates, Inc., surveyor.

Ms. Regen stated staff recommends *disapproval*.

This request is for final plat approval to divide one parcel containing two existing homes into two separate lots on .34 acres, zoned R6 Urban Zoning Overlay district. The property is located at 5111 Indiana Avenue at the southeast corner of Indiana Avenue and 52nd Avenue North in West Nashville. The two new lots would face 52nd Avenue North instead of Indiana Avenue. Ideally, both of these lots would be oriented to 52nd Avenue North similar to how all the other lots in this neighborhood are oriented -- to the “state” street (i.e. Delaware, Georgia, Indiana, Illinois, Michigan, etc.). However, since the two homes on the property are located one right behind the other, creating two lots fronting 52nd Avenue North is not feasible. These homes were constructed years ago by their appearance.

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 this subdivision are comparable to surrounding lots.

The minimum allowable lot area for lots within this subdivision is 5,594 square feet, and the minimum allowable frontage is 46 feet. Both lots satisfy comparability for lot frontage with 83 feet for Lot 1 and 65 feet for Lot 2. They also pass comparability for lot area with Lot 1 containing 8,475 square feet and Lot 2 containing 6,525 square feet.

Variance – Sidewalk

The applicant is requesting a variance to Section 2-6.1 of the Subdivision Regulations along Indiana Avenue. A sidewalk already exists along 52nd Avenue North. The applicant believes a sidewalk along Indiana Avenue is impractical because there is no other sidewalk on the street, the cost to install it, and that the sidewalk would not connect to anything. By constructing the sidewalk, the applicant contends, this property would be unique from all other properties in the neighborhood since none of them have a sidewalk. A field-check of the site indicates there is plenty of room to construct the sidewalk within the existing right-of-way. The land is flat and has no drainage ditch or swale. According to the applicant’s plat, from the edge of pavement on Indiana Avenue to the property line of Lot 1, there is approximately 35

feet of right-of-way in which this sidewalk can be constructed. Indiana Avenue has 100 feet of right-of-way. Staff recommends disapproval of this sidewalk variance.

Staff recommends disapproval of this final plat since a sidewalk variance cannot be supported. Staff would recommend conditional approval of this final plat if the applicant agreed to construct a sidewalk on Indiana Avenue and submitted a revised final plat showing the following prior to plat recordation:

- Change the sidewalk label along 52nd Avenue North to “Existing Sidewalk” and dimension the sidewalk on the plan.
- Show the location of the water and sewer lines serving Lots 1 and 2. Meters are shown, but no service lines. Provide cross-access easements for these easements on both lots. Provide the Planning Commission a stamped and signed plat from Metro Water Services approving the location of these lines and easements.
- Correct note 3 on the plat regarding the FEMA panel # to reflect “Community #470040, Panels 0211F and 0213F, Zone ‘X’”.
- Provide a label identifying the subdivision case # as 2002S-010U-07
- Show a 5’ sidewalk and a 4’ landscape strip along Indiana Avenue in accordance with Metro Public Works standards.
- Provide an engineer’s true cost estimate for the construction of the sidewalk along Indiana Avenue to Metro Public Works standards. That estimate shall be provided to the Metro Planning Department along with an application for a performance agreement and security (i.e. bond) for the sidewalk’s construction.

Ms. Hammond clarified the Commission’s action should be to approve the plat, but disapprove the variance.

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

Resolution No. 2002-41

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-010U-07, is **APPROVED WITH CONDITIONS AND NO SIDEWALK VARIANCE ALONG INDIANA AVENUE (6-0).**”

PLANNED UNIT DEVELOPMENTS (revisions)

23. 36-76-G-14
Belle Acres
Map 95-5, Parcel(s) Part of 99
Subarea 14 (1996)
District 15 (Loring)

A request for a variance to Section 17.20.120 of the Zoning Ordinance and to the Subdivision Regulations for a sidewalk along a portion of the Residential Planned Unit Development District located abutting the north margin of Lebanon Pike and the south margin of Mill Creek, classified RS10 district, (.01 acres), requested by Robin York, appellant, for the Asgard Group, LLC, owner.

Mr. Leeman stated staff recommends *approval* of the variance for sidewalks on the bridge over Mill Creek.

This request is for a variance to the sidewalk requirements of the Zoning Ordinance (Section 17.20.120) and the Subdivision Regulations (Section 2-6.1) along an existing bridge on Lebanon Pike spanning Mill Creek. The applicant is requesting to eliminate a 95-foot section of sidewalk on the bridge. The applicant has submitted a sidewalk variance request to both the Planning Commission and Board of Zoning Appeals (BZA). The Planning Commission’s role involves review of the applicant’s revised final plat, which includes this sidewalk variance. In addition, the Commission recommends to the BZA approval or disapproval of Zoning Ordinance variance requests within PUDs. The Belle Acres development is a Residential PUD. Like the Subdivision Regulations, the Zoning Ordinance also requires sidewalks for

multi-family and non-residential developments abutting collector and arterial roads. Since Lebanon Pike is a major arterial, and the applicant does not wish to construct this 95-foot sidewalk section on the bridge, the BZA must review and act upon this sidewalk variance request as well.

The Public Works Department has indicated that the existing shoulder on the bridge has approximately seven feet of clearance between the bridge and the painted lane on the road. Room exists to construct a sidewalk without a landscape strip. However, since this is a state highway (U.S. 70), TDOT has jurisdiction. TDOT has indicated it will not approve a sidewalk on the bridge since there is insufficient room to construct a sidewalk that meets TDOT standards. The applicant has submitted a plan, and Public Works has approved it, showing sidewalks along Lebanon Pike leading up to the bridge, but not on the bridge itself.

Staff supports the applicant's sidewalk variance since there is currently not enough room to build a sidewalk meeting TDOT standards. In addition, the applicant's property only fronts half the bridge. Therefore, if a sidewalk were constructed, it would only extend across half the bridge. It would be impractical to build such a sidewalk on only a portion of the bridge. Any sidewalk construction on the bridge will occur in the future when TDOT improves or widens the bridge, although TDOT does not currently have plans to improve this bridge.

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

Resolution No. 2002-42

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 36-76-G-14 is given **APPROVAL OF SIDEWALK VARIANCE ON THE BRIDGE OVER MELL CREEK (6-0)**: 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.
2. Approval of the variance by the Board of Zoning Appeals since Lebanon Pike is an arterial street, requiring a variance to Section 17.20.120 of the Zoning Ordinance.”

26. 13-87-P-14

Chandler Square Commercial PUD
Map 86, Parcel(s) 219
Subarea 14 (1996)
District 12 (Ponder)

A request to revise a portion of the preliminary plan and for final approval for a portion of the Commercial Planned Unit Development District located abutting the north margin of Old Hickory Boulevard at Andrew Jackson Parkway, classified R8 district, (2.43 acres), to permit development of a 14,459 square foot retail drug store, replacing an undeveloped 8,600 square foot restaurant and a 8,500 square foot retail tire store, requested by Littlejohn Engineering Associates, appellant, for First B. Realty L.P. owner.

Mr. Leeman stated staff recommends *conditional approval* with a variance for sidewalks on a portion of Andrew Jackson Parkway.

This request is to revise the preliminary PUD plan and for final approval for a portion of the Commercial PUD district located at the corner of Andrew Jackson Parkway and Old Hickory Boulevard to develop a 14,459 square foot Eckerd Drug store, replacing an undeveloped 8,600 square foot restaurant and an 8,500 square foot retail tire store. This proposal reduces the total square footage within the PUD by 2,641 square feet. This plan is consistent with the original preliminary plan since it maintains one access driveway on Old Hickory Boulevard and one on Andrew Jackson Parkway. The Stormwater Appeals Committee has already approved a variance to allow this project to encroach into the stream buffer of Dry Fork Creek;

there is a 15-foot tall retaining wall separating the proposed development from Dry Fork Creek. Staff recommends conditional approval provided Public Works approves the final drainage and grading plans, sewer capacity is purchased prior to the Planning Commission meeting, and the applicant submits a revised plan showing the proposed sidewalk on Andrew Jackson Parkway within the public right-of-way.

Variance-Sidewalks

The applicant is proposing sidewalks along the property's frontage on Old Hickory Boulevard and a portion of Andrew Jackson Parkway. However, the applicant is proposing a variance to Section 2-6.1 of the Subdivision Regulations for a sidewalk along a 60-foot long portion of Andrew Jackson Parkway where an existing bridge crosses Dry Fork Creek. The Public Works Department has indicated that there is approximately one foot of clearance between the bridge and the painted lane on the road. Staff supports a variance since there is not currently enough room to build a sidewalk across the bridge.

Mr. Phillip Piercy, Littlejohn Engineering, stated he was present to answer any questions the Commission might have.

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

Resolution No. 2002-43

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 13-87-P-14 is given **APPROVAL OF REVISION TO PRELIMINARY PUD PLAN AND CONDITIONAL FINAL PUD APPROVAL WITH A VARIANCE (9-0)**: 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.
2. Prior to the issuance of any building permits, a final plat shall be recorded, including all necessary bonds for public improvements.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.”

OTHER BUSINESS

45. Request for a new road connection from Maryland Farms Office Park in Brentwood, to Old Hickory Boulevard in Davidson County, formerly called Rover Road, now called "Creekwood Crossing"

Ms. Regen stated This request is to construct a new street, Creekside Crossing, on Old Hickory Boulevard directly across from Woodward Hills Place, between Brentwood Boulevard and Westpark Drive. The street is proposed approximately 900 feet away from the intersections of Brentwood Boulevard and Westpark Drive with Old Hickory Boulevard. The new public street will provide additional access to the Maryland Farms office development in Brentwood. Some of the Planning Commissioners may recall this proposed new street four years ago when it was called “Rover Road”. The proposed street name has changed, but the reasons for the road and its location remain basically the same.

The applicant for this new street, Ragan-Smith Associates has requested the street on behalf of its clients, the Maryland Farms development, the developer of Maryland Commons, and the City of Brentwood. The Metro Planning Commission is being requested to approve the concept of the new street. There would be several steps before final street construction, see *Next Steps* below.

Background

The applicant submitted for the Planning Commission's consideration in 1998 a similar request. At that time, it was referred to as “Rover Road” since one of the reasons the new street was sought was better

access for the Land Rover auto-dealership, adjacent to this street's proposed location. A traffic impact study was completed and submitted to the Planning and Public Works departments for review and comment in 1998. In April 1999, the Planning Commission disapproved unanimously "Rover Road". Both the Planning and Public Works departments had concerns about traffic and land use, particularly any increased zoning intensification within Maryland Farms due to the improved access. In the interim, the applicant's clients have continued to seek this access point. Most recently, the City of Brentwood on May 17, 2001 formally requested Metro to consider this connection, again.

Traffic Impact Study

In 1995, a traffic impact study was prepared by Ragan-Smith Associates detailing the impact of this additional access point on circulation and congestion on Old Hickory Boulevard and within the Maryland Farms complex. In 1997, an updated study was completed by the firm reflecting a rezoning from commercial retail to office within Maryland Farms. Public Works did not agree with that study's recommendations, principally that there was a demonstrated need for this additional access point. Unable to reach agreement, the Metro Public Works Department paid for an independent analysis of the Ragan-Smith traffic impact study. That analysis was completed by Wilbur Smith Associates in Knoxville, TN and submitted to Mark Macy, the Assistant Director of Public Works, on September 11, 2001.

Independent Analysis

Wilbur Smith Associates concluded that the new access was not imperative to the operational flow of Old Hickory Boulevard. The analysis indicated the street's congestion during the AM peak and PM peak is caused by a number of factors, not all of which will be alleviated by this new access point. The study did indicate, however, that if a new street were constructed, it would improve left-hand turn movements during the AM peak into the Maryland Farms complex, and PM peak right-hand and left-hand turn movements out of the Maryland Farms. Still, once everyone is out on Old Hickory Boulevard, the congestion currently experienced at Granny White Pike and Franklin Pike will continue. This additional access point does not abate the current poor levels of service at those two intersections. The analysis also notes that the internal circulation network of Maryland Farms is flawed due to its uneven spacing of strategic entrances/exits along Old Hickory Boulevard. Unfortunately, today that network cannot be modified due to existing buildings and parking areas being constructed where more ideal street connections should have been designed and located.

One option the analysis considered as being "best overall" was dual left-turn lanes at both the Westpark Drive and the Brentwood Boulevard intersections on Old Hickory Boulevard. This would result in improving congestion along Old Hickory Boulevard more than the new proposed access point. The applicant has indicated this is not feasible without major modifications to Old Hickory Boulevard and its median. Plus, it does not achieve the applicant's clients' goal of increasing access for all turning movements into and out of the Maryland Farms complex. The analysis concludes that if the dual-left turn lanes cannot be constructed, then Creekside Crossing should be constructed as a signalized intersection.

Staff Recommendation

Planning and Public Works staff have met and discussed the Ragan-Smith Associates traffic impact study and the Wilbur Smith Associates analysis. Planning staff has concluded that an additional access point is acceptable, provided it is a signalized intersection with left-turn lanes on Old Hickory Boulevard onto Creekside Crossing and Woodward Hills Place. These lanes are needed due to the poor sight distance on Old Hickory Boulevard. The road is slightly elevated eastbound towards I-65 and the median's width and tree canopy makes it difficult to see on-coming cars.

When the Planning Commission last acted upon this request in 1999, the applicant's clients' were not willing to construct a signalized intersection. Since then, after meeting with planning staff, the applicant on behalf of his clients has agreed to Creekside Crossing being a signalized intersection.

Staff recommends conditional approval of this new public street based upon the following being submitted to the Metro Planning and Public Works Departments for review, prior to presentation to the Metro Planning Commission for final plat approval:

- Submittal of a preliminary and final plat (one plat will serve both purposes) simultaneously submitting grading and construction plans to the Metro Planning Department and Metro Public Works Department.
- The plat and plans submitted shall detail the following, including but not limited to:
 - a) The location, length, and width of each left-turn lane on Old Hickory Boulevard;
 - b) The location and number of existing Bradford Pear trees proposed for removal within the Old Hickory Boulevard median (if any);
 - c) All proposed striping on Old Hickory Boulevard, Creekside Crossing, and Maryland Way necessary for Creekside Crossing’s signalization and the proposed left-turn lanes;
 - d) The proposed Creekside Crossing intersection design (lanes, turning movements) at Old Hickory Boulevard and Cadillac Drive;
 - e) Information concerning the type of signal to be installed;
 - f) Any special signalization changes necessary along Old Hickory Boulevard, including Westpark Drive and Brentwood Boulevard;
 - g) The submittal of a revised, approved, and recorded plat by the City of Brentwood for the existing Tower Center development showing a relocated access drive aligning with Creekside Crossing, a secondary access point on that same property westward along Cadillac Drive (west of the current drive), and abandonment of the current access point into the Tower Center development. (The Tower Center development refers to Site 73 on the Maryland Farms Office Park, Development Status Plan dated 12/8/00 and prepared by Ragan-Smith Associates).

Next Steps

1. If the Metro Planning Commission approves the street’s concept, the applicant will then submit a preliminary and final plat along with grading and construction plans to the City of Brentwood for its review and approval.
2. If the City of Brentwood approves the plat and associated plans, it will sign the final plat, and the applicant will submit the same to the Metro Planning and Public Works departments for review. (The City of Brentwood needs to sign the plat since the new street spans both Metro and Brentwood).
3. If the submitted plat and associated plans conform to the Metro Planning Commission’s approval of the street’s concept, then staff would present the preliminary and final plat to the Metro Planning Commission for its review and approval.
4. If the Metro Planning Commission approves the plat, the applicant would then post a bond for the street’s construction and associated improvements with Metro Government. All costs to construct this new public street will be paid by the developers of Maryland Farms and Maryland Commons.
5. Once a bond has been posted, Metro would record the final plat. The applicant would be responsible for recording the final plat with the City of Brentwood and Williamson County.

Mr. Sid Smith, Regan/Smith, explained how the traffic would flow.

Mr. McLean moved and Ms. Nielson seconded the motion to approve staff recommendation, which carried with Mr. Cochran and Vice Chairman Small in opposition.

Resolution No. 2002-44

“BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the concept of a new public street (5-1).”

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 6:10 p.m.

Chairman

Secretary

Minute Approval: this 24th day of January 2002

