

**MINUTES**  
**OF THE**  
**METROPOLITAN PLANNING COMMISSION**

Date: January 24, 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  
Carol Croop, Planner 3  
Bob Eadler, Planner 2  
Jerry Fawcett, Planning Manager 2  
Ann Hammond, Assistant Executive Director/Planning  
Marcus Hardison, Planner I  
Lee Jones, Planner I  
David Kleinfelter, Planner 3  
Jeff Lawrence, Assistant Executive Director/Operations  
Robert Leeman, Planner II  
Anita McCaig, Planner 2  
Carolyn Perry, Administrative Assistant  
Jennifer Regen, Planning Manager 2  
Marty Sewell, Planner I  
Brian Wallace, Planner 1  
Cynthia Wood, Planner 3  
Chris Wooton, Planning Technician I

**Others Present:**

Brook Fox, Legal Department  
Chris Koster, Mayor's Office

Chairman Lawson called the meeting to order.

**ADOPTION OF AGENDA**

Addition of Addendum item 2002S-025G-02.

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

**APPROVAL OF MINUTES**

Ms. Nielson moved and Mr. McLean seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of January 10, 2002.

**RECOGNITION OF COUNCILMEMBERS**

Councilmember Vic Lineweaver stated he was present because of items 4. 2001Z-112G-06 and 5. 2000P-005G-06 and asked for a Subarea 6 review again for that quadrant as he has requested for over a year. He stated he had heard it may happen and hopes that it is done today. He stated he was here to listen to residents' comments on items 6. 2002Z-005G-06 and 7. 2000P-002G-06, Old Harding Pike Commercial Plan. This plan being presented is better, because of the road pattern, than the one that is there now.

Chairman Lawson asked if the Commission would like to defer items 6. 2002Z-005G-06 and 7. 2000P-002G-06, Old Harding Pike Commercial PUD.

Ms. Jones stated she would like to here the staff presentation.

**PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED AND WITHDRAWN ITEMS**

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

2002Z-001T deferred at request of Councilmember Ludy Wallace.

2002Z-002T deferred at request of Councilmember Ludy Wallace.

2002Z-005G-06 Will defer after staff presentation.

2000P-002G-06 Will defer after staff presentation.

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

**PUBLIC HEARING: ADOPTION OF CONSENT AGENDA**

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

**ZONING MAP AMENDMENTS AND TEXT AMENDMENTS**

- 3. 2002Z-003T**
- Lenox Village Guidelines
- Map , Parcel(s)

Subarea ()  
District ()

A request to amend the text of the Lenox Village Urban Design Overlay guidelines appendix to change setbacks and units per building, requested by Planning Department staff.

Staff recommends *approval*.

This request is to amend the text of the Lenox Village Urban Design Overlay (UDO) district approved by the Metropolitan Council (BL2001-671) in June 2001. These changes are considered housekeeping in nature and correct errors in one of the tables to make it consistent with the intent of other text in the guidelines. Staff recommends approval.

These housekeeping errors change the Bulk Tables in the Appendix as follows:

- a. Appendix Page 2 of 5, Table A-1, Minimum Side Yard Setback for Building Type IV is changed from “5 ft.” to “End Units: 5 ft.\*”.
- b. Appendix Page 2 of 5, Table A-1, Minimum Side Yard Setback for Building Type V is changed from “5 ft.” to “3 ft.”.
- c. Appendix Page 2 of 5, Table A-1, add the following note to the table: “\*See Table A-2 on Page 3 of 5 for maximum number of units per building”.

**Resolution No. 2002-45**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-003T is **APPROVED**:

These changes are considered housekeeping in nature and correct errors in one of the tables to make it consistent with the intent of other text in the guidelines.”

**PRELIMINARY PLAT SUBDIVISIONS**

**9. 2000S-078G-12**  
BARNES COVE, Rev., Lot 231-234  
Map 173-00, Parcel(s) 054 & 060  
Subarea 12 (1997)  
District 31 (Knoch)

A request to revise a portion of the preliminary plat to redesign 6 lots and to add a stub-street connection to the property to the east abutting the south margin of Barnes Road, east of Nolensville Pike (1.2 acres), classified within the RS10 District, requested by Greystone Properties, LLC, owner, and Anderson-Delk, surveyor. (See Subdivision Proposal 2002S-022G-12).

**10. 2002S-022G-12**  
Addition to BARNES COVE  
Map 173-00, Parcel(s) 59 & 133  
Subarea 12 (1997)  
District 31 (Knoch)

A request for preliminary plat approval for 105 lots abutting the south margin of Barnes Road, east of Nolensville Pike (44.61), classified within the RS10 district, requested by Greystone Properties, LLC, owner/developer, Anderson-Delk and Associates, Inc., surveyor. (See Subdivision Proposal 2000S-078G-12).

Staff recommends *conditional approval* subject to the traffic-related improvements associated with the Barnes Cove preliminary plat approval, Stormwater Management Committee's approval to cross the blue-line stream, final plats done in sections that will provide the opportunity to change the alignment of the road crossing the blue-line stream if necessary, and a bond for removal of existing structures on the property prior, to final plat recordation.

A preliminary plat was approved by the Planning Commission on April 13, 2000, to create 325 lots abutting the south margin of Barnes Road, approximately 3,000 feet southeast of Nolensville Pike on 120 acres, within the RS10 District. The cluster-lot subdivision met the requirements of the Zoning Ordinance concerning lot size and open space.

#### **Barnes Cove**

The "Barnes Cove" plat is a request to revise a portion of the approved preliminary plat. The previously approved plat shows lots 230 – 235 around a cul-de-sac along the eastern boundary of the property. The revision redesigns the 6 lots on 1.2 acres to add a stub-street connection to the property to the east. The stub-street will provide an additional connection to 105 lots that are proposed with "The Addition to Barnes Cove". Sidewalks are provided on both sides of this stub-street. The stub-street to the adjacent property will increase the overall connectivity of the area. Several subdivisions have been approved within the past five years between Barnes Road and Nolensville Pike (see sketches). It is vital that there are linkages among the subdivisions because few opportunities exist to connect the subdivisions directly to Barnes Road and Nolensville Pike. Staff recommends approval of the revision because it will create an essential connection to the proposed 105-lot Addition to Barnes Cove subdivision.

#### **Addition to Barnes Cove**

The "Addition to Barnes Cove" request is for preliminary plat approval to create 105 lots on approximately 45 acres abutting the south margin of Barnes Road, east of Nolensville Pike. This subdivision is a cluster-lot development within the RS10 district at a proposed density of 2.35 dwelling units per acre.

The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain. Lots within a cluster-lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the RS10 district may create lots equivalent in size to the RS5 district. The proposed lots range in size from 6,500 square feet to nearly 14,000 square feet. A typical subdivision on 45 acres and classified within the RS10 district would allow 165 dwelling units. In this case, the applicant has chosen to preserve the natural features through the cluster-lot option and is proposing only 105 lots.

#### **Street Network**

This proposed subdivision has six stub-streets to adjacent properties, and two of them are associated with a collector road, which has 60 feet of right-of-way. A local collector with fifty feet of right-of-way is also being proposed with this subdivision that will connect to Barnes Road in the future. This will provide a third access to Barnes Road from these subdivisions.

The Barnes Cove subdivision currently has a single point of access from Barnes Road, however, this property may also be accessed from the Addition to Sugar Valley, a preliminary plat that received Planning Commission approval June 7, 2001 (2001S-166G-12). The Metro Traffic Engineer has indicated that the improvements that were required for the original Barnes Cove preliminary plat will accommodate the traffic for this addition. No additional roadway improvements will be necessary. However, the improvements listed below shall be completed prior to the recording of any final plat for the "Addition to Barnes Cove."

*Traffic Improvements*

The original preliminary plat for Barnes Cove was approved subject to some traffic-related improvements recommended by the traffic impact study and the Metro Traffic Engineer. These improvements include:

1. **A westbound left-turn lane into the subdivision on Barnes Road;**
2. **Clearing of trees and brush within the right-of-way for better sight distance at the project entrance on Barnes Road; and**
3. **The proposed project access on to Barnes Road should be designed to provide two exiting lanes and one entering lane.**

*Blue-Line Stream*

Public Works has indicated that there is a blue-line stream across the property on the “Addition to Barnes Cove.” The proposed plat shows a road crossing the stream, and the applicant will have to receive approval from the Metro Stormwater Appeal Committee to cross this stream. Public Works has indicated that the crossing will likely be approved. In case changes are necessary to the layout of the plat, however, no final plat for the area affected by the stream shall be approved prior to the Stormwater Committee’s decision (lots south of lots 103 and 41 or north of and including lots 92 and 81 up to lots 103 and 41 as shown on the approved preliminary plat).

*Removal of Existing Structures*

An existing home is currently located on parcel 133. A demolition bond for its removal shall be required prior to any final plat recordation.

Staff recommends conditional approval subject to the completion of the traffic-related improvements associated with the Barnes Cove preliminary plat approval, the approval of Metro Stormwater Appeal Committee for the blue-line stream’s crossing prior to final plat approval for the area south of lots 103 and 41 or north of and including lots 92 and 81 up to lots 103 and 41, final plats shall be submitted in sections to avoid platting the area affected by the stream prior to Stormwater Committee approval, and a demolition bond for removal of the existing home on the property, prior to any final plat recordation.

**Resolution No. 2002-46**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-078G-12, is **APPROVED WITH CONDITIONS (7-0).**”

**Resolution No. 2002-47**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-022G-12, is **APPROVED WITH CONDITIONS (7-0).**”

**12. 2002S-023G-12**

HIGHLAND CREEK, Lots 124-128  
Map 172, Parcel(s) 136  
Subarea 12 (1997)  
District 31 (Knoch)

A request for a revision to part of an approved preliminary plat for three additional lots located north of Holt Road and west of Nolensville Pike, (2.99 acres), classified within the RS10 district, requested by Holt Valley, LLC, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Staff recommends *conditional approval* subject to a revised plat showing a 4-foot sidewalk and pedestrian access easement if necessary along the frontage of all proposed lots within this revision.

The Planning Commission approved the Holt Valley preliminary plat to create 164 lots on April 30, 1998. The name changed to "Highland Creek" when the first final plat application was submitted. Final plats for three sections of the subdivision have been approved by the Planning Commission. Section 3 of the subdivision abuts the portion of the plat to be revised, and received final plat approval from the Planning Commission on March 29, 2001. The final plat for Section 3 was later recorded December 11, 2001.

This request is to revise part of the approved preliminary plat in order to add three additional lots on 3 acres located at the terminus of Sherbrooke Lane. Sherbrooke Lane is extended with this proposal in order to accommodate the additional three lots. The property is located north of Holt Road and west of Nolensville Pike within the Highland Creek RS10 cluster-lot subdivision. The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain under the cluster lot option. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the RS10 district may create lots equivalent in size to the RS5 district.

The three new lots proposed with this revision are all in the range of 10,000 square feet each. A typical subdivision on 64 acres and classified within the RS10 district would allow 237 dwelling units. The original preliminary plat approval was granted to create 164 lots. Staff feels that an increase from 164 lots to 167 lots is not a significant increase and does not affect the intent of the approved preliminary subdivision.

Staff feels this revision should comply with today's sidewalk regulations since these three lots are being added to the Highland Creek development and were never part of the original preliminary plat. Sidewalks are shown along one side of Sherbrooke Lane, and today's regulations require sidewalks on both sides of the street. A revised preliminary plat shall be submitted showing a sidewalk extending from its terminus at lot 127 to the southern property line of lot 167 and lot 129. A public pedestrian access easement may also be necessary to accommodate the sidewalk due to limited right-of-way. Today's regulations require that a local residential road contain 46 feet of right-of-way, but Sherbrooke Lane was approved with only 40 feet of right-of-way prior to this regulation. This section of the preliminary was also approved with a 4-foot sidewalk. Staff feels that Sherbrooke Lane should remain with 40 feet of right-of-way and a 4-foot sidewalk in order to correspond with the approved right-of-way and sidewalks that they will be tying into.

Staff recommends conditional approval subject to a revised plat showing a 4-foot sidewalk and pedestrian access easement if necessary along the frontage of all proposed lots within this revision.

**Resolution No. 2002-48**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2002S-023G-12, is **APPROVED WITH CONDITIONS (7-0)."**

**FINAL PLAT SUBDIVISIONS**

**13. 2000S-395U-10**  
CEDAR LANE SUBDIVISION  
Map 118-01, Parcel(s) 096  
Subarea 10 (1994)  
District 17 (Greer)

A request to revise the preliminary plat and for final plat approval to reconfigure two lots into three lots abutting the northwest corner of Cedar Lane and 12th Avenue South, (.78 acres), classified within the R8 Urban Zoning Overlay district, requested by F. Don Montgomery, Jr., owner/developer, Littlejohn Engineering Associates, Inc., surveyor.

Staff recommends *conditional approval* of this preliminary and final plat subject to Public Works approving this plat prior to the Planning Commission meeting, as well as a revised plat and a bond for sidewalk construction along 12<sup>th</sup> Avenue South and sidewalk reconstruction along Cedar Lane, prior to plat recordation.

This request is to revise an approved preliminary plat and final plat for three lots abutting the northwest corner of Cedar Lane and 12<sup>th</sup> Avenue South. The Planning Commission approved a similar plat on November 26, 2001 that provided access solely from Alley #961, at the rear of the three proposed lots. The November 26<sup>th</sup> plat was never recorded and had been a revision to a preliminary plat approved by the Commission on January 4, 2001. The January 4<sup>th</sup> plat had shown access from both Cedar Lane and Alley #961 for these same three lots.

The main difference between these three plats is the latest plat shows a sidewalk along 12<sup>th</sup> Avenue South. Access on this latest plat is provided from a private drive that connects to both Cedar Lane and Alley #961. The sidewalk along 12<sup>th</sup> Avenue South will meander around some mature trees that the applicant wants to preserve. A small portion of this sidewalk will be located within a 9-foot public pedestrian easement; there is not spite strip between the dedicated public right-of-way and this easement. The applicant will also be reconstructing a portion of the sidewalk along Cedar Lane where the driveway will be constructed as well as where it is in poor condition (broken, fractured, and heaved).

Staff recommends conditional approval of this preliminary and final plat subject to Public Works approving this plat prior to the Planning Commission meeting, as well as a revised plat and a bond for sidewalk construction along 12<sup>th</sup> Avenue South and sidewalk reconstruction along Cedar Lane, prior to plat recordation.

**Resolution No. 2002-49**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-395U-10, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND (7-0).**”

**14. 2001S-318U-03**  
AAA STORAGE SUBDIVISION  
Map 071-02, Parcel(s) 005 and 203  
Subarea 3 (1998)  
District 2 (Black)

A request for final plat approval to subdivide two parcels into two lots abutting the west margin of Brick Church Pike, approximately 717 feet north of Avondale Circle, (5.91 acres), classified within the IWD and R8 districts, requested by J. Munich Asset Trust, owner/developer, The Cummings Group, Inc., surveyor.

Staff recommends *conditional approval* of this plat subject to a flag-shaped lot variance and a bond for sidewalks along Brick Church Pike, prior to plat recordation.

This request is for final plat approval to subdivide 5.91 acres containing two parcels into two lots abutting the west margin of Brick Church Pike, north of Avondale Circle. A joint access easement is shown on the plat for lots 1 and 2 from Brick Church Pike. This easement decreases from two to one, the number of curb cut along this major arterial.

When the property was rezoned in November 2000 (2000Z-105U-03; BL2000-465), a portion was retained as residential due to a ridgeline traversing the property. The Subarea 3 Plan uses this ridgeline as the boundary between the industrial and commercial policies along Brick Church Pike, and the residential policy along Monticello Drive. Thus, the property has split zoning: 75% is zoned IWD district and 25% is zoned R8 district.

*Sidewalk*

The applicant has shown on the plat a sidewalk along the property’s frontage on Brick Church Pike. A bond shall be required for the sidewalk’s construction, prior to plat recordation.

*Variance – Flag-Shaped Lot*

The applicant is requesting a variance to Section 2-4.2A of the Subdivision Regulations to configure lot 1 as a flag-shaped lot. Staff recommends approval of this variance since the majority of this property has industrial zoning and note #8 on the plat specifically prohibits any residential development in the R8 portion of the property from having access to Brick Church Pike. If the R8 portion of the property were to develop in the future, its access would have to come from Monticello Drive or Avondale Circle, two local residential streets.

Staff recommends conditional approval of this plat subject to a flag-shaped lot variance and a bond for sidewalks along Brick Church Pike, prior to plat recordation.

**Resolution No. 2002-50**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-318U-03, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND (7-0).**”

**PLANNED UNIT DEVELOPMENTS (revisions)**

**15. 38-79-G-04**

Rivergate Mall- Signal One  
Map 26-14, Parcel(s) Part of 45  
Subarea 4 (1998)  
District 10 (Balthrop)

A request to revise the preliminary PUD plan and for final approval for a portion of the Commercial Planned Unit Development District located abutting the west margin of Conference Drive, north of North Gallatin Pike, classified R6, (.01acres), to permit a 180 foot tall cell tower, requested by Signal One Corporation, appellant, for Village at Rivergate LTD Partnership, owner.

Staff recommends *conditional approval*.

This request is to revise the preliminary plan and for final approval for a portion of the Commercial (General) PUD district located abutting the north side of Gallatin Pike and the west side of Conference Drive. The proposal adds a 180-foot tall cell tower that will allow for four antennas and four future carriers. The proposed tower is located behind the retail shops south of the existing Target store. The base zoning on this portion of the Commercial PUD is R6 district. The Zoning Ordinance did not require the underlying base zoning to be changed to a commercial district in 1979 when this PUD plan was originally approved, as it would today. Cell towers are classified as Permitted with Conditions (PC) in an R6 district, meaning that several specific conditions must be met in order to locate a cell tower within this PUD. Staff recommends conditional approval of this cell tower.

Under the PC use provisions of the Zoning Ordinance (Section 17.16.080 C), the following conditions are required:

1. Lot Size: In residential zone districts, the minimum lot size shall comply with the zone district bulk provisions. **Since the tower is proposed within a commercial PUD, the Zoning Administrator has indicated that an equivalent commercial zoning district should be used for the bulk standards, such as**



**the CS district. The CS district requires no minimum lot size, therefore, the proposed cell tower complies with the zoning standard.**

2. Setback: Telephone services, including accessory buildings and vehicle parking areas shall comply with the setback provisions of the applicable zone district. **The proposed plan is consistent with the setback provisions for the CS district, including a 124-foot setback from Conference Drive.**

3. Landscape Buffer Yard: Along all residential zone districts and districts permitting residential use, screening in the form of a Landscape Buffer Yard Standard A shall be applied. **Per the Codes Department, no landscape buffer yards are required since this property abuts a commercial PUD that does not allow for residential uses.**

4. Height: The maximum height of telephone facilities shall be determined by the height control provisions of Chapter 17.12.... **The proposed tower height of 180 feet is consistent with Zoning Ordinance requirements for the maximum allowable height for a tower at this location.**

**Resolution No. 2002-51**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 38-79-G-04 is given **CONDITIONAL APPROVAL (7-0)**: 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.”

**16. 88P-055G-13**  
Weatherstone  
Map 164, Parcel(s) 102  
Subarea 13 (1996)  
District 29 (Holloway)

A request to revise the preliminary plat and for final approval for the Residential Planned Unit Development District located abutting the north margin of Pin Hook Road, 3,000 feet east of Hobson Pike, classified R15 district, (18.40 acres), to develop 68 single-family lots, replacing 73 single-family lots, requested by MEC, Inc., appellant, for Gail Pigg, trustee, owner.

Staff recommends *conditional approval* provided Public Works and Water Services approve the plans, prior to the Planning Commission meeting.

This request is to revise the preliminary plan and for final approval of the Residential PUD district located along the north side of Pin Hook Road, east of Hobson Pike. The plan is to develop 68 single-family lots on 18 acres, replacing 73 unbuilt, single-family lots. The proposed plan maintains the same general lot configuration and street layout. Staff recommends conditional approval provided a revised plan is submitted showing sidewalks on both sides of the two main streets proposed within the PUD, not including the cul-de-sacs, and along the frontage of Pin Hook Road. In addition, Public Works and Water Services must approve the plans prior to the Planning Commission meeting. The revised plans shall also include a

temporary turn-around at the terminus of the northern stub-street, including the following note: “Temporary Turn-Around: Road Will Be Extended In The Future.”

*Sidewalks*

The preliminary PUD plan was approved in 1988 when sidewalks were not required. The Subdivision Regulations were changed in 1991, requiring sidewalks on one side of all new streets, and amended again in December 2000, requiring sidewalks on both sides of all new streets and along the frontage of any existing road where the property fronts. Since there are no major topographic constraints that would prohibit sidewalks from being constructed on both sides of the streets, the applicant has agreed to construct sidewalks on both sides of the main streets, excluding the cul-de-sacs, and along the frontage on Pin Hook Road. Prior to the 2000, amendments, sidewalks were not required on cul-de-sacs shorter than 350 feet in length, therefore, the applicant has opted not to construct sidewalks on the cul-de-sacs.

*Traffic*

A Traffic Impact Study (TIS) was submitted by the applicant analyzing the impact of this development, as well as a future subdivision of 190 homes, proposed directly north of this site. A condition of this project will be that construction plans are submitted in conjunction with the submittal of any final plat for any portion of this PUD for an eastbound left-turn lane into the project entrance on Pin Hook Road. As per the Metro Traffic Engineer, the turn lane shall include 75 feet of storage with a 175-foot transition. However, when the property to the north is platted, a longer left-turn lane may be required. This left-turn lane shall be constructed prior to the issuance of any Use and Occupancy permits.

**Resolution No. 2002-52**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-055G-13 given **APPROVAL TO REVISE THE PRELIMINARY AND CONDITIONAL FINAL PUD APPROVAL (7-0)**: 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, including a bond for all required public improvements, including an eastbound left-turn lane on Pin Hook Road with 75 feet of storage and a 175 foot transition. Construction plans for the turn lane shall be submitted prior to or in conjunction with the submittal of any final plat. The turn lane shall be constructed prior to the issuance of any use and occupancy permits.
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**

**17. 2001M-103U-09**

Various Encroachments for AmSouth Plaza Renovations  
Map 93-2-3, Parcel(s) 81  
Subarea 9 (1997)  
District 19 (Wallace)

A request for various encroachments, both ground and aerial, for the AmSouth Bank Plaza renovations located between Deaderick Street and Union Street, requested by Brian Schiedemeyer of Trammell Crow Company, appellant, for 2000 PBL Venutre, Ltd., owner.

Staff recommends *conditional approval* subject no existing trees within the public right-of-way being removed for the applicant's proposed improvements, except as approved by the Urban Forester.

A request for various encroachments, both ground and aerial, for the AmSouth Bank Plaza renovations. These encroachments consist of decorative elements such as signs, awnings, banners, awning supports, light pavers, planters, and special concrete pavers within the public right-of-way around the AmSouth building (4<sup>th</sup> Avenue North, 3<sup>rd</sup> Avenue South, Deaderick Street, and Union Street. The Trammell Crow Company is requesting these encroachments for the owner of the AmSouth building, 2000 PBL Venture, Ltd.

All agencies and departments have reviewed the proposed encroachment and recommend approval of them. Public Works has reviewed the proposed encroachments for compliance with ADA standards as well as maintenance and liability. Public Works has approved the proposed improvements. Planning staff does not believe any trees should be removed by AmSouth for these improvements. Few trees exist downtown, and those surrounding this building ought to be maintained as part of the public realm. Staff recommends conditional approval subject to no existing trees being removed within the public right-of-way for the applicant's proposed improvements, except as approved by the Urban Forester.

The applicant's proposed encroachments are as follows:

Deaderick Street: Install eight (8) blade-style decorative elements to be used for future signage. There is an open arc style sign that is 79'7" in length and projects over the public sidewalk 11 feet. The sign is anchored by 27 foot steel anchors bolted to existing columns. The sign rises above the sidewalk 24'3".

Deaderick Street, 3<sup>rd</sup> Avenue South/Union Street corner, 4<sup>th</sup> Avenue South/Union Street corner: The applicant is proposing to replace standard concrete pavement with 24 square inch ornamental concrete pavers interspersed with smaller light pavers powered by fiber optic cable. There are also concrete planter boxes that will be located within or encroach slightly on the public right-of-way (sidewalk).

Union Street: There are three (3) sets of stair rails that will slightly encroach over the public right-of-way approximately 6" to 8".

#### **Resolution No. 2002-53**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-103U-09 is **APPROVED (7-0).**"

#### **18. 2002M-015U-03**

Council Bill No. BL2002-933  
Accept Greenway Easement From CSX Railroad Along Richland Creek  
Map 103-07, Parcel(s) 75  
Subarea 7 (2000)  
District 24 (Summers)

A council bill to accept 3.33 acres from the CSX Railroad for use as a greenway easement along Richland Creek, sponsored by Councilmembers John Summers and Ed Whitmore.

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

A council bill to accept the donation of 3.33 acres from the CSX Railroad for a 25-foot greenway easement along Richland Creek. This land shall be used to construct the Richland Creek greenway from the Old White Bridge Road - from the old bridge over the railroad tracks to near and around McCabe Golf Course and Lion's Head Condominiums. If at any time, Metro ceases to use the easement as a greenway, the easement shall terminate and revert back to the railroad. Staff recommends conditional approval of this easement subject to all reviewing agencies and departments recommending approval.

**Resolution No. 2002-54**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-015U-03 is **APPROVED (7-0)**."

This concluded the items on the consent agenda.

**PUBLIC HEARING: SUBAREA 8 (NORTH NASHVILLE COMMUNITY) PLAN UPDATE**

Councilmember Summers arrived at this point in the agenda, at 1:25 p.m.

Mr. Eadler presented the update plan to the Commission.

Ms. Gloria Regan Price, hire to property at 26<sup>th</sup> and Clifton asked the Commission to respect rights of the property owners. She asked if there is plans in this subarea plan to take peoples property for public use.

Chairman Lawson explained this is only a land use policy plan.

Ms. Patricia Totty spoke in favor of the proposal and stated that she hoped the plan would be workable.

Mr. Tom Epperson stated these plans came from the community. Acquiring property was addressed at the meetings and the community made it clear they did not want that to happen. We now have a guide and a plan. This has given us an opportunity to have a blue print to follow.

Mr. Tim Ayers stated he helped co-chair some of the meetings and they involved a variety of the residents in the area. This is a grass-roots plan that came from the residents. He asked the Commission to consider favorable on this plan.

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

**Resolution No. 2002-55**

*"WHEREAS, the Metropolitan Planning Commission appointed a Citizen Advisory Committee (CAC) and directed the CAC and staff to conduct meetings to provide the community the opportunity to work with the CAC and staff on the review and updating of the Subarea 8 Plan, as amended, that was adopted in part on May 5, 1994 and in part on August 11, 1994; and,*

*WHEREAS, 20 CAC meetings, 6 workshops and 7 neighborhood-plan-related meetings were held between March 2000 and November 2001 at which community members working in conjunction with the CAC and staff of the Metropolitan Planning Commission, did in accordance with countywide General Plan guidelines, review and update the Subarea 8 Plan; and,*

WHEREAS, additional efforts were made to obtain public input into the development of this updated plan, including a public hearing before the Metropolitan Planning Commission on January 24, 2002; and,

WHEREAS, the Metropolitan Planning Commission is empowered under state statute and the charter of the Metropolitan Government of Nashville and Davidson County to adopt master or general plans for smaller areas of the county;

NOW, THEREFORE BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** The Plan for Subarea 8: The North Nashville Community - 2002 Update (Subarea Plan); in accordance with sections 11.504 (e), (j), and 18.02 of the charter of the Metropolitan Government of Nashville and Davidson County as the basis for the Commission's development decisions in that area of the county. The Plan for Subarea 8: The North Nashville Community – 2002 Update is also adopted as part of the General Plan."

## **PUBLIC HEARING**

### **ZONING MAP AMENDMENTS AND TEXT AMENDMENTS**

#### **4. 2001Z-112G-06**

Map 155-00, Parcel(s) 113  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to change from RS40 district and CN district to CL district property at Highway 100 (unnumbered), (6.44 acres), requested by Jim Girard of M and M Development Company, Inc., for Mary B. Johnson, et al, owners. (See PUD Proposal No. 2000P-005G-06).

#### **5. 2000P-005G-06**

Walgreens-Bellevue  
Map 155, Parcel(s) 113  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request for preliminary approval of a Planned Unit Development District located abutting the north margin of Highway 100, and the south margin of Old Harding Pike, classified CN and RS40 districts and proposed for CL district, (6.44 acres), to permit the development of a 13,650 square foot retail drug store, a 13,550 square foot retail/restaurant building, a public street connection between Highway 100 and Old Harding Pike, and the dedication of .78 acre of land to the Metropolitan Government for its use, requested by Barge, Waggoner, Sumner and Cannon, appellant, for Mary B. Johnson, et al, and James Girard, owners. (See Zone Change Proposal No. 2001Z-112G-06).

Ms. Regen stated Staff recommends *conditional approval*.

1. **Subarea Plan amendment required?** No, property falls within an unmapped commercial policy.
2. **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** Yes, and one was submitted.

This item was deferred at the request of the applicant at the December 6, 2001, Planning Commission meeting to allow more time to address concerns with the proposal. The request is to change from RS40 (single-family residential) and CN (commercial neighborhood) districts to CL (commercial limited) district property at Highway 100 (unnumbered) in Bellevue's Pasquo neighborhood. There is also a request for a PUD to permit a 13,650 square foot Walgreen's retail store, 13,550 square feet of retail/restaurant uses, and to dedicate a 0.78 acre portion of the site to Metro Government for a possible fire station, park, or public use area. The existing RS40 district is intended for single-family homes at up to 1 unit per acre and the existing CN district is intended for a limited range of retail and service uses for nearby residential areas. The

proposed CL district is intended for retail, service, and restaurant and office uses. The CN district allows a maximum Floor Area Ratio (FAR) of 0.25, while the proposed CL district allows a 0.60 FAR.

#### *Zone Change*

The proposed CL district is consistent with the unmapped commercial node and is appropriate around the Highway 100/Old Harding Pike intersection given the area's significant growth and existing commercial zoning. Staff recommends conditional approval of the zone change provided the required traffic improvements are completed by the developer (see *Traffic* below).

When the Subarea 6 Plan is comprehensively updated, the commercial policy around this node should be changed from unmapped neighborhood commercial policy to Retail Community Concentration (RCC). That policy is intended for commercial areas exceeding 100,000 square feet in size, as is the case with the Kroger shopping center. The current policy is Residential Low Medium Density (RLM) calling for 2 to 4 dwelling units per acre within which this unmapped commercial node exists. The stream on the eastern margin of this property and the Harpeth Heights Baptist Church to the south provide boundaries between this commercial node and the surrounding residential area. Commercial and office zoning should not be extended further east along Highway 100 than parcel 113.

#### *PUD Plan*

The proposed PUD includes a stand-alone Walgreen's on the east side of the relocated Old Harding Pike and retail and restaurant uses on the west side of this new road. The applicant has redesigned the plan since the December 6<sup>th</sup> meeting so the Walgreen's building faces the Old Harding Pike/Highway 100 intersection. The Walgreen's was relocated to the other side of the new Old Harding Pike intersection to achieve its proper orientation. Staff now recommends conditional approval since the applicant has addressed all traffic issues and the Walgreen's building orientation.

#### *Scenic Landscape Easement*

Highway 100 is designated on the Major Street Plan and by the State of Tennessee as a Scenic Arterial. As a Scenic Arterial, special easements and setbacks are required to preserve the arterial's scenic quality. The proposed PUD plan is consistent with Section 2-7.4 of the Subdivision Regulations, which requires a 57-foot building setback from the 75-foot Scenic Landscape Easement along Highway 100. Furthermore, the PUD plan will be conditioned to require additional landscaping, including, the installation of evergreen shrubs that will be a minimum of 6-feet tall at maturity along Highway 100. A 10-foot wide landscaped strip will also be required, as per Section 17.24.070 (Scenic Landscape Easement) of the Zoning Ordinance.

#### *Traffic*

The applicant has submitted a traffic impact study that the Metro Traffic Engineer has reviewed. That study calls for implementing the first phase of TDOT's long-range plan for the reconfiguration of the Old Harding Pike/Highway 100 intersection. Old Harding Pike's realignment was first proposed in 1997 with the Trace Creek Center Commercial PUD south of Highway 100 (Kroger). This Walgreen's PUD proposes to re-route Old Harding Pike through parcel 113 on tax map 155 to the signalized intersection across from Kroger. Access to the Harpeth Valley Elementary School will be maintained through the existing two-lane section of Old Harding Pike between the new extension and Collins Road. A condition of this PUD approval will be that a mandatory referral is approved by the Metro Council, renaming the existing portion of Old Harding Pike between Collins Road and the new realigned road.

Since the December 6<sup>th</sup> meeting, the applicant has revised their proposal to include the reconfiguration of the Old Harding Pike/Highway 100 intersection at Collins Road. The reconfiguration terminates Old Harding Pike at Collins Road and re-routes Collins Road through the existing traffic signal at Highway 100. The developer has agreed to make the improvements at this intersection, which will significantly improve a dangerous intersection. The Traffic Engineer has indicated that these improvements should significantly decrease the number of accidents at this intersection.

Although this PUD does not propose completing all of the state road improvements for this intersection, it does represent a significant first step toward their completion. The Traffic Engineer has indicated there is no set deadline or timeframe for the remainder of the improvements to be made. These include the relocation and widening of Highway 100 to five lanes from the county line to Old Hickory Boulevard.

*Dedication of Land to Metro Government*

With the PUD plan, the applicant is dedicating a .78 acre parcel, directly north of the Walgreen's site, to Metro Government for its use. This land will be dedicated with any final plat for this property. A mandatory referral will be required for Metro Government to accept the property, prior to the final plat's recordation.

Staff will hold a charrette to study the Subarea 6 Plan for this area and have it completed by May.

Mr. Bernhardt stated staff will take names and addresses of anyone who would like to be notified regarding the upcoming meetings regarding the Subarea 6 review.

Mr. Jim Girrard stated no problem deferring to get more community input.

Ms. Robin Adler stated she was opposed to the project and questioned the unmapped policy. She stated within the Kroger center there are 2 nail salons, 2 hair cut salons and 2 dry cleaners, and for someone to tell her they were going to hold meetings to tell the area residents what they need in the area was absurd.

Mr. Gerald Henson stated there were many accidents at this intersection and asked the Commission to take a very close look at the traffic problem.

Mr. Roger Baskett, former Councilmember for the district, spoke in favor of the commercial development and stated, as shown in the slides, this would correct the traffic problems.

Mr. Frank Foster questioned staff's accident report statistics and stated the traffic was atrocious.

Mr. Leon Levi asked if the Bellevue area had a subarea plan.

Chairman Lawson stated there was a plan and staff could provide him with a copy of it. The Commission wants to review a portion of that plan and that is why it may be deferred today.

Mr. Scott Davidson expressed concerns regarding the development being across the street from an elementary school and the disturbing lighting that may be put in place.

Mr. Don Forte expressed concerns regarding accidents in the area and stated the traffic lights need to be put in place now.

Mr. Ryan Small spoke in support of the project and stated the developer would improve the traffic problems.

Mr. John Hogan stated Bellevue already has a Walgreen's there and don't need another one. We need Metro to redo the intersection and plan for sidewalks and bike routes.

Mr. Elmo Chester spoke in favor of the project and stated he had lived in that area for 40 years and it irked him for people that have been in the area for 4 or 5 years to complain about the development. He expressed concerns regarding traffic and stated this plan would be a solution to that problem.

Mr. John Rumble, President of Bellevue Citizens for Planned Growth, stated he hoped the Commission would defer this matter. It sounds like staff has a good plan for working with the citizens in the area. Because of this location we believe the development should be limited to office of neighborhood uses.

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

Mr. Clifton left at 3:00 p.m., at this point in the agenda.

**6. 2002Z-005G-06**

Map 142-00, Parcel(s) 38, 39, 42  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to change from CL district to MUL district properties at 7380, 7386 Old Harding Pike and Bellevue Road (unnumbered), at the intersection of Bellevue Road and Old Harding Pike, (5.76 acres), requested by Michael Wrye of Lose & Associates, appellant, for Martha Richardson, owner. (See PUD Proposal No. 2000P-002G-06).

**7. 2000P-002G-06**

Old Harding Pike Commercial PUD  
Map 142, Parcel(s) 38, 39, 42  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to amend the undeveloped Planned Unit Development District located abutting the northeast margin of Bellevue Road and the northwest margin of Old Harding Pike, classified CL district and proposed for MUL district, (5.76 acres), to permit a mixed-use development including 47,750 square feet of retail/office/medical/residential and 14,100 square feet of restaurant/office/residential for a total of 61,850 square feet replacing two restaurants, one 7,475 square feet and the other 10,100 square feet, and a 5,600 square foot convenience market, requested by Lose and Associates, for Martha Richardson, owner. (See Zone Change Proposal No. 2002Z-005G-06).

Mr. Leeman stated staff is recommending disapproval, or deferral to consider design issues, and that this node could also be considered in the Subarea 6 review.

Staff recommends *disapproval*.

3. **Subarea Plan amendment required?** No, property falls within an unmapped commercial policy.
4. **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No, see traffic note below.

*Zone Change*

This request is to change 5.76 acres from CL (commercial-limited) to MUL (mixed use limited) properties at 7380, 7386 Old Harding Pike, and Bellevue Road (unnumbered). The existing CL district is intended for retail, consumer service, bank, restaurant, and office uses, while the MUL is intended for a mixture of residential, commercial, and office uses. The CL district has a maximum Floor Area Ratio (FAR) of .60 and the MUL district has a maximum FAR of 1.0. Staff recommends disapproval since several design issues have not yet been resolved (see *Traffic* below).

*PUD Plan*

There is also a request to amend the existing preliminary PUD plan on this same property. The PUD plan proposes three zones (see attached plan) including the following: Zone I: 14,100 square feet for office, retail, and/or second story residential with a maximum of 5,000 square feet for any one commercial use, Zone II: a 38,000 square foot building, and a Zone III: 9,750 square foot building designated for commercial, office, medical, residential, and/or recreational uses. The plan includes a total of 61,850 square feet, replacing



23,175 square feet of undeveloped restaurant and convenience market uses. Council approved the original PUD plan in May 2000. The additional square footage results in a total increase of more than 10% of that last approved by the Metro Council, requiring a PUD amendment and further Council action. This means that the Planning Commission will make a recommendation to Council on this item. The applicant has also indicated that they are willing to dedicate to Metro the land area needed to realign Bellevue Road, and the leftover portion of their property, located on the south side of the relocated Bellevue Road for use as a future park/rail station (approximately .08 acres).

Although the proposed MUL district is consistent with the unmapped Retail Neighborhood (RN) commercial policy node, which the Planning Commission adopted at its meeting on March 16, 2000, the proposed PUD plan does not accomplish the goal of creating a neighborhood scale mixed-use development. This policy was applied when the Commission originally approved the PUD plan for 23,175 square feet with two restaurants and a convenience market. The proposed plan is more intense than the original plan and has more square feet than a proposed revision that was disapproved by the Commission in August 2001. That plan proposed the same retail box store (Zone II) in a shopping center with a total square footage of 49,950 square feet. At that meeting, the Commission determined that the loss of the restaurants, a strongly desired use in Bellevue, and the increase in square footage were not what was intended when this plan was approved originally.

Although staff has been working with the applicant on a design that would create a vibrant mixed-use node, the applicant has not been able to accomplish the design objectives staff has suggested. These objectives include bringing the 30,000 square foot retail box to the street, so as to create a street presence along Bellevue Road, and relocating Bellevue Road to align with the other side of Bellevue Road. Staff is recommending disapproval because the intensity of the proposed development, as well as the proposed design are inconsistent with the Commission's intent to create a neighborhood scale development where pedestrians and cars can co-exist, and due to the traffic concerns stated below.

#### *Traffic*

This plan proposes the dedication of land for the future realignment of Bellevue Road to correct an existing offset between two sections of Bellevue Road on the east and west side of Old Harding Pike. The applicant has indicated that they are not willing to fund the road improvements to Bellevue Road, including the realignment, off-site sidewalks, on-street parking, and/or park improvements since they are dedicating the right-of-way for the road's realignment. Furthermore, it is not in the CIB. Staff is recommending disapproval of this proposal since the road improvements will play a large part in the success of this project. The intent of the design is to create a neighborhood town center where pedestrians and vehicles can co-exist. Without all of the road improvements, greater traffic congestion will occur, and without all of the sidewalks along Bellevue Road, the long-term feasibility of the project is in question. The Public Works Department has indicated that it is desirable that this realignment occur, however, Metro does not have the funds to reconstruct the road at this time.

**The Metro Traffic Engineer is requiring the developer to construct a center-turn lane along the frontage of the property on Old Harding Pike. The applicant has committed to making this improvement.**

#### *Special Design Standards*

The proposed plan also establishes unique criteria regarding building size, frontage, signage, façade treatment, and setbacks that are proposed to be conditioned as part of the plan. Should any changes be proposed in the future that do not comply with these conditions, Metro Council action would be required. As part of the design of this plan the applicant has indicated that a shared parking plan may be necessary if the square footages and uses are redistributed at the final PUD stage. Should this occur, the shared parking standards of Section 17.20.100 of the Zoning Ordinance may apply.

Ms. Lynette Hughes asked the Commission to listen to the community and disapprove this proposal.

Ms. Carolyn Jordan, real estate broker, asked that this development be done right the first time so that they not have to live with a mistake.

Mr. Thomas Potter asked how many times does a private citizens have to go through this process. There should be an increasing penalty for bring fourth proposal amendments.

Mr. John Rumble, President of Bellevue Citizens for Planned Growth, stated he hopes the developers and citizens can come up with a plan they both agree on. He expressed concerns regarding traffic and asked the Commission to disapprove.

Mr. David Scott agreed with staff recommendation to disapprove the changes.

Mr. Greg Tidwell expressed concerns regarding traffic and buffering and recommended this node be included in the Subarea 6 review.

Ms. Reisa Peterson stated this plan is not compatible with the surrounding neighborhood and complained about of a large pile of brush the developer left in front of her home.

Mr. David Coode, representing the applicant, stated there have been many problems raised today that he was unaware of. He stated he is prepared to make a presentation and address some of the concerns expressed today. He asked the Commission if it was appropriate to make that presentation at this time.

Ms. Jones stated she had been involved in this project and most of the old buildings left in the area are with in 100 yards of this development and the applicant had owned several of them. The property owner is very ill and has made a wish that before she dies that this area is down zoned. There is a search going on to find a place to move the existing building that is on the property so that in the future it may be used as a town center. At the present time the Bellevue Chamber of Commerce meets at Shoney's.

Chairman Lawson stated he felt it would be more appropriate to hear the concerns from the citizens during the review process and then hear the developer's proposal.

Ms. Nielson moved and Mr. McLean seconded the motion, to close the public hearing and defer indefinitely.

Mr. Coode asked that this be rescheduled for the May meeting when the review study is presented to the Commission.

Ms. Nielson amended her motion and Mr. McLean amended his second, which carried unanimously, to close the public hearing and defer this proposal to the May meeting when the Subarea 6 Plan review is presented to the Commission.

#### **8. 2002Z-007G-13**

Map 165-00, Parcel(s) 21

Subarea 13 (1996)

District 29 (Holloway)

A request to change from AR2a district to CS district property at 4034 LaVergne Couchville Pike, approximately 1,000 feet south of Hamilton Church Road, (1.13 acres), requested by Laura Digan, appellant, for Opal Smith, owner.

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

1. **Subarea Plan amendment required?** A Subarea plan amendment would normally be required for a request to allow commercial zoning within a residential policy area. However, staff feels this particular request does

not warrant an amendment because this change in zoning would represent an intrusion into the residential policy applied to this area.

**2. Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?**

No.

This request is to change 1.13 acres from AR2a (Agricultural) to CS (Commercial) district property at 4034 LaVergne Couchville Pike, approximately 1,000 feet south of Hamilton Church Road. 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 district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. The applicant is requesting this zone change to accommodate the development of a boat storage facility. This property is situated between vacant agriculturally zoned property and an undeveloped Commercial PUD (176-73-G) that was approved in 1973 for a motel, nightclub and a swimming pool.

*Site Conditions*

This site currently has no connection to the public sewer system and the property did not meet the approval of the Metro Health Department for a septic field. Staff met with Metro Codes Administration to determine the applicant's plumbing needs for a boat storage facility. The Plumbing Code requires a restroom be provided for all commercial properties regardless of the use. The applicant has two means of solving the plumbing requirement. The first would be to request a variance for the restroom from the Plumbing Board. The second option for the applicant is to extend an existing sewer line that is over 3,000 feet away to the property.

*Subarea Plan Policy*

Staff recommends disapproval of the CS zoning as contrary to the General Plan. This property is in the Subarea 13 Plan's Residential Low Medium (RLM) policy area, which calls for 2 to 4 residential dwellings per acre. Commercial zoning does not implement residential policy. Changing to CS zoning on this property will allow the applicant to develop the proposed boat storage facility, but the CS district also allows other uses such as light manufacturing, self-storage, warehouse distribution, restaurants, automobile convenience, and automobile repair.

*Traffic*

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

Ms. Laura Degan stated she had a dream for this lot to be a boat dry storage facility because of a lack of those facilities in the area. This would be a good use for this property because the land did not perk and is unusable for residential development. The area could benefit from this facility.

Mr. Samuel Richard Engle spoke in opposition to the proposal because of creating a dangerous situation on the narrow road. He presented a petition in opposition signed by the majority of the neighbors.

Mr. Cochran asked Mr. Engle if his property perked.

Mr. Engle stated it did not, and as far as he knew, the other property in the area did not either.

Chairman Lawson stated those existing homes were grandfathered.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing and disapprove as contrary to the general plan.

**Resolution No. 2002-56**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-007G-13 is **DISAPPROVED as contrary to the General Plan:**

**The proposed CS district is inconsistent with the Subarea 13 Plan's Residential Low Medium (RLM) policy area, which calls for 2 to 4 residential dwellings per acre. Commercial zoning does not implement this residential policy or the residential zoning pattern in the area."**

## **PRELIMINARY PLAT SUBDIVISIONS**

### **11. 2001S-335U-14**

CLOVERWOOD

Map 096-12, Parcel(s) 032

Subarea 14 (1996)

District 14 (Stanley)

A request for preliminary plat approval for 19 lots abutting the southwest corner of Stewarts Ferry Pike and the south margin of McCrory Creek Road, (16.81 acres), classified within the RS10 district, requested by Landmark Realty, owner/developer, Dale and Associates, surveyor.

Mr. Jones stated staff recommends *conditional approval* subject to a variance for sidewalks and a revised preliminary plat showing 20-foot public pedestrian easements from the cul-de-sacs into the greenway easement area.

This request was deferred indefinitely by the applicant at the December 6, 2001, Planning Commission meeting in order for Councilmember Stanley to hold a community meeting for area residents. A community meeting was held on December 17<sup>th</sup>, and the developer discussed traffic and drainage issues with the councilman and concerned neighbors. Staff has informed the councilman that the applicant has requested that the subdivision proposal be placed on today's agenda. This request is for preliminary plat approval to create 19 lots on approximately 17 acres, abutting the southwest corner of Stewarts Ferry Pike and the south margin of McCrory Creek Road.

This subdivision is a cluster-lot development within the RS10 district at a proposed density of 1.18 dwelling units per acre. The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the RS10 district may create lots equivalent in size to the RS5 district. The proposed lots range in size from just over 10,000 square feet to 14,000 square feet. A typical subdivision on 17 acres and classified within the RS10 district would allow 63 dwelling units. In this case, the applicant has chosen to preserve the property's natural features through the cluster-lot option and is proposing only 19 lots.

The Zoning Ordinance requires lots containing natural floodplain to be designated as "critical lots." All 19 of the proposed lots contain natural floodplain, and have been designated as critical lots on the plat by a star symbol.

Lakeland Drive, Hickory Bend Drive, and Cloverwood Drive have all been recorded as stub-streets into this property. This plat provides no connection to Lakeland Drive because the connection would encroach upon the floodway buffer of McCrory Creek. Hickory Bend Drive and Cloverwood Drive both terminate

with cul-de-sacs because the applicant was unable to connect the roads due to the floodway buffer of McCrory Creek.

#### *Variance – Sidewalks*

A variance to Section 2-6.1 of the Subdivision Regulations is being requested by the applicant for sidewalks along Cloverwood Drive and McCrory Creek Road. This section requires sidewalks to be constructed on both sides of the street within subdivisions.

1. Cloverwood Drive: Staff recommends approval of a variance for sidewalks along Cloverwood Drive. The adjacent Hickory Bend subdivision was approved in 1962 without sidewalks. Staff feels that a variance for sidewalks on Cloverwood Drive is reasonable because it is a small cul-de-sac, and the sidewalks would lead to the Hickory Bend subdivision, which has no sidewalks.
2. McCrory Creek Road: Staff recommends approval of a variance for sidewalks along McCrory Creek Road. The applicant claims that the topography between McCrory Creek Road and McCrory Creek is too steep to construct sidewalks. Staff agrees, and recommends approval of the variance for sidewalks along McCrory Creek Road due to steep topography. McCrory Creek Road is a future collector, however, and a 5-foot right-of-way dedication is necessary to bring the road up to collector standards in the future.
3. Stewart's Ferry Pike: Staff recommends approval of a variance for sidewalks along Stewart's Ferry Pike in part. Staff believes that a sidewalk can be constructed on the portion of Stewart's Ferry Pike not encumbered by McCrory Creek. A sidewalk is shown on the plat along the property's frontage on Stewart's Ferry Pike, but a bridge across McCrory Creek prevents a sidewalk from being constructed along the entire frontage. Staff recommends approval of a variance for sidewalks on the bridge because there is not sufficient room to construct the sidewalk.

#### *Greenway*

A large portion of this site is being dedicated as a conservation/greenway public access trail easement area. The land to be dedicated extends from McCrory Creek to the edge of the floodway buffer behind the proposed lots. The Metro Greenways Commission will be able to construct a trail within the easement area in the future. This trail will provide the opportunity for all of the Hickory Bend residents as well as other area residents to access the future Stones River Greenway Trail. Currently this plat makes no provision to provide access to the trail for residents within this proposed subdivision. A revised preliminary plat shall be submitted showing 20-foot public pedestrian easements from the cul-de-sacs on Hickory Bend Drive and Cloverwood Drive into the dedicated conservation/greenway public access trail easement area. Signs must also be posted at the rear of the lots backing up to the dedicated greenway easement area, which indicate that the area is intended for a future public access greenway trail. Signs indicating the presence of the public greenway trail must be located every 100' along the rear property lines of lots 8, 9, 16, 17, and 18. Signs shall be posted prior to the first building permit with the text facing inward on the lot. The developer shall be responsible for the posting and maintenance of all signs until the lots within the subdivision have been sold to the ultimate home purchaser.

Staff recommends conditional approval of the preliminary plat subject to a variance for sidewalks and a revised preliminary plat showing 20-foot public pedestrian easements from the cul-de-sacs into the greenway easement area.

Mr. Jones stated Mr. Joe Churley had to leave early and had asked him to announce that he was opposed to this proposal.

Councilmember Bruce Stanley stated this area may have already been overdeveloped. He expressed concerns regarding stormwater drainage, highway infrastructure and public school infrastructure.

Mr. Jim Dolan showed pictures of the flooding from McCrory Creek.

Mr. Joseph Vela showed pictures of flooding and the flood zone in the area and expressed concerns regarding his property being flooded.

Mr. Granville Bailey, Mr. David Bryce, Mr. Don Shepard, Mr. Bill Haley, Ms. Ellen Collins and Ms. Roberta Walter spoke in opposition to the proposal and expressed concerns regarding the water drainage, traffic and safety.

Mr. Roy Dale stated staff is recommending approval and Public Works has signed off on this project. He addressed concerns regarding stormwater drainage and asked for approval.

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

Mr. McLean stated that at final approval there should conditions put on this proposal to insure there is no additional hazard of flooding.

Mr. Cochran agreed and stated he would like to see Public Works insure the drainage is handled.

Mr. Small and Ms. Jones agreed that this is okay as a preliminary plan.

Councilmember Summers stated he was going to vote against this because he didn't feel there should be development in the 100 year floodplain. He stated he did not have as much confidence in Public Works as the rest of the Commission has.

Mr. Cochran stated he agreed with some of the things Councilmember Summers stated, but the Commission's hands are tied because you are allowed to build in the floodplain.

Mr. McLean moved to approve subject to additional extensive study by Public Works and no grading before final plat.

Chairman Lawson stated that may be it should be to approve and notify Public Works this project is to come back before the Commission for a report before final approval.

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

**Resolution No. 2002-57**

**“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-335U-14, is APPROVED WITH CONDITIONS, A SIDEWALK VARIANCE ALONG CLOVERWOOD DRIVE, MCCRORY ROAD, AND PORTION OF STEWART'S FERRY PIKE (SECTION 2-6.1 OF THE SUBDIVISION REGULATIONS), NO GRADING PERMIT SHALL BE ISSUED PRIOR TO FINAL PLAT APPROVAL, THE FINAL PLAT SHALL BE AMENDED TO SHOW SIDEWALK CONNECTIONS FROM THE CUL-DE-SACS TO THE GREENWAY BUFFER, AND PLANNING COMMISSION'S APPROVAL OF THE FINAL PLAT WILL BE CONTINGENT UPON THE DETERMINATION OF THE PLANNING COMMISSION THAT THE PLAT MEETS THE PROVISIONS OF SECTION 2.3 OF THE SUBDIVISION REGULATIONS. THE PLANNING COMMISSION SPECIFICALLY REQUESTS THAT THE DEPARTMENT OF PUBLIC WORKS MAKE A PRESENTATION PRIOR TO APPROVAL OF THE FINAL PLAT IDENTIFYING HOW THE FINAL PLAT SATISFIES SECTION 2.3 OF THE SUBDIVISION REGULATIONS (8-0).”**

Councilmember Summers left at 5:05 p.m., at this point in the agenda.

## ADDENDUM

**2002S-025G-02**  
HUMTERS RIDGE SUBDIVISION  
Map 011, Parcel(s) 028  
Subarea 2 (1995)  
District 10 (Balthrop)

A request for preliminary approval to create six lots abutting the southeast margin of Greer Road, approximately 3,800 feet northeast of Ivy Point Road, (53.5 acres), classified within the AR2a district, requested by Gary F. Hahn, owner/developer, for Littlejohn Engineering Associates, Inc. surveyor.

Mr. Hardison stated staff recommends conditional approval subject to a lot depth to width variance and final approval from the Metro Health Department.

This request is for preliminary plat approval to subdivide 53.5 acres into six lots abutting the southeast margin of Greer Road, approximately 3,800 feet northeast of Ivy Point Road. This property is classified within the Ar2a district in the Goodlettsville area. The site has a severe slope at the rear of the property that starts with 50% slope and then becomes a 20% slope towards the very rear of the property. Sidewalks are not required for this subdivision since it is within the AR2a district.

### Variance – Lot's Depth to Width Ratio

Section 2-4.2.E of the Subdivision Regulations requires that a lot's width shall not be less than 25% of its average depth. Lot 5 has a lot width that is less than 25% of the average lot depth. The applicant has submitted a variance request for lot depth to width ratio. The applicant claims that the slope of the terrain allows for limited space to place the septic system; and therefore, the lot must extend further back. The placement of the septic system necessitates the creation of a deeper lot. The other five lots exceed this requirement also but since they are larger than 5 acres, the Subdivision Regulations do not require a variance. Staff supports the variance due to the terrain and placement of the septic system.

### Health Department Approval

The Metro Health Department does not issue any type of preliminary approval for septic systems shown on a preliminary plat. Therefore, with the submission of the final plat the applicant shall also submit proof of Health Department approval of the proposed septic system.

Staff recommends conditional approval of this preliminary plat subject to the following:

1. Approval of a lot depth to width ratio variance.
2. Proof of Metro Health Department approval of the septic fields with the final plat's submission.

Ms. Lisa Harper expressed concerns regarding the septic tank overflows because of their streams and fishpond.

Mr. Lawson stated that was a good concern and mentioned that is why we need someone from Public Works at the meeting. He asked staff to have someone from Public Works at the next meeting.

Mr. Hardison stated the Health Department would approve the septic tanks.

Mr. McLean stated there is no drainage line from a septic tank and what staff would receive from the Health Department will tell is at what the level the drainage will perk. At a certain level the drainage will clear itself.

After reviewing the slide Mr. McLean stated that the septic tanks would be approximately a quarter of a mile from their fishpond.

Mr. Gary Hahn, developer, stated one lot required a curtained drain, but the other properties have been accepted by the Health Department for a standard septic system.

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

Mr. McLean stated that if a curtain drain was not required by the Health Department than there shouldn't be any problems.

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

**Resolution No. 2002-58**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-025G-02, is **APPROVED WITH CONDITIONS AND A VARIANCE FOR LOT DEPTH TO WIDTH RATIO (SECTION 2-4.2E OF THE SUBDIVISION REGULATIONS) (7-0).**”

**OTHER BUSINESS**

19. Legislative Update

**ADJOURNMENT**

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:30 p.m.

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Chairman

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Secretary

Minute Approval: this 14th day of February 2002

