



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Lindsley Hall
730 Second Avenue South
Nashville, Tennessee 37201

**Minutes
of the
Metropolitan Planning Commission
July 10, 2003

Location: Howard School Building
Time: 4:00 pm

Planning Commission

James Lawson, Chairman
Doug Small, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
Victor Tyler
James McLean
Councilman John Summers
Joe Sweat, representing Mayor Bill Purcell

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Asst. Director
David Kleinfelter, Planning Manager II
Brook Fox, Legal Counsel
Trish Brooks, Administrative Assistant
Marie Cheek, Planning Technician I
Adrian Bond, Planner II
Kathryn Fuller, Planner II
John Houghton, Community Plans Manager
Bob Leeman, Planner III
Preston Mitchell, Planner II
Abby Scott, Planner I
Chris Wooton, Planning Technician I
Marty Sewell, Planner II
Brian Wallace, Planner II
Cynthia Woods, Planner III

I. CALL TO ORDER

The meeting was called to order at 4:07 p.m.

II. ADOPTION OF AGENDA

Ms. Nielson moved and Mr. Small seconded the motion, which unanimously passed, to adopt the agenda. (6-0)

III. APPROVAL OF JUNE 12, 2003 MINUTES

Mr. McLean moved and Mr. Clifton seconded the motion, which unanimously passed, to approve the minutes of June 12, 2003. (6-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilman Black was in attendance and did not comment at this time.

Councilman Summers arrived at 4:11 p.m.

Mr. Clifton arrived at 4:12 p.m.

Ms. Cummings arrived at 4:12 p.m.

Mr. Sweat arrived at 4:13 p.m.

V. OTHER BUSINESS

1. Executive Director Reports

2. A request to amend the plan for Subarea 8: The North Nashville Community: 2002 Update to add the detailed Neighborhood Design Plans for Fisk-Meharry, Hadley-Washington, McKissack Park and Watkins Park and amend the Structure Plan.

Mr. McLean moved and Councilman Summers seconded the motion, which unanimously passed, to open the public hearing, but defer consideration of the amendment to the Subarea 8 plan until the Commission meeting of July 24, 2003. (9-0) The Commission further voted to keep the public hearing open until the July 24 meeting.

3. **Antioch/Priest Lake Community Plan: 2003 Update**
(Deferred from meetings of May 8, 2003 and June 12, 2003).

Staff Recommendation - Approve

REQUEST -Adopt the Antioch/Priest Lake Community Plan: 2003 Update.

This plan replaces the Subarea 13 Plan: 1996 Update.

Public Participation - Staff met with over 150 residents, property owners, and business owners during a series of workshops and meetings held during October 2002 – April 2003. Staff presented the final plan at a meeting on March 11, 2003. Staff held two additional meetings at the requests of in one case, Councilmember Tony Derryberry (March 27, 2003), and in the other case, the Four Corners Neighborhood Association (April 22, 2003) to discuss the draft plan.

Highlights - Land use policies for the developed portions of the community remain substantially unchanged, although in some cases the old land use policy categories used in the 1996 version have been replaced by the equivalent Structure Plan policy used in the new community planning system. An example of this would be the replacement of Major Public Open Space policy with Open Space policy.

The land use policies for undeveloped and developing portions of the community have changed substantially from the 1996 plan to the 2003 version. Most of these undeveloped and developing areas are in the southern portion of the community flanking the Murfreesboro Pike corridor. In the Subarea 13 Plan: 1996 Update, the land use policies for most of this land were divided among Residential Low-Medium, Residential Medium, and Residential Medium-High Density policies. Staff and community participants were concerned that implementing these land use policies over such a large area would result in unattractive, dysfunctional development patterns with different types of housing isolated from one another into single-use communities. This is the development pattern that is now most common for newer development in the Antioch/Priest Lake community, and residents dislike it very strongly. Participants were especially concerned about the possibilities for the development of large areas of purely multifamily housing, a phenomenon many referred to as “the Hickory Hollow mistake.”

Unlike the land use policy arrangement for these areas called for in the 1996 plan, the new plan calls for the development of nearly forty compact new neighborhoods that will each contain an integrated, compatible mixture of housing types. Most of these new neighborhoods will also contain neighborhood centers that could range from small, neighborhood-focused mixed use areas to small open space areas or civic gathering places. An interconnected open space system of greenways has been laid out for these new neighborhoods. Potential sites for new parks and schools have also been identified to serve the growing community, not only in the developing areas, but also within the older developed neighborhoods.

Although community participants largely accepted the fact that the Antioch/Priest Lake community is and will continue to be one of the county's fastest growing, they still hope to preserve some of the community's rural character. The plan addresses this in part through the recommended park and greenway system. In addition, a new Structure Plan category called "Corridor Edge" was developed and applied to the scenic Hobson Pike corridor. Corridor Edge calls for very large lot development and farms to preserve the corridor's rural quality. Finally, the Rural Structure Plan category was applied to the isolated, sparsely developed area east of Percy Priest Lake. This area is not now served with sewers, and neither Metro nor neighboring Wilson County has any intention of providing sewer service to the area.

Another difference worth pointing out between the 1996 plan and the 2003 version is the fact that somewhat more industrial development opportunity has been provided east of the airport. Most of this has occurred due to the replacement of Office Concentration policy with Industrial policy. This was done both because of the weak airport-area office market and the need for more industrial development opportunity.

There have been some changes to the draft since the Commission deferred the draft plan at the June 12 meeting. Planning staff have held additional discussions with Public Works Department staff about the proposed required street connections language that will be part of the transportation plan. The current revised language is shown below.

Transportation Plan Language (pages 28-29)

This community plan update identifies Required Street Connections on Figure 7. The connections are also shown on the Structure Plan maps (Figure 4). In addition to providing increased neighborhood access to the network of streets with greater functional classifications [i.e. collectors and arterials], the purpose and intent of these required roadways is to allow multiple options for movements of all types facilitating short trips within the community at a speed appropriate for and supportive of neighborhood livability. These connections provide strong connectivity among neighborhoods that will result in less dependence, hence less congestion, on streets with greater functional classifications.

The local street network as a result of 'required street connections' is intended to support reduced travel distances by accommodating multiple travel modes with careful attention paid to non-motorized modes. The emphasis on non-motorized travel modes will create a transportation environment that encourages walking and cycling and provides increased access to transit, while creating a strong sense of community.

The 'required street connections' are meant to show the minimum degree of roadway connectivity and the general locations of where roadway connections are necessary. This roadway network has been designed to reflect a highly interconnected pattern of streets. These facilities are located at a sufficient distance from the existing and proposed collector and arterial roadway system, as well as each other, to support the efficient movement of motorized and non-motorized travel modes. In most instances, these new streets are classified as local roads.

The design of the local streets providing 'required street connections' will support the goal of improved neighborhood connectivity and mobility while discouraging "high speed" or "cut through" traffic. Examples of typical street and network design techniques are:

1. Creating a discontinuous path of travel through the design and alignment of intersections or the location of formal public spaces such as greens and squares;
2. Framing the street through landscape treatments, on-street parking, pavement markings, and building setbacks;
3. Using street geometric designs consistent with a design speed appropriate to the neighborhood context. The preferred target speed of such roadways will recognize adjacent land uses, a lower degree of through movement and a higher focus on neighborhood livability.

Roadways classified as Collector Streets may also provide connections between residential neighborhoods. The design of such collectors shall provide a greater degree of through movement, but shall be designed to support alternative modes such as walking and cycling and be given design consideration appropriate to the neighborhood context. The preferred target speed of such roadways will recognize the greater degree of through movement of such roadways and be given design consideration appropriate to the neighborhood context.

Ms. McKenney, of Longhaven Road, thanked the Planning Commission staff for their hard work and dedication to this project. Ms. McKenney is in favor of the project and added that the project will enhance the area. She wants to make sure that the developers follow the plans as presented.

Ms. Mary Scott, a resident of the area, also complimented the Planning Department for their hard work on this project. She wants to make sure that there is infrastructure that will accommodate growth for this proposal.

Ms. Vivian Wilhoyte, resident of Flintlock Court, discussed her concerns about possible increased traffic to the area and requested recreational facilities to be included in the plans.

Ms. Karen Johnson, 2928 Moss Springs Drive, complimented the planning staff for allowing input from the residents. She is in favor of the plan.

Ms. Nielson moved and Mr. McLean seconded the motion, which unanimously passed, to approve staff recommendations of this item. (9-0)

Resolution No. 2003-264

“BE IT RESOLVED by the Metropolitan Planning Commission that the 2003 Update to the Antioch/Priest Lake Community Plan is **APPROVED (9-0).**”

4. Legislative Update

VI. PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED AND WITHDRAWN ITEMS

Ms. Nielson moved and Mr. McLean seconded the motion, which unanimously passed, to approve deferred or withdrawn items. (9-0)

VII. PUBLIC HEARING: CONSENT AGENDA

PRELIMINARY SUBDIVISION PLATS

3. 2003S-164U-07 - Parkehaven Subdivision (formerly Park Street Subdivision) (preliminary plat) – Approve with conditions

PLANNED UNIT DEVELOPMENTS (revisions and amendments)

4. 49-87-P-10St. - Paul Southern Methodist Church - Approve

MANDATORY REFERRALS

5. 2003M-066U-10 - Close Portion of Alley #889 - Approve
6. 2003M-068G-06 - Granting of Sewer Easement to Ensworth High School - Approve
7. 2003M-069G-06 - Greenway Easement Acceptance from Ensworth HS -Approve
8. 2003M-074U-13 - BNA 36” Water Main Easement Acquisition - Approve
9. 2003M-076U-03 - SR-65/US-431 Slope Easement Conveyance to T.D.O.T. - Approve
10. 2003M-077U-10 - 12th Avenue South Streetscape Improvement Project - Approve
11. 2003M-078U-10 - Lauderdale Road Public Utility Drainage Easement - Approve
12. 2003M-079G-14 - Pennington Bend Sewer Line Abandon & Relocation - Approve
14. 2003M-081U-08 - Daily’s 7105 (P.E.C.) Underground Encroachment - Approve
15. 2003M-082U-03 - Close Unnumbered Alley - Approve
16. 2003M-083U-09 - Rolling Mill Hill Property Dispositions - Approve

Ms. Nielson moved and Mr. McLean seconded the motion, which unanimously passed, to approve staff recommendations on all items on the Consent Agenda. Approved (9-0)

[Note: The staff report and formal Commission resolution approving each of the items on the consent agenda can be found below in the order in which the item appeared on the Commission agenda.]

VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS

1. **2003Z-096U-13**

Map 134-14, Parcel 29.01
Map 134-15, Parcel 18
Subarea 13 (1996)
District 28 (Alexander)

A request to change from R10 and OL districts to CS district properties at 1331 Jansing Drive and Jansing Drive (unnumbered), approximately 400 feet south of Antioch Pike, (3.58 acres), requested by Wallace J. Hutcherson, owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 3.58 acres from residential single-family (R10) and Office Limited (OL) to Commercial Services (CS) district property, along the north side of Jansing Drive and south of Antioch Pike.

Existing Zoning

R10 district - R10 requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

OL district - Office Limited is intended for moderate intensity office uses.

Proposed Zoning

CS district - Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto-repair, auto sales, self-storage, light manufacturing and small warehouse uses.

SUBAREA 13 PLAN POLICY

Residential Low-Medium (RLM) - RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Policy Conflict - Yes. The proposed zoning district (CS) is not consistent with the RLM policy. This area is predominantly residential in character. In addition to the general RLM policies, there are specific guidelines for this area:

- “This area’s character is intended to be preserved and any infill development should be of similar density and character to that which exists.
- The adjacent commercial area (11C) should not extend south of the lots fronting on Perimeter Hill Drive. Extension of this commercial area further south would disrupt the stability of this residential area.
- Care should be taken to limit commercial and residential traffic from the south from having access to the residential streets in this policy area.” (Subarea 13, Area 4D, p.53)

RECENT REZONINGS - Yes, a portion of this property was rezoned from OG to OL in 1998 with the overall zoning update for the county.

TRAFFIC - Based on the trip generation numbers for commercial services (CS) district, this proposal will generate 363 to 3,805 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings - Trip generations will possibly be comparable, but can not be determined without final development plan. Therefore, Public Works recommendation is: “With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations.”

Ms. Adriane Bond stated that staff recommends disapproval.

Ms. Nielson moved and Ms. Cummings seconded the motion, which unanimously carried, to approve the staff recommendation of disapproval. (9-0)

Councilman Summers stepped out of the meeting during this discussion and was absent for the vote.

Resolution No. 2003-265

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-096U-13 is **DISAPPROVED (9-0).**”

IX. PRELIMINARY SUBDIVISION PLATS

- 2. 2003S-163G-12**
Cottage Grove Subdivision
Map 173, Parcel 101
Subarea 12 (1997)
District 31 (Knoch)

A request for preliminary plat approval for 38 lots abutting the south margin of Barnes Road, approximately 1,200 feet from Barnes Cove Drive, (10.37 acres), classified RS10, requested by Three Rivers Development, Inc., owner/developer, Anderson-Delk & Associates, surveyor.

Staff Recommendation -Approve with conditions, with a recommendation to disapprove a request for a sidewalk variance.

APPLICANT REQUEST

Preliminary Plat - Subdivide a 10.37-acre tract into a 38-lot cluster lot subdivision, at a proposed density of 3.7 dwellings units per acre. A maximum of 38 lots are permitted under the RS10 district.

ZONING

RS10 District - RS10 district, requiring a minimum lot size of 10,000 square feet.

CLUSTER LOT OPTION - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS10 (minimum 10,000 square foot lots) to RS5 (minimum 5,000 square foot lots). The proposed lots range from 5,428 square feet to 14,622 square feet.

The applicant is utilizing the cluster lot option because the site is partially constrained by hillside, – which requiring designation of 8 lots as critical lots. The cluster lot option is also intended to preserve significant vegetation within the open space areas for each phase.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, open space provisions require a minimum of 15% open space per phase. The applicant meets this requirement.

SUBAREA 12 PLAN

This subdivision falls within Subarea 12 is Residential Low-Medium (RLM) policy that supports and provides opportunities for new residential development within a density range of 2 to 4 units per acre. The preliminary plat proposes a density of 3.7 dwelling units per acre, which falls within the RLM density range.

SUBDIVISION DETAILS

The 10.37-acre tract, approximately 1,500 feet deep, lies along the south margin of Barnes Road in the southern portion of the county and just east of Nolensville Pike. The proposed 38 lots are located on either side of a single, curvilinear, spine road that provides for a temporary dead-end to the property located west of the subject site. The properties to the west have not yet been subdivided. The proposal includes a possible detention area that is located in the south end of the subdivision within the proposed open space areas.

SUBDIVISION VARIANCES (Sec. 2-6.1, Sidewalks) - The applicant is seeking a sidewalk variance for the construction of a sidewalk along Barnes Road.

The subdivision regulations require a 5-foot wide public sidewalk and a 4-foot wide grass strip to be constructed within the public right-of-way along the frontage of residential properties that are zoned for less than 20,000 square feet. If an applicant believes that the installation of a sidewalk creates an undue hardship, a variance may be sought

before the Planning Commission. In making a recommendation to the Planning Commission, staff has reviewed the four criteria outlined in the Metro Subdivision Regulations and determined that:

- The granting of this variance may not be detrimental to the public safety, health, or welfare of the residents in which the property is located; however, the re-subdivision of land and residential development is rapidly growing in this area of the county. The likelihood that pedestrian activity will increase along Barnes Road is relatively high; therefore, sidewalks should be provided.
- The conditions upon which the request for this variance is based are not unique to the subject property and are applicable to other surrounding properties.
- Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, staff does not believe that a particular hardship to the owner would result, as distinguished from a mere inconvenience.
- The variance, if granted, would not vary from the provisions of the adopted General Plan, Major Street Plan, or Zoning Code; however, as stated above, these subdivision regulations require that all residential properties that are zoned for less than 20,000 square feet must have sidewalks constructed within the public right-of-way.

TRAFFIC ENGINEER'S FINDINGS

The Department of Public Works has recommended that the proposed roadway provide a minimum of 50 feet of right-of-way. Based on the current Subdivision Regulations, staff does not recommend a 50-foot right-of-way; but instead, requests the proposed 46-foot right-of-way be retained. The proposed density of 3.7 units per acre is consistent with the proposal of 46 feet of right-of-way.

Public Works also commented that the developer must demonstrate adequate site distance on Barnes Road in addition to providing a profile of the road and the sight distance triangles. Upon resubmittal, the applicant provided a sight distance easement across lots 1 through 3 where "no buildings, structures, or trees are to be installed in this area that may interfere with sight distance." If the provided easement is not sufficient for the Department of Public Works, the applicant may need to further address this comment at the time of final plat review.

CONDITIONS - Staff recommends conditional approval of this preliminary plat, subject to the following conditions:

1. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.

Mr. Mitchell stated that staff recommends approval.

Mr. Mike Anderson, attorney, expressed concerns regarding the new regulations of constructing a sidewalk at this location.

Mr. Jim Hyman, owner of Three Rivers Development also shared concerns regarding the regulations.

Mr. Sweat requested more information from Mr. Andrew Smith, Metro Public Works employee regarding the sidewalk configurations.

Ms. Nielson expressed concerns regarding how the new sidewalk would appear compared to the existing sidewalk.

Ms. Cummings requested information regarding the width of the sidewalk.

Mr. McLean expressed concerns regarding the width of the sidewalk and the condition of the existing street and curbs cuts currently located at this site.

Mr. Tyler expressed concerns regarding the width of the road and whether it will be widened.

Mr. McLean expressed concerns regarding the cost of the widening of the road and future changes to the road.

Councilman Summers returned to the meeting.

Mr. Lawson expressed concerns regarding the requirements of the sidewalks and the stipulations put on the developer.

Discussion between Mr. Sweat, Ms. Cummings, and Mr. Bernhardt continued regarding the placement of sidewalks in a possible pedestrian easement, possible purchasing of land by Metro Government in the future, and asked for clarification from Mr. Andrew Smith, the Public Works engineer, for Public Works authorization.

Mr. Sweat moved and Ms. Jones seconded the motion to approve with a variance and a condition that a right-of-way dedication be provided to meet collector street standards minus five feet so that a five-foot private pedestrian easement can be dedicated for the construction of a five-foot sidewalk. Approved with conditions. (10-0)

Resolution No. 2003-266

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-163G-12 is **APPROVED WITH CONDITIONS. (10-0)**”

Conditions of Approval:

1. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. Right-of-way dedication be provided to meet collector street standards minus five feet so that a five-foot private pedestrian easement can be dedicated for the construction of a five-foot sidewalk.”

3. **2003S-164U-07**
Parkehaven Subdivision (formerly Park Street Subdivision)
Map 91-01, Parcels 24 and 91
Subarea 7 (2000)
District 22 (Hand)

A request for preliminary plat approval for 8 lots abutting the southeast terminus of Park Street, approximately 300 feet southeast of 23rd Avenue, (3.8 acres), classified within the R8 district, requested by Hodges & Sons, owners/developers, Dale & Associates, surveyor.

Staff Recommendation - Approve with conditions and a variance for lot frontage comparability.

APPLICANT REQUEST

Preliminary Plat - Subdivide 3.85 acres into an 8 lot subdivision, located abutting the northeast corner James Avenue and Park Street.

ZONING

R8 District - R8 district allows single-family and duplex lots and requires a minimum lot size of 8,000 square feet.

SUBDIVISION DETAILS - A preliminary plat for this site was approved in April as the Parkhaven Subdivision. That approval was for a 10 lot cluster subdivision oriented on a short stub street. After preliminary engineering studies, the applicant discovered that 50% of the floodplain/floodway could not be preserved with the approved design.

The current proposal is for 8 lots (2 less) that are all oriented to the existing Park Street. The proposed lots are larger than those proposed under the cluster lot design.

Floodplain - Approximately 2.54 acres of the site are encumbered with floodplain and floodway. Approximately 1.5 acres (59%) have been marked as undisturbed. After grading, the proposed lots will be filled so that the finished floor elevation is 4-feet about the existing flood elevation.

Greenway - The previous plan did not dedicate the full 75 feet for the greenway conservation access trail easement area because of the grading associated with the stub street. This plan dedicates the full requirement.

Lot Comparability - This proposal does not meet lot comparability for frontage (lots 2-6 fail by approximately 3 to 5 feet each) staff believes this is better than the previously approved plan because it orients the new lots toward Park Street. The new orientation is more compatible with the existing character of Park Street. Lot comparability was not done on the previous application because a new street was being proposed.

Public Works Recommendation - The developer is responsible for ensuring that both sides of the street in front of the site meet ST-252 specifications.

CONDITIONS

1. The conservation/greenway easement needs to be corrected to include all of the floodway on the parcel in addition to the 75' of area shown outside of the floodway.
2. The 50' floodway buffer yard needs to be labeled correctly.

Approved with conditions (9-0), Consent Agenda

Resolution No. 2003 -267

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-164U-07 is

X. PLANNED UNIT DEVELOPMENTS (revisions)

4. **49-87-P-10**
St. Paul Southern Methodist Church
Map 131-05, Parcel 22
Subarea 10 (1994)
District 34 (Williams)

A request for a variance to the sign regulations of Section 17.32.090 and 17.12.020 of the zoning code to permit the installation of two ground monument signs with variances to the height and side yard requirements within the Residential Planned Unit Development located abutting the west margin of Hillsboro Pike, 700 feet south west of Castleman Drive, requested by Littlejohn Engineering, for St. Paul Southern Methodist Church, owner.

Staff Recommendation - Approve, with a condition that no signage be placed upon the north monument in the future.

APPLICANT REQUEST

Variance within a PUD - Request for a variance to Section 17.32.090 (Community facility on-premises signs) and 17.12.020 (District Bulk Tables) of the Zoning Code to allow for two ground monuments – one with signage – with variances to the number of signs, proposed sign height, and side yard setback requirements within a Residential PUD. The subject site is located along the west margin of Hillsboro Pike, 700 feet south of Castleman Drive, and is within the RM15 district.

PROPOSAL DETAILS

Since this sign is located within a Planned Unit Development district, the Planning Commission will make a recommendation on the requested variance to the Board of Zoning Appeals (BZA). The BZA has jurisdiction over variance requests.

The applicant is proposing two, 12-foot, non-illuminated monuments within the RM15 district. Both monuments are to be placed along the west side of Hillsboro Pike, at the entrance to St. Paul Southern Methodist Church. The monument placed on the south side will be the only one with signage.

The Zoning Code states that signs for community facilities located in residential districts shall conform to the size provisions applicable to the ON district. The maximum height of a ground sign shall be eight feet; the minimum street setback shall be fifteen feet; the sign shall not encroach into required side setbacks of the district; and only one such ground sign shall be permitted per street frontage.

Having conducted an on-site inspection of the site and reviewed the submitted site plan, staff recommends approval of the three variance requests for the following reasons:

- Although they are proposing two monuments, only one is proposed with signage. The two monuments frame the entrance to the church and apartment complex to the rear of the site, and would be complimentary to the Burton Hills subdivision monument signs across Hillsboro Pike.

- Only a 3-foot by 3-foot portion of the proposed monuments will be 12 feet in height. The remaining portions of the structures will not exceed 7 feet 6 inches.
- The north sign, which encroaches into the side yard setback of this zoning district, will be located in an area of other utility services and should not create a visual nuisance for the abutting property to the north.

Approved with a condition (9-0), Consent Agenda

Resolution No. 2003 –268

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 49-87-P-10 is **APPROVED WITH A CONDITION. (9-0)**”

XI. MANDATORY REFERRALS

- 5. 2003M-066U-10**
 Close Portion of Alley #889
 Subarea 10 (1994)
 District 21 (Whitmore)

A request to close an approximate 200 linear foot portion of Alley #889 (right-of-way varies) extending west of Louise Avenue, requested by Horace Spoon of Spoon Architecture.

Staff Recommendation - Approve, subject to the applicant providing a new alley connection from Louise Avenue across parcel 99 to the existing alley, and that the actual location of the new alley connection is finalized with the Department of Public Works prior to Metro Council approval. In addition, the applicant must consolidate parcel 208 into one of the parcels to be developed so as to not create a landlocked parcel.

APPLICANT REQUEST - A request to close an approximate 200 linear foot portion of Alley #889 (right-of-way varies) extending west of Louise Avenue, as requested by Horace Spoon of Spoon Architecture.

DEPARTMENT AND AGENCY COMMENTS

This item was originally scheduled for the June 12, 2003 MPC meeting. It was deferred due to accessibility and circulation concerns from the Department of Public Works.

The applicant offered to relocate a portion of the alley so as to not disrupt circulation. Public Works agreed with this suggestion, and offered the following comments: “The dedication would have to be entirely from parcel 99 [to Louise Avenue] and would have to be constructed to [Metro Public Works’] standards. It would require 20 feet of right-of-way.” They also suggested that the applicant extend the closure request to include the portions of alley not originally requested for closure that will be south of the relocated area.

Approved with conditions (9-0), Consent Agenda

Resolution No. 2003-269

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-066U-10 is **APPROVED WITH CONDITIONS (9-0).**”

Conditions of Approval:

1. The applicant offered to relocate a portion of the alley so as to not disrupt circulation. Public Works agreed with this suggestion, and offered the following comments: “The dedication would have to be entirely from parcel 99 [to Louise Avenue] and would have to be constructed to [Metro Public Works’] standards. It would require 20 feet of right-of-way.” They also suggested that the applicant extend the closure request to include the portions of alley not originally requested for closure that will be south of the relocated area.

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- 6. 2003M-068G-06**
Granting of Sewer Easement to Ensworth High School
Subarea 6 (2003)
District 35 (Tygard)

An Ordinance approving the granting of a permanent, non-exclusive, sewer easement by Metro Government to The Ensworth School for the purposes of ingress, egress, installation, construction, operation, inspection, repair, maintenance, and replacement of sewer lines and related equipment and improvements, requested by the Metropolitan Department of Law.

Staff Recommendation - Approve

APPLICANT REQUEST

An Ordinance approving the granting of a permanent, non-exclusive, sewer easement by Metro Government to The Ensworth School for the purposes of ingress, egress, installation, construction, operation, inspection, repair, maintenance, and replacement of sewer lines and related equipment and improvements. Requested by the Metropolitan Department of Law.

DEPARTMENT AND AGENCY COMMENTS

This ordinance, which is married to the following ordinance and mandatory proposal (2003M-069G-06) is an ordinance approving the granting of a permanent sewer easement to The Ensworth School, a new private school in the Bellevue area. This easement begins at approximately the CSX railroad right-of-way and extends across the Edwin Warner Parks to the new school site.

This ordinance is married to the following ordinance because The Ensworth School is granting a Greenway easement to Metro Government, along the Little Harpeth River, for further development of the Harpeth River Greenway System.

The Metro Parks Department and the Department of Finance recommended approval of this legislation as part of their submittal to the Planning Commission.

Approved (9-0), Consent Agenda

Resolution No. 2003-270

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-068G-06 is **APPROVED.**”

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- 7. 2003M-069G-06**
Greenway Easement Acceptance from Ensworth HS
Subarea 6 (2003)
District 35 (Tygard)

An Ordinance authorizing the Director of Parks and Recreation to accept, execute and record an agreement for the granting of a *150-foot Trail and Access Easement* and a *Conservation Easement* by The Ensworth School for the Metro Greenway System. Metropolitan Government shall construct and maintain a pathway for pedestrian or bicycle travel or a nature trail, twelve (12') feet in width, on and within a portion of the easement area, requested by the Metropolitan Department of Law.

Staff Recommendation - Approve

APPLICANT REQUEST

An Ordinance authorizing the Director of Parks and Recreation to accept, execute and record an agreement for the granting of a 150-foot Trail And Access Easement and a Conservation Easement by The Ensworth School for the Metro Greenway System. Metropolitan Government shall construct and maintain a pathway for pedestrian or

bicycle travel or a nature trail, twelve (12') feet in width, on and within a portion of the easement area. Requested by the Metropolitan Department of Law.

DEPARTMENT AND AGENCY COMMENTS

In conjunction with the previous mandatory proposal (2003M-068G-06) and its associated bill, this is an ordinance approving the acceptance of a permanent 150-foot Trail and Access Easement for the Harpeth River Greenway System and trails.

The easement will be confined to the use of such activities that are consistent with the development of a greenway trail, which will include the construction of a twelve foot (12') pathway for pedestrian or bicycle travel or a nature trail. The trail will be located as close as reasonably possible to the north shore of the Little Harpeth River – and completely within the dedicated trail and access easement.

The Metro Parks Department and the Department of Finance recommended approval of this legislation as part of their submittal to the Planning Commission.

Approved (10-0), Consent Agenda

Resolution No. 2003-271

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-069G-06 is **APPROVED. (9-0)**”

- 8. 2003M-074U-13**
BNA 36" Water Main Easement Acquisition
Subarea 13 (1996)
District 13 (Derryberry)

A request, by the Metro Department of Water & Sewerage Services, to acquire an easement for the BNA / Airport 36-inch Water Main. The proposed easement will extend from the terminus of Karen Drive and run southward between Briley Parkway and the western margin of the MNAA and will terminate north of Vultee Boulevard.

Staff Recommendation - Approve

APPLICANT REQUEST - A request, by the Metro Department of Water & Sewerage Services, to acquire an easement for the BNA / Airport 36-inch water main. The proposed easement will extend from the terminus of Karen Drive and run southward between Briley Parkway and the western margin of the MNAA and will terminate north of Vultee Boulevard.

DEPARTMENT AND AGENCY COMMENTS

Staff supports the proposed acquisition of properties for the construction of the 36-inch water main.

The Metro Department of Water & Sewerage Services recommended approval of this request as part of their submittal to the Planning Commission.

Approved (10-0), Consent Agenda

Resolution No. 2003 –272

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-074U-13 is **APPROVED. (9-0)**”

- 9. 2003M-076U-03**
SR-65/US-431 Slope Easement Conveyance to T.D.O.T.
Subarea 3 (1998)
District 1 (Gilmore)

An Ordinance authorizing the conveyance of a slope easement, of approximately 169 square feet, on real property to the State of Tennessee Department of Transportation (TDOT) in conjunction with the construction of sidewalks on

SR-65 / US-431 from Lloyd Road to Alex Green School entrance, requested by the Metro Department of Finance Real Property Services.

Staff Recommendation - Approve

APPLICANT REQUEST

An Ordinance authorizing the conveyance of a slope easement, of approximately 169 square feet, on real property to the State of Tennessee Department of Transportation (TDOT) in conjunction with the construction of sidewalks on SR-65 / US-431 from Lloyd Road to Alex Green School entrance. Requested by the Metro Department of Finance Real Property Services.

DEPARTMENT AND AGENCY COMMENTS

Staff supports the proposed conveyance of the slope easement. This conveyance will help to further the sidewalk construction in this area, which will ultimately benefit the Alex Green School.

The Metro Department of Finance, Real Property Services Division, recommended approval of this request as part of their submittal to the Planning Commission.

Approved (10-0), Consent Agenda

Resolution No. 2003-273

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-076U-03 is **APPROVED. (9-0)**”

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- 10. 2003M-077U-10**
12th Avenue South Streetscape Improvement Project
Subarea 10 (1994)
District 17 (Greer)

An Ordinance authorizing the acquisition of property by negotiation or condemnation for the 12th Avenue South Streetscape Improvement Project encompassing roadway improvements, sidewalks, curb and gutter, on street parallel parking, drainage, and street lighting from Halcyon Avenue to Ashwood Avenue, requested by the Metro Department of Finance Real Property Services.

Staff Recommendation - Approve

APPLICANT REQUEST

An Ordinance authorizing the acquisition of property by negotiation or condemnation for the 12th Avenue South Streetscape Improvement Project encompassing roadway improvements, sidewalks, curb and gutter, on street parallel parking, drainage, and street lighting from Halcyon Avenue to Ashwood Avenue. Requested by the Metro Department of Finance Real Property Services.

DEPARTMENT AND AGENCY COMMENTS

Staff supports the proposed acquisitions of properties for the streetscape improvement project. This project is a continuation of the current streetscape improvements that have been made along 12th Avenue South between Cedar Lane and Dallas Avenue. The project will continue the improvements – which include designated on-street parking, curb & gutter, improved drainage, and decorative street lighting – all of which are currently in place further south.

The Metro Department of Public Works and the Department of Finance, Real Property Services, recommend approval of this request as part of their submittal to the Planning Commission.

Approved (10-0), Consent Agenda

Resolution No. 2003-274

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-077U-10 is **APPROVED (9-0).**”

- 11. 2003M-078U-10**
Lauderdale Road Public Utility Drainage Easement
Subarea 10 (1994)
District 24 (Summers)

A request, by the Metro Department of Water & Sewerage Services, to acquire an easement for the proposed Lauderdale Road (Stormwater) Public Utility Drainage Easement, for Project No. 03-SD-0404 (CIB#04WS0023).

Staff Recommendation - Approve

APPLICANT REQUEST

A request, by the Metro Department of Water & Sewerage Services, to acquire an easement for the proposed Lauderdale Road (Stormwater) Public Utility Drainage Easement, for Project No. 03-SD-0404 (CIB#04WS0023).

DEPARTMENT AND AGENCY COMMENTS

Staff supports the proposed easement acquisition, as it furthers the goal of the Stormwater Division of the Metro Department of Water & Sewerage Services to ensure that stormwater within Metro Davidson County is handled in a way to reduce negative impacts on county residents.

The Metro Department of Water & Sewerage Services recommended approval of this request as part of their submittal to the Planning Commission.

Approved (10-0), Consent Agenda

Resolution No. 2003-275

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-078U-10 is **APPROVED (9-0).**”

- 12. 2003M-079G-14**
Pennington Bend Sewer Line Abandon & Relocation
Subarea 14 (1996)
District 15 (Loring)

A request, by the Metro Department of Water & Sewerage Services, to abandon and relocate an existing sewer line for Project No. 03-SL-22 for the Abbington Park, Phase 1, Section 2 subdivision plat.

Staff Recommendation - Approve

APPLICANT REQUEST

A request, by the Metro Department of Water & Sewerage Services, to abandon and relocate an existing sewer line for Project No. 03-SL-22 for the Abbington Park, Phase 1, Section 2 subdivision plat.

DEPARTMENT AND AGENCY COMMENTS

This sewer line abandonment and relocation is part of the platting of Abbington Park Subdivision, Phase 1, Section 2. The continuation of Paddlewheel Drive is such that the sewer line needs to be relocated so that the new sewer line runs underneath the roadbed.

The Metro Department of Water & Sewerage Services recommended approval of this request as part of their submittal to the Planning Commission.

Approved (10-0), Consent Agenda

Resolution No. 2003-276

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-079G-14 is **APPROVED (9-0).**”

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- 13. 2003M-080G-04**
U.S. Auto Pawn Tennyson Avenue Fence Encroachment
Subarea 4 (1998)
District 10 (Balthrop)

A request, by U.S. Auto Pawn at 1470 North Gallatin Pike, to encroach on and under the Tennyson Avenue right-of-way to allow for the construction of a 6-foot cyclone fence down the center of Tennyson Avenue from Gallatin Pike eastward approximately 326 feet into the Tennyson Avenue right-of-way.

Staff Recommendation - Disapprove

APPLICANT REQUEST

A request, by U.S. Auto Pawn at 1470 North Gallatin Pike, to encroach on and under the Tennyson Avenue right-of-way to allow for the construction of a 6-foot cyclone fence down the center of Tennyson Avenue from Gallatin Pike eastward approximately 326 feet into the Tennyson Avenue right-of-way.

APPLICATION REQUIREMENTS

License to Encroach Agreement - Yes – one was submitted.

Insurance Certificate - Yes – one was submitted; however, the dollar amount of general liability for each occurrence and for aggregate coverage, as required by Metro Legal, was not provided on the submitted insurance form.

Property Owner Sign Application - Yes

Tenant Sign Application - No

DEPARTMENT AND AGENCY COMMENTS

This item is recommended for approval by Metro Public Works because encroachment requests do not come to the Planning Department until recommended for approval by Public Works.

Planning staff does believe that a cyclone fence is an appropriate use within the Tennyson Avenue right-of-way. The placement of a fence within an existing right-of-way will set a precedent that rights-of-way within Metro Davidson County can be fenced – which is problematic since there are a number of illegal fences currently located within alley rights-of-way and other unimproved street rights-of-way. Staff recommends that the applicant request a street or alley closure for Tennyson Avenue, since it is currently unimproved and tapers, approximately 1,100 feet east of Gallatin Pike, in a way that would not support any future improvement of the roadway.

Lastly, if this request is granted an approval by the Planning Commission, staff recommends that the insurance certificate be amended to reflect the minimum coverage amounts of general liability for each occurrence and aggregate coverage as required by Metro Legal.

Preston Mitchell stated staff recommends disapproval.

Ms. Nielson expressed concerns regarding the abandonment of this property.

Mr. Sweat expressed concerns for the need of a fence at this location.

Ms Nielson moved and Mr. McLean seconded the motion of staff recommendation to disapprove. (10-0)

Resolution No. 2003-277

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-080g-04 is DISAPPROVED WITH A RECOMMENDTION THAT THE APPLICANT REQUEST TO CLOSE TENNYSON AVENUE (10-0).”

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- 14. 2003M-081U-08**
Daily's 7105 (P.E.C.) Underground Encroachment
Subarea 8 (2002)
District 22 (Hand)

A request, by Petroleum Equipment Company (P.E.C.) - Daily's 7105, to encroach under Alley #542 by boring and installing monitoring wells to allow for the Tennessee Division of Underground Storage Tanks (DUST) to conduct an underground storage tank investigation at the Daily's fuel and convenience station. Property is located at 1918 18th Avenue North.

Staff Recommendation - *Approve*, subject to a revised Agreement and revised Insurance Certificate being submitted to the Planning Department prior to Metro Council approval.

APPLICANT REQUEST

A request, by Petroleum Equipment Company (P.E.C.) - Daily's 7105, to encroach under Alley #542 by boring and installing monitoring wells to allow for the Tennessee Division of Underground Storage Tanks (DUST) to conduct an underground storage tank investigation at the Daily's fuel and convenience station. Property is located at 1918 18th Avenue North.

APPLICATION REQUIREMENTS

License to Encroach Agreement - Yes – one was submitted; however, a request to encroach under or on the ground can only be approved by Metro Council as an ordinance. The proposed Agreement needs to be revised, prior to Council approval, to reflect an ordinance in lieu of a resolution.

Insurance Certificate - Yes – one was submitted providing general liability of \$1,000,000 for each occurrence; however, aggregate coverage, as required by Metro Legal, was not provided. If approved by the Planning Commission, the minimum aggregate coverage must be provided on an amended insurance certificate prior to Council approval of the ordinance.

Property Owner Sign Application - Yes

Tenant Sign Application - N/A

DEPARTMENT AND AGENCY COMMENTS

This item is recommended for approval by Metro Public Works. Encroachment requests do not come to the Planning Department until recommended for approval by Public Works.

Planning staff supports the requested encroachment because it will allow for the Tennessee Division of Underground Storage Tanks (DUST) to fully delineate the groundwater contamination plume at the applicant's facility (fuel & convenience station). The boring encroachment will consist of two (2) monitoring wells, located within Alley #542, which will be finished with a 10-inch steel, bolt down, manhole cover on top of a 2-foot by 2-foot concrete pad, 18 to 24 inches thick.

Approved with a condition (10-0), Consent Agenda

Resolution No. 2003-278

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-081U-08 is **APPROVED WITH CONDITIONS (9-0)**.”

Conditions of Approval:

1. Subject to a revised Agreement and revised Insurance Certificate being submitted to the Planning Department prior to Metro Council approval.”

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15. **2003M-082U-03**
Close Unnumbered Alley
Subarea 3 (1998)
District 2 (Black)

A request to close an unnumbered alley, located between Pfeiffer Street and Powell Avenue, requested by Ronald Laster, applicant, for Homer Simpkins and H. B. Binkley, abutting property owners.

Staff Recommendation - *Approve*, subject to receiving a copy of the Contract for Sale on the H.B. Binkley property or having H.B. Binkley sign the application prior to Metro Council approval.

APPLICANT REQUEST

A request to close an unnumbered alley, located between Pfeiffer Street and Powell Avenue, as requested by Ronald Laster, applicant, for Homer Simpkins and H.B. Binkley, abutting property owners.

APPLICATION REQUIREMENTS

Application properly completed and signed? Yes

Abutting property owners’ sign application? No – Mr. Laster stated that he has purchased the Binkley property; therefore, no signature is required by H.B. Binkley – however, a Contract for Sale on the Binkley property must be submitted to the Planning Department prior to Council approval of the ordinance.

DEPARTMENT AND AGENCY COMMENTS

Staff supports the requested alley closure since both Pfeiffer Street and Powell Avenue are currently unimproved, as well as the unnumbered alley. Metro Council, with Metro Public Works’ support, has recently closed unimproved rights-of-way in this area of the County since the likelihood of future improvement was not foreseen by Public Works.

Approved with a condition (9-0), Consent Agenda

Resolution No. 2003-279

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-082U-03 is **APPROVED WITH CONDITIONS (9-0)**.”

Conditions of Approval:

1. Subject to receiving a copy of the Contract for Sale on the H.B. Binkley property or having H.B. Binkley sign the application prior to Metro Council approval.”

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- 16. 2003M-083U-09**
Rolling Mill Hill Property Dispositions
Subarea 9 (1997)
District 19 (Wallace)

An Ordinance approving the disposition of certain property owned by the Metropolitan Government of Nashville and Davidson County on Hermitage Avenue, Franklin Street, and Peabody Street as part of the Rolling Mill Hill mixed-use property redevelopment, requested by the Metro Department of Finance, Real Property Services, and MDHA.

Staff Recommendation - *Approve*

APPLICANT REQUEST

An Ordinance approving the disposition of certain property owned by the Metropolitan Government of Nashville & Davidson County on Hermitage Avenue, Franklin Street, & Peabody Street as part of the Rolling Mill Hill mixed-use property redevelopment, as requested by the Metro Department of Finance, Real Property Services, and MDHA.

DEPARTMENT AND AGENCY COMMENTS

Staff supports the proposed ordinance since the property dispositions will further the efforts in redeveloping the Rolling Mill Hill area. The Metro Government, in conjunction with the Metropolitan Development and Housing Agency (MDHA), desires to redevelop the Rolling Mill Hill area as a mixed-use development and to provide housing opportunities in downtown Nashville.

Approved (9-0), Consent Agenda

Resolution No. 2003-280

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-083U-09 is **APPROVED (9-0).**”

XII. ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:10 pm.

Chairman

Secretary

