

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: June 13, 2002
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
Douglas Small, Vice Chairman

Absent:

Mayor Bill Purcell
James McLean
Councilmember John Summers

Staff Present:

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Manager 2
Kathryn Fuller, Planner 2
Marcus Hardison, Planner 1
Lee Jones, Planner 1
David Kleinfelter, Planner 3
Robert Leeman, Planner 2
Preston Mitchell, Planner 2
Carolyn Perry, Administrative Assistant
Jennifer Regen, Planning Manager 2
Chris Wooton, Planning Technician 1

Others Present:

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

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Staff announced the following changes to the agenda:

17. 2002M-018U-12 Southern Hills Medical Center Sign Encroachment, should read; a 20 foot tall pole Addendum item should be added

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

APPROVAL OF MINUTES

Ms. Nielson moved and Vice Chairman seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of May 23, 2002.

RECOGNITION OF COUNCILMEMBERS

Councilmember Brenda Gilmore supported item 5. 2001S-180U-03 Creekside Subdivision and stated there are drainage concerns and that she had a letter from the developer agreeing to certain conditions that she would like added in the record.

Councilmember Vic Lineweaver spoke regarding item 1. 2001-07G-06 and stated he understood that item would be deferred. He also asked for approval on item 14. 163-73-G-06 Bellevue Place PUD (Jonathan's Grille), and item 15. 102-86-P Riverside, Phase 3.

Councilmember Michelle Arriola spoke in favor of item 13. 2001S-343U-12, Wallace Road Subdivision.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS

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

- 1. 2001Z-077G-06 Deferred Indefinitely
- 19. 2002M-056U-08 Deferred Indefinitely
- 23. Employee Contract for Jennifer E. Regen - Deferred until June 27, 2002

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

ZONING MAP AMENDMENTS

- 2. 2002Z-053U-08**
Council Bill No. BL2002-1104
Map 070-15, Parcel(s) 40
Subarea 8 (1995)
District 20 (Haddox)

A council bill to rezone from IWD district to MUG district property at 545 Great Circle Road, approximately 600 feet north of MetroCenter Boulevard, (5.27 acres), requested by Adren Greene of Metro Greene, LLC., appellant, for American Reality Trust, Inc., owner.

Staff Recommendation *Approval*

APPLICANT REQUEST
General (MUG).

Industrial warehouse and distribution (IWD) to Mixed Use

Existing Zoning

IWD IWD is intended for industrial, warehousing, and distribution uses, including wholesaling, light manufacturing, and auto repair.

Proposed Zoning

MUG MUG is intended for a moderately high intensity mixture of residential, retail, and office uses.

SUBAREA 8 PLAN

Policy Neighborhood Urban (NU)

Mixture of residential and neighborhood-scale commercial development.

Policy Conflict None. The Subarea 8 Plan defines this area as NU policy. Currently, there is no Detailed Neighborhood Design Plan. The proposed MUG zoning is consistent with the emerging zoning pattern in the area and moves from industrial zoning to mixed use zoning, which is consistent with the subarea plan.

RECENT REZONINGS Yes. Map 70-15, Parcel 47 from IWD to MUG district (2001Z-114U-08) was approved at the December 6, 2001 Planning Commission meeting. Metro Council approved the zone change (BL2001-897) on March 19, 2002.

TRAFFIC Great Circle Road can accommodate the traffic generated by MUG zoning which ranges from approximately 900 to 9,000 trips per day based on multi-family, office, retail, sit-down restaurant, or fast-food restaurant uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings Approve.

Resolution No. 2002-214

“BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-053U-08 is **APPROVED (6-0)**:

The proposed MUG district is consistent with the Subarea 8 Plan's Neighborhood Urban (NU) policy and the emerging zoning pattern in the area. The NU policy calls for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but which overall are envisioned to be very mixed-use in character. This proposal moves from industrial to mixed-use zoning which is consistent with the Subarea 8 Plan.”

4. 2002Z-055U-08

Council Bill No. BL2002-1110

Map 092-09, Parcel(s) 2, 4, 40 - 50

Subarea 8 (1995)

District 21 (Whitmore)

A council bill to rezone from CN to MUN districts properties at 3700 and 3706 Clifton Avenue, and from R6 to RM9 district properties at 3548 Georgia Avenue, Georgia Avenue (unnumbered), and Indiana Avenue (unnumbered), abutting the north margin of I-40 East, (2.34 acres), requested by Phil Ryan of Metro Development and Housing Agency, appellant, for William Taylor and Metro Development and Housing Agency, owners.

Staff Recommendation *Approval*

APPLICANT REQUEST
(MUN).

Commercial Neighborhood (CN) to Mixed-Use Neighborhood

Residential, Single-Family and Duplex (R6) to Residential, Multi-Family (RM9)

Existing Zoning

CN zoning CN is intended for very low intensity retail, office, and commercial service uses at a neighborhood-scale.

R6 Zoning R6 is intended for single-family and duplexes at up to 6.17 units per acre. Current zoning would permit 11 lots.

Proposed Zoning

MUN zoning MUN is intended for a lower intensity mixed-use development with bulk standards that are designed to maintain a residential-scale of development.

RM9 RM9 is intended for multi-family dwelling units at 9 units per acre. Proposed zoning would permit 15 units.

SUBAREA 8 PLAN

Policy Properties proposed for MUN zoning are located in the Subarea 8 Plan's College Heights/Clifton Neighborhood Center (NC) policy area calling for mixed residential uses, civic activities, and low-rise public benefit uses.

Properties proposed for RM9 zoning are located in the Subarea 8 Plan's College Heights/Clifton Neighborhood General (NG) policy area calling for mixed residential uses, civic activities, and low-rise public benefit uses.

Policy Conflict None.

The MUN district fits the expectations of the NC policy by providing the opportunity to construct a mixture of commercial and residential-scale development.

The RM9 district is appropriate for the NG policy since residential uses in this policy area should not exceed 20 units per acre.

RECENT REZONINGS None.

TRAFFIC Based on typical uses in MUN zoning such as office, multi-family, retail, or restaurant approximately 66 to 164 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Based on typical uses in the RM9 zoning such as single-family, duplex, or low-rise apartments approximately 100-144 trips per day could be generated by these uses.

Traffic Engineer's Findings Approve - Currently Clifton Avenue has 40 feet of pavement which exceeds the required 37 feet of pavement for a residential collector street. Indiana Street and 37th Avenue North are currently under reconstruction and have the required 46 feet of right-of-way for a minor-local street.

SCHOOLS

Students Generated 3 Cockrill Elementary, 2 W.A. Bass Middle, 2 Pearl Cohn High School

Schools Over/Under Capacity W.A. Bass Middle School has been identified as being overcrowded by the Metro School Board. These student generation figures are only for the properties proposed for RM9

zoning. The MUN district allows retail and office uses as well as residential uses; therefore, there is not a method to determine the density of residences, only the allowed square footage. Therefore, no student generation figures can be derived for the properties proposed for MUN zoning.

Resolution No. 2002-215

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-055U-08 is **APPROVED (6-0)**:

The proposed MUN district is consistent with the Subarea 8 Plan’s Neighborhood Center (NC) policy area calling for mixed residential uses, civic activities, and low-rise public benefit uses and some commercial uses, while the proposed RM9 district is consistent with the Subarea 8 Plan’s Neighborhood General (NG) policy calling for mixed residential uses not exceeding 20 dwelling units per acre, civic activities, and low-rise public benefit uses.”

PRELIMINARY PLAT SUBDIVISIONS

5. 2001S-180U-03
CREEKSIDE SUBD.
Map 049-00, Parcel(s) 336
Subarea 3 (1998)
District 1 (Gilmore)

A request to revise the preliminary plat and for final plat approval for 37 lots abutting the east margin of Buena Vista Pike, approximately 270 feet north of Buena Vista Court, (16.6 acres), classified within the RS15 district, requested by Affordable Housing Resources, Inc., owner/developer, Thornton and Associates, Inc., surveyor. (Deferred from meeting of 5/23/02).

Staff Recommendation *Approve with conditions subject to a bond for the construction of roads, sidewalks, landscape buffer yards, and the extension of public utilities, as well as referencing the instrument number on the plat for the recorded covenants and restrictions prior to plat recordation.*

APPLICANT REQUEST

Preliminary Plat Revised Preliminary & Final Plat Final Plat

Using Cluster Lot Provisions, subdivide approximately seventeen (17) acres along Buena Vista Pike into thirty-seven (37) lots at a density of 2.2 units per acre.

PREVIOUS APPROVAL The Planning Commission approved a preliminary plat to create forty-five (45) lots on July 19, 2001 (2001S-180U-03). The current request matches the concept of the original preliminary plat, but the number of lots has been reduced to thirty-seven (37).

ZONING **An RS15 Cluster Lot Subdivision requires a minimum lot size of 7,500 square feet. All proposed lots range from 9,000 to 13,000 square feet.**

TRAFFIC ENGINEER’S

FINDINGS No driveway access should be permitted from Buena Vista Pike. Twenty-six (26) of the thirty-seven (37) proposed lots will have rear-lot alley access. The new private alley and public street will stub into the property to the north.

GREENWAY Six (6) acres are dedicated for a future greenway trail along White’s Creek. The developer will construct a 5-foot sidewalk from the development into the easement area. The sidewalk will be connected to the greenway trail when the trail is constructed in the future by Metro Government.

LANDSCAPE BUFFERYARDS 20-foot wide landscape bufferyards will be installed along the north and south property lines. Existing trees with a six (6) inch caliper or greater will be retained within the bufferyards.

CONDITIONS The following need to be satisfied prior to final plat recordation:

Bond for the construction of roads, sidewalks, installation of landscape bufferyards, and the extension of public utilities.

Reference the instrument number on the plat for the recorded covenants and restrictions.

Resolution No. 2002-216

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-180U-03, is APPROVED WITH CONDITIONS AND SUBJECT TO A BOND FOR EXTENSION OF ROADS, SIDEWALKS, LANDSCAPING AND UTILITIES (6-0).

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

1. Bond for the construction of roads, sidewalks, the extension of public utilities, and the installation of landscape bufferyards.
2. Reference the instrument number on the plat for the recorded covenants and restrictions.”

6. 2002S-105G-04
HANNAH-PRICE ESTATES
Map 043-01, Parcel(s) 078
Subarea 4 (1998)
District 9 (Dillard)

A request for preliminary and final plat approval for three lots abutting the southwest corner of Pierce Road and Palmer Avenue, (1.15 acres), classified within the RS7.5 district, requested by Roland L. Voland et ux, owners/developers, Cantrell-Kemp, L.L.C., surveyor.

Staff Recommendation *Approve with conditions subject to a bond for sidewalks and a revised plat prior to recordation*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 1.147 acres into three (3) lots with a proposed density of 2.61 units per acre. All lots have frontage on Palmer Avenue and lot 3 has frontage on Pierce Road.

ZONING **RS7.5 district requires minimum lot size of 7,500 sq. ft.**

SUBDIVISION VARIANCES None.

TRAFFIC ENGINEER'S FINDINGS Approve.

CONDITIONS Prior to plat recordation, the following corrections need to be made to this final plat:

Note #1 needs to be modified to identify the plat is for three (3) lots.
Note #8 needs to be modified to indicate that a 20' public utility and drainage easement does not exist along the entire length of Palmer Avenue since it narrows to 15' where the existing house on Lot #1 is to remain.
Owner needs to sign plat.
Surveyor needs to sign and date plat.
The subdivision number needs to be added to the plat 2002S-105G-04.
A bond will be required for the sidewalks along Palmer Avenue and Pierce Road as well as a demolition bond for the wooden building and block wall garage on Lot #2 that are located within the right-of-way of Palmer Avenue.

Resolution No. 2002-217

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-105G-04 is APPROVED WITH CONDITIONS AND SUBJECT TO A BOND FOR SIDEWALKS AND EXTENSION OF UTILITIES (6-0).”

7. 2002S-138U-03
BUDIG REALTY SUBDIVISION
Map 060, Parcel(s) 021 & 022; Map 060-13, Parcel(s) 016 & 064
Subarea 3 (1998)
District 2 (Black)

A request for preliminary plat approval to create four lots abutting the west margin of Brick Church Pike, approximately 140 feet north of Haynie Avenue, (28.78 acres), classified within the IWD district, requested by Budig Realty, LLC, owner/developer, Cherry Land Surveying, Inc., surveyor.

Staff Recommendation *Approve with the condition that a revised plat be submitted prior to the planning commission meeting.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 28.78 acres into 4 lots in the IWD district.

PLAT DETAILS Lot 2 has already been fully developed.

All lots will have access off the new public street being created (Fernco Drive) and will not have access from Brick Church Pike. Fernco Drive dead-ends due to topographical differences between the alignment of Fernco Drive and Haynie Avenue to the south.

SUBDIVISION VARIANCES None.

TRAFFIC ENGINEER'S FINDINGS Approve. Brick Church Pike is adequate for the subdivision proposed.

CONDITIONS The following plat corrections must be submitted on a revised plat prior to the planning commission meeting:

Add the Subdivision Number: 2002S-138U-03 to the plat.
Add the following standard note to the plat: Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with storm water management Ordinance No. 78-840 and approved by The Metropolitan Department of Water Services.
Remove the future building pads on lots 1, 3 and 4 from the plat.

Add the following note: Note to Prospective Owners: You are strongly advised to contact Metro Water Services Engineering (Development Services) to determine the adequacy of public water and sewer facilities for intended development of property.
At the end of Fernco Drive, end the proposed water main and sanitary sewer in pavement (avoid curb).

Resolution No. 2002-218

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-138U-03, is APPROVED WITH CONDITIONS AND SUBJECT TO A BOND FOR EXTENSION OF ROAD, UTILITIES AND SIDEWALKS (6-0).

Staff recommends approval of the preliminary plat with the conditions that a corrected plat must be submitted prior to the planning commission meeting:

1. Add the Subdivision Number: 2002S-138U-03 to the plat.
2. Add the following standard note to the plat: Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with storm water management Ordinance No. 78-840 and approved by The Metropolitan Department of Water Services.
3. Remove the future building pads on lots 1, 3 and 4 from the plat.
4. Add the following note: Note to Prospective Owners: You are strongly advised to contact Metro Water Services Engineering (Development Services) to determine the adequacy of public water and sewer facilities for intended development of property.
5. At the end of Fernco Drive, end the proposed water main and sanitary sewer in pavement (avoid curb).”

FINAL PLAT SUBDIVISIONS

12. 99S-097U-12
VILLAGES of BRENTWOOD, Phase 11
Map 161-10-B, Parcel(s) 155-206
Subarea 12 (1997)
District 32 (Jenkins)

A request to revise the preliminary and final plat to extend the performance bond for six months on Phase 11 and reduce it from \$235,000 to \$100,000, abutting the southwest margin of Village Way, approximately 115 feet southeast of English Village, (16.25 acres), classified within the R10 Residential Planned Unit Development District, requested by Grandview Land Company, owner/developer, Dale & Associates, Inc., surveyor.

Staff Recommendation *Disapprove. Current bond amount is correct.*

APPLICANT REQUEST **Reduce the performance bond from \$235,000 to \$100,000, as requested by Mr. Tom White, an attorney representing the development, at the May 9, 2002 planning commission meeting.**

PROJECT DETAILS **On May 9, 2002, the applicant requested a sidewalk variance to reduce the bond, as well as extend it for the last project phase. The request to reduce this bond was made at the meeting by the applicant. Staff had no prior knowledge of this request. As a result, the Commission deferred consideration of the bond reduction to June 13, 2002. The requests for the other two items were deferred to the June 27, 2002 meeting.**

The recommendation to disapprove the reduction of the performance bond from \$235,000 to \$100,000 is based on the outstanding items identified below by Metro Public Works and Metro Water Services that need to be completed by the development.

METRO PUBLIC WORKS:

Amount	Type	Comment
\$ 20,000	Paving	Asphalt Surface
\$ 20,000	Administrative Costs	Legal, engineering, inspection and right-of-way fees
\$165,000	Sidewalks	1,200 linear feet of sidewalk Repair 200 linear feet of curb Replace 3 curb ramps Install 2 curb ramps Replace 20 driveway ramps
\$205,000	TOTAL	

METRO WATER SERVICES:

Amount	Type	Comment
\$ 20,000	Stormwater Drainage	Complete 1 detention pond
\$ 10,000	Casting Adjustments	Adjusting castings to final pavement.
\$ 30,000	TOTAL	

\$235,000 GRAND TOTAL

Resolution No. 2002-219

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-097U-12, is DISAPPROVED (6-0).”

PLANNED UNIT DEVELOPMENTS (revisions)

- 14. 163-73-G-06**
 Bellevue Place PUD (Jonathan's Grille)
 Map 142, Parcel(s) 360
 Subarea 6 (1996)
 District 35 (Lineweaver)

A request to revise a portion of the preliminary plan and for final approval for a phase of the Commercial Planned Unit Development District located abutting the south margin of Highway 70 South, west of Sawyer Brown Road, classified within the SCR district, (.97 acres), to permit the development of a 5,890 square foot restaurant, replacing a 4,800 square foot undeveloped restaurant, requested by John F. Werne Architect, for Southwest Properties Partnership, owner.

Staff Recommendation *Conditional Approval.*

APPLICANT REQUEST

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

Permit a 5,890 sq. ft. restaurant on .97 acres, replacing an undeveloped 4,800 sq. ft. restaurant.

Existing Zoning

SCR Shopping Center Regional (SCR) is intended for high intensity retail, office, and consumer service uses for a regional market area.

PLAN DETAILS

Square footage on this portion of the site increased by 1,090 square feet. Increase does not exceed 10% of the overall square footage of the PUD last approved by the Metro Council. Restaurant building has been slightly relocated and reoriented. Restaurant will have no direct access to Highway 70 S which is consistent with the previous preliminary plan.

SUBAREA 6 PLAN

Policy Retail Activity Center (RAC). Concentrated mixed-use areas anchored by a regional mall, intended for retail, office, and residential uses.

Policy Conflict None.

RECENT REVISIONS/

APPROVALS Yes. The preliminary PUD plan was last revised on June 7, 2001, to permit a 93,800 sq. ft. retail/restaurant center, including a 4,800 sq. ft. restaurant on this outparcel. The final plat for this parcel was recorded on September 21, 2001.

CONDITIONS 1. Prior to the issuance of any building permits, a final plat needs to be re-recorded, including the relocation and abandonment of existing sewer easements, and including any bonds necessary for any unbuilt public improvements, including sidewalks.

Prior to the recording of any final plat for lot 360 or 361, the applicant needs to submit a letter from the Harpeth Valley Utility District stating final approval of the relocation of the existing sewer easement on these parcels. The new plat needs to remove note #15 on the plat recorded on September 21, 2001, stating that no building permits will be issued for lots 2 and 3 until existing 8” sewer line is relocated to the south and accepted by Metro Water and Sewerage Department.

Prior to the recording of the final plat, bonds needs to be posted for any necessary public improvements and required landscaping.

Resolution No. 2002-220

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 163-73-G-06 is given **APPROVAL OF THE REVISION TO THE PRELIMINARY PUD PLAN AND CONDITIONAL FINAL PUD APPROVAL(6-0)**: The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal will be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. Prior to the issuance of any building permits, a final plat needs to be re-recorded, including the relocation and abandonment of existing sewer easements, and including any bonds necessary for any unbuilt public improvements, including sidewalks. Prior to the recording of any final plat for lot 360 or 361, the applicant needs to submit a letter from the Harpeth Valley Utility District stating final approval of the relocation of the existing sewer easement on these parcels. The new plat needs to remove note #15 on the plat recorded on September 21, 2001, stating that no building permits will be issued for lots 2 and 3 until existing 8” sewer line is relocated to the south and accepted by Metro Water and Sewerage Department.
3. **This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan**

Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

4. **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."**

15. 102-86-P
Riverside, Phase 3
Map 142-13, Parcel(s) 162
Subarea 6 (1996)
District 35 (Lineweaver)

A request for a variance to the final PUD plan for lot 162, Phase 3, of the Riverside Residential Planned Unit Development, located at 7909 Harpeth View Drive, classified within the RS30 district, .25 acres, to change the front setback from 20 feet to 18.5 feet, requested by Trey Rochford, for Rochford Construction Company.

Staff Recommendation *Approve with condition.*

APPLICANT REQUEST **Variance to reduce the front setback on lot 162 located at 7909 Harpeth View Drive from 20 feet to 18 feet. The house on lot 162 was constructed with the garage a foot and a half over the front setback line. Variance requests within a PUD must first receive a recommendation from the planning commission before being considered by the Board of Zoning Appeals (BZA). This case is scheduled for the BZA's July 3, 2002 agenda.**

VARIANCE DETAILS **The applicant has received permission from Public Works, Water Services, NES and Nashville Gas to reduce the public utility easement along the street at the front of the lot to 18 feet.**

In conjunction with this request, the applicant must also appear before the BZA with a request for a variance from Section 17.20.060 D to permit the garage door to be closer than 20 feet from the property line since it is also too close to the front property line.

CONDITIONS 1. Prior to the plat recordation, the BZA needs to have approved the front setback variance.

Resolution No. 2002-221

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 102-86-P is given **CONDITIONAL APPROVAL (6-0)**: The following condition applies:

Prior to the plat recordation, the BZA needs to have approved the front setback variance.”

MANDATORY REFERRALS

17. 2002M-018U-12
Southern Hills Medical Center Sign Encroachment
Map , Parcel(s)
Subarea 12 (1997)
District 26 (Arriola)

A request to encroach 18 feet with a 20 foot tall pole sign for Southern Hills Medical Center into the public right-of-way of a yet-to-be-dedicated public street called "Recovery Road" connecting Harding Place with

Wallace Road, requested by Larry Alexander of CESP, Inc., for HCA, owner. (See Subdivision Proposal No. 2001S-343U-12).

Staff Recommendation *Approve with condition that encroachment shall not take effect until Recovery Road is accepted by Public Works as a new public street.*

APPLICANT REQUEST **Encroach with a pole sign for HCA’s Southern Hills Medical Center. Sign measures 20 feet tall, 18 feet wide, and 10 feet in length for a total sign area of 180 square feet. Sign would be located in the public right-of-way of a yet-to-be-dedicated or accepted public street, Recovery Road. Road to be dedicated with final plat 2002S-343U-12, Wallace Road Subdivision.**

APPLICATION REQUIREMENTS

License to Encroach Agreement Yes – one was submitted in correct form.

Insurance Certificate Yes – one was submitted showing general liability in excess of \$300,000 as required by Metro Legal.

Property Owner Sign Application Yes

ZONING REGULATIONS Property is zoned OL district for office uses.
Proposed sign does not comply with the Zoning Regulations sign standards.

Section 17.32.090, Community Facility Sign does not qualify as a “community facility” sign since it is not located on the hospital property.

Section 17.32.100, Informational Signs Sign does not qualify as an “informational sign” for a large site because its size exceeds maximum sign area of 32 square feet and sign height of 10 feet; it is a pole sign not a monument or ground sign; and it is not located on the hospital property.

Section 17.32.150, Billboards Regulations do not permit “off-premise” or billboard signs in the OL district.

Section 17.32.040.B, Exempt Signs Sign qualifies as a traffic control or directional sign. A hospital is a regional, community use. Ease of access to the hospital is critical in life-threatening situations. Sign would serve to promote the public health, safety, and welfare by directing emergency vehicles and individuals to use Recovery Road off of Harding Pike in lieu of the congested Nolensville Pike/Harding Pike entrance. A large, bold sign is important for driver visibility in all kinds of weather.

DEPARTMENT AND AGENCY

RECOMMENDATIONS All reviewing departments and agencies recommend approval subject to the Metro Planning Commission finding the sign to qualify as a “directional sign” under Section 17.32.040.B of the Zoning Regulations.

CONDITIONS 1) This encroachment shall not take effect until the Wallace Road Subdivision final plat is recorded (2002S-343U-12), the Metro Council approves this mandatory referral, and the new public street, Recovery Road, is accepted by the Department of Public Works.

Resolution No. 2002-222

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-018U-12 is **APPROVED (6-0) with conditions:**

Condition: This encroachment shall not take effect until the Wallace Road Subdivision final plat is recorded (2002S-343U-12), the Metro Council approves this mandatory referral, and the new public street, Recovery Road, is accepted by the Department of Public Works.”

18. 2002M-054G-06

Close a Portion of Old U.S. Highway 70 South
Map 143, Parcel(s) 9, 10
Subarea 6 (1996)
District 35 (Lineweaver)

A request to close a portion of Old U.S. Highway 70 South, south of U.S. Highway 70, between Brookmont Terrace and Windsor Terrace Drive, requested by Dan Barge, III, P.E. of Barge Cauthen & Associates, Inc., appellant, for H.G. Hill Realty Co., abutting property owner. (Easements are to be retained).

Staff Recommendation *Approve*

APPLICANT REQUEST Close a portion of Old U.S. Highway 70 South, south of U.S. Highway 70 between Brookmont Terrace and Windsor Terrace Drive. (Easements are to be retained).

APPLICATION REQUIREMENTS

Signatures of All Abutting & Affected Property Owners

Yes – and they match tax assessor information.

DEPARTMENT AND AGENCY RECOMMENDATIONS

All reviewing departments and agencies recommend approval.

Resolution No. 2002-223

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-054G-06 is **APPROVED (6-0)**."

OTHER BUSINESS

21. Regional Transit Development Plan -- Contract to receive matching funds from TDOT

Resolution No. 2002-224

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the Regional Transit Development Plan -- Contract to receive matching funds from TDOT"

22. Consider a Request to Amend the Subarea 13 Plan Amendment on June 27, 2002

Staff Recommendation Consider on June 22, 2002 whether or not a public hearing should be held on July 11, 2002 on an amendment to the Subarea 13 Plan for new residential, mixed-use, and commercial development in southern Davidson County.

PLAN AMENDMENT DETAILS

Request This request to amend the Subarea 13 Plan is two-fold: 1) to evaluate the feasibility of commercial development in an area currently planned for residential development; and, 2) to evaluate the

feasibility of an incentive-based Urban Design Overlay (UDO) district similar to Green Hills' which is not mandatory.

Location The amendment area can be generally described as Mt. View Road, Murfreesboro Pike, Hobson Pike, Hamilton Church Road, and Pin Hook Road (see sketch).

Reason for Request Staff is initiating this request because of an approximately 400-acre rezoning that will be submitted to the planning department on June 20, 2002 for July 25, 2002 Planning Commission meeting. Several large property owners desire to rezone their properties to RS10 and CS district in the area described above. In addition, the property owners and staff are interested in exploring the feasibility of an incentive-based UDO provided the UDO is *not* mandatory. These property owners want to retain the right to develop under the RS10 and CS districts without being compelled to develop in conformance with the UDO guidelines.

Community Input Given the scope of the rezoning and plan amendment request, staff plans to hold at least one community meeting prior to the June 27, 2002 Commission meeting to receive input on this rapidly developing area of Davidson County. Should the Commission approve staff evaluating an amendment to the Subarea 13 Plan at that meeting, staff will have additional meetings with the community, as needed, to present a plan amendment for the Commission's consideration on July 11, 2002.

24. Intern Contract for Jeff Harding

Resolution No. 2002-225

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the Intern Contract for Jeff Harding from June 17, 2002 through August 31, 2002."

25. Intern Contract for Lindsay Smith

Resolution No. 2002-226

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the Intern Contract for Lindsay Smith from June 17, 2002 through August 31, 2002."

ADDENDUM

Contract amendment between Metropolitan Government of Nashville and Davidson County; Williamson County; Wilson County and Kucera International, Inc., for purchase of service, aerial photography, photo processing, horizontal and vertical ground control, compilation of analytical triangulation and creation and update of digital topographic/planimetric maps.

Cost Overrun for Creation of DTM and Topography for Davidson County

Kucera International has indicated that an additional \$52,650 is needed, beyond the original contract price of \$92,150, for a total cost of \$144,800.00, to properly compile and generate an accurate Digital Terrain Model (DTM) and topographic data for Davidson County.

Kucera's original price proposal was based on being able to use our existing DTM that was created in 1996. This is a common practice, which can save substantial time and money by not having to re-compile the entire DTM from scratch. However, since they have gotten into the production phase of the project, Kucera has found our 1996 DTM to be seriously flawed. As a result, they have been unable to use this DTM with the control points they established and as a result, the Davidson County portion of the project

has been stopped cold. Without a sound DTM, we cannot be assured of the accuracy of any of the other products being purchased, starting with the orthophotos, through the planimetric data and finishing with the topography. We also will not be able to obtain high quality orthos in subsequent years without a good DTM. Everything relies on the DTM for accuracy.

Resolution No. 2002-227

“BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the contract amendment between Metropolitan Government of Nashville and Davidson County; Williamson County; Wilson County and Kucera International, Inc., for purchase of service, aerial photography, photo processing, horizontal and vertical ground control, compilation of analytical triangulation and creation and update of digital topographic/planimetric maps.

This concluded the items on the consent agenda.

PUBLIC HEARING

ZONING MAP AMENDMENTS

- 3. 2002Z-054G-04**
Council Bill No. BL2002-1106
Map 043-16, Parcel(s) 2
Subarea 4 (1998)
District 9 (Dillard)

A council bill to rezone from RS7.5 district to CS district property at Rio Vista Drive (unnumbered), at the intersection of Rio Vista Drive and Old Hickory Boulevard, (0.39 acres), requested by Richard Rollins, owner.

Ms. Regen stated staff is recommending disapproval as contrary to the General Plan.

Staff Recommendation *Disapprove as contrary to the General Plan. CS zoning does not implement the Subarea 4 Plan’s residential (RMH) policy. Plan calls for area’s residential character to remain. In addition, a council bill has been filed for this zone change, and a bill amendment is recommended to ensure no access is provided to Old Hickory Boulevard and to require Rio Vista Drive to be upgraded to commercial street standards with 37 feet of pavement from the northern boundary of the access drive to Old Hickory Boulevard, for consistency with the Metro Traffic Engineer’s findings.*

APPLICANT REQUEST Single-Family (RS7.5) to Commercial Service (CS)

Existing Zoning

RS7.5 zoning RS7.5 is intended for single-family homes at 4.94 units per acre. Current zoning would permit 2 lots.

Proposed Zoning

CS zoning CS is intended for commercial uses such as retail, office, bank, restaurant, as well as light manufacturing, mini-storage, and auto repair.

SUBAREA 4 PLAN

Policy Residential Medium High (RMH)
9 to 20 dwelling units per acre

Policy Conflict Yes. Subarea 4 Plan states: "RMH policy is applied to this area in recognition of the existing development pattern...The area does contain some underutilized land which is suitable for infilling at RMH densities." Commercial zoning does not implement residential policy.

RECENT REZONINGS None.

TRAFFIC Based on typical uses in CS zoning such as office, retail, sit-down restaurant, or fast-food restaurant, approximately 44 to 1,900 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings Disapproval. Access should not be permitted onto Old Hickory Boulevard. Rio Vista Drive is a residential local street with 22 feet of pavement. Commercial development requires 37 feet of pavement.

No one was present to speak at the public hearing.

Ms. Nielson moved and Mr. Clifton seconded the motion, which carried unanimously, to close the public hearing and disapprove as Contrary to the General Plan.

Resolution No. 2002-228

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-054U-08 is **DISAPPROVED (6-0) as contrary to the General Plan:**

The proposed CS district does not implement the Subarea 4 Plan's Residential Medium High (RMH) policy calling for 9-20 dwelling units per acre. Commercial zoning is also inconsistent with the surrounding residential housing pattern in the area. The Planning Commission recommends that the council bill be amended, in the event that Council decides to approve this rezoning, to prohibit access from this property to State Route 45 and that Rio Vista Drive be upgraded to commercial street standards with 37 feet of pavement from the northern boundary of this property to State Route 45, for consistency with the Metro Traffic Engineer's findings."

PRELIMINARY PLAT SUBDIVISIONS

8. 2002S-149G-04
STEPHEN L. SANDERS LOTS
Map 051-02, Parcel(s) 011
Subarea 4 (1998)
District 3 (Nollner)

A request for preliminary and final plat approval to subdivide one parcel into two lots abutting the north margin of Caldwell Drive, approximately 370 feet west of South Graycroft Avenue, (1.84 acres), classified within the RS20 district, requested by Stephen L. and Tammy L. Sanders, owners/developer, Tommy E. Walker, surveyor.

Ms. Fuller stated staff recommends approval.

Staff Recommendation *Approve with conditions subject to a revised plat prior to recordation and variances for lot comparability and flag lot.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 1.84 acres into two (2) lots with frontage on Chadwell Drive and keep the apartment/garage on lot 1 which the Zoning Administrator has determined is a non-conforming use.

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

SUBDIVISION VARIANCES

Lot Comparability
(Section 2-4.7)

Lot Area Lot area is consistent with lots within 300 feet. Lot area ranges from 28,700 to 60,000 sq. ft. and proposed lots provide above the minimum of 31,287 sq. ft. required by comparability.

Lot Frontage Lot frontage falls within the range of 75 feet to 158 feet within the existing area. Proposed lots provide 101 feet (lot 1) and 99 feet (lot 2) and are within the range, but are slightly smaller than the minimum of 108 feet permitted by the comparability study.

Recommendation Approve. The lot frontage is slightly less, but not by a noticeable amount than other properties in the area.

Flag Lot Flag lots generally shall not be permitted. Applicant (Section 2-4.2.A) has requested a variance to allow lot 2 to be flag-shaped. There are mature fruit trees in the “flag” area located at the rear of the lot that the property owner wants to keep and cannot transplant due to the maturity of the trees. The applicant also wants to maintain a travel way to an abutting family member’s property without having to cross lot 1.

Recommendation Approve. Although the predominant development pattern in the area does not include flag lots, this is not the typical flag lot request. The flag formation is only recognizable on the plat, and will not be evident to a passerby on the street.

TRAFFIC ENGINEER’S FINDINGS Approve.

CONDITIONS Prior to plat recordation, the following corrections need to be made to this final plat:

The structure on Lot 2 should be labeled as an existing building. This property was zoned R20 when the building which contains an apartment unit/garage was constructed. It is an existing non-conforming use that can be continued on the new lot.

The surveyor needs to sign and date the plat prior to recording.

The Subdivision Number 2002S-149G-04 needs to be added.

Notes 3 and 7 need to be consolidated to read as follows: “Individual sanitary service lines and water service lines are required for each lot.”

Note 5 needs to be corrected to refer to Water Services and not Public Works.

The following note needs to be added: “The development of this project shall comply with the requirements of the adopted Tree Ordinance 094-1104 (Metro Code Chapter 17.24, Article II, Tree Protection and Replacement Procedures.”

Mr. W. Y. Draper, Jr. Spoke in opposition to the proposal and expressed concerns regarding decreasing property values.

Mr. Stephen Sanders spoke in favor of the proposal and explained the plan.

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

Resolution No. 2002-229

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-149G-04 is APPROVED WITH CONDITIONS SUBJECT TO VARIANCES FOR A FLAG LOT (SECTION 2-4.2A) AND LOT FRONTAGE (SECTION 2-4.7B) OF THE SUBDIVISION REGULATIONS) (6-0)

Staff recommends approval of the final plat with the conditions of variances for lot comparability and flag lot and that the following conditions be satisfied prior to final plat recordation:

1. The structure on Lot 2 should be labeled as an existing building. This property was zoned R20 when the building which contains an apartment unit/garage was constructed. It is an existing non-conforming use that can be continued on the new lot.
2. The surveyor needs to sign and date the plat prior to recording.
3. The Subdivision Number 2002S-149G-04 needs to be added.
4. Notes 3 and 7 need to be consolidated to read as follows: “Individual sanitary service lines and water service lines are required for each lot.”
5. Note 5 needs to be corrected to refer to Water Services and not Public Works.
6. The following note needs to be added: “The development of this project shall comply with the requirements of the adopted Tree Ordinance 094-1104 (Metro Code Chapter 17.24, Article II, Tree Protection and Replacement Procedures.”

9. 2002S-155G-04
CANDLEWOOD SUBDIVISION
 Map 052, Parcel(s) 015, 017-019
 Subarea 4 (1998)
 District 9 (Dillard)

A request for preliminary plat approval to create 34 lots abutting the northeast margin of Neelys Bend Road, approximately 105 feet southeast of Sioux Terrace, (9.25 acres), classified within the RS10 district, requested by Allen Earps, owner/developer, MEC, Inc., surveyor.

Mr. Mitchell stated staff recommends conditional approval.

Staff Recommendation *Conditional Approval*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 9.25 acres into 34 lots using the cluster lot option, with a proposed density of 3.67 units per acre.

ZONING

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

Cluster Lot Option Applicant proposes to reduce lots two (2) base zoning districts, from RS10 (minimum 10,000 sq. ft. lot) to RS5 (minimum 5,000 sq. ft. lot). The proposed lots range in size from 5,212 sq. ft. to 10,000 sq. ft., with one lot in the rear of the subdivision proposed at 18,321 square feet.

Through the creation of additional common open space, applicant preserves natural features and creates additional passive recreational areas. Approximately 28% (2.6 acres) of the total development area is being preserved as open space within the development. A typical subdivision located on 9.25 acres, and classified within the RS10 district, would allow 40 lots. This subdivision proposes 34 lots.

SUBDIVISION VARIANCES None.

TRAFFIC ENGINEERING FINDINGS Approve.

CONDITIONS The following plat corrections need to be submitted on a revised plat prior to the planning commission meeting:

Delete the proposed sidewalk planting strip detail along Neely's Bend Road and add a note to plat indicating sidewalks will be constructed in conformance with Metro Public Works sidewalk standards. Delete Note #5, and insert in its place the following: "This drawing is for illustration purposes to indicate the basic premise of the development. The final lot layout and details of the plan shall be in accordance with the Metro Stormwater Management Regulations at the time of final plat application." Add as Note #8 the following: All lots shall be served by individual water and sewer lines." Add as Note #9 in large, 14 bold font: "No grading, blasting, or building permits shall be issued for any portion of this property prior to the recording of a final plat." The same shall be placed across the actual plat's lot layout.

Ms. Brenda Sherman, Ms. Brenda Hogan, Ms. Brenda Johns and Mr. Gregory Stewart, Mr. William L. Conner, Mr. Ron Chance, Mr. Jack Jones spoke in opposition to the proposal and expressed concerns regarding the size of the proposed lots, the small homes, traffic, property depreciation, safety, blasting, flooding, loosing large trees and loosing the buffer around the Odom Sausage Plant.

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

Mr. Clifton stated this is a significant change for the community and that he was surprised they had not heard more information on the subject. He asked staff about blasting and flooding.

Chairman Lawson stated the Commission had no control over the blasting.

Ms. Regen explained the new coordination between departments to discuss water drainage and cutting trees and to stop any grading before final plat.

A gentleman in the audience complained that if this were approved today they would not have another chance for public input.

Mr. Clifton stated that was correct. This property was rezoned a long time ago for the requested density and if it was his property he would want it to be approved also.

Mr. Small stated final plat has not been approved and encouraged the neighbors to contact the developer and work with him on their concerns.

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

Resolution No. 2002-230

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-155G-04, is APPROVED WITH CONDITIONS SUBJECT TO A BOND FOR EXTENSION OF ROADS,

SIDEWALKS, UTILITIES AND LANDSCAPE BUFFER YARDS (SECTION 2-6.1 OF THE SUBDIVISION REGULATIONS) AND THE DELETION OF CONDITION #4 (6-0).”

10. 2002S-157G-14
HERMITAGE COMMERCIAL CENTER
Map 075, Parcel(s) 015 & 100
Subarea 14 (1996)
District 14 (Stanley)

A request for preliminary and final plat approval to subdivide two parcels into two lots and a sidewalk variance along Hermitage Road, abutting the northeast corner of Lebanon Pike and CSX Railroad, (2.79 acres), classified within the CS district, requested by Joe Sam Hurt, Sr., owner/developer, Littlejohn Engineering Associates, surveyor.

Mr. Leeman stated staff recommends approval with conditions.

Associated Cases 2001S-150G-14 (Hermitage Commercial Center plat was approved by MPC on Aug. 16, 2001, with a variance for sidewalks on Hermitage Road. This plat expired after 6 months on February 16, 2002).

Staff Recommendation *Approve with conditions subject to a sidewalk variance on Hermitage Road and a bond for any necessary public improvements.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide two (2) parcels into two (2) lots with a sidewalk variance on Hermitage Road. Access provided to lots from Lebanon Road and Hermitage Road.

SUBDIVISION VARIANCES

Sidewalks Sidewalk required on Hermitage Road. Due to (Section 2.6.1) ditch section, Public Works has indicated sidewalk cannot be constructed without major reworking of street’s drainage pattern.

TRAFFIC ENGINEER’S

FINDINGS Required 7.5 foot right-of-way dedication is being provided along Hermitage Road. Existing ROW is 45 feet on Hermitage Road.

CONDITIONS 1. Prior to the recording of the final plat, bonds shall be posted for any necessary public improvements.

No one was present to speak at the public hearing.

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

Resolution No. 2002-231

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-157G-14, is APPROVED WITH CONDITIONS, SUBJECT TO A BOND FOR SIDEWALKS AND LANDSCAPE BUFFER YARD, AND A SIDEWALK VARIANCE ALONG HERMITAGE ROAD (SECTION 2-6.1 OF THE SUBDIVISION REGULATIONS) (6-0).

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

1. Planning Commission must approve the sidewalk variance on Hermitage Road.
2. Prior to the recording of the final plat, bonds must be posted for the landscape buffer yards and any necessary public improvements. Appropriate landscape buffer yards need to be labeled on the plat, consistent with Section 17.24.230.”

11. 2002S-158U-10
 GLEN ECHO, Resubdivision of Lot 27
 Map 117-15, Parcel(s) 026
 Subarea 10 (1994)
 District 25 (Shulman)

A request for preliminary and final plat approval to subdivide one lot into three lots and a sidewalk variance along Glen Echo Road, abutting the north margin of Glen Echo Road, approximately 523 feet east of Hillmont Drive, (.93 acres), classified within the R10 district, requested by Gregory Perrone, Trustee, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Ms. Fuller stated staff recommends approval with conditions.

Staff Recommendation *Approve with conditions subject to a revised plat prior to recordation, a variance for lot comparability, and a bond for a sidewalk along Glen Echo Road and demolition of existing home.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide .93 acres into three (3) lots with sidewalk variance along property’s frontage on Glen Echo Road.

ZONING R10 district requiring minimum lot size of 10,000 sq. ft.

SUBDIVISION VARIANCES

Lot Comparability Lot frontage and lot area are not consistent with the (Section 2-4.7.) majority of lots within 300 feet of property. The minimum lot frontage allowed by the comparability study is 109 feet. The applicant has provided frontages of 54.5 feet (lots 1 and 2) and 80.9 feet. The minimum lot size allowed by comparability is 31,287 sq. ft. The applicant has provided lots sizes of 11,638 sq. ft., 12,249 sq. ft., and 16,433 sq. ft.

Because the lot comparability study results and the minimum zoning requirements differed greatly, a lot comparability study was run for all lots zoned R10 and located west of Belmont Boulevard (generally encompassed by Glen Echo Road on the north, Belmont Boulevard on the east, Warfield Drive on the south and the non-residential development of Hillsboro Road). The results were closer to the sizes that are being requested by the applicant: minimum allowable lot size of 10,977 sq. ft. and minimum allowable frontage of 71 feet.

The applicant has requested a variance from this requirement, indicating that they are in compliance with the Zoning Regulations approved by the Planning Commission and the Metro Council and that the lot currently does not comply with the Subdivision Regulations because it is three times the minimum lot size. Applicant also states that the three lots being proposed are larger than the 10,000 sq. ft. minimum lot size required by the R10 district.

This property is located in proximity to the Green Hills Mall area, a major regional activity node and a proposed Urban Design Overlay District. The resubdivision of properties in this R10 area is appropriate provided the minimum 10,000 sq. ft. lot size is met.

Sidewalks The applicant has requested a sidewalk variance along (Section 2-6.1) Glen Echo Road because there is a drainage ditch that runs along the front of the property, the lack of sidewalks in the area, and the cost of performing a drainage study and installing culverts.

Sidewalk Construction Report from Public Works

Existing Conditions

The road at this location of Glen Echo Road has 23 feet of pavement, a 2-foot shoulder, and swale drainage ditch. Two power poles are in the existing right-of-way.

Sidewalk Construction

A detailed site survey and drainage study may reveal other items than those listed herein.

The proposed 5-foot sidewalk is approximately 190 feet in length.

Glen Echo Road will require curb and gutter along with a 4-foot grass strip as shown in Metro Standard Drawing ST-251. Three concrete driveway ramps and one concrete handicap ramp will be required. Drainage improvements may be necessary with the installation of sidewalk.

From the Public Works report, it appears that a sidewalk can be constructed along Glen Echo Road and that there is no condition of the property that creates a physical hardship. Because this is an area that is ripe for resubdivision, approving a sidewalk variance is not recommended as it will set a precedent for similar requests in the future.

TRAFFIC ENGINEER'S FINDINGS Approve.

CONDITIONS The following conditions need to be satisfied prior to final plat recordation:

Correct the subdivision number on the plat to 2002S-158U-10.

2. The house shall be demolished since it lies across the property line of the new lots being created or a demolition bond shall be posted for \$8,000.

Ms. Elba Martin, Mr. Russell Parham, Jr., Jana Sinclair expressed concerns regarding the amount of lots, the setbacks, number of driveways, drainage, building materials, property depreciation and the 5 foot side setback.

Ms. Sinclair asked if there was any danger of her loosing any of her property or rights and if she should seek legal counsel.

Mr. Fox stated this Commission could not advise her regarding that.

Ms. Cindy Lockhardt spoke in favor of the proposal because the three single-family homes would be better than duplexes or 0 lot line homes.

Mr. Eugene Collins, property owner, attempted to answer some of the neighbor's concerns.

Mr. John Sheridan stated he owns some of the homes on Glen Echo and that these plans look good.

Mr. Henry Martin stated there is a sidewalk on the north side of the Glen Echo and that should be redone and the one on the plans should not be required.

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

Mr. Clifton stated all the small 0 lots in the area were included in the comparability and they had to go all the way to Belmont to make the proposal work.

Ms. Nielson stated this may set a precedent and that 2 lots would fit in this space better.

Ms. Regen stated that staff looked at the zoning and the property owner's rights.

Mr. Fox stated the staff report points out that it does fail lot comparability and the applicant is asking for a variance.

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

Resolution No. 2002-232

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-158U-10 , is APPROVED WITH CONDITIONS SUBJECT TO A DEMOLITION BOND FOR THE EXISTING HOME, AND A BOND FOR A SIDEWALK ALONG GLEN ECHO ROAD, AND VARIANCES FOR LOT SIZE AND LOT AREA (SECTION 2-4.7B & C OF THE SUBDIVISION REGULATIONS) (4-2).

Staff recommends approval of the final plat with the conditions *a variance for lot* comparability, and a bond for a sidewalk along Glen Echo Road, demolition of existing home and the following conditions be satisfied prior to final plat recordation:

1. Correct the subdivision number on the plat to 2002S-158U-10.
2. The house shall be demolished since it lies across the property line of the new lots being created or a demolition bond shall be posted for \$8,000.”

Mr. Clifton stated he wanted a very definite description from staff regarding comparability.

FINAL PLAT SUBDIVISIONS

13. 2001S-343U-12
WALLACE ROAD SUBDIVISION
Map 147, Parcel(s) 017; Map 147-04, Parcel(s) 001& 097
Subarea 12 (1997)
District 26 (Arriola)

A request for preliminary and final plat approval to subdivide three parcels, part of a reserve parcel, and part of two closed streets (Old Welch Road and Old Wallace Road) into three lots with a sidewalk variance along a new road called "Recovery Road," abutting the south margin of Harding Place and the north margin of Wallace Road, (9.6 acres), classified within the R6, RM20 and OL districts, requested by H.C.A. Realty Corporation and Russell E. Davis, Trustee, owners/developers, Michael R. Williams Surveying, surveyor. (See Mandatory Referral Proposal No. 2002M-018U-12).

Ms. Regen stated staff recommends approval with conditions.

Associated Cases **2002M-018U-12, HCA Sign Encroachment on Recovery Road**

Staff Recommendation *Approve with conditions subject to a sidewalk variance along the northern margin of the new public street, Recovery Road, and a bond for road and sidewalk improvements.*

APPLICANT REQUEST

 ___ Preliminary Plat X Preliminary & Final Plat ___ Final Plat

Redefine three (3) parcels, dedicate Recovery Road to Metro Government, and place lots 1 and 2 in a unified plat of subdivision.

ZONING

 Parcel 1 OL district intended for moderate intensity office uses.
 Parcel 17 - RM20 district intended for 20 multi-family dwelling units per acre.
 Parcel 97 - R6 district requiring a minimum lot size of 6,000 square feet.

SUBDIVISION VARIANCES

Sidewalks Sidewalk required on both sides of Recovery Road. (Section 2-6.1.F) Metro Public Works has indicated that sidewalks on the northern margin of Recovery Road should not be constructed due to public safety issues. The road construction plans have been approved by Public Works with sidewalks located only on one side of the street, and the road is currently under construction. Public Works recommends approval of the sidewalk variance.

TRAFFIC ENGINEER'S FINDINGS Approve.

CONDITIONS 1. The Planning Commission must approve a sidewalk variance along the northern margin of Recovery Road.

No one was present to speak at the public hearing.

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

Resolution No. 2002-233

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-343U-12, is APPROVED WITH CONDITIONS SUBJECT TO A SIDEWALK VARIANCE (SECTION 2-6.1 OF THE SUBDIVISION REGULATIONS) ALONG THE NORTH MARGIN OF RECOVERY ROAD, A VARIANCE FOR A 4-FOOT LANDSCAPE STRIP ON SIDEWALK ALONG THE SOUTH MARGIN OF RECOVERY ROAD, AND A BOND FOR EXTENSION OF ROADS AND SIDEWALKS (6-0).

Staff recommends approval of the final plat with the conditions of granting a sidewalk variance along the north margin of Recovery Road, granting a sidewalk variance for the 4-foot landscape strip on the sidewalk along the south margin of Recovery Road, and a bond for the extension of roads and sidewalks.”

PLANNED UNIT DEVELOPMENTS (revisions)

16. 2000P-003G-06
Riverwalk (Bridge)

Map 126, Parcel(s) Portions of 047, 047.01, 048, 149, and 161
Subarea 6 (1996)
District 23 (Bogen)

A request for final approval for a portion of an existing Residential Planned Unit Development district located at the terminus of Rivervalley Drive and the north margin of Valleepark Drive, classified within the RS15 district, (3-acres), to construct a vehicular bridge over the existing CSX railroad tracks, requested by Civil Site Design Group PLLC, appellant, for Riverwalk Development, Inc., owner. (See also Mandatory Referral Proposal No. 2002M-057G-06).

20. 2002M-057G-06
Agreement between Metro; CPS Land, LLC; and CSX
Transportation, Inc.
Map 126-00, Parcel(s) 47; Map 126-16, Parcel(s) various
Subarea 6 (1996)
District 23 (Bogen)

An agreement between Metro Government, CPS Land LLC, and CSX Transportation, Inc. for the construction of a bridge over the CSX railroad, located within the Riverwalk PUD development off of Newsom Station Road, requested by Civil Site Design Group, PLLC, for CPS Land, LLC. (See also PUD Proposal No. 2000P-003G-06).

Mr. Mitchell presented items 16. 2000P-003G-06 and item 20. 2002M-057G-06, Agreement between Metro; CPS Land, LLC; and CSX Transportation, Inc.

Associated Case 2002M-057G-06
Staff Recommendation *Approve with condition.*

APPLICANT REQUEST **Request for final PUD approval of a portion of phase 1 of the Riverwalk residential PUD to permit the construction of a bridge over the CSX railroad tracks. Construction of the bridge will extend construction of Rivervalley Drive northward, and will permit the continued development of phases 2, 3, and 4 of this residential PUD.**

TRAFFIC ENGINEER'S FINDINGS Approve with condition that all parties have executed agreement prior to the Planning Commission meeting.

CONDITIONS 1. Prior to the Planning Commission meeting, the amended agreement between Metro Government; CPS Land, LLC; and CSX Transportation needs to be executed.

Associated Case 2000P-003G-06 Riverwalk Community PUD
Staff Recommendation *Conditional Approval*

APPLICANT REQUEST
Amend an agreement between Metro Government; CPS Land, LLC; and CSX Transportation, Inc. for the construction of a bridge over the CSX railroad tracks at Rivervalley Drive, north of Newsom Station Road. This request is in concert with an application for final PUD approval for a portion of the Riverwalk PUD development to construct the bridge over CSX property; in addition to setting guidelines and requirements regarding cost estimating, maintenance, and rights and privileges of all parties involved. This agreement also sets the requirements for dedication of the required permanent easement from CSX Transportation to Metro Government.

APPLICATION REQUIREMENTS **None**

DEPARTMENT AND AGENCY

RECOMMENDATIONS All reviewing departments and agencies recommend approval subject to the agreement being duly executed by Metro Government; CPS Land, LLC; and CSX Transportation prior to the Planning Commission meeting.

CONDITIONS 1. Prior to the Planning Commission meeting, the amended agreement between Metro Government; CPS Land, LLC; and CSX Transportation needs to be executed.

Associated Case 2000P-003G-06 Riverwalk Community PUD
Staff Recommendation *Conditional Approval*

APPLICANT REQUEST

Amend an agreement between Metro Government; CPS Land, LLC; and CSX Transportation, Inc. for the construction of a bridge over the CSX railroad tracks at Rivervalley Drive, north of Newsom Station Road. This request is in concert with an application for final PUD approval for a portion of the Riverwalk PUD development to construct the bridge over CSX property; in addition to setting guidelines and requirements regarding cost estimating, maintenance, and rights and privileges of all parties involved. This agreement also sets the requirements for dedication of the required permanent easement from CSX Transportation to Metro Government.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY

RECOMMENDATIONSAll reviewing departments and agencies recommend approval subject to the agreement being duly executed by Metro Government; CPS Land, LLC; and CSX Transportation prior to the Planning Commission meeting.

CONDITIONS 1. Prior to the Planning Commission meeting, the amended agreement between Metro Government; CPS Land, LLC; and CSX Transportation needs to be executed.

Mr. Tom White, representing the applicant, asked for approval today without the condition being complete. He explained the contract has not been signed because of a slow process. The bridge is being build by his client and is being given to Metro with a warranty.

Mr. Bernhardt stated staff had no objection to Mr. White’s request.

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

Resolution No. 2002-234

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2000P-003G-06 is given **CONDITIONAL APPROVAL (6-0)**: The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal must be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. 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.
3. Prior to the issuance of any construction permits, an amended agreement between Metro Government, CPS Land, LLC, and CSX Transportation must be executed.
4. Prior to the issuance of any construction permits, a final plat must be recorded including any applicable bonds posted with Metro Government for all public improvements.

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 re-approval by the Planning Commission.”

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-057G-06 is **APPROVED (6-0).**"

OTHER BUSINESS

26. Legislative Update

None

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:05 p.m.

Chairman

Secretary

Minute Approval: this 27th day of June 2002

