

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

Date: May 9, 2002  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

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

**Absent:**

Mayor Bill Purcell  
Councilmember John Summers

**Staff Present:**

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

**Others Present:**

Brook Fox, Legal Department  
Chris Koster, Mayor's Office  
Mark Macy, Public Works Department

Chairman Lawson called the meeting to order.

**ADOPTION OF AGENDA**

Staff announced the following changes to the agenda:

13. 74-79-G-13, Nashboro Village, Tract 21 - should read - Request for final approval

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

### APPROVAL OF MINUTES

Ms. Nielson moved and Mr. McLean seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of April 25, 2002.

### RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver updated the Commission on the Subarea 6 review-taking place in Bellevue.

### PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS

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

- 10. 2002S-133U-11      Deferred indefinitely

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

### ZONING MAP AMENDMENTS

- 3.      2002Z-029U-10**  
Map 117-07, Parcel(s) 20-44, 188; Map 117-08, Parcel(s) 73-74  
Subarea 10 (1994)  
District 25 (Shulman)

A request to change from R10 district to RS10 district 28 properties along Lombardy Avenue in the Green Hills area, also within the I-440 Impact Overlay District, (10.31 acres), requested by various property owners.

Staff recommends *approval*.

Subarea Plan Amendment required? **No.**

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

This request to change 10 acres from R10 (residential) to RS10 (residential) district at 1811 through 1822, 1825, 1900 through 1909, 1911, 1913, 2003, and 3414 Lombardy Avenue, abutting the north and south margins of Lombardy Avenue, east of Hillsboro Pike. The existing R10 district is intended for single-family homes and duplexes at up to 3.7 units per acre. The proposed RS10 district is intended for single-family dwellings at 3.7 units per acre. The property owners included within this request initiated this rezoning want to maintain the single-family character of their neighborhood.

Staff recommends approval of the RS10 zoning since this zone change will keep the existing housing pattern on this street. This property is within the Subarea 10 Plan's Residential Low Medium (RLM) policy, calling for 2 to 4

dwelling units per acre. The RS10 zoning will maintain the RLM density of the neighborhood and it is consistent with existing single-family pattern in this area. These properties are within Subarea 1-K of the I-440 Overlay Impact Area 1, which calls for maintaining the existing residential development and not developing any of this area with nonresidential zoning. The RS10 district is consistent with the intent of the I-440 Overlay Impact Area 1.

*Traffic*

The Metro Traffic Engineer has indicated that this zone change will not create a significant change in traffic volumes.

*Schools*

**The change from R10 to RS10 district will not increase the amount of students generated by this rezoning. This street is completely developed, and since the RS10 district restricts dwelling units to single-family residences, no more development can occur than what exists.**

**Resolution No. 2002-175**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-029U-10 is **APPROVED (7-0)**:

**The proposed RS10 district is consistent with the surrounding housing pattern, the Subarea 10 Plan's Residential Low Medium (RLM) policy calling for 2 to 4 dwelling units per acre, and the I-440 Impact Overlay. The RS10 zoning will maintain the existing single-family pattern in this area."**

- 4. 2002Z-039G-13**  
Map 176-00, Parcel(s) 2  
Subarea 13 (1996)  
District 29 (Holloway)

A request to change from AR2a district to RS10 district property at Maxwell Road (unnumbered), at the intersection of Maxwell Road and LaVergne Couchville Pike, (1.65 acres), requested by Ginger Eatherly, owner.

Staff recommends *approval*.

Subarea Plan amendment required? **No.**

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

This request is to change 1.65 acres from AR2a (agricultural/residential) to RS10 (residential) district vacant property at Maxwell Road (unnumbered), at the intersection of Maxwell Road and LaVergne-Couchville Pike. The existing AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 unit per 2 acres. The proposed RS10 district is intended for single-family dwelling units at 3.7 units per acre. With RS10 zoning the applicant would be able to construct 6 single-family homes on 6 lots.

Staff recommends approval of this proposal since it is consistent with the Subarea 13 Plan's Residential Low Medium (RLM) policy for this area calling for 2 to 4 dwelling units per acre. The RS10 district is also consistent with the surrounding zoning pattern. This area is developing with RS10 and R10 zoning. The Subarea 13 Plan states: "*Any additional residential development should be compatible with existing development, which is found primarily north of Maxwell Road and east of LaVergne-Couchville Pike.*"

*Traffic*

The Metro Traffic Engineer has indicated that Maxwell Road can accommodate the traffic that would be generated by RS10 zoning.

*Schools*

A single-family development at RS10 density will generate approximately 1 student (1 elementary, no middle, and no high school). Students will attend Mt. View Elementary School, Kennedy Middle School, and Antioch High School. None of these schools have been identified as being overcrowded by the Metro School Board.

**Resolution No. 2002-176**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-039G-13 is **APPROVED (7-0)**:

**The proposed RS10 is consistent with the Subarea 13 Plan's Residential Low Medium (RLM) policy for this area calling for 2 to 4 dwelling units per acre. The RS10 district is also consistent with the surrounding zoning pattern. This area is developing with RS10 and R10 zoning."**

- 6. 2002Z-042G-06**  
Map 102-00, Parcel(s) Part of 43 (.32 ac)  
Subarea 6 (1996)  
District 23 (Bogen)

A request to change from R40 district to CS district a portion of property located at 7102 Charlotte Pike abutting the southern margin of River Road, (.32 acres), requested by Wayne Greer, appellant, for Greer Partnership, owner.

Staff recommends *approval*.

Subarea Plan amendment required? **No**.

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

This request is to change 0.32 acres from R40 (residential) to CS (commercial) district property at 7102 Charlotte Pike, near the intersection of Charlotte Pike and River Road. The existing R40 district is intended for single-family homes and duplexes at 1 unit per acre. The proposed CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. This rezoning is for the remaining part of a parcel that is currently zoned CS. The Planning Commission approved a request on March 28, 2002, to rezone parcel 12, which is just across River Road from the proposed property (2002Z-031G-06).

Staff recommends approval of the proposed CS zoning. This rezoning is consistent with Subarea 6 Plan's Commercial Mixed Concentration (CMC) policy, which is intended for a variety of intensively developed non-residential uses. The Wal-Mart Supercenter and several other commercial uses are currently located at the intersection of River Road and Charlotte Pike.

*Traffic*

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

**Resolution No. 2002-177**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-042G-06 is **APPROVED (7-0)**:

**The proposed CS district is consistent with the Subarea 6 Plan's Commercial Mixed Concentration (CMC) policy, which is intended for a variety of intensively developed non-residential uses. This proposal is also consistent with many of the other commercial uses, like the Wal-Mart Supercenter, that are currently located at the intersection of River Road and Charlotte Pike."**

**7. 2002Z-043U-08**  
Map 092-11, Parcel(s) 31, 37, 38  
Subarea 8 (1995)  
District 21 (Whitmore)

A request to change from R6 district to OR20 district properties within the Urban Zoning Overlay at 2024 and 2026 Clifton Avenue, and 601 21st Avenue North, at the intersection of Clifton Avenue and 21st Avenue North, (0.69 acres), requested by Faran Ferdowsi, appellant for, The Local Spiritual Assembly of The Baha'is of Nashville, owner. Staff recommends *approval*.

**Subarea Plan amendment required?** No.

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

This request is to change 0.7 acres from R6 (residential) to OR20 (office/residential) district properties at 2024 and 2026 Clifton Avenue, and 601 21<sup>st</sup> Avenue North, approximately 400 feet north of Charlotte Avenue. The existing R6 district is intended for single-family homes and duplexes at 6.17 units per acre. The proposed OR20 district is intended for office, parking, and multi-family dwellings at a density of 20 units per acre.

Currently, the Local Spiritual Assembly of the Baha'is of Nashville uses the structure on the property as a church. The church is moving to a new location and the existing building which was constructed in 1985 lends itself to be developed as an office building more so than a residence. The buildings exterior is scored masonry blocks with window placement at 1 foot off the roofline much the same as a typical office building. An existing parking lot surrounds the building and multiple access points also serve this property.

Staff recommends approval of the proposed OR20 zoning since there is a growing office zoning pattern on the northern margin of Charlotte Avenue. This property is within the Subarea 8 Plan's Neighborhood Urban (NU) policy area, which calls for a mixture of residential and neighborhood-scale commercial development. The property is situated between residential and commercial zoned property. The Subarea 8 Plan calls for areas designated NU, but lacking a Detailed Neighborhood Design Plan, to be zoned one of the following conventional zoning districts: RS5, RS3.5, R6, RM9 - RM20, or MUN at any location; or RM40 or MUL only if the site fronts on an arterial street with four or more lanes. Since the OR20 district allows the same residential density as the RM20 district and the same uses as the MUN district, the OR20 zoning district is consistent with the NU policy.

*Traffic*

The Metro Traffic Engineer has indicated that 21<sup>st</sup> Avenue North can accommodate the traffic that would be generated by OR20 zoning.

**Resolution No. 2002-178**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-043U-08 is **APPROVED (7-0)**:

**The proposed OR20 district is consistent with the emerging zoning pattern on the northern margin of Charlotte Avenue, and the Subarea 8 Plan's Neighborhood Urban (NU) policy in the area. The NU policy calls for a mixture of residential and neighborhood-scale commercial developments, and allows residential densities of 20 units per acre and office uses."**

**PRELIMINARY PLAT SUBDIVISIONS**

**9. 2002S-132U-13**  
WRIGHT SUBDIVISION, Revised  
Map 149-00, Parcel(s) 191  
Subarea 13 (1996)  
District 28 (Alexander)

A request for preliminary plat approval for seven lots abutting the northeast margin of Una Antioch Pike, approximately 545 feet northwest of Streamfield Pass, (3.0 acres), classified within the RS10 district, requested by Guy and Shirley Wright, owners/developer, Wamble and Associates, surveyor.

Staff recommends *conditional approval* subject to a revised preliminary plat prior to the Planning Commission meeting.

This request is for preliminary plat approval for seven lots abutting the northeast margin of Una Antioch Pike, approximately 545 feet northwest of Streamfield Pass, totaling 3 acres within the RS10 District. A preliminary plat was previously approved for this property on March 16, 2000 and expired prior to the submittal of a final plat. The current proposal is very similar to the previous approval. The seven lots all have frontage on Una Antioch Pike, and sidewalks have been shown. The lots will have shared access drives to reduce the number of access points on Una Antioch Pike. The lots on the plat comply with lot comparability and the 10,000 square foot minimum lot size required by the Zoning Ordinance.

Staff recommends *conditional approval* subject to a revised preliminary plat being received prior to the Planning Commission meeting that shows the following:

The subdivision number shall be completed to read, "2002S-132U-13."

A note that reads: "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; and Chapter 17.40 Article X, Tree Protection and Replacement Procedures."

Contour lines shall be shown. The first submittal of this proposal contained contour lines, but when the corrections came back, contour lines had been deleted.

Removal of the second sentence of Note #9. Seven lots are included in this approval and any variation will require a new request to revise the preliminary plat.

#### **Resolution No. 2002-179**

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-132U-13 is **APPROVED (7-0) with conditions:**

Staff recommends approval of the preliminary plat with the condition that the applicant satisfy the following prior to the planning commission meeting:

1. The subdivision number shall be completed to read, "2002S-132U-13."
2. A note that reads: "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; and Chapter 17.40 Article X, Tree Protection and Replacement Procedures."
3. Contour lines shall be shown. The first submittal of this proposal contained contour lines, but when the corrections came back, contour lines had been deleted.
4. Removal of the second sentence of Note #9. Seven lots are included in this approval and any variation will require a new request to revise the preliminary plat."

**PLANNED UNIT DEVELOPMENTS (revisions)**

**13. 74-79-G-13**  
Nashboro Village, Tract 21  
Map 135, Parcel(s) 329  
Subarea 13 (1996)  
District 27 (Sontany)

A request for final approval for a phase of the Residential Planned Unit Development District located abutting the south margin of Smith Spring Road, opposite Ned Shelton Road, classified within the RM6 district, (12.99 acres), to permit the development of 121 townhouse units and the redesign of one of the buildings and the relocation of the detention pond, requested by Wamble and Associates for WDN Properties, LTD.

Staff recommends *conditional approval*.

The applicant is requesting final approval of tract 21 of the Nashboro Village Residential PUD. The plan, as submitted, provides for 121 attached townhouse units on a 12.9 acre site located along the south margin of Smith Springs Road, north of Nashboro Boulevard. This plan proposes eight (8) unit types, providing a mix of two (2), three (3), and four (4) bedroom units. The proposed density for Tract 21 is approximately 9 units per acre, while density for the entire PUD is currently proposed at 6.70 units per acre. These density calculations are consistent with the Subarea 13 Plan's Residential Medium (RM) policy calling for 4 to 9 dwelling units per acre. The underlying zoning for this PUD overlay is RM6, which supports the proposed use of multi-family housing. Staff recommends conditional approval of the final PUD subject to final approval by Metro Public Works and Water Services prior to the Planning Commission meeting.

In October 2001, the Planning Commission conditionally approved a preliminary revision to the PUD, which added 19 multi-family units, bringing the total number of proposed units to 121, as well as provided for a driveway connection to the Nashboro Village Fairway Pointe PUD. This phase of the PUD had previously been approved for 78 multi-family units with one (1) access driveway. A condition of approval for the preliminary plan, which was a condition carried over from another phase within the PUD, required the construction of a northbound left-turn lane on Bell Road at Nashboro Boulevard. Public Works indicated that they would be completing the road improvements to Bell Road; therefore, the developer agreed to payment of an in-lieu fee. Council has already approved acceptance of the in-lieu payment from the developer.

**Resolution No. 2002-180**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 74-79-G-13 is **APPROVED (7-0) with conditions:**

- 1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.**
- 2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.**
- 3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.**
- 4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.**

5. **These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.**

#### **MANDATORY REFERRALS**

**14. 2002M-041U-05**

Nashville Auto Diesel College: Sewer Line Abandonment  
Map 072-13, Parcel(s) 240-243  
Subarea 5 (1994)  
District 7 (Campbell)

A request to abandon and relocate an 8" sewer line at 1009, 1011, 1013 and 1015 Douglas Avenue for Nashville Auto Diesel College, requested by Allen Crawford of Crawford Land Surveyors, appellant, for Nashville Auto Diesel College.

Staff recommends *conditional approval*.

This request is to abandon an 8-inch sewer line and associated 20-foot easement at 1009, 1011, 1013, and 1015 Douglas Avenue for the Nashville Auto Diesel College. This request is required based on a proposal to consolidate these parcels into one (1) large tract, which is a part of a larger lot consolidation plat submitted by Nashville Auto Diesel College (2002S-088U). Metro Water Services has indicated that this 8-inch sewer line does not need to be relocated. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

**Resolution No. 2002-181**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-041U-05 is **APPROVED (7-0)**."

**15. 2002M-044U-13**

Sign Encroachment for Brighton Valley Apartments located at  
500 Brooksboro Terrace  
Map 135-00, Parcel(s) 360  
Subarea 13 (1996)  
District 28 (Alexander)

A request to replace an existing Hermitage "A" Apartments sign within the Brooksboro Terrace median with a new 6-foot monument sign for Brighton Valley Apartments, located at 500 Brooksboro Terrace, into the public right-of-way of Brooksboro Terrace where Brooksboro Terrace connects with Murfreesboro Pike, requested by Samuel R. Boles of First Management Services, for Overhill Partners, G.P., owners.

Staff recommends *conditional approval*.

This request is to replace an existing Hermitage "A" Apartments sign located within the Brooksboro Terrace median with a new monument sign, measuring 6 feet tall by 16 feet in length, for the "Brighton Valley Apartments". The median of Brooksboro Terrace is within the dedicated public right-of-way of this street, thereby creating the requirement for a mandatory referral. The reason for the sign change is due to a name change of the apartment complex. Typically, Metro does not allow signs to be located within public rights-of-way. However, this application for an encroachment does not change the existing conditions since a sign already exists in the median. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

**Resolution No. 2002-182**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-044U-13 is **APPROVED (7-0)**."



**16. 2002M-047U-11**

Close Alley #1837 between Longview Avenue and I-440, west of Winford Avenue  
Map 118-4, Parcel(s) 210,216  
Subarea 11 (1999)  
District 16 (McClendon)

A request to close an unbuilt Alley #1837 between Longview Avenue and Interstate 440, west of Winford Avenue, requested by Catherine A. Randolph for C.A. Randolph Hayth, abutting property owner. All easements to be abandoned.

Staff recommends *conditional approval*.

This request is to close an unimproved alley (#1837) between Longview Avenue and Interstate 440, west of Winford Avenue. All easements are to be abandoned. This unbuilt alley is located just south of Interstate 440 between 2251 Winford Avenue and 802 Longview Avenue. Upon approval of the request, associated lands will be conveyed to the abutting property owners in equally divided amounts. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

**Resolution No. 2002-183**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-047U-11 is **APPROVED (7-0)**."

**17. 2002M-048U-11**

Close Alley #1838 between Longview Avenue and I-440, east of Winford Avenue  
Map 118-4, Parcel(s) 236,249  
Subarea 11 (1999)  
District 16 (McClendon)

A request to close an unbuilt Alley #1838 between Longview Avenue and Interstate 440, east of Winford Avenue, requested by David H. Davis for Roger A. Sindle, abutting property owner. All easements to be abandoned.

Staff recommends *conditional approval*.

This request is to close an unimproved alley (#1838) between Longview Avenue and Interstate 440, east of Winford Avenue. All easements are to be abandoned. This unbuilt alley is located just south of Interstate 440 between 2254 Winford Avenue and 2251 Cruzen Street. Upon approval of the request, associated lands will be conveyed to the abutting property owners in equally divided amounts. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

**Resolution No. 2002-184**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-048U-11 is **APPROVED (7-0)**."

**18. 2002M-049G-04**

East Cedar Street Sewer Force Main Abandonment and Relocation  
Map 019-13, Parcel(s) 103  
Subarea 4 (1998)  
District 10 (Balthrop)

A request to abandon and relocate a 14-inch sewer force main for project No. 98-SL-132, requested by the Department of Water Services.

Staff recommends *conditional approval*.

This request is to abandon and relocate a 14-inch sewer force main for Metro Water Services Project No. 98-SL-132, on tax map 19-13, parcel 103. The site is located due west of Interstate 65 and south of East Cedar Street, and currently contains a 'Jack-In-The-Box' restaurant. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

**Resolution No. 2002-185**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-049G-04 is **APPROVED (7-0)**."

**19. 2002M-050G-02**

Grizzard Manor Grinder Pump Installation Easement Acquisition  
Map 007-11, Parcel(s) Various; Map 007-14, Parcel(s) Various;  
Map 007-15, Parcel(s)  
Subarea 2 (1995)  
District 10 (Balthrop)

A request to acquire easements on 130 properties within the Grizzard Manor Subdivision for the Grizzard Manor Grinder Pump installation, as requested by Metro Department of Water Services.

Staff recommends *conditional approval*.

This request is to acquire permanent easements on 130 properties in the Grizzard Manor Subdivision for Metro Water & Sewerage Department's Project No. 01-SG-86A (Grizzard Manor Grinder Pump installation project). The required easements will project five feet (5') off of each side of the sewer line for a total easement width of 10 feet for the installation of the grinder pumps. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

**Resolution No. 2002-186**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-050G-02 is **APPROVED (7-0)**."

**20. 2002M-051G-02**

Council Resolution No. RS2002-1006  
Property Annexations for Urban Services District Expansion.  
Map 050, Parcel(s) 54,90,141  
Subarea 2 (1995)  
District 4 (Majors)

A council resolution to extend the boundaries of the Urban Services District to include, by annexation, three (3) properties located to the south of Briley Parkway and to the west of Dickerson Pike located on tax map 050; parcels 54, 90, and 141; sponsored by Councilmember Don Majors.

Staff recommends *approval*.

This council resolution proposes to annex three properties in the Metropolitan Urban Services District (tax map 50, parcels 54, 90 and 141). Staff has polled Metro Departments and determined that these parcels already receive an Urban Services District (USD) level of service from the police, fire, and water services departments. The Department of Public Works has determined that garbage collection and street lighting can be provided to these parcels at a cost of \$331.29 per year.

**Resolution No. 2002-187**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-051G-02 is **APPROVED (7-0).**"

**21. 2002M-052U-09**  
Council Bill No. BL2002-1050  
Property Transfer to MDHA for New Nashville Symphony Hall  
Map 93-6-4, Parcel(s) 62  
Subarea 9 (1997)  
District 19 (Wallace)

A council bill to transfer 130 4th Avenue South from the Metropolitan Government to the Metropolitan Development and Housing Agency for the new Nashville Symphony Hall where a Metro fire station and repair shop are now located, requested by the Metro Legal Department.

Staff recommends *conditional approval*.

This council bill is a request to transfer 130 4<sup>th</sup> Avenue South from Metro Government to the Metropolitan Development and Housing Agency (MDHA) for the new Nashville Symphony Hall. MDHA will transfer the property to a governmental, quasi-governmental, or non-profit, agency to follow through with the development of the music hall. The property is currently used as a fire station and repair shop. Metro Government has deemed this site as surplus property following a lack of any private interest to redevelop the site for residential purposes. The property transfer to MDHA for redevelopment supports implementation of, and is consistent with the goals and objectives of, the Rutledge Hill Redevelopment Plan.

A reverter clause added to the bill requires that the property revert back to the Metro Government if the music hall is not developed within four (4) years of the property transfer by MDHA to another governmental, quasi-governmental, or non-profit agency. In addition, the bill conditions the agreement to require the use of the music hall for a period of 40 years. If the music hall ceases to exist within the 40-year period, the then current transferee of the property shall compensate the Metro Government for the fair market value of the land only. Should that transferee lose ownership of the property through a foreclosure sale, Metro would receive no compensation for the land. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

**Resolution No. 2002-188**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-052U-09 is **APPROVED (7-0).**"

**OTHER BUSINESS**

23. Employee contract for Matthew R. Meservy

**Resolution No. 2002-189**

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the employee contract for Matthew R. Meservy for one year, from May 21, 2002 through May 20, 2003."

This concluded the items on the consent agenda.

## PUBLIC HEARING

### ZONING MAP AMENDMENTS

- 1. 2002Z-023U-13**  
Map 148-00, Parcel(s) 71-76, and 138  
Subarea 13 (1996)  
District 28 (Alexander)

A request to change from OR20 district to IWD district properties located at 3284 and 3290 Franklin Limestone Road, 1506, 1510, 1516, 1526, and 1530 Antioch Pike, (17.21 acres), requested by Jim Knight for Checkprinters, Inc., owner and Werthan Industries, Inc. owner. (See PUD Proposal 54-79-U-13).

- 2. 54-79-U-13**  
Checkprinters  
Map 148, Parcel(s) 75 and 76  
Subarea 13 (1996)  
District 28 (Alexander)

A request to cancel the developed Planned Unit Development District located abutting the east margin of Antioch Pike and the south margin of Franklin-Limestone Road, classified within the OR20 district and proposed for IWD district, (12.21 acres), where the existing PUD is approved for three industrial/warehouse distribution buildings, requested by Jim Knight for Checkprinters, Inc., and Werthan Industries, Inc., owners. (See Zone Change Proposal 2002Z-023U-13).

Mr. Leeman stated staff recommends *disapproval* of the zone change and PUD cancellation.

Subarea Plan Amendment required? **No.**

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

This request is to change 17 acres from OR20 (office and residential) to IWD (industrial/ warehousing, and distribution) district properties located at 3284 and 3290 Franklin Limestone Road, 1506, 1510, 1516, 1526, and 1530 Antioch Pike, and to cancel the existing Commercial PUD located on two of these parcels (parcels 75 and 76). The Commercial PUD includes an existing 130,766 square foot light-manufacturing building (Checkprinters), and two undeveloped buildings approved for 57,300 square feet of warehousing and distribution uses. The existing OR20 district is intended for office and/or residential multi-family uses at up to 20 dwelling units per acre. The proposed IWD district is intended for a wide range of industrial, warehousing and distribution uses, including wholesaling, light manufacturing, auto repair, liquor sales, vehicular sales, and wrecker service, while none of these uses are permitted in the OR20 district.

Although the proposed IWD district is consistent with the Subarea 13 Plan's IND (Industrial and Distribution) policy calling for industrial and distribution uses such as storage, business centers, wholesale centers and manufacturing, the request to cancel the existing PUD could seriously jeopardize the existing Cherokee Hills residential neighborhood to the west. Currently, the PUD protects this neighborhood from overly intense industrial uses that, although may be permitted by IWD zoning, would not be compatible with the adjacent residential neighborhood. For example, parcel 220 on map 148, located directly north of the Checkprinters PUD, is not included within a PUD, and has a waste transfer station operating on the site. Although this use is permitted as a special exception in the IWD district, it is not a use that is compatible with the residential neighborhood. Staff has met with the applicant and has indicated that the IWD district could be supported if the existing PUD plan were to be expanded to include all of the parcels south of Franklin Limestone Road. The applicant indicated that this would not be compatible with their long-term development goals.

The text of the Subarea 13 Plan indicates the industrial area should not be expanded beyond the current boundary across Antioch Pike, while it also stresses that landscaping and buffering should be provided to screen the residential area from the industrial uses. The Metro Council originally approved the existing PUD district in 1979 for office,

warehouse, data processing, and printing uses. This plan included a 40-foot wide landscape buffer strip along the frontage of Antioch Pike which was intended to serve as a buffer. Under a straight IWD base zoning, the current Zoning Ordinance would not require any landscape buffer yard since Antioch Pike has at least four travel lanes. Staff recommends disapproval of both the zone change request and the PUD cancellation since rezoning this property without a PUD could impact the surrounding residential neighborhood significantly. With a PUD and IWD zoning on these properties it will ensure the long-term compatibility of uses as they relate to the neighborhood across the street, while with straight zoning, that protection does not exist.

#### Traffic

The Metro Traffic Engineer has indicated that Antioch Pike and Franklin Limestone Road can currently accommodate the traffic that would be generated by IWD zoning.

Mr. Chris Remke explained the proposal.

Mr. Jim Knight, President of Check Printers, Inc., asked for relief from the restraints of the PUD. The company has grown approximately 15% per year for several years, and has added 18 employees over the past 6months. To be able to expand would offer more jobs in the area.

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

Vice Chairman Small asked what the rationale is to cancel the PUD rather than expand the PUD.

Mr. Remke stated they want to be good neighbors, but that he has seen PUD's get drawn out and have had to take time to work with neighborhood groups. The property to the north has been acquired.

Mr. Clifton asked if something had changed about this land use situation since the subarea plan was adopted.

Mr. Leeman stated the subarea plan land use was put in place because of the existing industrial use on the property.

Mr. Small stated that in this situation an extension of the PUD would protect the neighborhood and offer an opportunity for something good to happen with the property owner and neighbors.

Vice Chairman Small moved and Ms. Cummings seconded the motion, which carried with Ms. Cummings, Ms. Nielson, Chairman Lawson, Vice Chairman Small and Ms. Jones in favor and with Mr. Clifton and Mr. McLean in opposition, to accept staff recommendation of disapproval.

#### **Resolution No. 2002-190**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-023U-13 is **DISAPPROVED (5-2)**:

**Although the proposed IWD district is consistent with the Subarea 13 Plan's IND (Industrial and Distribution) policy calling for industrial and distribution uses such as storage, business centers, wholesale centers and manufacturing, the request to cancel the existing PUD could seriously jeopardize the existing Cherokee Hills residential neighborhood to the west. The PUD protects this neighborhood from overly intense industrial uses that would not be compatible with the adjacent residential neighborhood. Rezoning this property without a PUD could impact the surrounding residential neighborhood significantly."**

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 54-79-U-13 is **DISAPPROVED (5-2) with conditions**:

**Although the proposed IWD district is consistent with the Subarea 13 Plan's IND (Industrial and Distribution) policy calling for industrial and distribution uses such as storage, business centers, wholesale centers and manufacturing, the request to cancel the existing PUD could seriously jeopardize the existing Cherokee Hills residential neighborhood to the west. The PUD protects this neighborhood from overly intense industrial uses**

**that would not be compatible with the adjacent residential neighborhood. Rezoning this property without a PUD could impact the surrounding residential neighborhood significantly.”**

**5. 2002Z-041G-02**  
Map 033-06, Parcel(s) 23  
Subarea 2 (1995)  
District 10 (Balthrop)

A request to change from R20 district to CS district property at 904 Weeping Willow Way, approximately 200 feet north of Dickerson Pike South, (0.53 acres), requested by Richard and Margie Binkley, owners.

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

**Subarea Plan amendment required?** Yes. A Subarea Plan amendment would normally be required to allow commercial zoning in a Residential Medium policy area. However, staff feels this particular request does not warrant an amendment since the Subarea 2 Plan clearly states that expansion of commercial and office zoning would be inappropriate and this policy is unlikely to change.

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

This request is to change 0.53 acres from R20 (residential) to CS (commercial) district property at 904 Weeping Willow Way, approximately 200 feet north of Dickerson Pike. The existing R20 district is intended for single-family and duplexes at up to 1.85 units per acre. The proposed CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

*Subarea 2 Plan Policy*

Staff recommends disapproval as contrary to the General Plan of the proposed CS zoning. This property is within the Subarea 2 Plan's Residential Medium (RM) policy, calling for 4 to 9 units per acre. The CS zoning is inconsistent with the intent of RM policy. The Subarea 2 Plan states, *"There is spotty and often marginal commercial and office use. Although it is recognized that this policy may be difficult to implement along the frontage of Dickerson Pike, it is the intent of the plan that opportunity be provided for residential development as an alternative. Any expansion of the commercial and office zoning would be inappropriate."*

*Previous Request*

In 1997 the same applicant requested CS zoning for the property on the eastern margin of Weeping Willow Way (97Z-019U, parcel 72). This request was disapproved by the Planning Commission due to the Subarea 2 Plan's RM policy and the commercial opportunities that exist about 1.5 miles to south at the intersection of Dickerson Pike and Old Hickory Boulevard. The same applicant received approval of the Willow Village Subdivision, an 18-lot residential subdivision, from the Planning Commission in 1998 (97S-382G). This property proposed for CS zoning is located within that subdivision.

*Traffic*

**The Metro Traffic Engineer has indicated that Weeping Willow Way cannot support the traffic that would be generated by CS zoning. Weeping Willow is a minor-local road that was not designed for commercial traffic. Although Dickerson Pike could accommodate the traffic, the proposed parcel does not have frontage on Dickerson Pike.**

No one was present to speak at the public hearing.

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

**Resolution No. 2002-191**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-041G-02 is **DISAPPROVED (7-0) as contrary to the General Plan:**

**The proposed CS district is inconsistent with the Subarea 2 Plan’s Residential Medium (RM) policy, calling for 4 to 9 units per acre. The CS zoning is inconsistent with the subarea plan’s residential policy. Any expansion of the commercial and office zoning would be inappropriate.”**

**8. 46-83-U-14**

Metro Airport Center, (ITT Business and Computer Training Facility)  
Map 108-01, Parcel(s) 66  
Subarea 14 (1996)  
District 14 (Stanley)

A request to revise/amend a portion of the Commercial Planned Unit Development District located abutting the south margin of Elm Hill Pike, west of Airport Center Drive, classified CS, (5.26 acres), to permit the addition of 0.72 acres of for parking and access to allow for the development of a 32,000 square foot Business School, replacing a 90,000 square foot undeveloped office, requested by Ragan-Smith Associates for Duke Realty Limited partnership, owner.

Mr. Mitchell stated staff recommends *disapproval as a revision and conditional approval as a PUD amendment*.

The applicant has requested to revise the preliminary plan of the Metro Airport Center PUD to permit the development of a 32,000 square foot business school in place of a 90,000 square foot, three-story, office building. Staff believes the changes proposed with this application constitute a PUD amendment requiring Metro Council action. The property is located along the south margin of Elm Hill Pike, east of Donelson Pike. As part of this proposal, the applicant proposes to use a 0.72 acre piece of land (part of parcel 65) adjacent to the northwest corner of the PUD. This parcel is outside of the current PUD boundary. Staff supports the addition of land into the PUD; however, the Zoning Ordinance requires any addition of land to be an amendment, not a revision. Section 17.40.120(G)(2) of the Zoning Ordinance states that the Planning Commission may consider and approve minor modifications to a previously approved PUD so long as the boundary of the PUD is not expanded. Allowing part of parcel 65 to function as an integral part of the PUD as a revision, with a driveway access and parking spaces, without actually being included within the master plan, would be precedent setting.

The applicant is able to meet district bulk regulations such as floor area ratio (FAR), impervious surface ratio (ISR), and is able to meet minimum parking requirements within the PUD boundary. Staff supports a PUD amendment since using the added parcel allows the driveway on Elm Hill Pike to be aligned with Patriot Way across the street, and allows for a more coordinated parking plan for the business school. This change supports a staff request to align any access point with Patriot Way.

The Planning Commission approved a revision to the preliminary site development plan in October 1998 to permit the development of a 90,000 square foot, 3-story, office building on Lot 1 in addition to the development of two (2) hotels on abutting parcels. Previously, the preliminary plan for Lot 1 allowed the development of a 123,473 square foot hotel and office complex. The current plan proposes to develop a 32,000 square foot business school utilizing the same layout as the 90,000 square foot approved plan. Previous approvals of other phases within this Commercial PUD have resulted in reductions of square footage – as is now being proposed by the applicant. The Traffic Engineer approved a revised Traffic Impact Study (TIS) at time of the 1998 preliminary revision and did not feel that this revision required a revised study. Staff recommends conditional approval of the amendment provided Metro Water Services approves the drainage and stormwater quality plans prior to the Planning Commission meeting.

Mr. Allen Thomas, Regan Smith Associates spoke in favor of the proposal and explained the plan. He stated he and his clients felt this item should be treated as a revision rather than an amendment. Staff has expressed their concerns of this change be precedent setting. We propose to meet all PUD requirements and parking requirements

Mr. Jay Smith, Duke Realty Corporation, requested the revised PUD plan be approved today. If this is considered as an amendment we would be unable to start construction in August of this year.

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

Mr. McLean asked why staff felt this would be precedent setting.

Mr. Mitchell stated staff did not feel this would be precedent setting. The precedent was set in the Eckerd's PUD.

Mr. Fox stated ingress and egress must be part of the Master Plan and this proposal is adding land to the PUD. It is the opinion of the Legal Department that this is an amendment.

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

**Resolution No. 2002-192**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 46-83-U-14 is **DISAPPROVED as a revision (7-0), approved as a PUD amendment with conditions (7-0), and approved as a final PUD subject to staff approval after Metro Council approves PUD amendment (7-0):**

**FINAL PLAT SUBDIVISIONS**

- 11. 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 remove the sidewalk requirement from all public streets within this subdivision phase, and to extend the performance bond for six months on Phase 11 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.

Ms. Regen stated staff recommends *disapproval* of the sidewalk variance and *approval* of the six-month extension to complete the remaining work.

This request consists of two parts: 1) a variance for sidewalks within the Villages of Brentwood development (Phase 11); and 2) extension of a performance bond for this development phase.

*Background*

Roy Dale of Dale & Associates has submitted a sidewalk variance request on behalf of his client, Grandview Land Company, Inc., the developer of this residential subdivision. The sidewalk variance was last brought before the Planning Commission on December 6, 2001, at which time it was deferred for further information. The developer has a performance agreement with Metro Government for the public infrastructure (including sidewalks) to be constructed to Metro standards. The irrevocable letter of credit (bond) for this performance agreement is in the amount of \$235,000 and expires on 7/15/02. The developer has requested an extension on the bond since there are outstanding issues related to sidewalks and driveway ramps.

After receiving input from staff, the developer, and Mr. Dale at the December 6<sup>th</sup> meeting, the Planning Commission requested that staff, the developer, and builder work together to see if some solution could be reached that all parties could agree to regarding the substandard sidewalks and driveway ramps. Since the commission meeting, Public Works has met in the field with representatives of both the developer and builder to identify corrections needed in order for Metro Government to accept public maintenance of the streets and sidewalks.

*Sidewalk Variance*

The Planning Commission approved a final plat for this residential development on March 18, 1999, and a bond totaling \$235,000 was posted for extension of new public roads and utilities (including sidewalks) on June 10, 1999.



Of that amount, \$225,000 represents Public Works' portion of the bond for roads and sidewalks. After constructing the sidewalks and making various other improvements to the development, the developer requested Metro Public Works to inspect and accept the sidewalks in the summer of 2001. Public Works inspected the sidewalks and indicated to the developer they could not be accepted since they were not constructed in conformance with the approved plans or with the standards in place at the time of construction.

As constructed, the sidewalks and driveway ramps create two problems: 1) the slopes of many of the driveways do not conform to standards to allow the sidewalk path of travel to cross through the ramp with a maximum cross slope of 2% towards the street; and 2) the slopes of some driveway ramps allow stormwater runoff to divert from the gutter down the driveways toward the homes. If the driveway ramps and sidewalks were constructed to Public Works standards, water from the public right-of-way would drain away from the homes not toward them, as water now does based on how these improvements were constructed.

In a letter to staff, Mr. Dale states Public Works indicated to the developer that these sidewalks could not be accepted since they were not compliant with today's ADA standards (see attached letter). Public Works has informed staff that it's true these sidewalks are not compliant with today's ADA standards, but that was not Public Works' reason for non-acceptance of these sidewalks. Public Works is not retroactively applying today's sidewalks standards to this developer. Public Works requires developers to conform to the standards in effect at the time of actual construction.

#### *Performance Bond*

Regardless of the outcome of the sidewalk variance, the performance bond needs to be extended for a period of six-months because the Irrevocable Letter of Credit securing this bond will expire 7/23/2002. The developer has not obtained releases on any of the three areas covered by the bond. Those areas are stormwater drainage, roads and sidewalks and water/sewer lines. It is important that the developer finish the subdivision within a six-month period for two reasons; the housing buildout has exceeded 75% and is now 100% and the streets have not received final paving which means impediments such as sewer manhole castings are sticking up above the binder course.

#### *Staff Recommendation*

Staff recommends disapproval of the sidewalk variance since had the sidewalks been constructed per the approved construction plans, the sidewalks and driveway ramps would comply with Metro standards. By constructing the driveway ramps first, and then constructing the sidewalks and streets to match the ramps, the developer created the current situation. This self-created hardship will require reconstructing sidewalks, driveway ramps, and modifying the grade of some lots to correct the problems. To do this, the developer will have to work with individual homeowners to gain access to their private property. If Metro is to assume public maintenance of these roads, then the sidewalks must be constructed to Metro standards as shown on the approved construction plans. Approval of a sidewalk variance in this development would be precedent setting. There are several other developers in a similar situation with sidewalks and driveway ramps that do not comply with Metro standards. Staff recommends approval of the bond extension to enable the developer to correct the substandard sidewalks and driveway ramps.

Mr. Tom White, attorney for Fox Ridge, stated his client had agreed to take the sidewalks out, but may be requested by Planning staff to reconstruct them. There has been no consensus from the neighborhood as to what they want. He asked the bond be decreased to a maximum of \$100,000, and to defer this matter to the second meeting in June to give his client the opportunity of meet with the neighborhood.

Ms. Denise Debski stated her front yard would be seriously impacted by reinstallation of the sidewalks. The car will drag and there will be run off from water.

Mr. Rex Garton, area resident, spoke in opposition to revising the preliminary and final plat, removing the sidewalk requirement from public streets, and also in opposition of extension of the performance bond. He also expressed concerns regarding hazardous potholes and manhole extensions.

Ms. Neilson asked if there are any drainage problems.

Mr. Garden stated he had not personally experienced that problem, but has heard neighbors complain about it.

Mr. White suggested a variance right-of-way to allow the sidewalks be on private property.

Mr. Bernhardt stated that situation would throw the maintenance responsibility on the property owners.

Mr. Garden stated he would not want to see the sidewalk maintenance be the responsibility of the homeowners or the homeowners association.

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

Mr. McLean stated he would move to extend the bond, but not reduce it to \$100,000.

Mr. Bernhardt stated staff has not received authorization from Public Works to reduce the bond. Public Works has stated they would need \$162,000 to replace the sidewalks.

Mr. McLean moved to extend bond and give developer and homeowners until the second meeting in June and then the Commission will consider the homeowners request.

Mr. Mark Macy, Public Works Department, stated he would like to look at the bond before any action is taken to reduce the amount. There are other items in the subdivision that need to be dealt with other than the sidewalks.

Chairman Lawson asked Mr. Macy to provide that information to the Commission at the June 13th meeting.

Vice Chairman Small asked what are the specific issues on the sidewalks that cause Public Works to reject the sidewalks.

Mr. Bernhardt stated the reality is that we have a situation of rebuilding the sidewalks and driveways and there will be very difficult situations.

Mr. Macy stated that if the sidewalks were built up front, even if they were broken during the development it would have saved work now on the sidewalks, driveways, slopes, and yards.

Mr. Bernhardt asked Mr. Macy about a right-of-way variance and privatizing the sidewalks.

Mr. Macy deferred to Mr. Fox, Metro attorney.

Mr. Fox stated it would be a workable situation. They would be on private property and would not be an acceptance situation. The Metropolitan Government cannot accept these sidewalks. The idea of privatizing these sidewalks is appealing.

Mr. McLean asked Mr. Macy if he was insinuating all sidewalks must be ADA compliant - because these should have been grandfathered in.

Mr. Macy stated the Metropolitan Government must update all sidewalks to ADA standards as roads are repaved.

Mr. Clifton stated it is the policy of this government to have acceptable sidewalks built in subdivisions and that transcends the wishes of the neighbors.

Ms. Cummings agreed with Mr. Clifton and stated the developer finished the work and is not in compliance. There should be sidewalks and they should be compliant with Metro standards.

Ms. Jones stated there are many communities that have private streets and maintain those streets and sidewalks.

Mr. McLean amended his motion to defer the performance bond extension decision until June 13, 2002 and to defer the sidewalk variance decision until June 27, 2002, and to leave out the phrase to consider the homeowners decision.

Mr. Clifton seconded the motion, which carried unanimously.

**12. 2002S-106G-03**  
NATIONAL MATERIALS L.P. PROPERTY  
Map 068, Parcel(s) 070  
Subarea 3 (1998)  
District 1 (Gilmore)

A request for final plat approval to subdivide one lot into two lots abutting the south terminus of Amy Lynn Drive, and a variance for public road frontage for lot 2, approximately 1,200 feet south of WWCR Avenue, (32.4 acres), classified within the IR district, requested by National Material L.P., owner/developer, Crawford Land Surveyors, surveyor. (Deferred from meeting of 4/25/02).

Ms. Regen stated staff recommends *conditional approval* subject to a variance for lot frontage, a variance for a private drive easement, Metro Health Department approval prior to the Commission meeting for the septic fields, and subject to the submittal of a joint maintenance agreement for the private drive easement serving Lot 2 prior to plat recordation.

This plat was deferred from the April 25, 2002 Planning Commission meeting so the applicant could locate for the Metro Health Department's inspection and approval several old septic fields on the property. Since there is no sewer service in the area, and none planned, the status and capacity of these fields is critical to this site's operation as a manufacturing facility.

This request is for final plat approval to subdivide 32.4 acres containing one lot into two lots abutting the southern terminus of Amy Lynn Drive, south of Ashland City Highway. The plat creates two lots, one lot for each of the existing, large manufacturing/warehouse buildings. The applicant is also requesting a lot frontage variance from Section 2-4.2 of the Subdivision Regulations. The property is zoned IR district and has two existing large industrial buildings on it. It falls within the Subarea 3 Plan's industrial (IND) policy calling for various industrial uses such as manufacturing, warehousing, and distribution. The property is served by Metro water, but not sewer. Sewer service is more than a quarter mile away, and no sewer extensions are anticipated to this area in the future. There is a large septic field at the rear of the property along the Cumberland River. The applicant is platting this property since the 1977 recorded plat contained within the "Owner's Certificate" on the plat, a requirement that any resubdivision of the property that would result in less land area than established by the recorded plat would require Planning Commission approval.

*Property's Location*

This particular piece of property is unique to similar situated properties within Davidson County. Its uniqueness is derived not only from its geographic location, but the uses surrounding it. The property lies along the Cumberland River between a barge operation to the west and a large construction/demolition landfill to the east. The barge operation has massive outdoor stockpiles of gravel and wood chips. The landfill is very large and has numerous garbage trucks entering/exiting it all day long.

Amy Lynn Drive terminates at the edge of this property and provides public street access to the barge operation and the applicant's property. A private drive extends from Amy Lynn Drive, across the frontage of the applicant's property to the landfill operation's secondary access point. This private drive is not, however, on the applicant's property. It has been used by the applicant for years, but exists on an adjoining property owner's land. The applicant has an easement to use this private drive known as "Production Way" in the deed for ingress/egress purposes (book 5677, page 732). The deed indicates the width of Production Way is 60 feet.

*Variance – Lot Frontage and Private Drive Easement*

The applicant has requested a variance for lot frontage because lot 2 has no public road access. The recorded plat shows this property to have 50 feet of public road frontage on Amy Lynn Drive. By subdividing this property, one lot (Lot 1) will continue to have 50 feet of public road frontage, however, the second lot (Lot 2) will not. Lot 2's access is proposed from the private drive easement.

Section 2-6.2.1.K of the Subdivision Regulations permits properties to be subdivided with access from a private easement when they are located within a Planned Unit Development or within a Natural Conservation (NC) policy area. This property does not meet these two preconditions. It does share striking similarity though with a NC policy area, as set forth in Section 5-2 of the Subdivision Regulations. Besides the regulations defining such an area as being

designated in the subarea plan as natural conservation policy, the regulations say such properties are located in an area where lots to be created are five (5) acres or greater, there is steep topography precluding lots on less than five acres, and public sewer service is not anticipated. While this property falls within an industrial policy in recognition of the landfill, manufacturing, and barge operations that predate the Subarea 3 Plan, the surrounding area to the north and west is all NC policy. While this site is flat because of its proximity to the river, Amy Lynn Drive slopes considerably due to topography from Ashland City Highway until you reach its terminus where this property and the barge operation are located. Further, the existing private drive easement complies with Section 2-6.2.1.K(4) of the Subdivision Regulations for properties within a NC area, except for having a pavement width of less than 37 feet (the easement's width is 60 feet wide).

Staff recommends *conditional approval* of this final plat subject to a variance for lot frontage, a variance for a private drive easement, Metro Health Department approval prior to the Commission meeting for the septic fields, and subject to the submittal of a joint maintenance agreement for the private drive easement serving Lot 2 prior to plat recordation. This property is uniquely situated along the Cumberland River and was developed more than 20 years ago, preceding the Subdivision Regulations and Subarea 3 Plan. These variances are justified based on these findings in accordance with Section 1-10.1 General of the Subdivision Regulations.

The granting of these variances will not be detrimental to the public safety, health or welfare or injurious to any adjoining property. This property is located where the public would not typically travel to/from unless they had a specific need to visit this property. Other than its connection to Amy Lynn Drive, the private drive connects to no other public street nor can it in the future. The granting of these variances is due to the property's uniqueness and is not widely applicable to other property in the area. The granting of these variances is due to the property's particular surroundings and topography which make upgrading the private drive to public street standards a hardship on this property owner not a mere inconvenience. The granting of these variances would not constitute a variance from the General Plan, Major Street Plan, or Zoning Ordinance.

#### *Health Department Approval*

The applicant is working with the Metro Health Department to identify additional septic fields at the rear of both lots. Staff recommends conditional approval of this plat subject to that approval being obtained prior to the Planning Commission meeting.

#### *Greenway*

The applicant has provided a 75 foot greenway easement for a distance of 1,210 feet along the property's entire length along the Cumberland River. The easement is consistent with the adopted Metro Greenways master plan. The greenway does narrow from 75 feet to 30 feet for a length of 480 feet, however, to jog around the existing septic fields at the rear of the property.

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

#### **Resolution No. 2002-193**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2002S-106G-03, is **APPROVED (7-0) with conditions and a variance for lot frontage for Lot 2 (Section 2-4.2), variance for access to Lot 2 via a private drive easement (Section 2-6.2.1.K) of the Subdivision Regulations:**

**Staff recommends conditional approval of this final plat subject to the following conditions:**

- 1. Prior to plat recordation, the Planning Commission shall approve a lot frontage variance for lot 2 and a variance for a private drive easement to serve lot 2.**
- 2. Prior to plat recordation, Metro Water Services shall approve the revised final plat.**
- 3. Prior to plat recordation, Metro Water Services (Stormwater Management) shall approve the revised final plat.**

4. **Prior to plat recordation, Metro Public Works shall approve the revised final plat.**
5. **The final plat may be recorded without the fulfillment of this condition, however, within 30 days of the Planning Commission's conditional approval of this final plat, the property owner shall provide to the Metro Health Department for its review and approval, a signed mutual easement contract to allow joint usage of the existing system as well as outline the responsibility of both owners for routine maintenance and future repairs to the system should it become necessary. A plot plan shall also be included as an exhibit with this contract to indicate location of the existing piping, cleanouts, pump and pump chamber, switchboxes, and lateral lines. The future repair area (Area 2) shall also be illustrated with recent grid lines shown to allow future location of this area.**
6. **The final plat may be recorded without fulfillment of this condition, however, within two weeks and no more than 30 days from the date of Dr. Brent Hager's letter (May 6, 2002) to Mr. Ronald E. Wenzler of Turley Martin Tucker – May 6, 2002, the property owner shall make all necessary repairs and modifications to the existing septic field system, which shall include replacement of the damaged switchbox. Additionally, pumping, waterproofing, and extending all switchboxes so as to be two inches or more above grade, and replacement of rusted switchbox lids with tight fitting concrete lids is required. Further repairs shall include pumping contents of both compartments of the septic tank and inspection for presence of a proper baffle and tee fittings. Repairs to the tank should be made if fittings are missing or the baffle is found to be absent or in poor condition. An audible and visual alarm of pump malfunction shall be installed inside both buildings where it can be easily monitored.**
7. **Sewage flow from the septic tank shall be routed to only one absorption field at a time, rather than simultaneous usage of the field as being currently practiced. This can be accomplished by plugging three of the four outlets from the two outboard switchboxes. A timetable can be worked out to switch the use of fields quarterly. The largest of the four fields should be used in winter months due to its greater capacity and the smallest field should be used during the summer quarter.**
8. **Grinder pumps and floats shall be inspected on a semi-annual basis and the septic tank pumped every three years. An independent maintenance company should be responsible for performing this work. Log sheets showing the completion of this work shall be submitted to the Metro Health Department on a semi-annual basis for its review. This log shall include a monthly water use for each property so water use rates in excess of 10 gallons per employee can be detected."**

## **OTHER BUSINESS**

22. Reconsideration of Zone Change Proposal 2002Z-033G-02 on the May 23 agenda with new PUD application. Item was disapproved at the March 15, 2002 MPC meeting since there was not an associated PUD.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to rehear Zone Change Proposal 2002Z-033G-02 on May 23, 2002.

24. Legislative update

**ADJOURNMENT**

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:30 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Minute Approval: this 23rd day of May 2002



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