

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: November 26, 2001
Time: 2:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Bill Purcell

Staff Present:

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

Others Present:

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

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

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

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver stated there were concerns regarding item 1. 2001Z-119G-06, and item 2. 2001P-010G-06 and asked for a deferral until a community meeting could be held. He stated he had received a petition from adjoining homeowners. He asked for approval on item 6. 2001S-268G-06, Harpeth Crest, Phase 1, and stated he had signed item 11. 2001M-112G-06, Property Lease/Sale, at 3010 Ambrose Avenue, for another Councilmember.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS

Staff announced there were no deferred items.

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

FINAL PLAT SUBDIVISIONS

3. 2000S-395U-10
CEDAR LANE SUBDIVISION
Map 118-01, Parcel(s) 096
Subarea 10 (1994)
District 17 (Greer)

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

Staff recommends *conditional approval* subject to a revised plat prior to recordation and bond for a sidewalk along 12th Avenue South.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. This plat is to revise an approved preliminary plat and for final plat approval for three lots abutting the northwest corner of Cedar Lane and 12th Avenue South. The Planning Commission approved a preliminary plat for these three lots on January 4, 2001. That plat showed the same lot arrangement with access from the rear.

Cedar Lane Access

To protect the existing trees at the back of the lot, as shown on a tree survey prepared by the applicant, the applicant is proposing to modify the rear access. This revised plat removes any access from Cedar Lane. All access will be from alleys #961 or #428 at the northwest corner of the property. All the residential properties in this neighborhood have rear lot access. The lots will share a common access easement (i.e. private drive) that no longer connects to Cedar Lane. The Metro Traffic Engineer has approved this modification.

Sidewalks

An existing sidewalk exists along Cedar Lane. As originally approved, the applicant would have constructed a private drive over that sidewalk. Now that sidewalk will not be altered. In addition, the

applicant is proposing a sidewalk along 12th Avenue South (Granny White Pike) where none was shown on the original plat. This is a significant improvement since this property is a half-block away from the 12th Avenue South commercial area (e.g. Becker's Bakery) that MDHA has invested in heavily to revitalize.

Utility Easements

This plat shows sewer easements that were not shown on the original plat. These easements affect where a future home can locate on lot 3. That lot has an existing 15" sewer line running diagonally across it. The applicant is not proposing to relocate the line. There is also a proposed 8" sewer line running across the front of lots 2 and a portion of lot 1.

Staff recommends conditional approval of the revised preliminary and final plats subject to a revised plat prior to recordation showing the sidewalk along 12th Avenue South, protection of the trees along the rear property line abutting parcel 97, and showing all access from the alleys via a cross-access easement shared by all three lots that terminates and does not connect to Cedar Lane.

Resolution No. 2001-504

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-395U-10, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND (8-0)."**

4. 2001S-135U-08

HEAD, J. M., MIDDLE SCHOOL
Map 092-07, Parcel(s) 348-357
Subarea 8 (1995)
District 21 (Whitmore)

A request for final plat approval to consolidate two lots and seven parcels into one lot located between Jo Johnston Avenue and Warner Street and between 19th Avenue North and 20th Avenue North (2.56 acres), classified within the OR20 district and Urban Zoning Overlay District, requested by Metropolitan-Nashville Public Schools, owner/developer, Volunteer Surveying, surveyor.

Staff recommends *conditional approval* subject to a revised plat prior to recordation and Metro Council approval of Alley # 629's closure.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. This final plat is to consolidate two lots and seven parcels into one lot. The Metro Board of Education is expanding the middle school and needs to construct a gym and athletic fields on this property. The plat was originally scheduled for the Planning Commission's May 10, 2001 meeting, but was deferred indefinitely prior to the mail-out to address JoJohnston Avenue and Alley #629's closure (see 2001M-118U-08). JoJohnston Avenue is proposed for closure to create a contiguous school campus without any intersecting street for school safety.

Staff recommends conditional approval of this plat subject to a revised plat prior to recordation addressing staff comments. In addition, the plat cannot be recorded until Metro Council approves the closure of JoJohnston Avenue and Alley #629.

Resolution No. 2001-505

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-135U-08, is **APPROVED WITH CONDITIONS (8-0)."**

MANDATORY REFERRALS

9. 2001M-045U-08

Closure of Alley #629
Map 092-07, Parcel(s) 354 and 355
Subarea 8 (1995)
District 21 (Whitmore)

A request to close unbuilt Alley #629 located between 20th Avenue North and 19th Avenue North from Jo Johnston Avenue to its terminus, requested by the Public Property Administrator. Easements are to be abandoned.

Staff recommends *conditional approval*.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. The Metro Board of Education is proposing to close an unbuilt alley, Alley #629, located between Lyle Avenue and Jo Johnston Avenue. The Metro Board of Education is requesting this alley's closure for J. M. Head Middle School's future school expansion (see 2001S-135U-08). Easements are to be abandoned. Metro Government owns all the land surrounding this alley.

Staff recommends conditional approval of this alley's closure subject to the school board relocating NES lines within this right-of-way. The Board of Education has coordinated with NES on the relocation of these lines. All reviewing departments and agencies are recommending approval. No landlocked properties will be created by this alley's closure.

Resolution No. 2001-506

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-045U-08 is **APPROVED (8-0)**."

10. 2001M-111G-14

Property Acceptance at 4300 Chandler Road
Map 86, Parcel(s) 38
Subarea 14 (1996)
District 12 (Ponder)

A council bill to accept a property donation for 4300 Chandler Road (.50 acres) from Marguerite W. Smith, owner, to the Department of Public Works to increase Chandler Road's right-of-way width, requested by the Public Property Administrator.

Staff recommends *approval*.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. This council bill is to accept the donation of 0.50 acres at 4300 Chandler Road from Marguerite W. Smith. Staff recommends approval of this property donation. The property generates \$0.00 in property taxes to Metro; therefore, its removal from the property tax rolls will not constitute any loss in revenue. Metro Public Works will use this right-of-way to increase Chandler Road's right-of-way.

Resolution No. 2001-507

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-111G-14 is **APPROVED (8-0).**"

11. 2001M-112G-06

Property Lease/Sale at 3010 Ambrose Avenue
Map 072-05, Parcel(s) 177
Subarea 6 (1996)
District 35 (Lineweaver)

A council bill to lease and sale property at 3010 Ambrose Avenue (.34 acres), requested by the Public Property Administrator.

Staff recommends *approval*.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. This council bill is approve the lease and future sale of Metro property at 3010 Ambrose Avenue for the Reuse Center, Inc. The property was originally acquired in 1986 by Metro as part of the Public Works East Center. It was previously used by Parents Anonymous of Tennessee.

The Reuse Center is a non-profit group that recycles useful materials by reselling them at a very low, affordable price. The materials they sale then avoid going to a landfill. Centers like these typically *accept* doors, windows, sinks, toilets, bathtubs, roofing, plumb ing, cabinets, pipes and fittings, lumber, bricks, light fixtures, gardening tools, etc. They *do not accept* flammable liquids, chemicals, inoperable appliances, toxic waste, used tries, etc.

Staff recommends approval of this lease and future sale. The property will be leased for \$100/month, and if the lessee options to purchase the home, it would be sold by Metro for \$70,000. The Reuse Center intends to improve the existing property as office space. Those improvements will become Metro's in the event The Reuse Center decides not to purchase this property in the future.

Resolution No. 2001-508

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-112G-06 is **APPROVED (8-0).**"

12. 2001M-113U-00

Lease for Locating ATMs on Metro Government Property

A council bill to lease space for ATMs to be installed by the MPD Employees Credit Union at the Criminal Justice Center, Hermitage Police Precinct, and the South Police Precinct, requested by the Public Property Administrator.

Staff recommends *approval*.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. This council bill is to lease locations in Metro buildings for ATM machines to be installed by the MPD Employees Credit Union. These machines will be located at the Criminal Justice Center, Hermitage Police Precinct and South Police Precinct. All costs associated with installing, operating, and maintaining these machines will be paid for by the credit union.

Staff recommends approval of this lease agreement as the ATMs will benefit members of the credit union as well as the general public.

Resolution No. 2001-509

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-113U-00 is **APPROVED (8-0).**"

13. 2001M-114U-13

DeBerry Correctional Facility Lease
Map , Parcel(s)
Subarea 13 (1996)
District 28 (Alexander)

A council bill to lease the DeBerry Correctional Building to the Policeman's Benefit Association for a haunted house, requested by the Metro Legal Department.

Staff recommends *approval*.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. This council bill is to lease the DeBerry Correctional Facility located at 3250 Ezell Pike to the Policeman's Benefits Association. The association will hold its annual haunted house fundraising event at the facility. The Metro Legal Department submitted this request to staff on October 30, 2001, and requested its approval be expedited. Staff recommends approval of this lease agreement since the facility is already in use as a haunted house. The lease term ends September 30, 2002 with an option to renew for four years (1 year each).

Resolution No. 2001-510

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-114U-13 is **APPROVED (8-0).**"

14. 2001M-116U-00

Adoption of 2001 Official Street and Alley Maps

A request to adopt the Metro Nashville and Davidson County Official Street and Alley Maps, requested by the Interim Director of Public Works.

Staff recommends *approval*.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. Every year the Metro Planning Commission and Metro Council must review and adopt the Metro Nashville and Davidson County Official Street and Alley Maps as required by Section 13.08.010 of the Metro Code of Laws. These maps identify all streets and alleys accepted by Metro for public maintenance between October 1, 2000 to October 23, 2001. This year no alleys are being accepted only streets within new subdivisions. Staff recommends approval of this map adoption.

Resolution No. 2001-511

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-116U-00 is **APPROVED (8-0).**"

15. 2001M-117U-08

Rename Lyle Avenue and Jo Johnston Avenue
Map 092-07, Parcel(s)
Subarea 8 (1995)
District 21 (Whitmore)

A request to rename Lyle Avenue between Johnston Avenue and Charlotte Pike to "Jo Johnston Avenue" and Jo Johnston Avenue between 20th Avenue North and 21st Avenue North to "21st Avenue North" for the J. M. Head Middle School campus expansion, requested by the Interim Director of Public Works.

Staff recommends *conditional approval*.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. The Interim Director of Public Works is requesting to rename Lyle Avenue between Johnston Avenue and Charlotte Pike to "JoJohnston Avenue" and JoJohnston Avenue between 20th Avenue North and 21st Avenue North to "21st Avenue North" for the J. M. Head Middle School campus expansion (see 2001S-135U-08). The renaming is necessary to reflect the closing of JoJohnston Avenue between 20th Avenue North and 21st Avenue North (2000M-098U-08).

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

Resolution No. 2001-512

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-117U-08 is **APPROVED (8-0)**."

16. 2001M-118U-08

Closure of Jo Johnston Avenue

Map 092-07, Parcel(s)

Subarea 8 (1995)

District 21 (Whitmore)

A request to close Jo Johnston Avenue between 19th Avenue North and 20th Avenue North to accommodate the expansion of J. M. Head Middle School, requested by Volunteer Surveying, Inc. (Easements are to be abandoned).

Staff recommends *approval*.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. The Metro Board of Education is requesting to close JoJohnston Avenue between 19th Avenue North and 20th Avenue North (see also 2001S-135U-08). All easements are to be abandoned. The Metro Board of Education is requesting this street closure for the expansion of Head Middle School. The Planning Commission disapproved a similar request on September 28, 2000 (2000M-098U-08). At that time, staff recommended disapproval since more information was needed, plus the 30-day clock for Planning Commission action was to expire on October 6, 2000. The Metro Charter mandates the Commission take action within 30 days once a complete mandatory referral application has been officially submitted for review and consideration. A failure to act within 30 days deems the application approved. To avoid that situation, staff recommended disapproval.

Staff recommends approval of this street closure since in the intervening year, this street's proposed closure, including the re-routing traffic around the school has been analyzed in-depth. Community meetings have been held about the proposed closure and school expansion plans with Councilmember Whitmore, the Directors of Public Works and Planning, Board of Education personnel and the Metro Traffic Engineer. The councilmember and all departments agree that JoJohnston Avenue should be closed. Traffic will be re-routed up 19th Avenue North to Warner Avenue and then down 20th Avenue North, connecting back to what is now JoJohnston Avenue, but proposed to be renamed to "21st Avenue North" (2001M-117U-08) on this same commission agenda.

Traffic

A traffic study was prepared for this closure as required by Council bill O87-1679 since more than 1,000 cars per day use these streets. The study indicated that this section of JoJohnston Avenue has an average daily traffic volume of between 3,350 to 4,560 cars per day. When this portion of the roadway is closed, traffic will be diverted to nearby streets. While the study indicates adequate capacity exists on those streets for the diverted traffic, it does note that residents along those streets (Pearl, 20th Avenue North, Lyle Avenue and 19th Avenue North) will perceive an increase in traffic. At times, people may be unable to get out of their driveways as quickly as they can today, particularly during the morning and afternoon when school begins and ends. All streets will perform at an acceptable level of service (B or C). The majority of these streets perform at a level of service “B” today.

Resolution No. 2001-513

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-118U-08 is **APPROVED (8-0).**"

PUBLIC HEARING

ZONING MAP AMENDMENTS

1. 2001Z-119G-06

Map 141-00, Parcel(s) 12 (51.05 ac), 36 (38.62 ac)
Subarea 6 (1996)
District 35 (Lineweaver)

A request to change from AR2a district to RM4 district properties located at 8100 Coley Davis Road and Coley Davis Road (unnumbered), (89.67 acres), requested by Civil Site Design, appellant for Bob Allen of Phillips Builders, Inc., optionee, and for Vanderbilt University, owner.

2. 2001P-010G-06

Autumn Springs Development
Map 141, Parcel(s) 12 (51.05 ac), 36 (38.62 ac)
Subarea 6 (1996)
District 35 (Lineweaver)

A request for preliminary approval for a Planned Unit Development District located abutting the south margin of Coley Davis Road, 250 feet west of Donna McPherson Drive, classified AR2a and proposed for RM4 district, (89.67 acres), to permit 181 single-family lots and 200 townhomes, requested by Civil Site Design Group, appellant, for Phillips Builders, optionee, and Vanderbilt University, owner.

Mr. Leeman stated items 1 and 2 would be taken together.

Staff recommends *conditional approval* of the PUD and zone change with a variance for sidewalks along Coley Davis Road.

Subarea Plan amendment required? No, but the Commission authorized staff to consider this area as part of the Subarea 6 Plan update on October 25, 2001.

Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods? No, see traffic note below.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. The request is two-fold: a zone change and a new Planned Unit

Development (PUD). The zone change involves changing 90 acres from AR2a (agricultural) to RM4 (single-family, duplex, and multi-family residential) district, and for preliminary approval of a Planned Unit Development (PUD) district on the same properties located at 8100 Coley Davis Road and Coley Davis Road (unnumbered). The existing AR2a district is intended for single-family, duplex and mobile homes at one lot per two acres of land. The RM4 zoning would currently allow 45 lots. The proposed PUD district includes 200 townhomes and 181 single-family lots at a density of 4.25 dwelling units per acre.

Zone Change

These properties fall within the Subarea 6 Plan's Natural Conservation (NC) policy area due to a portion of the property falling within the Harpeth River floodplain and floodway. NC policy generally allows for moderate intensity development at up to 4 dwelling units per acre. Although the proposed plan has a density of 4.25 units per acre, the PUD plan also utilizes Section 17.36.090 (Development Bonuses), which allows a 25% density bonus with the dedication of a conservation easement for the greenway trail along the Harpeth River. Staff supports the density bonus since the applicant will not only dedicate -- but has committed to constructing the trail as well.

PUD Plan

These properties are located on the south side of Coley Davis Road and abut both sides of the CSX railroad tracks intersecting the property. The applicant has worked with planning staff to revise the proposed plan to provide more street connectivity within the proposed development, more usable open space, and the relocation of the proposed multi-family units to be more compatible with the surrounding development. The proposed plan includes a bridge over the railroad tracks and a greenway trail along the Harpeth River. The applicant has agreed to construct the greenway trail along the river, in lieu of constructing a sidewalk along the frontage of the site on Coley Davis Road. The plan includes a street connection to the existing stub-street at Poplar Ridge Drive on the west side of the site. This street connection will provide an alternative public street connection for the existing homes in the Poplar Ridge subdivision, as well as an access point to the public greenway trail within the Autumn Springs PUD. Staff recommends conditional approval with a sidewalk variance. The plan will be conditioned that a PUD amendment shall be required for any increase in the number of multi-family units shown on this PUD plan; such amendment will require Metro Council action.

Traffic

The Metro Traffic Engineer did not require a traffic impact study since the applicant agreed to make improvements to Coley Davis Road. The Metro Traffic Engineer has indicated that Coley Davis Road should be improved at the project's two entrances to include two connected left-turn lanes into the site. He is also requiring the main access point to have two turn lanes out of the site. The Traffic Engineer is requiring a 10-foot right-of-way dedication along the frontage of the property. Staff has analyzed the topography, floodplain, and existing road network to determine if a stub-street for a possible bridge over the Harpeth is necessary. After working with Public Works, it was determined that the best available location would be at the western end of Coley Davis Road, not this property.

Schools

A multi-family and single-family development with 181 single-family lots and 200 multi-family units could generate approximately 65 students (29 elementary, 20 middle, and 16 high school). Students would attend Gower Elementary School, H. G. Middle School, and Hillwood High School. The School Board is currently reviewing school capacity figures and final numbers are not yet available for these schools.

Councilmember Summers arrived during staff presentation, at 1:10 p.m.

Mr. Mike Strench, representing the Scenic River Homeowners Association, recommended the zoning be RS6 or RS4 and not RM4. He expressed concerns regarding traffic, safety, sewage, offset compensation, flooding and presented the Commission with a petition regarding those concerns.

Mr. Nick Parnick stated the Commission needs to look at that area of town and change the subarea plan.

Mr. Keith Johnson, representing the Poplar Ridge Homeowners, stated they would like to have the proposed connection to their subdivision removed, a buffer along Coley David Road, along the front of the property, and would like single family homes only.

Ms. Betty Malley expressed concerns regarding property depreciation, condominiums being built, and stated she does not want a bridge at then end of Coley Davis Road.

Mr. Brice Powers, civil engineer for the project with Civil Site Design Group, provided information on the plan.

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

Mr. Clifton stated it sounded like from the presentation from staff the greenway was a justification for not having sidewalks.

Mr. Leeman stated they did look at the greenway trail as a tradeoff for the sidewalks. The long term gold is to promote the greenways trail.

Mr. Clifton stated it does seem like we do have quiet a few requests of this sort in this area and asked what is staff's view of the suggestion to take a more cosmetic view of this area.

Mr. Leeman stated he felt the density would not decrease from what is there today.

Vice Chairman Small stated at the last meeting the Commission had there was a development in Bellevue and there was the same discussion regarding re-looking at that area's subarea plan, but that might be premature. A deferral may be appropriate for this to get the builder and community together as the Councilmember mentioned.

Chairman Lawson stated the Commission needs to decide on whether or not to use the active subarea plan or to take a look at this area or the entire plan. The proposal discussed at the last meeting was decided on using the present Subarea plan.

Ms. Jones stated this development seems to be appropriate for this area.

Councilmember Summers stated he missed part of the presentation and asked if the condos were only along Coley Davis Road. He asked if it were more cost efficient for Metro to build the greenways or the sidewalks in the future.

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

Resolution No. 2001-514

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-119G-06 is **APPROVED WITH CONDITIONS (8-0)**:

These properties fall within the Subarea 6 Plan's Natural Conservation (NC) policy area due to a portion of the property falling within the Harpeth River floodplain and floodway. NC policy allows for moderate intensity development at up to 4 dwelling units per acre. This zone change is conditioned upon the developer dedicating 10 feet for additional right-of-way along the property's frontage on Coley Davis Road

and constructing a center turn lane for the two connected turn lanes into the project in front of the site on Coley Davis Road.”

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001P-010G-06 is **APPROVED WITH CONDITIONS AND A VARIANCE FOR SIDEWALKS ALONG COLEY DAVIS ROAD (8-0)**: The following conditions apply:

1. Metro Council approval of preliminary PUD and associated zone change (Zone Change Proposal #2001Z-119G-06) prior to submittal of final PUD plan.
2. A PUD amendment shall be required for any increase in the number of multi-family units shown on this PUD plan. Such amendment will require Metro Council action.

Final PUD

3. Prior to or in conjunction with the submittal of any final PUD plan, the applicant shall submit a PUD boundary plat to the Planning Commission for approval and recordation.
4. Prior to or in conjunction with the submittal of any final PUD plan, written approval from the Tennessee Department of Transportation shall be submitted to the Planning Commission indicating that approval of all proposed changes required in condition #14 below.
5. Prior to or in conjunction with the submittal of any final PUD plans, the developer shall submit to the Planning Commission construction plans for all of the Coley Davis Road improvements in condition #14 below.
6. Prior to or in conjunction with the submittal of any final PUD plan for any phase on the south side of the CSX railroad tracks, the developer shall submit to the Planning Commission construction plans for the entire greenway trail along the Harpeth River. The plans shall show two trails:
 - A 10-foot wide greenway trail with two foot shoulders along the Harpeth River;
 - A 10-foot wide trail connection tapering down to an 8-foot wide trail linking this residential development to the greenway trail; and,
 - The greenway trail and trail connection shall be designed and constructed in conformance with the Metro Parks Department and Public Works specifications.
7. Prior to or in conjunction with the submittal of any final PUD plan for the first phase, the applicant shall submit a letter from the CSX Railroad indicating its approval of the proposed railroad bridge location.
8. Prior to or in conjunction with the submittal of any final PUD plan for any lots on the south side of the CSX railroad tracks, approved construction plans by the CSX Railroad shall be submitted for the bridge over the railroad tracks. These plans shall be submitted to the Planning Commission and Public Works for review and approval, and shall include written documentation from the CSX Railroad indicating its approval of the proposed bridge design and location.
9. Prior to final PUD approval for any multi-family phase, the developer shall pay \$154 per unit to the Planning Department for the Coley Davis Road improvement fund. This fund was established in the 1980's by the Metro Planning Commission and Public Works Department for improvements completed by Metro Government to Coley Davis Road.
10. In conjunction with the final PUD plan for Phases 1B, 2B, and 2A, a detailed landscaping plan shall be submitted for the open space area along the entrance road in Phases 1B and 2B and the greenway trail connection area in phase 2A. The plan shall provide a buffer/transition from the street,

including but not limited to shrubs, several offset berms, accent trees, and an evergreen backdrop. It is strongly encouraged that no fences are used to separate the multi-family units from the street, and that the 4-foot grass strips along the main entrance road in Phase 1A between the street and the sidewalk include one street tree per lot line for lots fronting the street and one street tree per lot for lots not fronting the street. It is encouraged that matching street trees shall be planted in Phases 1B and 2B on the opposite side of the street as well.

11. Prior to or in conjunction with the final PUD submittal for the two phases on the south side of the CSX railroad tracks, a revised PUD plan shall be submitted clearly defining and labeling the 35-foot wide greenway connector corridor as part of the “Dedicated Conservation/Public Access Trail Easement Area.” The temporary cul-de-sac shall be labeled “Temporary Cul-De-Sac; Road Will Be Extended In the Future”.

Final Plat

12. A final plat shall be submitted dedicating 10 feet of right-of-way along the property’s frontage on Coley Davis Road (tax map 141, parcel 12).
13. Prior to the recordation of the final plat for lots on the south side of the CSX Railroad, the developer shall bond for greenway signs and a temporary cul-de-sac sign.
14. Prior to the recordation of the first final plat for any phase (excluding the PUD boundary plat), bonds shall be posted for the following road improvements, as required by the Metro Traffic Engineer:
 - A westbound left-turn lane from Coley Davis Road, one at each project entrance.
 - Widening of Coley Davis Road between the two proposed entrances, as required by the Metro Traffic Engineer.
 - Turn lanes shall include 100 feet of storage and a transition to be determined by the Metro Traffic Engineer.
 - Each turn lane shall be constructed prior to the first Use and Occupancy permit for the first phase.
15. Prior to the recording of a final plat for any single-family phase, a fee in the amount of \$154 per lot to Metro Planning Department for the Coley Davis Road improvement fund. This fund was established in the 1980’s by the Metro Planning Commission and Public Works Department for improvements completed by Metro Government to Coley Davis Road.

Building Permits

16. Prior to the issuance of any building permits for any phase on the south side of the CSX railroad tracks, a final plat shall be recorded including all necessary bonds for public improvements and the 10-foot wide greenway trail. This plat shall also include a dedicated conservation/public trail access easement for the greenway trail, including all of the floodway plus a 75-foot buffer adjacent to the Harpeth River.
17. Prior to the issuance of any building permits for any lots (including model homes) on the south side of the CSX railroad tracks, grading for the greenway trail shall be completed.
18. Prior to the issuance of any building permits for any lots on the south side of the railroad tracks (including model homes), signs shall be posted at the rear of all lots backing up to the greenway. These signs shall be installed every 100 feet along these lots at the edge of the conservation easement with the text facing inward on the lot.
19. Prior to the issuance of any building permits for any lots on the south side of the railroad tracks (excluding model homes), the actual greenway trail shall be constructed.

20. The developer shall be responsible for the maintenance of all greenway signs until all lots within the subdivision have been sold to the ultimate home purchaser. The signs shall be in accordance with the Metro Parks Department greenway design standards.
21. Prior to the issuance of 50% of the building permits for the lots on the south side of the railroad tracks, the bridge over the railroad tracks shall be constructed and approved by the CSX Railroad and the Metro Public Works Department.”

FINAL PLAT SUBDIVISIONS

5. 2001S-264U-13
HAMILTON GLEN
Map 150, Parcel(s) 123 & 124
Subarea 13 (1996)
District 29 (Holloway)

A request for final plat approval to create 19 lots abutting the south margin of Hamilton Church Road, approximately 370 feet east of Owendale Drive, (5.75 acres), classified within the RS10 Residential Planned Unit Development District, requested by Hamilton Church Properties, owner/developer, Wamble and Associates, surveyor.

Ms. Regen stated staff recommends *conditional approval* subject to bonds for extensions of roads, sidewalks and public utilities, a variance for sidewalks along Hamilton Church Road, and a revised plat prior to recordation.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. It was also deferred indefinitely from the Planning Commission meeting on September 13, 2001. The applicant needed more time to work with Planning and Public Works staff. This request is for final plat approval to create 19 lots abutting the south margin of Hamilton Church Road, approximately 370 feet east of Owendale Drive. The lots are also located within a PUD. The proposed configuration of the lots is consistent with the revised PUD plan approved by the Planning Commission on August 22, 2001 (2000P-009U-13). The applicant significantly revised the initial PUD concept to remove lots from beneath the TVA easement, which traverses the property and a large sinkhole. These topographic features will be located in an open space area at the rear of the property. Two stub-out streets are also provided to the east and west.

Sidewalk Variance

The applicant is willing to construct sidewalks along Hamilton Church Road. To construct these sidewalks it will require a significant effort to improve the roadway due to drainage. Therefore, Public Works has advised that the sidewalks and the property's frontage along Hamilton Church Road not be improved at this time due to safety concerns. Staff supports a variance to the sidewalk requirement along Hamilton Church Road.

Staff recommends conditional approval subject to a revised plat prior to plat recordation, and subject to a variance for sidewalks on Hamilton Church Road. The revised plat needs to label the sinkhole cross-section as "Sinkhole Cross-Section 'A'".

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 approve the following resolution:

Resolution No. 2001-515

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-264U-13, is **APPROVED WITH CONDITIONS, A SIDEWALK VARIANCE ON HAMILTON CHURCHROAD SECTION 2-6.1) OF THE SUBDIVISION REGULATIONS, AND SUBJECT TO A BOND (7-0-1).”**

6. 2001S-268G-06

HARPETH CREST, Phase 1
Map 141-00, Parcel(s) Part of 045 & 046
Subarea 6 (1996)
District 35 (Lineweaver)

A request for a sidewalk variance on River Bend Lane and deferral of bonding for off-site greenway trail until Phase Two, abutting the north terminus of Morton Mill Road and the north terminus of River Bend Road, (6.52 acres), classified within the RS20 district, requested by Harpeth Crest LLC, owner/developer, Daniels and Associates, Inc., surveyor.

Mr. Jones stated staff recommends *conditional approval* subject to a bond for the extension of roads and public utilities, a variance for sidewalks along River Bend Lane, and deferral of a bond for the greenway trail construction until Phase 2.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. The Planning Commission approved a final plat to create these five lots on October 11, 2001. At that meeting, staff had supported a sidewalk variance along River Bend Lane in exchange for the construction of a missing section of the Bellevue Greenway trail. The applicant was unsure at that time whether or not this exchange would be beneficial to the Harpeth Crest Subdivision and economically feasible for the development. The applicant has now determined that the construction of the 93-foot missing section of greenway would benefit the entire community and would not be cost-prohibitive.

Sidewalk Variance

The proposed sidewalk along River Bend Lane will not connect to anything now or in the future. This sidewalk would be on the edge of the River Bend Estates neighborhood where no sidewalks exist. As a result, staff believes creating a connection to the existing Bellevue Greenway is more significant than creating a sidewalk that has no destination.

Staff recommends approval of this sidewalk variance. The existing Bellevue Greenway trail ends 93 feet south of the applicant’s property along Morton Mill Road. The applicant has agreed to constructing this missing portion of the greenway trail in lieu of not constructing the sidewalk on River Bend Lane. This connection to Phases 1 and 2 of the Bellevue Greenway, will create a bicycle/pedestrian link all the way to Old Harding Pike. That link will benefit the entire Bellevue community.

Postponing Bonding of Greenway Trail

More time is needed to coordinate between the applicant and the Parks Department on the greenway’s construction. While the applicant will construct both the on and off-site trail sections, the applicant is designing only the on-site trail. The Parks Department is designing the off-site trail. Staff supports postponing the bonding of the greenway trail until Phase 2 since all parties want to ensure the two trail sections compliment one another. The delay in bonding the trail is about a month or two since the applicant has already submitted a final plat for Phase 2. That plat will be on an upcoming Commission agenda.

Staff recommends conditional approval subject to a bond for the extension of roads and public utilities, a variance for sidewalks along River Bend Lane, and deferral of a bond for the greenway trail’s construction until Phase 2.

Mr. Philip Fulcher stated he was present to answer any questions the Commission might have.

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

Councilmember Summers asked if this was the case that the developer was not in agreement to build the connection for the two greenways.

Ms. Nielson stated now they are agreeing for the sidewalk variance.

Mr. Jones stated the developer agreed after reviewing the cost of the connection.

Mr. Clifton asked if there was any risk or assurance this greenways connection will be built.

Mr. Jones no.

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

Resolution No. 2001-516

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-268G-06, is APPROVED WITH CONDITIONS AND A SIDEWALK VARIANCE ON RIVER BEND LANE (SECTION 2-6.1) OF THE SUBDIVISION REGULATIONS (8-0).”

7. 2001S-276U-10

FAIRFAX PLACE, Resubdivision of Lots 9, 10, 11, and part of 13
Map 104-11, Parcel(s) 219 & 222
Subarea 10 (1994)
District 18 (Hausser)

A request for final plat approval to subdivide three lots and part of 1 lot into two lots abutting the northwest corner of Blair Boulevard and Natchez Trace, (1 .6 acres), classified within the R8 district, requested by Seventh Day Adventist Kentucky and Tennessee Conference, owner/developer, Crawford Land Surveyors, surveyor.

Mr. Jones stated staff recommends *conditional approval* subject to a variance for the maximum lot size requirement.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. This plat was originally scheduled for the September 27, 2001 Commission meeting, but was deferred indefinitely by the applicant to work out issues with neighbors concerning the church’s parking lot expansion. The applicant has had several meetings with the neighbors and Councilmember Hausser. Both the applicant and councilmember have told staff they feel all issues have been resolved.

The request is for final plat approval to subdivide three lots and part of one lot into two lots on 1.6 acres abutting the northwest corner of Blair Boulevard and Natchez Trace within the R8 District. The church has limited parking on existing lots 9, 10, and 11. This plat would allow the current parking to be expanded from existing lot 9 onto existing lot 13. A 5’ perimeter landscape strip surrounding the additional parking area is required by Section 17.24.150B of the Zoning Ordinance, and the landscape strip is being shown on this plat.

Lot Comparability

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. The minimum allowable lot area for lots within the subdivision is 10,580 square feet, and the minimum allowable frontage is 72 feet. While proposed lot 2 may look small in comparison to proposed lot 1, it passed the test of comparability with 13,110 square feet of area and 75 feet of frontage.

While lot 2 of the proposed subdivision may satisfy the minimum lot requirements of lot comparability, lot 1 actually exceeds the maximum lot size allowed for a subdivision within this zone district. The Subdivision Regulations require that a lot not exceed three times the minimum lot size required for the zone district. In this case, the subdivision is located within the R8 zone district. The minimum lot size within this district is 8,000 square feet. A proposed lot could not exceed 24,000 square feet according to this regulation, but lot 1 contains 56,450 square feet.

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

Mr. Melton Whitter, church member, explained their parking problem and asked for approval.

Clifton asked if this included the parking lot across the street in regards to landscaping.

Councilmember Summers stated he would vote against this because he didn't feel residential property should be used in that manner. Churches should be urged to build on major arterials.

Mr. Clifton stated the state has no business telling churches they can't be in residential neighborhoods. This is a church trying to resolve an existing issue. Living in that area I have knowledge that the residents are pleased the parking will not be on the street.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried, with Councilmember Summers in opposition, to close the public hearing and approve staff recommendation:

Resolution No. 2001-517

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-276U-10, is
ACTION: APPROVED WITH CONDITIONS AND A VARIANCE FOR MAXIMUM LOT SIZE (SECTION 2-4.2E) OF THE SUBDIVISION REGULATIONS (7-1).”

8. 2001S-317G-01

HOWERTON'S TWO LOT SUBDIVISION, Revised Lot 2

Map 016, Parcel(s) 221

Subarea 1 (1997)

District 1 (Gilmore)

A request for final plat approval to subdivide one lot into two lots abutting the northeast margin of Lama Terra Drive, approximately 1,356 feet northeast of Lama Terra Court, (6.9 acres), classified within the RS40 district, requested by William C. and Lisa D. Reeves, owners/developers, Tommy E. Walker, surveyor.

Ms. Regen stated staff recommends *conditional approval* subject to variances for a flag-shaped lot, lot width to depth, and lot comparability and a revised plat prior to recordation addressing all of Public Works' comments.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to November 26th. This final plat is to subdivide 6.9 acres containing one platted lot into two lots. Lot 1 will contain 5.64 acres and lot 2 contains 1.25 acres. Lot 2 contains an existing home. The property is located at the end of Lama Terra Drive within the RS40 district.

Background

In 1990, the same property owners received approval to subdivide what is now parcel 242 and this property into two lots (90S-255G). These lots were approved by the Metro Health Department for private septic systems and water is furnished by an existing 8-inch water line in Lama Terra Drive. The applicant is now requesting to resubdivide what was shown as lot 2 on that plat into two additional lots.

Sidewalks

Sidewalks are not provided on this plat. The Subdivision Regulations only require sidewalks when lots are 20,000 square feet or less in size. Since this property is zoned R40 district, and the two lots are greater than 40,000 square feet, sidewalks are not required.

Maximum Lot Size

The Subdivision Regulations require that a lot less than 2 acres in size not exceed three times the minimum lot size required for the zone district. Since lot 1 contains 5.64 acres and lot 2 is less than 2 acres, this standard does not apply.

Lot Comparability Variance

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. The minimum allowable lot area for lots within the subdivision is 1.26 acres, and the minimum allowable frontage is 141 feet. Lot 1 contains 5.64 acres square feet and has 29.4 feet of frontage while lot 2 contains 1.25 acres square feet and 85.75 feet of frontage. Both lots fail for lot frontage while lot 1 passes for lot area, but lot 2 fails by one-tenth of an acre. This lot has steep topography and is located at the end of a cul-de-sac street. The ability to resubdivide this property is severely limited due to its location at the end of this dead-end street and its steep topography. Therefore, staff supports the proposed variance for lot comparability.

Flag-Shaped Lot and Lot Width to Depth Variances

Staff supports all of the applicants proposed variances due to steep topography, existing shape of the parcel, and the property's location at a dead-end street.

Flag-shape: The Subdivision Regulations discourage the creation of flag-shaped lots. The applicant is proposing lot 1 as a flag-shaped lot due to an existing home on lot 2 and also due to topography.

Lot Width to Depth: The Subdivision Regulations provide that a lot's width should not exceed its depth by more than four times. Lot 1 has only 29 feet of street frontage, but its depth is 780 feet. Even if lot 1 and 2 were combined into one lot with 115 feet of roadway frontage, the lot depth to width ratio would be exceeded.

Staff recommends conditional approval of the plat subject to a revised plat prior to recordation addressing all of Public Works' comments and variances for a flag-shaped lot, lot width to depth, and lot comparability.

Ms. Nielson asked if lot 1 could be subdivided in the future.

Ms. Regen stated no they had trouble with Health Dept for septic on this one.

Mr. William Reeves stated they would not re-subdivide.

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

Resolution No. 2001-518

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-317G-01, is APPROVED WITH CONDITIONS AND VARIANCES FOR LOT COMPARABILITY (SECTION 2-4.7), FLAG-SHAPED LOT (SECTION 2-4.2A), LOT WIDTH TO DEPTH RATIO (SECTION 2-4.2E) FROM THE SUBDIVISION REGULATIONS (8-0).”

Chairman Lawson asked for volunteers to work with Mr. Bernhardt and the Board of Education for recommendations to council on impact fees.

Mr. McLean volunteered.

Chairman Lawson thanked the Commission for being present today.

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:10 p.m.

Chairman

Secretary

Minute Approval: this 10th day of January 2002

