

**MINUTES  
OF THE  
METROPOLITAN PLANNING COMMISSION**

Date: October 11, 2001  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

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

**Absent:**

Mayor Bill Purcell

**Staff Present:**

Jerry Fawcett, Planning Manager 2  
Ann Hammond, Assistant Executive Director/Planning  
Marcus Hardison, Planner I  
Lee Jones, Planner I  
Jeff Lawrence, Assistant Executive Director/Operations  
Robert Leeman, Planner II  
Carolyn Perry, Administrative Assistant  
Jennifer Regen, Planning Manager 2  
Marty Sewell, Planner I  
Chris Wooton, Planning Technician I

**Others Present:**

Jim Armstrong, Public Works  
Brook Fox, Legal Department

Chairman Lawson called the meeting to order.

**ADOPTION OF AGENDA**

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

## **APPROVAL OF MINUTES**

Ms. Nielson moved and Vice Chairman Small seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of September 27, 2001.

## **RECOGNITION OF COUNCILMEMBERS**

Councilmember Ron Nollner asked for deferral on item 10, 2001S-243G-02, Rippetoe Subdivision, Resbudivision of Lot 1.

Councilmember Vic Lineweaver asked for approval on item 15, 2001S-268G-06, Harpeth Crest. He also asked for a 1 meeting deferral, rather than an indefinite deferral, on item 27, 2001M-097G-07, Close portion of unbuilt Morton Mill Road.

## **PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS**

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

2. 2001Z-093U-11, Deferred indefinitely.
  10. 2001S-243G-02, Deferred until October 25, 2001.
  13. 2001S-294G-14, Deferred indefinitely.
  1. 2001M-097G-07, Deferred until October 25, 2001.
- Addendum- 2001S-299U-14, Deferred indefinitely.

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

Councilmember Summers arrived at this point in the agenda, at 1:20 p.m.

## **PUBLIC HEARING: ADOPTION OF CONSENT AGENDA**

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

## **ZONING MAP AMENDMENTS**

- 1. 2001Z-072G-02**  
Council Bill No. BL2001-854  
Map 041-00, Parcel(s) Part of 76 (15.65 ac)  
Subarea 2 (1995)  
District 3 (Nollner)

A council bill to change from RS20 to RM2 district a portion of property at 3711 Dickerson Pike, at the western terminus of Foxboro Drive, (15.65 acres), requested by Sector South Services, for Harold Reasonover, Shirley Boyd, and Judy King, owners.

Staff recommends *approval*.

Subarea Plan Amendment required? No.

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

At the Metro Council public hearing held on September 4, 2001 this item was deferred indefinitely. Councilman Nollner referred this item back to the Planning Commission for reconsideration with an amendment from AR2a to RM2 district. The Planning Commission had recommended disapproval of the proposed AR2a zoning at its meeting on August 16, 2001. This council bill is to change 15.65 acres from RS20 (residential) to RM2 (residential) district. The existing RS20 district is intended for single-family at 1.85 dwelling units per acre. The proposed RM2 district is intended for multi-family dwellings at up to 2 dwelling units per acres of land. The RM2 district would allow for 31 multi-family dwellings units. The applicant wants to construct an assisted-care living development, which is not permitted in the RS20 district. Under the Zoning Ordinance's definition of assisted-living, up to 93 assisted-living units could be constructed. The ordinance allows three assisted-living units for every conventional dwelling unit permitted by zoning since there is a common kitchen and communal area for residents. Assisted-living units do not have conventional kitchens since residents do not prepare or cook food within their rooms.

Staff recommends approval of the proposed RM2 zoning. This property falls within the Subarea 2 Plan's Residential Low (RL) policy. The RL policy calls for residential development within a density range of up to 2 dwellings per acre. The RM2 zoning is consistent with the RL policy. Although RM2 is a multi-family zoning it is the lowest intensity zoning that allows for assisted-living. The assisted-living development is a residential use. The RM2 zoning does not allow for single-wide mobile homes, a concern neighbors expressed to the Commission when it last considered this property for AR2a zoning.

*Traffic*

The Metro Traffic Engineer has indicated that site access will be permitted from Dickerson Pike.

**Resolution No. 2001-447**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-072G-02 is **APPROVED (8-0)**:

**This property falls within the Subarea 2 Plan's Residential Low (RL) policy. The RL policy calls for residential development within a density range of up to 2 dwellings per acre. The RM2 zoning is consistent with the RL policy. Although RM2 is a multi-family zoning it is the lowest intensity zoning that allows for assisted-living and nursing homes. Access will be permitted from Dickerson Pike."**

**PRELIMINARY PLAT SUBDIVISIONS**

- 11. 2001S-280G-04**  
KEENE, DOLLY, PROPERTY  
Map 032, Parcel(s) Part of 061  
Subarea 4 (1998)  
District 10 (Balthrop)

A request for preliminary and final plat approval to create five lots abutting the south margin of Hunters Lane, approximately 620 feet east of Brick Church Pike (2.8 acres), classified within the R20 District, requested by Dolly Keene, owner/developer, Tommy E. Walker, surveyor.

Staff recommends *conditional approval* subject to a revised final plat before recordation.

This request is for preliminary and final plat approval to create five lots abutting the south margin of Hunters Lane, approximately 620 feet east of Brick Church Pike. This property is classified within the R20 District.

The five lots being created by this plat are part of a larger parcel that measures 33.82 acres. These lots will be on septic systems. A reserve area for future system expansion has been provided for each lot, as described in Section 2-13.2 of the Subdivision Regulations. These systems have been approved by the Metro Health Department.

Located in the extreme southwest corner of the larger parcel from which these five lots are being subdivided is a stub street (Naples Avenue). At this time, the applicant has no intent on developing the portion of larger parcel that abuts this street. When this portion is developed, staff will work with the applicant to tie this street into the future development.

Metro Public Works has identified a creek along the southern portion of the five lots. The applicant has provided a 25-foot buffer, as required by the Storm Water Regulations, measured from the top of the creek's banks on either side. No development can occur within the buffer.

Staff recommends conditional approval subject to submission of a revised final plat before recordation that shows the:

Top of the creeks bank with the 25-foot buffer on each side.

Centerline of the creek shown clearly in the 20-foot drainage easement to the rear of lot 5.

F.E.M.A. Flood Hazard Area north of the 100-year flood line as zone "A".

**Resolution No. 2001-448**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2001S-280G-04, is **APPROVED WITH CONDITIONS (8-0)."**

**FINAL PLAT SUBDIVISIONS**

**18. 2001S-296U-08**

MCGAVOCK'S, D. T., FIRST ADDN, Resubd. Lot 63 & 64

Map 082-09, Parcel(s) 085-087

Subarea 8 (1995)

District 20 (Haddox)

A request for final plat approval to subdivide two lots into seven lots abutting the southeast corner of Van Buren Street and 5th Avenue North (.70 acres), classified within the MUN District, requested by Intown Properties, LLC, owner/developer, Walter Davidson and Associates, surveyor.

Staff recommends *conditional approval* subject to a bond for the extension of public utilities, approved grading plans by Public Works prior to the Commission meeting, and the purchase of water and sewer capacity by the applicant prior to the Commission meeting.

The Planning Commission approved the preliminary plat for this subdivision on August 30, 2001 (2001S-258U-08). This request is for final plat approval for seven lots on .71 acres abutting the southeast corner of Van Buren Street and 5th Avenue North within the MUN district. This proposed subdivision is within the Subarea 8 Plan's Mixed Use policy area and is located in the Germantown neighborhood. The policy calls for a mixture of residential and nonresidential uses that are integrated at a pedestrian scale to create an attractive, exciting environment for both residents and businesses. The staff feels that this subdivision will reinforce these policy objectives. The proposed homes will help to create a comfortable pedestrian

environment that is crucial in this historic area by bringing the homes closer to the street and providing alley access to the rear of these homes.

Lot comparability is not an issue in this case. Although the proposed development is intended for residences, comparability only applies to subdivisions within a residential zoning district. This request is also located within the Urban Zoning Overlay District. The Urban Zoning Overlay District is intended to promote reinvestment in areas of Nashville originally developed before the mid-1950s. This district allows developers to preserve and protect existing development patterns and to ensure the compatibility of new development in older portions of the city. As a result, the applicant will be able to build closer to the street and on smaller lot sizes than may be allowed in typical zoning districts. No sidewalk variance is needed since sidewalks already exist along both Van Buren Street and 5<sup>th</sup> Avenue North.

Staff met with the applicant and Public Works concerning a proposed detention/drainage easement area located within this development's parking lot prior to preliminary approval. Public Works approved the grassy detention area which will be bordered by shrubs to create a visual barrier and wheel stops to prevent cars backing up into it. The preliminary plat was approved with the condition that wheel stops be shown on the final prior to recordation. A revised plat has been submitted showing and labeling wheel stops.

Public Works has also reviewed grading plans for the property and has notified staff that revised grading plans must be submitted and approved before they can recommend approval of this final plat. It is also a requirement that 30% of the cost to upgrade water and sewer capacity be paid prior to Metro Water and Sewer's approval of any final plat. This requirement has not yet been met by the applicant. Staff recommends conditional approval subject to a bond for extension of public utilities, approved grading plans by Public Works prior to the Commission meeting, and the purchase of water and sewer capacity by the applicant prior to the Commission meeting.

**Resolution No. 2001-449**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-296U-08, is **APPROVED WITH CONDITIONS (8-0).**”

**19. 2001S-300U-13**  
HUNTER'S RUN, Sec. 4  
Map 149-00, Parcel(s) 037 & Part of 210  
Subarea 13 (1996)  
District 29 (Holloway)

A request for final plat approval to create 15 lots abutting the northeast terminus of Streamfield Court, approximately 105 feet east of Streamfield Pass (4.41 acres), classified within the RS10 District, requested by T. F. Homes, LLC, owner/developer, MEC, Inc., surveyor.

Staff recommends *conditional approval* subject to a bond for the construction of roads, sidewalks, and the extension of public utilities, as well as a revised plat prior to recordation that shows a vicinity map and a 25-foot buffer and a buffer note as required by Public Works.

This request is for final plat approval to create 15 lots on 4.4 acres abutting the northeast terminus of Streamfield Court, approximately 105 feet east of Streamfield Pass. The property is located in Antioch within the RS10 District. The Planning Commission approved a preliminary plat on July 13, 1995, to create 91 lots on 28 acres. This proposal represents the fourth section of development within the previously approved preliminary plan.

Sidewalks are only being shown on one side of Streamfield Court, and no sidewalks are being shown around the cul-de-sac at the end of Streamfield Court. Sidewalks are not required in these areas, however, because the preliminary plat for this subdivision was approved prior to the requirement for sidewalks along both

sides of streets and around cul-de-sacs. The amendment to the Subdivision Regulations requiring sidewalks on both sides of streets and around cul-de-sacs was not approved until December of 2000.

A buffer for an existing stream at the rear of proposed lots 39 and 40 shall be shown on a revised plat prior to recordation. Public Works is requiring that this buffer be shown as a 25-foot buffer from top of bank. Along with the buffer, a note is required by Public Works which states that no development shall take place within the area of the buffer. A vicinity map shall also be added to a revised plat prior to recordation. Staff recommends conditional approval subject to a bond for the construction of roads, sidewalks, and the extension of public utilities, as well as a revised plat prior to recordation that shows a vicinity map and a 25-foot buffer and a buffer note as required by Public Works.

**Resolution No. 2001-450**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-300U-13, is **APPROVED WITH CONDITIONS (8-0).**”

**PLANNED UNIT DEVELOPMENTS (revisions)**

- 20. 74-79-G-13**  
Nashboro Village  
Map 135, Parcel(s) 329 and 79  
Subarea 13 (1996)  
District 27 (Sontany)

A request to revise the preliminary plan for three phases of the Residential Planned Unit Development located abutting the north margin of Nashboro Boulevard and the south margin of Smith Springs Road, classified RM6, (17.62 acres), to permit the addition of 19 multi-family units in phase 21 for a total of 121 units using undeveloped units from two previously revised phases and to provide for a driveway connection to an adjoining residential PUD, (Nashboro Village Fairway Pointe), requested by Wamble and Associates for WDN Properties, LTD, owner.

Staff recommends *conditional approval*.

This request is to revise the preliminary plan for the Residential PUD district located at Nashboro Boulevard between Bell Road and Murfreesboro Road to permit the addition of 19 multi-family units in Phase 21, for a total of 121 units in this phase. This plan also revises the internal access points of several private driveways to allow a connection between this PUD and an adjacent PUD (Nashboro-Fairway Pointe, 99P-009U-13). The plan proposes a second driveway on Nashboro Boulevard through Phase 7. This phase was previously approved with 78 multi-family units and one access driveway.

In April 1999 and July 2000 Phases 18 and 19 were revised by the Planning Commission to reduce the number of townhomes for both phases by a total of 19 units. Although this revision redistributes units from one phase to another, the overall density of this PUD does not change since it maintains the same number of overall units as the last Council approved plan. This PUD is also consistent with the Subarea 13 Plan’s Residential Medium (RM) policy calling for 4 to 9 dwelling units per acre. The overall density within this PUD is 6.7 dwelling units per acre, including a total of 2,507 total dwelling units in 28 phases. Staff recommends conditional approval provided Public Works and Water and Sewer approve the preliminary plan, prior to the Planning Commission. meeting.

**Turn Lane**

This plan will also include a similar condition to the one that was applied to Phase 7 in 1999. This condition required the developer to construct a new northbound left-turn lane on Bell Road at Nashboro Boulevard. At the time the condition was approved and bonded by the Planning Commission, the Public Works

Department had scheduled no improvements for Bell Road. Subsequently, Public Works has indicated that they will be completing road improvements to Bell Road, including a left-turn lane for this portion of Bell Road. Currently, the Public Works Department is negotiating an agreement with Vastland Realty Group, LLC to allow a payment in-lieu of the road improvements being completed by the developer. When this agreement is reached the Executive Director of the Planning Department will administratively approve the elimination of the condition requiring the developer to construct the turn lane. With this proposed revision, Phase 21 will now have access through Phase 7, requiring the condition to apply to Phase 21 as well. The condition will be revised to read as follows: *Prior to the issuance of any building permits for Phase 21, and any building permits beyond 58 units in Phase 7, a new northbound left-turn lane, with a length of 125 to 150 feet and a 250 foot transition, shall be constructed on Bell Road at Nashboro Boulevard. Should an agreement be reached between Vastland Realty Group, LLC and the Metro Department of Public Works for a payment in-lieu of constructing the turn lane, the building permit limitation described above shall not apply.*

**Resolution No. 2001-451**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 74-79-G-13 is given **CONDITIONAL PRELIMINARY PUD APPROVAL (8-0)**: The following conditions apply:

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
3. Prior to the issuance of any building permits for Phase 21, and any building permits beyond 58 units in Phase 7, a new northbound left-turn lane, with a length of 125 to 150 feet and a 250 foot transition, shall be constructed on Bell Road at Nashboro Boulevard. Should an agreement be reached between Vastland Realty Group, LLC and the Metro Department of Public Works for a payment in-lieu of constructing the turn lane, the building permit limitation described above shall not apply.”

**21. 71-86-P-14**  
Stewartwood Annex Commercial PUD  
Map 96, Parcel(s) 56  
Subarea 14 (1996)  
District 14 (Stanley)

A request to revise the preliminary plan and for final approval for a phase of the Commercial (General) Planned Unit Development located abutting the north margin of Stewarts Ferry Pike, 800 feet east of McCrory Road, classified CL, (1.68 acres), to permit the development of 3,300 square foot fast-food drive-in restaurant on the preliminary plan and final approval for a 10,500 square foot office building, replacing an undeveloped 3,300 square foot drive-in fast-food restaurant and a 12,000 square foot office, requested by Garry Batson for John A Thweatt, owner.

Staff recommends *conditional approval*.

This request is to revise the preliminary plan and for final approval for a phase of the Commercial PUD district located along the north margin of Stewarts Ferry Pike, east of McCrory Creek Road. The request is to permit a 3,300 square foot fast-food restaurant with a drive-thru facility, and for final approval for a 1-story, 10,500 square foot office building, replacing a 3,300 square foot drive-thru restaurant and a 2-story, 12,000 square foot office building. This plan also proposes to create two lots where one parcel exists today, to allow each lot to be sold individually. The applicant has indicated these revisions were necessary in order to meet the new Stormwater Management Regulations that were not in place in 1986 when this PUD

was originally approved. This plan shifts the office building from the west side of the site to the east side, while adding an internal driveway connection to the adjacent property to the west on tax map 96, parcel 57. The buildings are being relocated on the plan to allow for the additional connection to the adjacent property. The property to the west is an approved Commercial PUD. The PUD maintains its primary access through a joint access driveway on Stewarts Ferry Pike. Staff recommends conditional approval provided Public Works and Water and Sewer approve the plans, prior to the Planning Commission meeting. This plan will also be conditioned that no building permits will be issued prior to the recordation of a final subdivision plat.

**Resolution No. 2001-452**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 71-86-P-14 is given **APPROVAL TO REVISE THE PRELIMINARY AND CONDITIONAL FINAL PUD APPROVAL FOR A PHASE(8-0)**: The following conditions apply:

1. 1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. 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. 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. 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. 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.
6. 6. Prior to the issuance of any building permits, a final plat shall be recorded, including all necessary bonds for public improvements.”

**22. 99P-009U-13**  
Nashboro-Fairay Pointe  
Map 135, Parcel(s) 212 and 213  
Subarea 13 (1996)  
District 27 (Sontany)

A request to revise the preliminary plan and for final approval for the Planned Unit Development district located abutting the south margin of Old Smith Springs Road, north of Nashboro Boulevard, classified RM6 (4.88 acres), to permit the development of 29 multi-family units and to provide a driveway connector to the adjoining PUD, (Nashboro Village), requested by Wamble and Associates for Vastland Nashboro Development, LLC, owners.

Staff recommends *conditional approval*.



This request is to revise the preliminary plan and for final approval for the PUD district located along the south margin of Old Smith Springs Road, adjacent to the Nashboro Village PUD (see Nashboro Village PUD, 74-79-G-13), to permit 29 townhomes on 4.88 acres, where the Planning Commission approved 29 townhomes in January 2000. The plan is consistent with the approved density of 5.94 units per acre, the base zoning of RM6, and the surrounding area. The design also ties into the existing Nashboro Village PUD to the west and south. While the plan revises the layout of the units to provide an internal connection between this PUD and the Nashboro Village PUD adjacent on the west and south, it is consistent with the plan approved by Council. That plan anticipated a future connection to the adjacent PUD. Staff recommends conditional approval provided a revised landscaping and parking plan is submitted, and provided the Public Works and Water and Sewer Departments have approved the plans, prior to the Planning Commission meeting.

**Resolution No. 2001-453**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 99P-009U-13 is given **CONDITIONAL FINAL PUD APPROVAL (8-0)**: The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final plat approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. 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.
6. 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.
7. This final plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
8. Prior to the issuance of any building permits, a subdivision plat combining parcels 212 and 213 on tax map 135 shall be recorded including the posting of any required bonds for water and sewer line extensions.”

**23. 2001P-006U-12**  
Brentwood Station Storage  
Map 171, Parcel(s) 29, 30 and 31  
Subarea 12 (1997)

District 32 (Jenkins)

A request for final approval for a Planned Unit Development located abutting the north margin of Church Street East at the Williamson County Line (2.31 acres), classified CS and OG, to permit the development of a 98,500 square foot, 44 foot tall, mini-storage facility, requested by Gresham Smith and Partners, for Mooreland Title Company, LLC. owner.

Staff recommends *conditional approval*.

This request is for final approval of a PUD located along the north margin of Church Street East at the Williamson County line, to permit a 4-story mini-storage facility (44 feet tall) containing 98,500 square feet. The preliminary PUD plan was approved by the Planning Commission on July 19, 2001 and subsequently approved by the Metro Council. The PUD is proposed with one access point from Church Street East, including a required left-turn lane into the site from Church Street East. This turn lane is located in the City of Brentwood's jurisdiction and will require that city's approval.

Unified Plat of Subdivision

The PUD plan uses the unified plat of subdivision option of the Zoning Ordinance (Section 17.40.170C) to redistribute the floor area from one portion of the site zoned Office General (OG) to another portion of the site zoned Commercial Services (CS). Since the building is proposed on the portion of the site zoned CS, more floor area is allowed than would otherwise be permitted under the CS district. The 1.5 FAR permitted by the OG on a portion of the site (parcel 31) zoning will be transferred to parcels 29 and 30, both of which are zoned CS district. The rear portion of parcel 31 remains as permanent open space.

Staff recommends conditional approval of the PUD provided Public Works and the Traffic Engineer approve the plans prior to the Planning Commission meeting. There is also a condition that no grading permits will be issued prior to the City of Brentwood approving the left-turn lane into the site.

**Resolution No. 2001-454**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001P-006U-12 is given **CONDITIONAL FINAL PUD APPROVAL (8-0)**: The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to any revised preliminary or final PUD submittal for any phase of this PUD, a boundary plat shall be submitted to the Planning Commission for review and approval.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. Prior to the issuance of any building permits, the requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met.
5. Prior to the issuance of any building or grading permits, the City of Brentwood shall approve the required left-turn lane into the site.”

**MANDATORY REFERRALS**

25. 2001M-051U-09

Closure of Alley #86  
Map 93-14, Parcel(s) 206, 207, 208, 211, 212, 215, 216  
Subarea 9 (1997)  
District 19 (Wallace)

A request to close Alley #86 beginning at Alley #87 and terminating at parcels 208 and 218 on tax map 93-14, requested by Richard Ropelewski for abutting property owners. Easements are to be retained.

Staff recommends *approval*.

This is a request to close unbuild Alley #86 from its terminus to Alley #87. It is not used for trash pick-up or alternative access. On September 13, 2001, the Planning Commission acted to close a portion of Alley #87 that runs from 7<sup>th</sup> Avenue South to Alley #142, but did not include in its motion Alley #86. By closing Alley #87, Alley #86 was de facto closed too since it terminates at Alley #87. But since it was not included in the Commission's actual motion to approve the closure of Alley #87, staff decided this alley ought to be formally acted upon by the Commission.

The Public Works Department continues not to support the closure of Alley #87, since downtown alleys are needed for trash pick-up, emergency access, alternative access to buildings and rear parking. The department does support Alley 86's closure since it is unbuild and not used.

Staff recommends approval of Alley #86's closure since the Commission previously supported closing a portion of Alley #87.

**Resolution No. 2001-455**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-051U-09 is **APPROVED (8-0)**."

**26. 2001M-093U-05**  
Council Bill No. BL2001-844  
Matthews Avenue Property Acceptance  
Map 061-11, Parcel(s) 299, 305  
Subarea 5 (1994)  
District 8 (Hart)

A council bill to accept the donation of .02 acres of land (parcels 299 and 305 on tax map 61-11) located on McMahan Avenue (unnumbered) and Matthew Avenue (unnumbered) for additional right-of-way along Matthew Avenue, requested by the Public Property Administrator.

Staff recommends *approval*.

This council bill is to accept a donation of .02 acres of land (parcels 299 and 305 on tax map 61-11) to increase the right-of-way width of Matthews Avenue by one foot. The property is being donated by Jackson Park Christian Homes, Inc. The Interim Director of Public Works and the Director of Public Property have approved the acceptance of this property.

**Resolution No. 2001-456**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-093U-05 is **APPROVED (8-0)**."

**28. 2001M-098U-10**  
Close Unbuild Portion of Oaklawn Avenue

Map 116-08, Parcel(s) 126, 143; Map 116-04, Parcel(s) 164, 165  
Subarea 10 (1994)  
District 25 (Shulman)

A request to close an unbuilt portion of Oaklawn Avenue between Estes Road and Wilson Boulevard South, requested by Jack & Charlene Goostree, appellant and abutting property owner. Easements are to be retained.

Staff recommends *approval*.

This request was deferred from the September 27, 2001 meeting since Public Works and NES had not yet provided comments on this proposed closure. The request is to close an unbuilt portion of Oaklawn Avenue between Estes Road and Wilson Boulevard South by abutting property owners. Easements are to be retained. Oaklawn Avenue was dedicated on a plat called Woodmont Park subdivision in 1927. The abutting property owners are requesting this closure to protect the mature trees that are within the right-of-way from ever being removed and to ensure Oaklawn never connects to Estes Road.

Staff recommends approval as all reviewing agencies and departments, including NES and Public Works have approved the closure.

**Resolution No. 2001-457**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-098U-10 is **APPROVED (8-0)**."

**29. 2001M-099U-08**  
Council Bill No. BL2001-845  
Sale of Property at 910 11th Avenue North  
Map 92-04, Parcel(s) 279  
Subarea 8 (1995)  
District 20 (Haddox)

A council bill approving the sale of surplus Metro Government property at 910 11th Avenue South (.09 acres), RS3.75 District, requested by the Public Property Administrator.

Staff recommends *approval*.

This council bill is to sell vacant residential property at 910 11<sup>th</sup> Avenue North (.09 acres), between Jackson Street and Herman Street. The property is located within the Hope Gardens neighborhood and is zoned RS3.75 district. It is also located within the Urban Zoning Overlay district. Metro Government obtained this property through the prior owner's failure to pay property taxes. The Public Property Administrator has set the minimum sale price at \$3,000 for this lot.

Staff recommends approval of this property sale since there is no need governmental need for it.

**Resolution No. 2001-458**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-099U-08 is **APPROVED (8-0)**."

**OTHER BUSINESS**

31. Employee contracts for Keith D. Covington and Robert P. Leeman

**Resolution No. 2001-459**

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the employee contracts for Keith D. Covington and Robert P. Leeman for one year.”

This concluded the items on the consent agenda.

**PUBLIC HEARING**

**ZONING MAP AMENDMENTS**

**3. 2001Z-101U-03**

Map 070-13, Parcel(s) 67

Subarea 3 (1998)

District 2 (Black)

A request to change from R8 district to CN district properties at 2126 Buena Vista Pike, approximately 900 feet northeast of Clarksville Pike, (0.84 acres), requested by Christopher and Deborah Beach, owners.

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

A Subarea Plan Amendment is required, and none was submitted.

No traffic Impact study required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change 0.84 acres from R8 (residential) to CN (commercial) district at 2126 Buena Vista Pike approximately 900 feet northeast of Clarksville Pike. The existing R8 district is intended for single-family homes and duplexes at 4.6 units per acres. The proposed CN district is intended for neighborhood retail, office, and commercial service uses which provide for the daily shopping needs of nearby residential areas. The applicant is requesting this zone change to accommodate a hair salon.

This residential area along Buena Vista Pike has received quite a bit of scrutiny during the past year. The Planning Commission approved in June 2001 a subarea plan amendment and RM40 zoning for an independent-care facility on parcels 69 and 70 (2001Z-036U-03). At that time, there was considerable debate in the community on intensifying land uses along Buena Vista Pike. In October 2000, the Planning Commission disapproved rezoning parcels 127 and 128 (2000Z-127U-03) east of this property at the Cliff Drive/Buena Vista Pike intersection.

While the Council subsequently approved CL zoning for parcel 128 and CN zoning for parcel 127, the Commission found the commercial zoning inconsistent with the Subarea 3 Plan's Residential Low Medium (RLM) policy. That policy calls for residential uses ranging from 2 to 4 units per acre.

Staff recommends disapproval of the CN zoning as contrary to the General Plan. This zone change is inconsistent with the subarea plan's RLM policy. In addition, vacant and underutilized commercial properties exist at the Buena Vista Pike/Clarksville Pike intersection as well as at Buena Vista Pike/Cliff Drive. Given there is no market need to rezone this property, any increase in commercial opportunities along Buena Vista Pike would serve to diminish the commercial viability of these nearby intersections.

**Traffic**

The Metro Traffic Engineer has indicated that Buena Vista Pike and Clarksville Pike can accommodate the proposed CN zoning.

Mr. Christopher Beach spoke in favor of the proposal.

Ms. Nielson moved and Vice Chairman Small seconded the motion, which carried unanimously, to disapprove as contrary to the General Plan.

**Resolution No. 2001-460**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-101U-03 is **DISAPPROVED (8-0) as contrary to the General Plan**

**The existing Subarea 3 Plan's Residential Low Medium (RLM) policy calls for residential uses at up to 4 dwelling units per acre. The proposed Commercial Neighborhood (CN) district is inconsistent with the subarea plan's RLM policy. In addition, vacant and underutilized commercial properties exist at the Buena Vista Pike/Clarksville Pike intersection as well as at Buena Vista Pike/Cliff Drive. Given there is no market need to rezone this property, any increase in commercial opportunities along Buena Vista Pike would serve to diminish the commercial viability of these nearby intersections."**

**4. 2001Z-102U-08**

Map 092-02, Parcel(s) 205 (.32 ac); 207 (.16 ac); 208 (.18 ac); 209  
(.12 ac); 211 (.05 ac)  
Subarea 8 (1995)  
District 21 (Whitmore)

A request to change from R6 district to MUL district properties at 1002, 1004, 1006, and 1010 28th Avenue North and 2712 Albion Street, opposite Hadley Park, (0.83 acres), requested by Deborah Howlett Anderson, for Elaine Bailey and the heirs of John Howlett, Jr., owners.

Ms. Regen stated staff recommends *disapproval as contrary to the General Plan*.

A Subarea Plan Amendment is required, but none was required since staff analyzed proposed rezoning as part of Subarea 8 Plan update.

No traffic Impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change 0.83 acres from R6 (residential) to MUL (mix use limited) district at 1002, 1004, 1006, and 1010 28<sup>th</sup> Avenue North and 2712 Albion Street. The current R6 district requires minimum lot sizes of 6,000 square feet and is intended for single-family and duplex residential uses at 6.2 units per acre. The proposed MUL district is intended for a moderate intensity of residential, retail, commercial, restaurant, and office uses. The Planning Commission considered a similar rezoning by this applicant on June 27, 2001 for parcels 207-209 (2001Z-019U-08). The Commission recommended disapproval of the MUL zoning as contrary to the General Plan. The applicant wants to construct a full-service restaurant on the property.

When the previous application was disapproved by the Commission, the Subarea 8 Plan update was underway as was the Hadley Park neighborhood plan. Those efforts are nearing completion next month. During the preparation of these plans, community meetings were held. The Planning Commission had requested a meeting be held to discuss the viability of residential uses in this area, particularly single-family homes. The residents who attended these meetings indicated they did not support applying a mixed-use policy to this area bounded by I-40, Hadley Park, and Jefferson Street. Presently, the draft Plan for Subarea 8 states the following about these particular properties:

*"Due to its lack of access and proximity to the Interstate 40 off-ramp, property along 28<sup>th</sup> Avenue North from the ramp to Alameda Street should be developed for higher intensity housing. The residential use should take advantage of the alley for automobile access and the building should fit with the character of*

*the existing architecture of the neighborhood. The community desires more market rate housing throughout the neighborhood.”*

Staff recommends disapproval of the MUL zoning as contrary to the General Plan. The MUL zoning is inconsistent with the current subarea plan’s Residential Medium (RM) policy and the draft language in the plan update that reflects the views of the affected neighbors who have participated in the update process. RM policy calls for 4 to 9 dwelling units per acre. There are ample commercial opportunities in the CN zoning to the southwest at the Albion Street/28<sup>th</sup> Avenue North intersection and along the Jefferson Street corridor. It is important to focus commercial activities within the existing commercial zoning along that corridor.

*Traffic*

TDOT has indicated that several of these properties are within the controlled access zone of the I-40 west off-ramp. TDOT would not allow a driveway cut anywhere on 28<sup>th</sup> Avenue North from the Albion Street centerline to a point 385 feet north, which falls at the northern side of parcel 207. Any access to these properties would have to be from the alley to rear of the properties.

Ms. Elaine Bailey Bond spoke in favor of the proposal and stated that when she was in school she was inspired to be a business owner in that area. The Commission has seen this property before and that she would have never bought the property if she had known it would be this much trouble.

Ms. Deborah Hewlett Anderson spoke in favor of the proposal and stated she owned the two lots that had been added to this proposal since the Commission had seen it.

Mr. Joseph Bond spoke in favor of the proposal and showed the Commission a draft he had drawn up to show how he would have access with the additional lots.

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

Mr. Clifton stated this area could be saved and should remain residential.

Councilmember Summers moved and Ms. Jones seconded the motion, which carried unanimously, to disapprove.

**Resolution No. 2001-461**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-102U-08 is **DISAPPROVED (8-0) as contrary to the General Plan:**

**The existing Subarea 8 Plan’s Residential Medium (RM) policy calls for residential uses at up to 9 dwelling units per acre. The draft Subarea 8 Plan’s Neighborhood General (NG) policy and structure plan calls for a mixture of single-family and multi-family uses for this area. The proposed MUL zoning is inconsistent with the current RM policy and the draft plan update. Community members were notified of this proposed request to change the zoning to allow for a full-service restaurant. Through the Subarea 8 update process, the community indicated commercial uses should be focused along Jefferson Street. The community indicated this area bounded by I-40, 28<sup>th</sup> Avenue North, and the rear properties along Jefferson Street should remain residential. There are ample commercial opportunities in the CN zoning to the southwest at the Albion Street/28<sup>th</sup> Avenue North intersection and along the Jefferson Street corridor.”**

**5. 2001Z-103U-12**

Map 160-00, Parcel(s) 174 (1.32 ac), 75 (1.46 ac), 76 (1.32 ac);

Map 160-00, Parcel(s) 73 (2.72 ac);

Map 160-00, Parcel(s) 74 (1.46 ac)

Subarea 12 (1997)  
District 32 (Jenkins)

A request to change from R40 district to RM4 district properties at 5600 Valley View Road, Valley View Road (unnumbered), and 5605 and 5609 Cloverland Drive and Cloverland Drive (unnumbered), lying between Valley View Road and Cloverland Drive along Old Hickory Boulevard, (8.28 acres), requested by Steve Smith, for G. W. Buford et ux, William Vaughn et ux, Joy L. Vaughn, and Linda E. B. Nagy owners.

Ms. Regen stated staff recommends *conditional approval* subject to approval by the Metro Traffic Engineer.

No Subarea Plan Amendment required.

No traffic Impact study required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change 8.3 acres from R40 (residential) to RM4 (residential) district at 5600 Valley View Road, Valley View Road (unnumbered), and 5605 and 5609 Cloverland Drive and Cloverland Drive (unnumbered), lying between Valley View Road and Cloverland Drive along Old Hickory Boulevard. The existing R40 district is intended for single-family and duplex homes at 1 dwelling unit per acre. The proposed RM4 is intended for single-family, duplex, and multi-family dwellings at 4 units per acre. With RM4 zoning, up to 33 dwelling units could be constructed versus 8 dwelling units under the current R40 zoning.

Staff recommends approval of the RM4 zoning since it is consistent with RM policy. The applicants would like to construct a townhouse development similar to what Haury & Smith constructed to the west on Old Hickory Boulevard (parcel 67). The Commission and Council supported rezoning parcel 67 to RM6 district (2000Z-092U-12; BL2000-474). When that property was rezoned, the Commission also supported an amendment to the Subarea 12 Plan. That amendment applied Residential Medium (RM) policy to properties fronting Old Hickory Boulevard between Oakes Drive and the east side of Cloverland Drive. While RM policy permits up to a maximum of 9 units per acre, the Commission indicated that no more than 6 units per acre should be permitted in this policy area.

#### Traffic

The Metro Traffic Engineer is continuing to review this rezoning. Staff will provide the Commission with any required traffic improvements at the Commission meeting.

#### Schools

A multi-family development at RM4 density will generate approximately 4 students (2 elementary, 1 middle, and 1 high school). There is no excess capacity at Granbery Elementary School with a current enrollment of 879 students and a capacity of 680 students, while McMurray Middle School and Overton High School currently have sufficient capacity to accommodate additional development in this area. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

Mr. Ed Owens, Gresham Smith and Partners, stated he was present to answer any questions the Commission might have.

Mr. Bill Moser, representing the Homeowners Association for Cloverland Estates, stated they opposed the proposal and would like to keep the property the way it is. He presented the Commission with a petition in opposition.

Ms. Nielson moved and Mr. Cochran seconded the motion, which carried with Councilmember Summers abstaining, to close the public hearing and approve.



**Resolution No. 2001-462**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-103U-12 is **APPROVED (7-1)**:

**Staff recommends approval of the RM4 zoning since it is consistent with RM policy. The Subarea 12 Plan's Residential Medium (RM) policy calls for up to 9 dwelling units per acre. While RM policy permits up to a maximum of 9 units per acre, the Commission indicated that no more than 6 units per acre should be permitted in this policy area. When these properties are consolidated into one lot for development, the applicant shall also be required to dedicate 11 feet of right-of-way along Cloverland Drive, as required by the Metro Traffic Engineer."**

**6. 135-78-G-14**  
Council Bill No. BL2001-851  
Sullivan Commercial Center  
Map 86, Parcel(s) 189  
Subarea 14 (1996)  
District 12 (Ponder)

A council bill to cancel a portion of the Commercial (General) Planned Unit Development District located at 4056 Andrew Jackson Way, south of Old Lebanon Dirt Road, classified CL, (0.44 acres), to cancel a portion of the plan containing an auto-repair use, requested by Sidney Singleton, appellant for Roberto Branchizio, owner.

Mr. Leeman staff recommends *disapproval*.

This council bill is to cancel a portion of a developed Commercial PUD district located along the east side of Andrew Jackson Way and the west side of Andrew Jackson Parkway. The applicant is requesting to cancel this portion of the PUD to expand his current auto repair business to include car sales. The CL (commercial-limited) base zoning does not allow car sales. By canceling the PUD, the applicant's auto repair use would become non-conforming since it is not permitted within the CL district. As a non-conforming use, the applicant can appeal to the Board of Zoning Appeals to expand his auto-repair use to include car sales.

*Background*

The Metro Council originally approved this PUD in 1978 for general retail uses. It was subsequently revised to include an auto-repair use on this parcel. In 1998, the CL base zoning was applied with the countywide zoning map update. Prior to 1998, the property had no base zoning; it simply had a Commercial PUD. In 2000, the Planning Commission and Metro Council approved a text amendment specifically prohibiting car sales in the CL district (2000Z-006T; BL2000-203).

*PUD Requirements*

With the 1998 Zoning Ordinance update, all existing PUDs were grandfathered. A subsequent amendment to the code in 2000 (2000Z-020T; O99-117) clarified what uses were permitted in PUDs. Section 17.40.120G.2.j. of the Zoning Ordinance was amended to clarify that within a grandfathered PUD, permitted uses include those specifically identified on the Council approved preliminary PUD plan, or what is currently permitted by the underlying base zoning district. Property owners were attempting then, and still do, to have not only those specific uses on the original plan, but the *availability* of all uses allowed in a Commercial PUD under the preceding code. This broad interpretation negates the Council approved plan and the current base zoning district (which may prohibit the use).

*Subarea Plan*

The Subarea 14 Plan designates this area as Commercial Arterial Existing (CAE) that is generally designated to recognize existing areas of “strip commercial.” The cancellation of this PUD would not conflict with the subarea plan.

Staff recommends disapproval of canceling this portion of the PUD. Unlike most of the requests considered by the Commission, this one represents a conflict with zoning not the subarea plan. Canceling the PUD would create a non-conforming use situation. The CL base zoning does not permit the applicant’s existing auto repair use or his proposed car sales use. Furthermore, the Council specifically prohibited car sales in the CL district with its recent text amendment. When rezoning property, non-conforming situations should be alleviated not created.

Councilmember Ponder spoke in favor of the proposal and explained there is no neighborhood opposition and that this would be a very small operation.

Councilmember Summers stated his understanding was that unless the base zoning permitted it someone could not expand their business.

Mr. Leeman stated it would be up to the BZA to decide as to whether or not the non-conforming use could be changed or not.

Mr. Fox confirmed Mr. Leeman’s statement.

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

**Resolution No. 2001-463**

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 135-78-G-14 is given **DISAPPROVAL (8-0):**

**Canceling the PUD would create a non-conforming use situation. The CL base zoning does not permit the applicant’s existing auto repair use or his proposed car sales use.”**

Councilmember Summers stated he would like to have a legal opinion as to what authority the BZA has.

**PRELIMINARY PLAT SUBDIVISIONS**

- 7. 2000S-368G-12**  
BRUCKERT SUBD.  
Map 187-00, Parcel(s) 029, 044 & 077  
Subarea 12 (1997)  
District 31 (Knoch)

A request for preliminary and final plat approval to subdivide three parcels into two lots abutting the north margin of Burkitt Road, approximately 4,273 feet east of Whittemore Lane (3.49 acres), classified within AR2a District, requested by William M. Bruckert et ux, owners/developers, John Kohl and Company, surveyor.

Ms. Regen stated staff recommends *conditional approval* subject to a variance for lot depth to width ratio.

This request is for preliminary and final plat approval to subdivide three parcels into two lots abutting the north margin of Burkitt Road, approximately 4,270 feet east of Whittemore Lane (3.49 acres) within the AR2a district.

The Board of Zoning Appeals (BZA) approved a variance on September 6, 2001 to the minimum lot size requirement of Section 17.40.250 of the Zoning Ordinance for parcel 29 (BZA Case# 01-128). The AR2a district requires 2 acres of land for each lot and the BZA approved 1.49 acres for lot 1.

This property originally consisted of three parcels: one landlocked (parcel 77), a second with frontage on Burkitt Road (parcel 29), and the third a flag-shaped piece of property (parcel 44). By subdividing this property into two lots the landlocked and the flag-shaped parcels are eliminated. The subdivision of these three parcels will cause lot one to exceed the Subdivision Regulations "4:1 rule". As provided in Chapter 2-4.2(E), a lot's length cannot exceed four times its width when the lot is less than 2 acres in size. Lot 1 fails this standard since its length measures 570 feet, 50 feet deeper than permitted. No variance is required for lot 2 since it exceeds 2 acres.

Staff recommends conditional approval of the preliminary and final plat to create two lots subject to a variance for lot width to depth ratio. Lot 1 is similar in size to lot 2 and the lot configuration resembles that of surrounding lots. Staff supports a variance for Lot 1 since it is configured similarly to other lots in the area.

Mr. William Bruckert spoke in favor of the proposal.

Ms. Nielson moved and Vice Chairman Small seconded the motion, which carried unanimously, to approve staff recommendation.

**Resolution No. 2001-464**

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-368G-12, is **APPROVED WITH VARIANCE FOR LOT DEPTH TO WIDTH RATIO, SECTION 2-4.2E OF THE SUBDIVISION REGULATIONS (8-0).**"

**8. 2000S-396G-04**

CANTON PASS SUBD.

Map 053-00, Parcel(s) 021

Subarea 4 (1998)

District 9 (Dillard)

A request for preliminary approval for 130 lots abutting the east terminus of Canton Pass, approximately 360 feet east of Cheyenne Boulevard (95.16 acres), classified within the RS15 District, requested by Alvin R. Hawkins, owner/developer, Littlejohn Engineering, surveyor.

A request for preliminary and final plat approval to subdivide three parcels into two lots abutting the north margin of Burkitt Road, approximately 4,273 feet east of Whittemore Lane (3.49 acres), classified within AR2a District, requested by William M. Bruckert et ux, owners/developers, John Kohl and Company, surveyor.

Mr. Sewell stated staff recommends *conditional approval* subject to variances for cul-de-sac length, maximum lot size, lot depth to width ratio, floodway buffer, open space conservation easement, and sidewalks.

This request was deferred indefinitely from the Planning Commission meeting on August 30, 2001 because the applicant was required to go before the Storm Water Management Committee on the September 21, 2001. The request was previously deferred in order for the applicant to work out issues with the staff and the Greenways Commission.

This request is for preliminary plat approval for a 130-lot residential subdivision located on approximately 95 acres at the terminus of Canton Pass, east of Cheyenne Boulevard in the RS15 district on the south bank of

the Cumberland River. The proposed density is 1.37 dwelling units per acre. A similar preliminary plat was approved on January 7, 1999 for 133 single-family lots, but that plat expired on January 7, 2001. A previous preliminary plat was approved in April 1996, but it also expired. A significant portion of this property is encumbered by the Cumberland River floodway and floodplain. A greenway trail along the river will be dedicated and constructed by the applicant.

This property's floodplain has been filled by the landowner over the years with various materials, resulting in concerns about soil conditions and compaction. When the plat was originally approved in 1996, it was conditioned with the requirement for a geotechnical study. That study shall be required in conjunction with the final plat to determine roadbed compaction, prior to Public Works approving any street construction plans. In addition, prior to final plat approval, an engineering report shall be required to verify the viability and integrity of all proposed lots to support residential structures. Finished floor elevations for all lots will also need to be shown on the final plat.

The applicant plans a future FEMA map amendment that would alter the existing location of the floodway based on the changes created by filling. The amendment would remove some of the floodway from the applicant's property and add floodway to properties across the Cumberland River from the site. The FEMA map amendment process requires notification of all affected property owners. The amendment will not take place prior to this Planning Commission meeting, which will mean that Lot 58 cannot be developed, as the applicant indicates on the plat. Lot 58 does not include enough of a building envelope outside of the existing floodway on which to build. The map amendment would create enough building envelope for Lot 58 as well as create room for the other lots backing up to the river to construct decks and out buildings. The applicant plans to seek the map amendment following the Planning Commission approval of the preliminary plat and before he submits the final plat to staff.

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

#### Dead-End Cul-de-Sac

In order to avoid an excessively long dead-end street, two connections to streets to the west were required. Even with these connections, there is still an 800-foot long cul-de-sac, which requires a variance from the 750-foot maximum length permitted by the Subdivision Regulations.

#### Maximum Lot Size and Lot Depth to Width Ratio

Variances from the maximum lot size (45,000 square feet) and the 4:1 lot depth-to-width ratio in the Subdivision Regulations are also required for 52 lots. Due to the floodplain in the area, the applicant's proposal is the best possible pattern for development of the property that also provides for private boat docks.

#### Floodway Buffer

The applicant received a variance from the Stormwater Management Board on April 19, 2001 to eliminate the required 50-foot floodway buffer along the Cumberland River. The buffer's elimination allowed the applicant to provide lots with a reasonable building envelope. The Board approved the variance with the following conditions:

Metro Greenways staff shall provide a letter to Public Works to verify that all of their requirements have been adequately addressed.

Only one boat dock shall be allowed for every six lots that back up to Hill Island. A common access pathway shall be provided for each six lots so that only one footpath shall cross the Greenway trail for each boat dock.

All filling of the property to prepare the lots for construction shall be completed by August 5, 2001. No filling shall take place after that date. All disturbed areas shall be covered with seed and straw for stabilization immediately at the conclusion of the filling.

The undisturbed buffer area along the river shall include the entire floodway and shall be platted as a conservation easement. Restrictions for the use of the easement shall be in writing and provided to Public Works and Metro greenways for review and approval. No fences will be allowed on any portion of the lots within the floodway.

The applicant violated condition No. 3 and continued to fill after August 5, 2001. Public Works issued a stop work order on August 24, 2001 and required the applicant to go back before the Stormwater Management Committee on September 21st to extend the August 5th deadline. That is why the applicant requested Planning Commission deferral at the August 30th MPC meeting.

At the September 21, 2001 Storm Water Management Committee meeting, the committee deferred the applicant's request to continue filling until final construction plans for the subdivision are approved by Public Works. The committee offered the following statement to clarify their position:

*No additional filling or grading of any nature shall take place on the property until construction plans for the subdivision are approved by Public Works. This includes the dumping or spreading of any material including rock, dirt, or topsoil. [emphasis added]*

The disturbed areas shall be stabilized as best as possible. Some areas may not be able to sustain an adequate growth of vegetation because of a lack of adequate soil cover.

*The stop work order posted on August 24, 2001, remains in affect. [emphasis added]*

The recording of the preliminary plat through the Metro Planning Commission can occur. The site is in compliance with the requirements of the committee as long as items #1-3 above are followed.

#### Open Space Conservation Easement

The Subdivision Regulations require an open space conservation easement in addition to the floodway buffer. The 50-foot floodway buffer coincides with the 75-foot open space buffer except for the remaining 25 feet. The Greenways Commission has agreed to not requiring the 75-foot buffer. Instead, the applicant will show the entire floodway as the open space conservation easement, as well as the pedestrian access trails that connect the greenway to the subdivision sidewalk system. The river's floodplain is so extensive on this site that if the trail were provided at the floodway fringe, as provided in the Subdivision Regulations, it would be far away from the actual riverbank. Therefore, the Greenways Commission agreed to altering the 75-foot buffer since the developer has agreed to construct the greenway trail at the river's edge. The greenway trail is a public access trail with a width of 14 feet.

The conditions of approval will include that the developer will finish his portion of the greenway in phase one. Construction drawings for Phase 1 must include the drawings for the entire greenway. The developer will be providing a 14-foot wide crusher with room for Metro to pave a 10-foot wide trail in the future. The trail will have two-foot wide shoulders.

The developer must complete the grading for the entire greenway before he can receive his first building permit. Signs indicating the presence of a public greenway trail must be located every 100' along the property at the edge of the conservation easement prior to the first building permit. The developer shall be responsible for the maintenance of all signs until all lots within the subdivision have been sold to the ultimate home purchaser. He must build the subsurface crusher layer prior to receiving building permits for homes that won't be used for models. We want the greenway to be visible to people buying the lots.

#### Sidewalks

The applicant plans to construct the 14-foot wide crushed rock public access trail in the greenway easement. Due to the significant investment this represents, staff recommends a variance to the sidewalk requirement for Arabian Court and Morgan Court, two cul-de-sac streets. The applicant also plans to provide pedestrian access easements and build three pedestrian paths connecting the subdivision to the public access trail (greenway).

No one was present to speak at the public hearing.

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

**Resolution No. 2001-465**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-396G-04, is **APPROVED WITH CONDITIONS AND VARIANCES TO THE SUBDIVISION REGULATIONS FOR LENGTH OF A DEAD-END CUL-DE-SAC (SECTION 2-6.2.2E(2), MAXIMUM LOT SIZE (SECTION 2-4.2D), LOT DEPTH TO WIDTH RATIO (SECTION 2-4.2E), 75 FOOT OPEN SPACE CONSERVATION EASEMENT (SECTION 2-7.5), AND SIDEWALKS ON ARABIAN COURT AND MORGAN COURT (SECTION 2-6.1A), (8-0).**”

**9. 2001S-214U-13**  
ALDWYCH VILLAGE  
Map 148, Parcel(s) 065  
Subarea 13 (1996)  
District 28 (Alexander)

A request for preliminary approval for 93 lots abutting the south margin of Franklin Limestone Road and abutting the southeast terminus of Aldwych Court (25.71 acres), classified within the RS7.5 District, requested by M. K. Stevenson, owner/developer, Dale and Associates, Inc., surveyor.

Mr. Sewell stated staff recommends *conditional approval* subject to a variance for a sidewalk along Franklin-Limestone Road.

This item was deferred for two weeks at the September 27, 2001 meeting in order for Councilmember Alexander to hold additional meetings with area residents. This request is for preliminary plat approval for a cluster lot subdivision to create 93 single-family lots on approximately 26 acres abutting the south margin of Franklin-Limestone Road, abutting the southeast terminus of Aldwych Court. The proposed density is 3.03 units per acre with approximately 30% of the property reserved for open space. Based on the site's size and the cluster lot provisions, 127 lots could be built on these 26 acres.

Staff recommends conditional approval of this preliminary plat subject to lot 13 being added as a critical lot on the final plat and a sidewalk variance along Franklin-Limestone Road due to Public Works' concerns for public safety.

*Critical Lots*

The applicant has indicated that lots 13-16 and 27-30 are critical lots because they include floodplain. The applicant has also shown the finished floor elevations on this preliminary plat. All building envelopes are shown above the floodplain elevation.

*Greenway*

The plat shows a conservation easement/public greenway access trail along the Mill Creek tributary that splits the property. This tributary is not part of the greenway on Metro Greenways Master Plan. The applicant has offered a 50-foot wide easement for the trail on both sides of the tributary, and shown the actual trail to be constructed by Metro at a later date on the tributary's east side. It also shows an easement for a trailhead at Aldwych Court. The greenway would eventually connect to the Mill Creek Greenway.

*Franklin-Limestone Road*

Franklin-Limestone Road is considered a substandard collector road. The Traffic Engineer has indicated; however, that Franklin-Limestone Road will not be adversely impacted by this development since the majority of the lots will have not have direct or indirect access to the road. There are 23 lots on Aldwych

Court that could indirectly access Franklin-Limestone Road; however, since a second access point is available through Billingsgate Road, no significant impact is anticipated on Franklin-Limestone Road.

*Sidewalk Variance*

The applicant also seeks a variance to the Subdivision Regulations for a sidewalk along Franklin-Limestone Road. Staff supports this variance since the road is considered a substandard arterial road with small shoulders along this portion of the road. Sidewalks are currently in place on one side of Franklin-Limestone Road beginning at its intersection with Murfreesboro Road (near the Una Elementary School) where there is a wider shoulder. That sidewalk is not near this property. Future improvements to Franklin-Limestone Road will likely include straightening out the curve that fronts this property.

Mr. Joe Armstrong and Mr. Roger Cantazaro expressed concerns regarding traffic, safety, drainage and destruction of roads by construction traffic. Mr. Armstrong presented the Commission with a petition in opposition to the proposal.

Ms. Grace Ann Bindel stated she had spoken with Mr. Dale and wanted to work with him for an acceptable proposal. She expressed concerns regarding traffic speed, flooding, size of the homes and where the construction traffic would coming form. She stated she also had a petition in opposition but did not intend to present it to the Commission.

Mr. Roy Dale, engineer, spoke in favor of the proposal and stated he had revised the plan to have access through roads other than Aldwych and Franklin Limestone Road.

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

Mr. Clifton stated the Commission sympathies with the neighbors but this has been approved by all departments.

Councilmember Summers stated the developer may meet all the requirements, but still might not stop the drainage problems.

Chairman Lawson stated the developer is only responsible for the property he is developing and is only required not to make the situation worse.

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

**Resolution No. 2001-466**

**“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-214U-13, is APPROVED WITH CONDITIONS AND A SIDEWALK VARIANCE ALONG FRANKLIN LIMESTONE ROAD, (SECTION 2-6.1A) OF THE SUBDIVISION REGULATIONS (8-0).”**

**12. 2001S-281G-03**  
JONES BAH SUBDIVISION  
Map 058, Parcel(s) 094 and 222  
Subarea 3 (1998)  
District 1 (Gilmore)

A request for preliminary plat approval for seven lots abutting the west margin of Homeland Drive, approximately 600 feet south of Echo Lane (11.57 acres), classified within the RS40 District, requested by Barbara Jones Bah and Thierno Bah, owners/developers, DBS and Associates, surveyor.

Mr. Jones stated staff recommends *conditional approval* subject to variances for a flag lot, maximum lot size, and lot comparability.

This request was originally scheduled for the September 27, 2001, Commission meeting, but it was deferred indefinitely by the applicant in order to submit a revised plat with an alternative lot layout. The preliminary plat shows seven lots on 11.6 acres abutting the west margin of Homeland Drive, approximately 600 feet south of Echo Lane. The property is located north of Briley Parkway within the RS40 district.

#### Variance – Flag Lot

Originally, two flag lots were proposed on this plat, each with 25 feet of frontage on Homeland Drive. Staff met with the applicant and discussed the proposed flag lots and lot comparability. A revised plat was submitted showing one flag lot (lot 7) with 25 feet of frontage on Homeland Drive. Lot 7 will also have use of an existing 50-foot-wide joint ingress/egress easement with an adjoining property owner. The applicant submitted a variance request to permit this one flag lot due to topography, soils, and the presence of heavy vegetation. Lot 7's building envelope has been drawn to make it less intrusive on the other lots within this subdivision as well as from Homeland Drive. Staff supports the variance for this flag lot due to topographic constraints.

#### Variance- Maximum Lot Size

The applicant is also seeking a variance for maximum lot size. 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 RS40 zone district. The minimum lot size within this district is 40,000 square feet. A proposed lot could not exceed 120,000 square feet according to this regulation, but lot 7 contains over 192,000 square feet. Staff recommends approval of this variance due to topography.

#### Variance – Lot Comparability

Originally, lots 2, 3, and 4 failed lot comparability for lot area while lots 4, 5, 6, and 7 failed for lot frontage. Although the applicant submitted a revised plat reconfiguring several of the lots, a variance is still needed. 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 49,288 square feet, and the minimum allowable frontage is 118 feet. Of all seven lots, lot 5 fails lot area since it contains 49,240 square feet –failing by 50 feet and lot 7 for both lot size and frontage. Staff recommends approval of these variances due to topography.

Staff recommends conditional approval of this preliminary plat subject to variances for the flag lot, maximum lot size, and lot comparability.

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. 2001-467**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-281G-03, is APPROVED WITH CONDITIONS AND VARIANCES TO THE SUBDIVISION REGULATIONS FOR A FLAG LOT (SECTION 2-4.2)), MAXIMUM LOT SIZE (SECTION 2-4.2D, AND LOT COMPARABILITY (SECTION 2-4.7), (8-0).”

**14. 2001S-297U-13**



PEBBLE TRAIL ADDITION  
Map 149-00, Parcel(s) 028  
Subarea 13 (1996)  
District 28 (Alexander)

A request for preliminary plat approval to create five lots abutting the southeast terminus of Countryside Drive, approximately 140 feet southeast of Rader Ridge Road (2.12 acres), classified within the R15 District, requested by Jack Williams Construction Company, Inc., owner/developer, MEC, Inc. , surveyor.

Mr. Hardison stated staff recommends *conditional approval* subject to a sidewalk variance.

This request is for preliminary plat approval to create five lots abutting the southeast terminus of Countryside Drive, approximately 140 feet southeast of Rader Ridge Road. The property is located in Antioch and is classified within the R15 District. Access to the site is gained by Countryside Drive from Una-Antioch Pike. The five proposed lots all have frontage on Country Drive.

Pebble Creek runs along the rear of lots 1 and 2. These two lots have steep topography from the middle of the property down to the top of the creek's bank. The applicant has provided a 50-foot buffer on each side of the creek, as required by the Storm Water Regulations, measured from the top of bank. A note has also been provided that states no development shall take place within the buffer. The buffer zone and the creek encumber a significant portion of lots 1 and 2. The applicant has identified a small building envelope at the front of lots 1 and 2.

Staff recommends conditional approval of this plat subject to a sidewalk variance. The applicant has requested a variance to Section 2-6.1 of the Subdivision Regulations requiring sidewalks. The Subdivision Regulations require sidewalks for all subdivisions except those proposed within residential zones with minimum required lot sizes 20,000 square feet or greater. In this case, however, staff supports the variance request because there are no sidewalks in the immediate area. This is the last phase of a larger subdivision that has no sidewalks.

No one was present to speak at the public hearing.

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

**Resolution No. 2001-468**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-297U-13, is **APPROVED WITH SIDEWALK VARIANCE ON COUNTRYSIDE DRIVE, SECTION 2-6.1A OF THE SUBDIVISION REGULATIONS (8-0).**”

**FINAL PLAT SUBDIVISIONS**

**15. 2001S-268G-06**  
HARPETH CREST  
Map 141-00, Parcel(s) Part of 045 & 046  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request for final plat approval to create five lots 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 construction of roads and sidewalks, a variance for sidewalks if additional greenway is constructed, and a revised plat prior to recordation that matches the preliminary plat approved on September 13, 2001.

The Planning Commission approved a preliminary plat for this subdivision on September 13, 2001 (2001S-267G-06). This request was originally scheduled for the September 27, 2001, Commission meeting, but it was deferred indefinitely by the applicant in order to submit revised grading plans for approval by Public Works. This request is for final plat approval to create five lots on 6.5 acres abutting the north terminus of Morton Mill Road and the north terminus of River Bend Road. The property is located in Bellevue and is classified within the RS20 District. The site is accessed by Morton Mill Road from Old Harding Pike. The five proposed lots all have frontage on Morton Mill Road, but the topography is too steep to allow access from that road. As a result, lot 26 will gain access from River Bend Lane, and lots 27-30 will obtain access through an ingress/egress easement established by this plat. A mandatory referral application was submitted along with the preliminary plat to abandon and relocate the public portion of Morton Mill Road on this property. This final plat shall not be recorded until Metro Council approves the mandatory referral (2001M-097-06).

The Commission approved a sidewalk variance on the preliminary plat since the applicant agreed to construct an 8-foot-wide concrete greenway trail along Morton Mill Road. The applicant has agreed to construct this trail to a point at which the topography will allow a transition down to the floodway. A sidewalk will not be required alongside these lots on Morton Mill Road due to the approved variance, but a sidewalk is required along River Bend Lane. Staff has indicated to the applicant, however, that a sidewalk variance along River Bend Road would be supported if more of the public greenway trail is constructed.

The proposed sidewalks along River Bend Lane and River Bend Road will not connect to each other, now or in the future. These sidewalks are separated by a portion of River Bend Estates that has no sidewalks. Staff feels that it is unlikely that this portion of River Bend Estates will ever be resubdivided and that this break in pedestrian access will remain. As a result, staff believes creating a connection to the existing Bellevue Greenway is more significant than creating sidewalks that have no destinations. The end of the existing public greenway trail is approximately 50 feet to the south of this subdivision's property line along Morton Mill Road. This connection to Phases 1 and 2 of the Bellevue Greenway, will create a bicycle/pedestrian link all the way to Old Harding Pike. Staff appreciates the applicant's willingness to construct the portion of the public greenway trail that was agreed to with the preliminary plat, but without the connection to the existing trail, the experience associated with traveling the trail will be disjointed. Staff recommends approval of this final plat with a variance for these sidewalks provided the applicant constructs the missing greenway link.

Several changes were made to the preliminary plat prior to approval, and this final plat will need to be revised to reflect the following prior to recordation:

An 8' greenway/public access trail shall be shown along Morton Mill Road extending from the property line. This trail shall be labeled as a "Public Greenway Trail To Be Constructed by Developer."

The greenway easement area shall be shown as conditioned on the preliminary plat and shall be labeled as "Dedicated Conservation/Greenway Public Access Trail Easement Area."

These lots (26-30) shall be shown as critical lots based on steep topography and shall be designated by asterisks.

Cross-section details of the proposed greenway trail shall be provided on the revised plat.

Sidewalks shall be shown along River Bend Lane.

Staff recommends conditional approval subject to the revisions listed above, the approval of the mandatory referral by Council prior to plat recordation, a variance for sidewalks if the additional greenway is constructed, and a bond for the construction of roads and sidewalks.

Mr. Walter Davidson, engineer, stated this proposal had received preliminary approval without the condition of connecting the greenway. A substantial amount of this greenway will have to be built as 89

feet of boardwalk, which is approximately \$300 per foot. Additional surveying will be required, which is another financial burden on the developer. He asked for approval with the condition that the greenway be connected. He stated he will continue to work with staff on it.

Councilmember Summers stated he would like a deferral to solve this problem.

Ms. Nielson asked how much burden might be placed on the developer that will make the projects not feasible.

Ms. Jones stated the exchange of the sidewalk for the greenway connection seemed more like arm-twisting.

Mr. Small stated the Commission had already given a sidewalk variance on part of this.

Ms. Regen stated it would only be 30 feet of boardwalk and suggested that staff continue working with the applicant. This greenway is a very critical to the development in this area.

Chairman Lawson stated this has already been approved and that he has a problem with these variances and requirements being changed after that preliminary approval. Discussions between the developer and staff should continue. We have put the developer in a situation that is unfair.

Ms. Jones stated she didn't want to see staff changing things after the preliminary approval.

Chairman Lawson stated staff needs to make sure everything is on the table at the preliminary.

Councilmember Summers stated that if the Commission is going to talk about the cost factor they need to know all the facts.

Mr. McLean agreed staff should not go back and change or deal after the preliminary, but maybe should work out something affordable.

Mr. Cochran asked if this was legal.

Mr. Fox stated offsite requirements are legitimate, such as a traffic light, deceleration lanes and so on, and this is legal because of the big picture of this big development. For safety concerns, to relieve pedestrian traffic, The Commission can require off site conditions.

Ms. Nielson stated there should be connectivity, but sometimes we ask too much. I want a greenway but at the same time we shouldn't change the preliminary.

Vice Chairman Small asked staff if they are asking the Commission to approve the preliminary plan and give variances for sidewalks, and ask for the greenway construction.

Ms. Jones asked if the eight-foot greenway was a condition on the preliminary?

Vice Chairman Small asked if the extension to where it ends now is new.

Councilmember Summers stated this Commission approved preliminary knowing negotiations were on going.

Chairman Lawson stated that was incorrect. If this Commission had know it - it would have never have been approved.

Ms. Jones stated they have agreed to everything, but they are not shown on the final plat.

Mr. McLean moved and Vice Chairman Small seconded the motion, which carried unanimously, to approve the following resolution:

**Resolution No. 2001-469**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-268G-06, is **APPROVED WITH CONDITIONS, BUT NO SIDEWALK VARIANCE ON RIVER BEND LANE (7-1).**”

**16. 2001S-277U-05**  
ESTES, M. P., SUBD., Resubd. Lot 22  
Map 072-15, Parcel(s) 248  
Subarea 5 (1994)  
District 7 (Campbell)

A request for final plat approval to record one lot and part of a closed street as one lot abutting the west margin of Riverside Drive, approximately 300 feet south of Porter Road (.33 acres), classified within the R10 District, requested by Mary E. Murray, owner/developer, Thornton and Associates, Inc., surveyor.

Mr. Hardison stated staff recommends *conditional approval* subject to a variance for sidewalks and submission of a revised plat before recordation.

This request is for preliminary and final plat approval to record one lot and part of a closed street as one lot. The property abuts the west margin of Riverside Drive, approximately 300 feet south of Porter Road. The property is classified within the R10 District.

This property originally had a right-of-way dedication for a public road (Turner Street), which was closed by Council Bill BL2001-620. With the right-of-way closure, the owner of the two adjacent properties is seeking to reincorporate the right-of-way into one of her existing properties as one lot.

A variance to Section 2-6.1 of the Subdivision Regulations for sidewalks is requested. The Subdivision Regulations require sidewalks in infill situations except those proposed within residential zones with minimum required lot sizes 20,000 square feet or greater. Although this proposed subdivision is within an established neighborhood, staff supports the variance request given there are no sidewalks in the immediate area.

Staff recommends conditional approval subject to a variance for sidewalks and submission of a revised plat before recordation that indicates the following:

A 20-foot drainage easement for the drainage pipe located across the western portion of the property. The drainage easement encompassing a portion of the existing carport, the applicant must submit a letter of easement encroachment to Public Works.

A 2-foot right-of-way reservation along the property’s Riverside Drive frontage.  
The following note: *Size driveway culverts per design criteria set forth by the Metro Stormwater Management Manual.*

Ms. Patricia McGee, co-owner, spoke in favor of the proposal and asked for approval.

Ms. Nancy Sutton, realtor, asked for the variance to the sidewalks without fees.

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

**Resolution No. 2001-470**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-277U-05, is **APPROVED WITH SIDEWALK VARIANCE, SECTION 2-6.1A OF THE SUBDIVISION REGULATIONS ON RIVERSIDE DRIVE (8-0).**”

**17. 2001S-282U-13**

CROSSINGS at HICKORY HOLLOW, The, Phase 3 Lot 4  
Map 174, Parcel(s) 030  
Subarea 13 (1996)  
District 29 (Holloway)

A request for final plat approval to revise one lot abutting the south margin of Dana Way, east of Crossings Boulevard (13.04 acres), classified within the IWD District, requested by Wirtgen America, Inc., owner/developer, Crawford Land Surveying, surveyor.

Ms. Regen stated staff recommends *conditional approval* subject to a sidewalk variance along Dana Way.

This request is for final plat approval to revise one lot abutting the south margin of Dana Way, east of Crossings Boulevard in the Antioch area. This property is classified within the IWD District. Wirtgen America, Inc. has a road construction vehicle repair plant on this property. By resubdividing, Wirtgen America, Inc. will gain a larger vehicle storage area.

This plat adds four acres to an existing lot. This four-acre tract is being carved out of the adjacent property, parcel 23. The added portion of land will not impede the future extension of Crossings Boulevard, which is intended to abut the southern portion of the property. With the future development of parcel 23, right-of-way will be dedicated for the boulevard’s extension.

*Stream Buffer*

This property has a blue-line stream that runs along the eastern portion of the property. The applicant has provided a 25-foot buffer zone from the top of bank on each side of the stream, as required by the Storm Water Regulations. No development can occur within the buffer zone. The location of the stream and the 25-foot buffer are identified on the plat.

*Sidewalk Variance*

The applicant has request a sidewalk variance based on there being an existing retaining wall that runs along a portion of Wirtgen’s property on Dana Way. The retaining wall is located less than nine feet from the edge of the road. Metro Subdivision Regulations require that sidewalks include a 4-foot planting strip and a 5-foot sidewalk. If the required sidewalks were installed the retaining wall would have to be demolished and rebuilt. In addition, there are existing light poles, a fire hydrant, and utility boxes located in the sidewalk’s path. While there are a couple other parcels that will be developed in the future along Dana Way, it is unlikely any sidewalks will be constructed on this street in the future by Metro. The street was constructed by TDOT and has not yet been accepted by Metro. Staff recommends approval of this sidewalk variance due to topography and no sidewalks exist along this permanent dead-end street. Sidewalks are constructed along Crossings Boulevard and will be required with its extension.

Staff recommends conditional approval subject to a sidewalk variance along Dana Way.

No one was present to speak at the public hearing

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

**Resolution No. 2001-471**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-282U-13, is **APPROVED WITH CONDITIONS AND A SIDEWALK VARIANCE ON DANA WAY, SECTION 2-6.1A OF THE SUBDIVISION REGULATIONS (8-0).**”

## **MANDATORY REFERRALS**

### **24. 2000M-108U-13**

Council Bill No. BL2001-819

Proposed Renaming of Several Streets Near Nashville Airport

Map 121, 135, Parcel(s)

Subarea 13 (1996)

District 13 (Derryberry)

This council bill is to rename several streets near the Nashville Airport to improve E-911 system efficiency: 1) McCrory Creek Road between Pulley Road and Couchville Pike to “Pulley Road”; and Couchville Pike, McCrory Creek Road, and an unnamed road from Donelson Pike to Bell Road to "Derryberry Boulevard"; and McCrory Creek Road from Old Murfreesboro Pike to its intersection with an unnamed road to "Faircloth Lane”

Ms. Regen stated staff recommends *approval*.

This council bill is to rename several streets near the Nashville Airport to improve E-911 system efficiency: 1) McCrory Creek Road between Pulley Road and Couchville Pike to “Pulley Road”; and Couchville Pike, McCrory Creek Road, and an unnamed road from Donelson Pike to Bell Road to "Derryberry Boulevard"; and McCrory Creek Road from Old Murfreesboro Pike to its intersection with an unnamed road to "Faircloth Lane”. The Planning Commission previously considered a similar request on September 28, 2000 (2000M-108U-13). The only difference between the earlier request and this council bill is that Couchville Pike is now proposed as “Derryberry Boulevard” instead of “Everett Derryberry Boulevard”.

Staff recommends approval of these street renamings as noted below:

*McCrory Creek Road* – Staff supports the renaming of McCrory Creek Road to Pulley Road. With the proposed closure of this roadway to the north (see 2000M-106U-13) of Pulley Road and the renaming of another section to “Derryberry Boulevard”, renaming this section to Pulley Road will reduce confusion in the future. Staff supports renaming the short section of McCrory Creek Road to Faircloth Lane (see sketch) to eliminate confusion that may occur since McCrory Creek Road also exists north of I-40 between Elm Hill Pike and Stewarts Ferry Pike.

*Couchville Pike* – Staff supports renaming Couchville Pike to Derryberry Boulevard since the existing street name could be confused with LaVergne-Couchville Pike. The latter street is located much further south off of Murfreesboro Pike.

A letter was mailed to all property owners who own property abutting these streets or who would need to access them to their final destination in the area. Staff will present any property owner comments received at the Commission meeting.

Mr. Frank Carter and Ms. Carol Collins spoke in opposition to the proposal.

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

Ms. Nielson moved and Vice Chairman Small seconded the motion, which carried with Councilmember Summers abstaining, to approve the following resolution:

**Resolution No. 2001-472**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 200M-108U-13 is **DISAPPROVED (7-1).**"

**30. 2001M-101U-11**

Sign Encroachment for Railroad Crossings Antique Mall  
Map 105-03, Parcel(s); Map 217, Parcel(s)  
Subarea 11 (1999)  
District 19 (Wallace)

A request to install a banner for Railroad Crossings Antique Mall located at 1209 4th Avenue South encroaching over the public sidewalk 5 feet and measuring 3 feet wide by 7 feet in height at a height of 17 feet above the sidewalk, requested by Scott Lewis, abutting property owner.

Ms. Regen stated this request is to install a banner for Railroad Crossings Antique Mall located at 1209 4th Avenue South that encroaches 5 feet over the public sidewalk on Chestnut Street. The banner measures 3 feet wide by 7 feet high. The banner will hang from an existing pole that is 17 feet above the sidewalk and a new pole that will be 10 feet above the sidewalk. The banner will be constructed with sewn pockets at top and bottom, wind holes and reinforced edges. In addition the poles will be secured to the wall with support wires to control side to side movement.

A lady with TAG (Trimble Action Group) asked which side of the building the sign would be on.

Ms. Regen stated it would be on the Chestnut Street side.

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

**Resolution No. 2001-473**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-101U-11 is **APPROVED (8-0).**"

**OTHER BUSINESS**

32. Legislative Update

Councilmember Summers stated he had nothing to report.

**ADJOURNMENT**

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:20 p.m.

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Chairman

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Secretary

Minute Approval: this 25th day of October 2001

