

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: October 25, 2001
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Bill Purcell

Staff Present:

Richard C. Bernhardt, Executive Director
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
Chris Koster, Mayor's Office

Chairman Lawson called the meeting to order, and welcomed new Commissioner Judy Cummings.

ADOPTION OF AGENDA

Staff announced the following changes to the agenda:

22. 2001S-298U-13, Ransom Park Commercial, should read Part of Parcels 069 & 414.
Change order of agenda item 37. Request to amend 2001-2002 to 2006 to the beginning of the agenda.
Add Addendum item, Contract for David Klinefelter.
Add Chairman's comments to the end of the agenda.

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

APPROVAL OF MINUTES

Mr. McLean moved and Mr. Cochran seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of October 11, 2001.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver asked for items 2., Subarea 6 Plan, and 3., Zone Change 2001Z-007G-06, to be deferred indefinitely. He asked for approval on items 10., 2001Z-105G-06, and 11., 151-82-G-06, Harpeth Springs PUD, because it is a down zoning. He presented letter from the Summerset Homeowners Association in favor of the zone change. He also asked for approval on item 30., 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:

- 3. 2001Z-007G-06 Deferred indefinitely
- 9. 2001Z-104U-13 Deferred indefinitely
- 19. 2001SA-276U-10 Deferred indefinitely
- 26. 75-83-U-12 Deferred indefinitely
- 35. Amendments to Subdivision Regulations Deferred until November 8, 2001

Chairman Lawson asked for items 2 and 3 to be included in the motion as Councilmember Lineweaver had requested.

Nielson moved and McLean seconded the motion, which unanimously passed, to close the public hearing defer the items listed above.

Mr. Bernhardt stated that item 2 started the Subarea Plan Amendment process and needed to remain on the agenda.

Mr. Clifton moved and Ms. Nielson seconded the motion, which carried unanimously, to remove item 2 from the motion.

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

REDEVELOPMENT DISTRICTS

1. 2001RD-001U-08

Phillips-Jackson Redevelopment Plan Amendment
Map , Parcel(s)
Subarea 8 (1995)
District 20 (Haddox)

A council resolution to amend the Phillips-Jackson Redevelopment Plan to modify property within Hope gardens from commercial to residential and define the area as “blighted” for redevelopment efforts, sponsored by Councilmembers Haddox, Waters, Ferrell, and Gentry for MDHA.

Staff recommends *approval*.

This Council resolution amends the Phillips-Jackson Redevelopment Plan, which covers Subarea 8 (Germantown, Hope Gardens, Jefferson Street, and former stockyard area). MDHA has proposed this amendment to add the Row 8.9 project, a proposed townhouse development on Jackson Street in Hope Gardens between 8th Avenue North and 9th Avenue North, across from the Farmers Market. This is the same property the Planning Commission approved consolidation plat for in July 2001 (2001S-184U-09). That plat consolidated several properties to assemble them for a future redevelopment opportunity.

Staff recommends approval of this amendment. It replaces the ‘Preface’ statement within the redevelopment plan with a more detailed Preface that references ordinances and identifies this area as being a “blighted”. The amendment also replaces the redevelopment plan’s land use map (R. P. Map No. 2). The new map shows the Row 8.9 project site with a “general residential” land use. Previously, the property had been designated for commercial land use. The Metro Council will hold a public hearing on this amendment on Tuesday, November 20, 2001 at 7:00 p.m. in the Council Chambers (RS2001-783).

Resolution No. 2001-474

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001RD-001U-08-1 is **APPROVED (8-0)**:

This council resolution amends the Phillips -Jackson Redevelopment Plan. The amendment adds land in Hope Gardens between 8th Avenue North and 9th Avenue North on Jackson Street. This property is intended for mixed-use development in the Subarea 8 Plan which coincides with the redevelopment plan’s proposed land use plan.”

**GENERAL PLAN AMENDMENT, ZONING TEXT
AMENDMENTS AND ZONING MAP AMENDMENTS**

5. 2001Z-011T

Council Bill No. BL2001-858
Map , Parcel(s)
Subarea ()
District ()

A council bill amending Section 17.12.035 (Contextual Street Setbacks Within the Urban Zoning Overlay District) and Table 17.12.030B (Street Setbacks for Multi-Family and Non-Residential Districts; and Non-Residential Uses in AG, AR2a, R and RS districts of the Zoning Ordinance), by clarifying where a structure

can be located in relation to the public right-of-way, sponsored by Councilmembers Summers and Waters and requested by Planning Department staff.

Staff recommends *approval* with a housekeeping amendment.

This council bill amends a table in the Zoning Ordinance concerning building setbacks along public streets. Currently, there is language in the ordinance under the Urban Zoning Overlay (UZO) district provisions as follows:

“In no event shall the provisions described below permit a principal building to be constructed within an area designated for street improvements on a major street plan adopted subsequent to the effective date of this section.”

This text amendment moves this language from the UZO section of the ordinance to Table 17.12.030B with a new note labeled Note 2 making it effective county-wide, not just within the UZO. This will insure that principal buildings are not placed within an area designated on the Major Street Plan for future improvements (i.e. road widening, sidewalks, intersection improvements, etc.).

The amendment also renumbers the existing Note 2 to “Note 3” in Table 17.12.030B (Street Setbacks), and requires no street setbacks in the Mixed Use Intensive (MUI) district anywhere in the county. Currently, there are no street setbacks for MUI zoned properties in the downtown area. This amendment will expand that to the entire county. The MUI district is a high intensity mixed use district that is more prevalent in the downtown area, but is also found along West End Avenue. Allowing no front setback will enable development to be more urban with parking in the rear. It will also support more pedestrian traffic in these areas by bringing buildings closer to the street and creating more of a pedestrian scale, sense of safety, and more “eyes on the street.”

Staff recommends approval with two amendments to Table 17.12.030B: 1) delete reference to “see note 2” under SCN, SCC, SCR, CN and 2) delete MUI district from table listing. The current council bill language is shown below.

Existing & Proposed Zoning Ordinance Text

Delete the text below that is ~~struck through~~
Add the text below that is underlined

Section 17.12.035 Contextual Street Setbacks Within the Urban Zoning Overlay District

This section allows or requires reductions of street setbacks in certain circumstances within the urban zoning overlay district. In the case of conflict between any two or more provisions below, the provision that permits the building to be built closer to the street shall govern. ~~In no event shall the provisions described below permit a principal building to be constructed within an area designated for street improvements on a major street plan adopted subsequent to the effective date of this section.~~ In all cases, buildings used to determine context may include structures that existed on the effective date of the ordinance that established the urban zoning overlay district and did not comply with the minimum setback requirements.

**Table 17.12.030B
STREET SETBACKS FOR MULTI-FAMILY AND NON-RESIDENTIAL
DISTRICTS; AND NON-RESIDENTIAL USES IN AG, AR2a, R AND RS DISTRICTS**

Zoning Districts	Nonarterial Streets	Arterial Streets			
		U2, S2 OW2 OW6	U4, S4	U6, S6	U8, S8
AG, AR2a, all R and RS, RM2 through RM15	70 feet	70 feet	82 feet	94 feet	106 feet
RM20, RM40	60 feet	60 feet	72 feet	84 feet	96 feet
ON, OL, OG, OR20, OR40	50 feet	50 feet	62 feet	74 feet	86 feet
RM60, MUN, MUL, MUG, MUI, ORI	40 feet	40 feet	52 feet	64 feet	76 feet
SCN, SCC, SCR, CN	50 feet <i>see note 2</i>	50 feet <i>see note 2</i>	62 feet <i>see note 2</i>	74 feet <i>see note 2</i>	86 feet <i>see note 2</i>
CS, CL, CA	45 feet	45 feet	57 feet	69 feet	81 feet
IR, IG, IWD	35 feet	35 feet	47 feet	59 feet	71 feet

Note 1: Properties abutting a street designated as a scenic arterial by the major street plan shall comply with the provisions of Section 17.24.070.

Note 2: In no event shall any street setback provisions permit a principal building to be constructed within an area designated for street improvements on a major street plan adopted subsequent to the effective date of this note.

~~Note 2-3: No street setbacks shall be required in the CC and CF, and MUI districts, or in the MUI district for properties located within the downtown area as bounded by the I-24/I-40/I-65 interstate loop.~~

Note 3 4: U=Urban Arterial, S=Scenic Arterial, OW=One Way Arterial (e.g., U2=two-lane urban arterial and S4=four-lane scenic arterial).

Resolution No. 2001-475

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-011T is **APPROVED (8-0) with a housekeeping amendment:**

This text amendment would apply county-wide by prohibiting buildings to be constructed within the future right-of-way of a public street. The Zoning Ordinance currently only has this language applying to properties within the Urban Zoning Overlay district. It is appropriate to apply this throughout Davidson County to ensure future road widening project and intersection improvements are not delayed or jeopardized due to buildings constructed within the public right-of-way."

6. 2001Z-012T

Council Bill No. BL2001-856

Map , Parcel(s)

Subarea ()

District ()

A council bill amending Sections 17.36.270 (Purpose and Intent of the Urban Design Overlay District, 17.36.290 (Design Guidelines), 17.36.310 (Development Incentives), and 17.40.130 (Urban Design Overlay

District of the Zoning Ordinance), sponsored by Councilmembers Summers and Waters and requested by Planning Department staff.

Staff recommends *approval*.

This council bill amends the text of the Zoning Ordinance for the Urban Design Overlay (UDO) district. The main purpose of this amendment is to delete language from the zoning code that requires a subarea plan amendment to allow a UDO. Over the past couple years, there have been applications for several UDO's (Hillsboro Village, Lenox Village, and Music Row). There have also been several inquiries for other ones, including the property on Coley Davis Road on this agenda (2001Z-077G-06). With each request, the zoning code has required a subarea plan amendment.

Staff recommends approval since the current zoning process calls for conformance with the General Plan. Removing language from the Zoning Ordinance that requires a subarea plan amendment will not change the need for conformancy; it will only remove language that in practice appears redundant. A UDO request will still require the base zoning district's consistency with the General Plan. If the base zoning is not consistent with the intended uses in the UDO, a zone change will be required, and likely a subarea plan amendment. Furthermore, this does not change *anything* at the Council level. The Metro Council will still act to approve or disapprove all base zoning changes and UDO's whether they are consistent or inconsistent with the General Plan.

Existing & Proposed Zoning Ordinance Text

Delete the text below that is ~~struck through~~
Add the text below that is underlined

Article VIII. Urban Design Overlay District

17.36.270 Purpose and intent.

The purpose of the urban design overlay district is to allow for the application and implementation of special design standards ~~within areas specifically designated by an adopted subarea plan~~ with the intent of achieving a **sense of place by fostering a** scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the urban setting, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of this title. Application of this special overlay district shall be limited to areas ~~specifically identified by a subarea plan~~ as requiring specialized design standards either to maintain and reinforce an established form or character of development, or to achieve a specific design objective for new development. **Any application for an urban design overlay district shall include design goals and objectives that embody this purpose and intent.** (Ord. 96-555 § 9.8(A), 1997)

17.36.290 Design guidelines.

An ordinance creating an urban design overlay district shall include a design plan and associated design criteria of sufficient detail to demonstrate how the design goals and objectives ~~for the subject area as established by the adopted subarea plan~~ will be accomplished. (Ord. 96-555 § 9.8(C), 1997)

17.36.310 Development incentives.

To promote the inclusion of properties within an urban design overlay district for the purpose of achieving specified design objectives, the enacting ordinance may establish development incentives. ~~The form and scope of such incentives shall be commensurate with the goals and objectives of the adopted subarea plan.~~ (Ord. 96-555 § 9.8(E), 1997)

17.40.130 Urban design overlay district.

~~A. Subarea Plan Basis. Application of the urban design overlay district shall be limited to those geographic areas specifically designated by an adopted subarea plan as warranting specialized regulation of design in order to achieve a stated community objective.~~ **B.A.** Application for an Urban Design Overlay District. The applicable goals and objectives of a proposed urban design overlay district shall be established. ~~by an adopted subarea plan.~~

An urban design overlay district application shall **also** include a detailed design plan and all associated design criteria required to implement that plan. The form and content of an urban design overlay district application shall be established by the planning commission. Applications shall be filed with the planning commission. ~~C. B.~~ **B.** Planning Commission Recommendation. The planning commission shall review a proposed urban design overlay district application for conformance with the stated design goals and objectives ~~established by the applicable subarea plan.~~

The planning commission shall act to recommend approval, approval with conditions or disapproval of the application. Within ten working days of an action, the commission's resolution shall be transmitted in writing to the applicant, the metro clerk, the zoning administrator and all other appropriate governmental departments.

1. Approval. Approval of a proposed urban design overlay shall be based on findings that the stated design goals and objectives ~~of the adopted subarea plan~~ have been satisfied.

2. Conditional Approval. The planning commission may recommend approval of an urban design overlay district application subject to any conditions deemed necessary to fulfill the goals and objectives ~~of the subarea plan.~~ All conditions shall be transmitted in writing to the applicant. The application will not be considered approved until the applicant concurs with all conditions in writing and provides all prescribed amendments to the application.

Renumber remaining subsections D- F, accordingly.

Resolution No. 2001-476

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-012T is **APPROVED (8-0)**:

This text amendment deletes language from the zoning code that requires a subarea plan amendment to allow a urban design overlay district. Since the current process requires conformance with the General Plan, removing the language from the Zoning Ordinance will not change the need for conformity; it will only remove language that in practice is redundan. The change does nothing at the Council level. The Metro Council will still act to approve or disapprove all base zoning changes and urban design overlay districts."

12. 2001Z-106U-08

Map 092-10, Parcel(s) 301, 240, 241, 242, 243

Subarea 8 (1995)

District 21 (Whitmore)

A request to change from IR district and R6 district to OL district properties at 511, 512, 514, 516, and 518 27th Avenue North, approximately 650 feet south of Clifton Avenue (1.45 acres), requested by Chip Christianson, appellant, for Kirby Investments, LLC, owner.

Staff recommends *approval*.

Subarea Plan Amendment required? No.

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

This request is to change 1.3 acres from IR (industrial) and R6 (residential) to OL (office) district properties at 511, 512, 514, 516, and 518 27th Avenue North, approximately 650 feet south of Clifton Avenue. The existing IR district is intended for a wide range of light manufacturing uses at moderate intensities. The

R6 district is intended for residential single-family and duplexes at 6.2 dwelling units per acre. The proposed OL district is intended for moderate intensity office uses. Currently parcel 306 is zoned IR and has a structure on the property. Parcels 240 thru 243 are currently zoned R6 and are being used as parking for the existing structure on parcel 306. The applicant wants to renovate an existing warehouse an office building for a construction management firm.

With the existing IR zoning, this property could be used for more intense industrial uses, which is inconsistent with the Subarea 8 Plan’s Residential Medium (RM) policy. That policy calls for 4 to 9 dwelling units per acre. There is currently IR zoning along the CSX Railroad from 28th Avenue North to Merry Street. This IR corridor has several vacant buildings and vacant lots. , staff viewed this rezoning as a way to revitalize this corridor and use an existing structure with out intensifying the current industrial presences.

Staff recommends approval of the proposed OL zoning. Due to the number of vacant lots and buildings in this neighborhood, there is a need to revitalize current properties and structures. Rezoning this property to OL will not intensify the current industrial uses, moves this area closer to the subarea plan’s intent, and serves as a better transition to the surrounding neighborhood.

Traffic

The Metro Traffic Engineer has indicated 27th Avenue North can accommodate traffic generated by OL zoning.

Resolution No. 2001-477

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-106U-08 is **APPROVED (8-0)**:

This rezoning will serve to revitalize this corridor and use an existing structure with out intensifying the current industrial presence . Due to the number of vacant lots and buildings in this neighborhood, there is a need to revitalize current properties and structures. Rezoning this property to OL does not intensify the current industrial uses, moves this area closer to the subarea plan’s intent, and serves as a better transition to the surrounding neighborhood than the current IR zoning."

FINAL PLAT SUBDIVISIONS

18. 2001S-275U-08

GERMANTOWN-FIFTH AVENUE, Resubdivision of Lots 1 and 16
Map 082-09, Parcel(s) 293 & 485
Subarea 8 (1995)
District 20 (Haddox)

A request for final plat approval to modify the right-of-way returns and abandon public utility easements on lots 1 and 16 abutting the northeast corner of 5th Avenue North and Madison Street and the southeast corner of 5th Avenue North and Monroe Street (.3 acres), classified within the MUN District, requested by Germantown Partners, LLC, owner/developer, Campbell, McRae and Associates Surveying, Inc., surveyor.

Staff recommends *conditional approval* subject to Council approval of mandatory referral 2001M-106U-08 prior to recordation, a revised plat prior to recordation which shows rights-of-way to be abandoned, and a stamped copy from N.E.S. approving the subdivision prior to the Commission meeting.

This request is for property located in Germantown within the MUN district. It was originally scheduled for

the September 27, 2001 meeting, but was deferred indefinitely by the applicant in order to file a mandatory referral to abandon easements and right-of-way (see also 2001M-106U-08). The Planning Commission approved a final plat to create sixteen lots on October 15, 1997 (97S-104U). The approved plat shows two right-of-way and two 5' foot public utility easements. This final plat is to abandon the two

5-foot utility easements along Madison Street and Monroe Street and to modify the right-of-way returns on lots 1 and 16 abutting the northeast corner of 5th Avenue North and Madison Street, the southeast corner of 5th Avenue North and Monroe Street, the northwest corner of Madison Street and Alley #202, and the southwest corner of Monroe Street and Alley #202.

Staff recommends conditional approval of this final plat subject to several conditions. These conditions are that Council approve the mandatory referral prior to plat recordation, submittal of a revised plat prior to recordation showing the rights-of-way and utility easements to be abandoned, and a stamped copy from N.E.S. approving this plat prior to the Commission meeting. NES power lines hang within the public utility easement.

Resolution No. 2001-478

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-275U-08, is **APPROVED WITH CONDITIONS (8-0).**”

22. 2001S-298U-13
RANSOM PARK COMMERCIAL
Map 135, Parcel(s) 069, 261 & 411
Subarea 13 (1996)
District 27 (Sontany)

A request for final plat approval to create one lot abutting the northwest corner of Ransom Place and Murfreesboro Pike (2.85 acres), classified within the SCC District, requested by Karen R. Bennett, owner/developer, MEC, Inc., surveyor.

Staff recommends *conditional approval* subject to a bond for the construction of roads, public utilities, and sidewalks.

This request is for final plat approval to create one lot abutting the northwest corner of Ransom Place and Murfreesboro Pike (2.5 acres), classified within the SCC District. The Planning Commission approved the preliminary plat for this subdivision on August 2, 2001.

The preliminary plat inadvertently omitted an important element required by the Metro Traffic Engineer. The Traffic Engineer required a 60-foot right-hand, southbound turn lane with a 125-foot taper from Murfreesboro Pike onto Ransom Place.

The applicant has agreed to show the turn lane on the final plat, but no construction plans have been approved by Public Works. Staff recommends conditional approval subject to submittal of a revised plat and bonds for the extension of roads, public utilities, and sidewalks. The revised plat shall include construction plans showing the left-turn lane and a sidewalk within the public right-of-way not as a pedestrian easement along Murfreesboro Pike, prior to plat recordation.

Resolution No. 2001-479

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-298U-13, is **APPROVED WITH CONDITIONS SUBJECT TO A BOND (8-0).**”

23. 2001S-303U-14

NASHVILLE SUPPORTIVE HOUSING
Map 096-06, Parcel(s) 227 & Part of 194
Subarea 14 (1996)
District 14 (Stanley)

A request for final plat approval to record part of a lot as one lot abutting the northwest corner of McCampbell Avenue and Colonial Circle, opposite Surrey Road (2.53 acres), classified within the OR20 district and R10 Residential Planned Unit Development District, requested by Arbor Capital, Limited Partnership, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Staff recommends *conditional approval* subject to a bond for sidewalks and a revised plat prior to recordation which shows the ingress/egress from McCampbell Avenue, cites a recording number for the detention pond, and shows the drainage easements extending to the property line as required by Public Works.

This request is for final plat approval to create a one-lot subdivision on approximately 2.5 acres abutting the northwest corner of McCampbell Avenue and Colonial Circle, opposite Surrey Road in the Donelson area. The property is classified within the OR20 and R10 Residential Planned Unit Development District. The Planning Commission approved a revision to the final PUD plan for Donelson Health Care on July 19, 2001 (151-79-U) to permit an 18,979 square foot, 17-unit assisted living facility. This plat closely matches the approved PUD plan, but several conditions need to be met prior to recordation.

On the current plat, there is no ingress/egress being shown for the property. The approved PUD plan shows access to the property along McCampbell Avenue across from Surrey Road, and a revised plat must be submitted prior to recordation showing this access. The current plat also shows a detention pond in the corner of the property abutting Colonial Circle and McCampbell Avenue. Drainage easements to the pond are being shown, but they are not extending across the entire property. Public Works is requiring that a revised plat be submitted prior to recordation which shows a recording number for the detention pond and drainage easements that extend in order to service the entire site.

Staff recommends conditional approval subject to a bond for sidewalks and a revised plat prior to recordation which shows the ingress/egress from McCampbell Avenue, cites a recording number for the detention pond, and shows the drainage easements extending to the property line as required by Public Works.

Resolution No. 2001-480

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-303U-14, is **APPROVED WITH CONDITIONS SUBJECT TO A BOND (8-0).**”

24. 2001S-307G-12
STANFORD VILLAGE, Phases 2, Section 3
Map 173-00, Parcel(s) Part of 194
Subarea 12 (1997)
District 31 (Knoch)

A request for final plat approval to create 41 lots abutting the south terminus of Blake Drive, approximately 70 feet south of Kelsey Court, (14.84 acres), classified within the RS10 District, requested by Beazer Homes, owner/developer, Anderson-Delk and Associate, Inc., surveyor.

Staff recommends *conditional approval* subject to bonds for roads, public utilities, and sidewalks.

This request is for final plat approval to create 41 lots on approximately 15 acres abutting the south terminus of Blake Drive in the southern part of the county. The property is classified within the RS10 District. This

final plat closely matches the preliminary plat that was approved by the Planning Commission on February 4, 1999 (99S-038G).

Section 3 of the Stanford Village cluster lot development is the final phase of this larger development. Under the original preliminary plat, lots 90 and 91 were to be developed. This plat deletes them due to plat conflicts with the Mill Creek floodplain. The area that was designated for lots 90 and 91 is now a part of the open space/drainage easement.

Mill Creek

Mill Creek flows through this property and has been identified as a greenway corridor in the Countywide Greenways Plan. When the preliminary plat was approved, Mill Creek was identified and an undefined landscape buffer was shown on the development side of the creek. With this final plat, the applicant has provided a 50 foot buffer from the edge of the floodway and 25 feet past that buffer for a conservation easement / public greenway trail as defined in the Storm Water Regulations and the Subdivision Regulations. Mill Creek runs along the western side of the proposed extension of Blake Drive. By providing the buffer and conservation easement the applicant has satisfied the regulations. Prior to plat recordation, a revised plat shall be submitted showing a public access trail for the Mill Creek greenway. The trail shall be labeled a “public access greenway trail” to be constructed in future by Metro Government. In addition, signs shall be required for lots which border the greenway notifying future property owners of the future trail.

Sidewalks

Even though sidewalks are shown on one side of Blake Drive, none are shown on any other cul-de-sac’s. This plat conforms with the approved preliminary plat. That plat did not show sidewalks on both sides of the street. In addition, the applicant was “vested” before the new sidewalk standards took effect in December 2000. A final plat for an earlier phase was recorded prior to the Subdivision Regulations amendment.

Resolution No. 2001-481

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-307G-12, is **APPROVED WITH CONDITIONS SUBJECT TO A BOND (8-0).**”

25. 2001S-310U-13

RANSOM PARK, Section 2
Map 135-00, Parcel(s) Part of 273
Subarea 13 (1996)
District 27 (Sontany)

A request for final plat approval to create eight lots abutting the southwest terminus of South Grafton Court, approximately 245 feet southwest of Olive Circle (1.89 acres), classified within the RS10 District, requested by Karen R. Bennett, owner/developer, MEC, Inc., surveyor.

Staff recommends *conditional approval* subject to a bond for the extension of roads, sidewalks, and public utilities.

This request is for final plat approval to create 8 lots within the RS10 District on approximately 2 acres abutting the southwest terminus of South Grafton Court, southwest of Olive Circle. The site is located within a larger cluster lot subdivision in the Antioch area that abuts the east margin of Franklin Limestone Road. The Planning Commission approved the preliminary plat for 162 lots on 44 acres on June 8, 2000 (2000S-155U-13). This plat matches the approved preliminary.

The current Subdivision Regulations require sidewalks on both sides of the street within subdivisions, and this plat is only showing sidewalks on one side of the street. The regulations in place at the time of

approval for the preliminary only required sidewalks on one side of the street. Sidewalks could be required on both sides of the street as per today's standards, but the developer has a vested interest in the form of an approved final plat to create 34 lots. The Planning Commission approved a final plat to create 34 lots on approximately nine acres on September 14, 2000 (2000S- 295U-13). The approved final plat abuts this request for eight lots, and it was approved with sidewalks only on one side of the street. For this reason, staff recommends conditional approval subject to a bond for the extension of roads, sidewalks, and public utilities.

Resolution No. 2001-482

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-310U-13, is APPROVED WITH CONDITIONS SUBJECT TO A BOND (8-0).”

PLANNED UNIT DEVELOPMENTS (revisions)

27. 117-83-U-14
Music City Outlet Center
Map 62, Parcel(s) 232
Subarea 14 (1996)
District 14 (Stanley)

A request to revise the approved preliminary plan of the Commercial (General) Planned Unit Development District located abutting the north margin of McGavock Pike, (33.31 acres), classified CA District, to permit the 283,691 square feet of existing retail space to be converted to office space, requested by Cumberland Financial Services for FAC Properties, L.P., owner.

Staff recommends *conditional approval*.

This request is to revise a portion of the preliminary PUD plan for the Commercial (General) PUD district to permit the existing 283,691 square feet of retail space to be changed to office space. The plan proposes no change to the floor plans, no additional square footage, and no changes to the driveway or access points. Although this plan was approved prior to 1998, the 1998 Zoning Ordinance update requires all revised PUD plans to meet the current landscaping and parking standards. The Zoning Ordinance requires the proposed office uses to have one parking space for every 300 square feet of space. While 945 parking spaces are required to meet the requirements, the existing parking area includes a total of 1,341 parking spaces. Staff recommends conditional approval provided a Traffic Impact Study is submitted in conjunction with the submittal of any final PUD plans, and provided Water Services approves the plans prior to the Planning Commission meeting.

The applicant has indicated that the existing mall is underutilized since Opry Mills opened across the street, and this revision will serve to adaptively reuse the existing structures. The applicant intends to update the façade of the building and upgrade the landscaping in the parking lot to modernize the site for the proposed office development.

Zoning

The Zoning Ordinance allows the Planning Commission to consider revisions to PUDs when the proposed use is either consistent with what was approved on the original Council approved plan, or when it is consistent with the base zoning district. The base zoning on this property is Commercial Attraction (CA) which is intended for a wide range of commercial activities, including, retail, recreational, and office. This proposal is also consistent with the Subarea 14 Plan's Commercial Mixed Concentration (CMC) policy calling for a mixture of retail, office, shopping uses.

Traffic

The Metro Traffic Engineer has indicated that with the change from retail to office, the applicant will be required to submit a Traffic Impact Study (TIS) to determine how the change in traffic counts and patterns could impact the roads in this area. The applicant has agreed to comply with any on or off-site improvements that may be required under an approved TIS by the Metro Traffic Engineer.

Resolution No. 2001-483

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 117-83-U-14 is given **CONDITIONAL APPROVAL FOR A REVISION TO THE PRELIMINARY PLAN (8-0)**: The following conditions apply:

- 1. Prior to the issuance of any building permit, 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.
- A. 2. Any request for final approval shall include a Traffic Impact Study to be approved by the Metropolitan Department of Public Works. The applicant/owner has agreed to provide all improvements required by the traffic impact study approved by Public Works.
- 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.
- B. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned units 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.”

28. 2000P-003G-06
Riverwalk Amenity Area
Map 126, Parcel(s) Part of 148
Subarea 6 (1996)
District 23 (Bogen)

A request to revise the preliminary plan and for final approval for a portion of the Planned Unit Development District located abutting the northeast corner of Valley Park Drive and Rivervalley Drive, (2.66 acres), classified RS15 District, to revise the resident amenity area by eliminating the proposed clubhouse and redesigning the pool and parking area to add two cabanas and play areas, requested by Civil Site Design Group for Riverwalk Development Partners, Inc., owner.

Staff recommends *conditional approval* subject to a revised plat showing a sidewalk along Valley Park Drive.

This request is to revise a portion of the preliminary PUD’s amenity area and for final approval. The preliminary plan was approved by the Commission in June 2000. That plan included a clubhouse and pool, while the proposed plan eliminates the clubhouse and provides two smaller cabanas, increases the pool’s size, and adds two play areas. Staff recommends conditional approval provided a revised plan is submitted prior to the Planning Commission meeting showing a sidewalk along the amenity area’s frontage on Valley Park Drive.

Resolution No. 2001-484

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2000P-003G-06 is given **APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE (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. 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. 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.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

MANDATORY REFERRALS

29. 2000M-131U-10

Vanderbilt University Pedestrian Bridge
Map 104-04, Parcel(s) 119, 235
Subarea 10 (1994)
District 18 (Hausser)

A request to construct an 8 foot wide pedestrian bridge spanning 21st Avenue South at a height of 17 feet over the street, requested by Mary Pat Teague for Vanderbilt University.

This request is to construct a pedestrian bridge over 21st Avenue South by Vanderbilt University. Vanderbilt University originally submitted this application last October, and it was deferred indefinitely until more detail about the bridge’s size, location, materials, and design were known. Over the past year, Vanderbilt has worked with Public Works, NES, and the Planning Department to design a bridge that meets everyone’s needs. For Vanderbilt, the bridge is critical to providing an unobstructed pedestrian link between the university’s main campus and Peabody College. It also provides barrier-free access for students and visitors that is ADA compliant.

The bridge is proposed to span (i.e. encroach upon) 21st Avenue South near Edgehill Avenue. The proposed bridge is designed with two brick columns with the Vanderbilt University “V” emblem on each column and a bridge span with the “V” emblem and words “Vanderbilt University”. The bridge’s design materials include brick, steel, lighting, and a metal mesh to prevent objects from being thrown on pedestrians and cars below. The bridge’s proposed pedestrian path is 8 feet wide and the bridge’s height above 21st Avenue South is 17 feet (as measured from the street to the bottom of the bridge). Bridge piers will be located outside of the public right-of-way.

Staff recommends conditional approval subject to other agencies and departments recommending approval.

Resolution No. 2001-485

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2000M-131U-10 is **APPROVED (8-0) with conditions.**"

30. 2001M-097G-07

Close portion of unbuilt Morton Mill Road
Map 141, Parcel(s) 45, 46
Subarea 6 (1996)
District 35 (Lineweaver)

A request to close and abandon a portion of Morton Mill Road from River Bend Lane to its terminus on this property, requested by Walter Davidson, Walter Davidson & Associates, appellant, for abutting property owner. Easements are to be abandoned.

Staff recommends *approval*.

This request is to close and abandon a portion of Morton Mill Road from the centerline of River Bend Lane up to the point that it is no longer shown as a public road on the Official Street and Alley Map. The applicant wishes to abandon this portion of Morton Mill Road in order to rededicate and extend the road across the proposed Harpeth Crest subdivision. The Planning Commission approved a preliminary plat for Harpeth Crest on September 13, 2001 (2001S-267G-06) and a final plat for 5 lots within Harpeth Crest on October 11, 2001 (2001S-268G-06). The preliminary plat's approval was conditioned subject to Metro Council approving this mandatory referral prior to any final plat recordation. Since that time, however, staff has learned that this abandonment is merely a housekeeping correction. This correction should have been made long ago, and staff now feels that recordation of the approved final plat should not be delayed by this mandatory referral.

The Official Street and Alley Map shows Morton Mill as a public road well into the proposed subdivision. It becomes a private drive according to the map approximately 2,000 feet north of River Bend Lane's centerline. The sketch submitted by the applicant shows the public portion of Morton Mill Road ending 1 mile from Old Harding Pike which is approximately 900 feet into the property. This is in accordance with the survey records provided by Public Works that date back to 1919. The problem is that the same records include a written description that states that the public portion ends where the property for the proposed subdivision begins. Public Works maintains that the written description within their records takes precedence over the measured distance because Old Harding Pike has been re-aligned since the survey records were recorded. Public Works has assured staff that the Official Street and Alley Map is incorrect and should be updated, therefore, this abandonment is merely a housekeeping measure.

An abutting property owner, Ms. Marion Lopez, expressed concern about the closing of this portion of Morton Mill Road at the commission meeting on September 13th. She currently has access to her property through an ingress/egress easement from River Bend Way that is established with the deed to her property. The Metro Legal Department has informed staff that Ms. Lopez has no claim to the portion of Morton Mill Road being abandoned, and her signature is not required on the application for the mandatory referral. Metro Legal maintains that this portion of Morton Mill Road has never been a public road and that the mandatory referral is required only to receive Council action to remove the road from the Official Street and Alley Map. Staff recommends approval of this request in order to remove this housekeeping error from the official map.

Resolution No. 2001-486

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-097G-07 is **APPROVED (8-0).**"

32. 2001M-106U-08

Council Bill No. BL2001-865

Right-of-Way Abandonments at Madison and Monroe Street
Map 82-9, Parcel(s) 485; Map 82-9, Parcel(s) 293
Subarea 8 (1995)
District 20 (Haddox)

A council bill to reclaim dedicated right-of-way for turning radii at 5th Avenue North and Madison Street, 5th Avenue North and Monroe Street, Alley #202 and Monroe Street and Alley #202 and Madison Street, sponsored by councilmembers Haddox and Waters for Germantown Partners, an abutting property owner.

Staff recommends *conditional approval*.

This council bill is to abandon and reclaim dedicated right-of-way at the corners of 5th Avenue North and Madison Street, 5th Avenue North and Monroe Street, Alley #202 and Monroe Street, and Alley #202 and Madison Street as well as to abandon 5-foot public utility easements along Monroe Street and Madison Street. The Planning Commission approved a final plat to resubdivide six lots into sixteen lots on October 15, 1997 (97S-104U). The approved plat shows two right-of-way dedications of 135 square feet for turning radii along 5th Avenue North and two right-of-way dedications of 48 square feet for turning radii along the alley to the rear of the property. Two five-foot public utility easements are also shown on parcel 293 along Monroe Street and on parcel 485 along Madison Street. Public Works has approved the right-of-way abandonment. NES is still reviewing the public utility easement abandonment.

Staff recommends conditional approval of this request subject to NES' approval. The applicant is requesting this abandonment to reclaim the property in order to construct mixed-use buildings closer to the street corners. The property is within Germantown and Subarea 8 Plan's Mixed Use policy. According to the subarea plan, living, working, and shopping needs should be integrated within Germantown at a pedestrian-scale to create an attractive, exciting environment for both residents and businesses. Allowing the proposed buildings closer to the street would reinforce the goals of the Subarea 8 Plan by creating a comfortable pedestrian environment. Furthermore, this area is historically and architecturally unique, and corner radii should be preserved in such a way that buildings can be constructed closer to the street corners in order to maintain the area's uniqueness.

Resolution No. 2001-487

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-106U-08 is **APPROVED (8-0) with conditions.**"

33. 2001M-107-08

Mt. Bethel Baptist Church Sewer Easement Abandonment
Map 081-12, Parcel(s) 143-145 and 240
Subarea 8 (1995)
District 20 (Haddox)

A request to abandon an existing 8" sanitary sewer line and easement that runs along the rear of parcels 143-145 and the south side of parcel 240 on tax map 081-12.

Resolution No. 2001-488

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-107-08 is **APPROVED (8-0).**"

34. 2001M-108U-14

Sewer Easement Abandonment for Margaret Allen Middle School
Map 106, Parcel(s) 12
Subarea 8 (1995)

District 15 (Loring)

A request to abandon 52.7 feet of an 8" sewer line within a 20 foot sewer easement running along Spence Lane to accommodate a school expansion, requested by Metro Water Services.

Staff recommends *approval*.

This request is to abandon an 8" sewer line located within a 20 foot easement for a length of 52.7 feet at Margaret Allen Elementary School. The sewer line runs parallel to Spence Lane. The line needs to be abandoned for the school's planned expansion. In addition, a new sewer manhole will be constructed.

Staff recommends approval of this easement abandonment as all reviewing agencies and departments are recommending approval.

Resolution No. 2001-489

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2001M-108U-14 is **APPROVED (8-0)**."

OTHER BUSINESS

36. 2002 MPC meeting schedule

Resolution No. 2001-490

BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the 2002 MPC Meeting schedule as follows:

MPC SCHEDULE
2002 Schedule: Filing Deadlines & Meeting Dates

Filing Time & Location:

4:30 p.m. filing closes, Metropolitan Planning Commission
Lindsley Hall, 730 Second Avenue South, Nashville, TN 37201
615.862.7190 www.nashville.org/mpc

Meeting Time & Location:

1:00 p.m. in the Howard Office Building Auditorium
700 Second Avenue South, Nashville, TN

MPC <u>Filing Deadline</u>	MPC <u>Meeting Date</u>
December 6, 2001	January 10, 2002
December 13, 2001	January 24, 2002

January 3	February 14
January 17	February 28
February 7	March 14
February 21	March 28
March 7	April 11
March 21	April 25
April 4	May 9
April 18	May 23
May 2	June 13
May 16	June 27
June 6	July 11
June 20	July 25
July 3*	August 8
July 18	August 22
August 1	September 12
August 15	September 26
September 5	October 10
September 19	October 24
October 3	November 14
October 17	November 28
November 7	December 12
November 20	January 2, 2003 *

* Due to July 4th & Christmas holidays

37. Request to amend the 2001-2002 to 2006-2007 Capital Improvements Budget

Resolution No. 2001-491

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves amendments to the 2001-2002 to 2006-2007 Capital Improvements Budget.”

ADDENDUM

Employee contract for David Klinefelter

Resolution No. 2001-492

“BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the employee contract for David Klinefelter for one year, from January 1, 2002 through December 31, 2002.”

This concluded the items on the consent agenda.

PUBLIC HEARING

**GENERAL PLAN AMENDMENT, ZONING TEXT
AMENDMENTS AND ZONING MAP AMENDMENTS**

2. Subarea 6 Plan

Map 140-00, Parcel(s) 16, 69, 74, 75; Map 141, Parcel(s) 10, 69

Subarea 6 (1996)

District 35 (Lineweaver)

A request to amend the Subarea 6 Plan along the northern margin of McCrory Lane and the west margin of Coley Davis Road for a traditional neighborhood development, requested by Dale and Associates, Inc., appellant for Michael and Diane Allison and Rhonda England, owners.

Mr. Sewell stated staff recommends the Commission set a public hearing date for December 6, 2001.

The applicant has requested the Planning Commission amend the Subarea 6 Plan for 250+ acres in Bellevue. The property is landlocked and is bordered by I-40 and the Harpeth River, and is bisected by the CSX Railroad. Currently, the property is vacant except for large metal barn which is used for the commercial sod farm operation. The plan amendment is requested to allow for an Urban Design Overlay (UDO) district and mixture of commercial, office, and residential uses within traditional neighborhood development (TND). The current policy for the area is Natural Conservation (NC) which does not support the proposed TND project.

Current Policy

The NC policy is intended to protect environmentally sensitive areas such as steep slopes and floodplain. Both of these occur on this property due to large portions of the site containing steep topography and Harpeth River floodplain. It has been practice to allow development on the edge of the NC areas where pockets of land physically suitable for urban development that can be readily served by infrastructure. Much of the recent residential development in Bellevue has occurred in NC policy areas.

The original Subarea 6 Plan had this property within a regional-scale retail policy as part of the Bellevue Regional Activity Center (RAC). That policy was applied to the Bellevue Mall and surrounding large commercial centers where Staples, Circuit City, Home Depot, and Toys R’ Us are located. In the 1996 update, the RAC policy was removed in part because Bellevue’s growth was slower than originally expected and several low density residential developments were approved---inconsistent with the RAC policy.

Proposed Policy

The applicant’s proposed subarea plan amendment would enable a mixture of uses not currently supported by the existing NC policy. The plan amendment would allow development that uses traditional neighborhood design principles as a touchstone. By applying a UDO, a TND development can occur that is

more compact, provides greater integration of uses and services, and ensures a development's design respects environmentally sensitive areas. When the NC policy was applied to this area, Metro regulations lacked their current sophistication for protecting environmentally sensitive areas. Since 1996, changes to the Subdivision Regulations, Zoning Ordinance, and Storm Water Management Ordinance have served to better protect and buffer slopes, drainage ways, streams, and river. The applicant's proposed UDO would afford even greater protection through the use of design guidelines for this property and its environmentally sensitive areas.

Given a portion of the property has been zoned CS (commercial) since 1974 and its visible location along I-40, there is merit to considering a plan amendment. Under the current CS zoning, without any design criteria, a large commercial center could be developed on this property with access from Coley Davis Road via a bridge over the Harpeth River. Staff supports evaluating a plan amendment that supports a mixture of uses (mixed-use and residential policies) and protects the scenic river and slopes. The amendment should include this property and those along Coley Davis Road between I-40 and Coley Davis Road/Memphis - Bristol Highway intersection. Therefore, staff recommends a public hearing on a Subarea 6 Plan amendment be scheduled for Thursday, December 6, 2001 at 1:00 p.m. Staff will work with Bellevue neighborhood groups and Councilmembers Lineweaver and Bogen on this proposed plan amendment.

Mr. Bernhardt stated the reason he didn't want this deferred at the beginning of the meeting is so the Commission would be aware the amendment process had started.

Vice Chairman Small moved and Ms. Nielson seconded the motion, which carried unanimously, to defer indefinitely and to authorize staff to set public hearing date when ready.

4. 2001Z-005T2
Council Bill No. BL2001-857
Map , Parcel(s)
Subarea ()
District ()

A council bill amending Section 17.16.040 (Educational Uses of the Zoning Ordinance) by modifying and clarifying the Community Education use, sponsored by Councilmembers Summers and Waters and requested by Planning Department staff.

Ms. Hammond stated Staff recommends *approval*.

Below is a description of the text change, a comparison of existing and proposed standards, answers to questions staff has received about the proposal, and finally a copy of the existing zoning text followed by the proposed zoning text.

Purpose

The purpose of this zoning text amendment is to explicitly require conditions to be met that allow schools (public or private) to be sited as important features in or near our neighborhoods while at the same time protecting neighborhoods from undesirable impacts of those schools. The need for the amendment was identified when the Metro Board of Education encountered difficulties placing new school sites in urban neighborhoods. The existing site size requirements are artificially large, and mean that schools must often be placed apart from neighborhoods, on sites that are larger than the school and the neighborhood actually need. In addition to the cost of acquiring unneeded land, excessively large school sites are difficult and costly to maintain within available resources. Poorly maintained school campuses can become unsightly elements in the neighborhoods.

Principles

This text change proposes to eliminate an absolute minimum site size and instead to establish setback, screening, and buffer yard standards that vary depending upon how the school building(s) relate to

residential properties and to the public street. For example, if a school is designed so that the size and height of a building face is of domestic (residential) scale, then that building face will not require a landscape buffer next to a residential property. However, if the building face is large and out of scale with typical dwelling unit scale, then a landscape buffer will be required. Access requirements remain almost the same, with the exception that the proposal would allow access for a small high school from a collector streets while maintaining the existing access standards for large high schools. In addition, a standard governing outdoor lighting is proposed in order to further improve the compatibility of each school with its adjoining neighborhood.

Comparison of Existing and Proposed Zoning Requirements

Minimum Access By Street Type		
School Size	Existing Code	Proposed Code
High School With more than 800 students With 800 students or less	On arterial street or at intersection of two collector (or larger) streets arterial street or at intersection of two collector streets (or larger)	On arterial street or at intersection of two collector (or larger) streets On collector (or larger) street
Middle School	On collector (or larger) street	On collector (or larger) street
Elementary School	On any street	On local (or larger) street

Minimum Campus Size		
School Size	Existing Code	Proposed Code
High School	15 acres + 1 acre/100 students	Minimum lot area of the zoning district
Middle	10 acres + 1 acre/100 students	Minimum lot area of the zoning district
Elementary School	5 acres + 1 acre/100 students	Minimum lot area of the zoning district

Additional Setbacks for Schools (base zoning district establishes minimum standard)		
School Size	Existing Code	Proposed Code
High School Structures and outdoor activity grounds abutting residential zone	100 feet	Setback varies according to feature of school site and abutting community condition (see chart in proposed text).
Middle School Structures and outdoor activity grounds abutting residential zone	50 feet	Setback varies according to feature of school site and abutting community condition (see chart in proposed text).
Elementary School Structures and outdoor activity grounds abutting residential zone	50 feet	Setback varies according to feature of school site and abutting community condition (see chart in proposed text).

Landscape Buffer Yard / Screening		
<u>School Size</u>	Existing Code	Proposed Code
High School property perimeter	Landscape buffer yard B (ranges from 10' to 20' in width)	No general perimeter buffer required
outdoor recreation area within 100 feet of residential district or use	None	Landscape buffer yard B (ranges from 10' to 20' in width)
Middle School property perimeter	Landscape buffer yard B (ranges from 10' to 20' in width)	No general perimeter buffer required
outdoor recreation area within 100 feet of residential district or use	None	Landscape buffer yard B (ranges from 10' to 20' in width)
Elementary School property perimeter	Landscape buffer yard B (ranges from 10' to 20' in width)	No general perimeter buffer required
outdoor recreation area within 50 feet of residential district or use	None	Landscape buffer yard A (ranges from 5' to 15' in width)
School building(s)	None	Nearest wall face to residential zone must be of residential-scale or must plant Landscape buffer yard A.
Chain link or similar fencing material in building yard abutting a street	None	Screen plantings required on street side of fence; standards for shrubs are specified.

Outdoor Lighting		
<u>School Size</u>	Existing Code	Proposed Code
High School Middle School Elementary School Buildings, parking and athletic field lights	None	All outdoor lighting must be shielded or directed to prevent light from shining onto abutting residential lots

Frequently Asked Questions

1. What are the standards for the “A” landscape buffer and the “B” landscape buffer yards?

The Zoning Ordinance specifies the following requirements.

- A. The “A” buffer varies from 5’ to 15’ in width.
 - i. The 5’ buffer requires that every 100 linear feet of buffer be planted with 2.4 canopy trees, .8 understory trees, and 8 shrubs, in combination with a 6’ opaque fence.
 - ii. The 10’ buffer requires that every 100 linear feet of buffer be planted with 1.8 canopy trees, .6 understory trees, and 6 shrubs.
 - iii. The 15’ buffer requires that every 100 linear feet of buffer be planted with 1.2 canopy trees, .4 understory trees, and 4 shrubs.

- B. The “B” buffer varies from 10’ to 20’ in width.
 - C. The 10’ buffer requires that every 100 linear feet of buffer be planted with 4.5 canopy trees, 1.8 understory trees, and 18 shrubs.
 - D. An alternative 10’ buffer limited to the Urban Zoning Overlay district can show fewer planted if used in combination with an opaque fence. In this instance, for every 100 linear feet of buffer a minimum of 3 canopy trees, 1 understory tree, and 10 shrubs must be planted in combination with a 6’ wall or opaque fence.
 - E. The 15’ buffer requires that every 100 linear feet of buffer be planted with 4 canopy trees, 1.6 understory trees, and 16 shrubs.
 - F. The 20’ buffer requires that every 100 linear feet of buffer be planted with 3.5 canopy trees, 1.4 understory trees, and 14 shrubs.

A. How might the proposed change affect separation requirements between schools and certain other uses such as liquor stores?

Not at all. Separation requirements, where they exist, are tied to the standards for the potentially undesirable use, not the standards for schools. In the Zoning Ordinance, there are no separation requirements for liquor sales in relation to other uses. There is, however, a separation requirement that will not allow an adult entertainment overlay district to be established with 500 feet of a school. (No adult entertainment businesses may be established outside of an adult entertainment overlay zoning district.)

B. What changes are being proposed for the facility’s size to the size of the site?

None. The existing school regulations use basic measures of lot utilization such as maximum floor area ratio (FAR) and maximum impervious area ratio (ISR) are controlled by the standards of the zoning district in which the school is proposed.

C. What changes are being proposed to the allowable height of school structures?

None. The permitted height is controlled by the basic standards of the zoning district in which the school is proposed.

D. Why aren’t sidewalks being required?

Sidewalks are required. As with any development, sidewalks are required along the project’s street frontages. This requirement does not single out schools, but is a general requirement of Zoning Ordinance, Section 17.20.120.

E. Why are there no restrictions on adjacent land use?

No restrictions exist now under the current regulations nor are any proposed with this change.

F. What setback restrictions have been established for school fencing, parking, and buildings?

None. Setback restrictions are established in the Zoning Ordinance for buildings and uses in each zoning district. These standards also apply to schools and are determined by the zoning district in which the school is located.

G. Why are screening shrubs too small when planted and the type of plant not covered?

Requirements for landscape materials are specified in Zoning Ordinance, Chapter 17.24. Except for screening requirements developed specifically for chain-link fences adjacent to public streets, screening materials associated with schools are no different from screening materials associated with other permitted uses. For example, the basic parking lot screening and landscaping requirements of the Zoning Ordinance apply equally to schools, churches, shopping centers, etc.

H. Why are distances from street intersections not defined?

Zoning Ordinance Sections 17.20.160 through 17.20.190 address where driveways may be located to nearby intersections. These sections also address the “sight triangle” – the area at an intersection that must be clear of sight obstructions to allow drivers a clear view of on-coming traffic.

I. Subarea and neighborhood plans are prepared with citizen involvement and adopted by the Planning Commission. How are future school site needs treated in those planning documents?

Subarea plans and neighborhood plans attempt to identify future school needs in a general way, based on the Capital Budget and Metro Schools’ projections. However, these plans do not identify actual future school sites. That is the responsibility of Metro Schools and a function of land availability and cost.

Existing Zoning Ordinance Text

Delete the text below that is ~~struck through~~.

i. Educational Uses

(Refer to zoning district land use table)

~~A. Community Education.~~

~~**1. Campus Size. Minimum campus size shall be based on the total enrollment capacity of the following school types:**~~

School Type	Minimum Campus Size*
Elementary (K–8)	5 acres + 1 acre/100 students
Middle (5–9)	10 acres + 1 acre/100 students
High (7–12)	15 acres + 1 acre/100 students

~~* Public park space which abuts the school site may be calculated to meet the minimum campus size, provided the metropolitan board of parks and recreation approves the site for shared use.~~

~~2. Setback. Where elementary and middle school structures and outdoor activity grounds abut a residential zone district or district permitting residential use, there shall be a minimum setback of fifty feet. Where high school structures and outdoor activity grounds abut a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet.~~

~~3. Landscape Buffer Yard. Screening in the form of landscape buffer yard Standard B shall be applied along common property lines.~~

~~4. Street Standard. At a minimum, educational facilities shall have driveway access on streets that function at the minimum street standards below:~~

~~a. Elementary: any street; on minor local streets, driveway access shall be permitted only if the minor local street intersects an arterial or collector street within the same block;~~

~~b. Middle: collector street;~~

~~c. High: arterial street; or the intersection of two collector streets.~~

~~5. Reduced Lot Size. The board of zoning appeals may permit school facilities on smaller lot sizes than set forth above provided extracurricular activities are not offered by the school. Indoor/outdoor interscholastic and intramural competitive sports and outdoor physical education facilities are prohibited. Playgrounds and nature study grounds shall be permitted. The reduced lot size shall not be less than the following enrollment capacities.~~

Enrollment Capacity	Minimum Lot Size
1 to 75	2 acres
75 or more	3 acres + 1 acre/100 students

~~a. Landscape Buffer Yard. Screening in the form of landscape buffer yard Standard A shall be applied along common property lines.~~

~~b. Street Standard. Reduced lot size educational facilities may have driveway access on any street, except on a minor local street driveway access shall be permitted only if the institution is located on a corner lot.~~

6. Community education facilities having a valid use and occupancy permit on the effective date of the ordinance codified in this code, and which cannot satisfy the locational or design standards of this section, may petition the board of zoning appeals as a special exception use under the provisions of Article III of this chapter.

Proposed Zoning Ordinance Text

Substitute the text below in-lieu of existing text shown ~~struck through~~ above.

A. Community Education.

- A. **Site location.** It is desirable, but not required, that schools be located within walking distance (one-quarter mile) of other community facilities such as, but not limited to, community centers, parks, greenways, transit stops, and libraries. Along with the required site plan, a vicinity map shall be provided that indicates the school site, surrounding street network, and location of community facilities within one-half mile of the subject site.
- B. **Street access.** At a minimum, educational facilities shall access streets that function at the minimum street standards below:
 - a. Elementary school (K-8) Local street
 - b. Middle school (5-9) Collector street
 - c. High school 800 student capacity or less Collector street
 - c. High school greater than 800 student capacity Major or minor arterial or the intersection of two collector streets
- A. **Outdoor lighting.** Lighting associated with active outdoor recreation, including athletic fields and courts, shall be shielded or directed to prevent artificial light from shining directly into the windows of any residential structure or directly onto abutting lots zoned or used for residential purposes.
- B. **Landscaping, buffering and screening.**
 - C. In addition to the standards for landscape maintenance (17.24.080), tree protection and replacement (17.24.090f), and parking lot landscaping (17.24.130f), the screening requirements for exterior service areas of commercial buildings (17.24.060E) shall apply.
 - b. Buffer and screening standards vary depending upon the relationship between an education campus' edge condition and the type of property that abuts it. To recognize conditions where uses and buildings create compatible relationships of scale and appearance with neighboring features, buffers are required only as set out in the table below.

		Residentially zoned property	Public street
CAMPUS FEATURES	Closest building wall > 20' in height, within 50' of property line, and parallel to or forming an angle 45° or less with property line	"A" Buffer	
	ABUTTING CONDITION		
	Closest building wall > 800 square feet in area, whose wall plane is within 50' of property line, and parallel to or forming an angle 45° or less with property line	"A" Buffer	
	Active outdoor recreation area of elementary school within 50' of property line	"A" Buffer	
Active outdoor recreation area, court or playing field of middle or high school within 100' of property line	"B" Buffer		

<p>Parking lot contains > 30 spaces within 50' of property line</p>	<p>“A” Buffer in addition to/combined with the side lot line screening requirements of 17.24.130f</p>	
<p>Chain link or similar fencing material in an established yard</p>		<p>Fence planted on exterior side with evergreen shrubs minimum 2 ½ feet in height at installation, expected height at maturity at least 6 feet, planted no more than 6 feet on center</p>

5. Site plan required. Prior to the issuance of a building permit for construction of a new community education facility, a site plan shall be prepared and submitted identifying and describing the overall development plan and use of individual lots which comprise the site as a whole. The site plan shall be presented in accordance with Section 17.40.170 of this title and the requirement of paragraph A.1. of this section.

Mr. Joe Edgens, Director of Operations with Metro Schools, agreed with staff and asked for approval.

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

Resolution No. 2001-493

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-005T2 is **APPROVED (8-0)**:

This amendment requires conditions to be met by schools (public or private) which are within or near our neighborhoods while at the same time protecting neighborhoods from undesirable impacts of those schools. The existing school site size requirements are artificially large, and mean that schools must often be placed apart from neighborhoods, on sites that are larger than the school and the neighborhood actually need."

7. 2001Z-071U-12

Map 172-00, Parcel(s) 179
 Subarea 12 (1997)
 District 31 (Knoch)

A request to change from R15 district to RM4 district property at Pineview Lane (unnumbered), 2,800 feet south of Old Hickory Boulevard, (59.01 acres), requested by Jeffery Hitt, for Jeffery Hitt and J. D. Eatherly, owners.

8. 122-83-U-12

The Woodlands
 Map 172, Parcel(s) 179
 Subarea 12 (1997)
 District 31 (Knoch)

A request to amend a phase of the Residential Planned Unit Development District located on the south margin of Old Hickory Boulevard at the southern terminus of Woodland Avenue, (59.01 acres), classified R15 and proposed for RM4, to permit 150 townhomes, replacing 152 single-family lots, requested by Jeffrey Hitt, owner.

Mr. Leeman stated staff recommends *conditional approval*.

Subarea Plan Amendment required? No.

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

This request is to rezone and amend a portion of the existing Residential PUD for 59 acres from R15 (residential) to RM4 (multi-family residential) district properties at Pineview Lane (unnumbered). The existing R15 district is intended for single-family homes and duplexes at up to 2.5 units per acre. The proposed RM4 district is intended for multi-family at up to 4 units per acre. Surrounding uses include single-family homes and vacant land. The PUD amendment is to permit 150 townhomes in lieu of 152 single-family homes.

Zone Change Proposal

Staff recommends conditional approval since the RM4 district is consistent with the Subarea 12 Plan's Residential Medium (RM) policy calling for 4 to 9 units per acre. There are three hills on the western, southern, and eastern perimeter of this property. These hills provide a zoning boundary between the proposed multi-family zoning and the surrounding single-family developments. The RM4 district is consistent with the 4 dwelling units per acre density of the single-family portion of the Woodlands Residential PUD.

PUD Proposal

Staff recommends conditional approval of the 150 townhomes. An amendment is required due to the change in use from single-family lots to multi-family units, as provided in Section 17.40.120F of the Zoning Ordinance. The Planning Commission has previously approved two similar requests for multi-family uses on January 25, 1996, and May 27, 1999. The Metro Council deferred indefinitely the council bills related to these requests and they were never acted upon. This latest amendment is consistent with the overall PUD that contains a mixture of single-family homes and multi-family units. The plan preserves 45 acres of land as open space, a portion of which will contain two new Metro water tanks.

Staff's conditional approval is based upon Public Works approving drainage plans and Water Services approving water line easements and tank locations prior to the Commission meeting. A geotechnical study shall also be required with any final PUD plan due to unstable soils in this area. Based on that study, the location and number of units may be relocated or reduced. The final PUD plan shall also show the water tanks, a use permitted with conditions by the Zoning Ordinance in a residential district. The tanks shall be shown with a minimum setback of 50 feet from the property line and the proposed townhomes as well as a "D" landscape buffer yard, as required in Section 17.16.100B of the ordinance.

Traffic

The Traffic Engineer is requiring a new traffic signal at the PUD entrance on Old Hickory Boulevard. The applicant has agreed to purchase and install the signal. The signal must be installed prior to the issuance of any Use and Occupancy permits.

Schools

A multi-family development with 150 townhomes will generate approximately 22 students (10 elementary, 6 middle, and 6 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.

Ms. Vickie York, Mr. Thomas Read, Mr. Dean Tozer, Mr. Jay Stiegerwald, and Mr. Joseph Vaidik spoke in opposition to the proposal and expressed concerns regarding multi-family housing, improper use of the property, the Councilmember not honoring their petition of opposition, and devaluing of their property.

Mr. Tozer presented the Commission with a petition in opposition.

Mr. Jeffrey Hitt and Mr. Larry McClanahan, owners, spoke in favor of the proposal and explained their proposal.

Councilmember Summers arrived at 1:55 p.m., at this point in the agenda.

Mr. David Dole spoke in favor of the townhomes and stated when the petitions were distributed by the homeowners association the people they visited were only given the negative facts.

Mr. Spencer Franklin stated he originally was in opposition to the proposal, but then realized over half of the existing trees would remain if the townhomes were built rather than single family homes.

Ms. Vickie Karroky, spoke in opposition to the proposal and asked the zoning remain as it is today.

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

Ms. Nielson stated her concern would be a PUD amendment to increase the number of townhomes after these are built.

Mr. Leeman stated they would not be allowed to do that.

Vice Chairman Small asked about the natural hill boundary that would separate the townhomes from the single family homes.

Mr. Leeman stated that with the hills the townhomes would not be visible from the single family homes.

Ms. Jones stated she felt this was a better plan than the original one for single family homes.

Councilmember Summers stated he had spoken to Councilmember Knoch and that he was in favor of the proposal because it is better than the first proposal.

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

Resolution No. 2001-494

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-071U-12 is **APPROVED (9-0)**:

The existing Subarea 12 Plan's Residential Medium (RM) policy calling for up to 9 dwelling units per acre is consistent with the proposed RM4 district which allows 4 dwelling units per acre. There are three hills on the western, southern, and eastern perimeter of this property. These hills provide a zoning boundary between the proposed multi-family zoning and the surrounding single-family developments. The RM4 district is consistent with the 4 dwelling units per acre density of the single-family portion of the Woodlands Residential PUD."

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 122-83-U-12 is given **CONDITIONAL APPROVAL FOR AN AMENDMENT TO THE PRELIMINARY PLAN FOR A PHASE(9-0)**: The following conditions apply:

1. Prior to the issuance of any building permit, 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.
- A. 2. Any request for final approval shall include a Geotechnical Study and water quality provisions, as required by Metropolitan Department of Public Works. Based on that study, the number of units may be relocated or reduced.
3. Prior to the issuance of any building permits, there shall be a traffic signal installed at the intersection of Old Hickory Boulevard and Woodlands Avenue using the \$36,651.62 set aside by Metropolitan Government with the remaining additional cost to be paid by the developers.
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. As shown on the preliminary PUD plan, this phase includes private driveways that shall be maintained by the Homeowner’s Association.
6. You should further contact the councilmember in the area so as to expedite the introduction of an ordinance effectuating the request in the Metropolitan Council. If this application progresses to the point of being considered at a public hearing before the Metropolitan Council, officials of the Metropolitan Government will post a sign (or signs) on the property at least 21 days prior to the scheduled hearing to satisfy the public notice requirements of Section 17.40.730 (B) of the Zoning Regulations. As the applicant, it is your responsibility to ensure those signs are properly maintained and displayed from the time they are posted until the public hearing is held. After the public hearing, you will need to remove the sign(s) from the property.
7. This preliminary 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.”

10. 2001Z-105G-06

Map 141-00, Parcel(s) 87 (1.9 ac), 88 (5.78 ac)
Subarea 6 (1996)
District 35 (Lineweaver)

A request to change from CL district to RM15 district properties at 7960 and 7978 Coley Davis Road, abutting the south margin of Coley Davis Road and the east margin of Somerset Farms Drive, (7.68 acres), requested by Jackey Allen, appellant, for Coley Davis One, owner.

11. 151-82-G-06

Harpeth Springs PUD
Map 141, Parcel(s) 86, 87, 88
Subarea 6 (1996)
District 35 (Lineweaver)

A request to cancel the Commercial portion of the Residential and Commercial Planned Unit Development District located abutting the south margin of Coley Davis Road and the eastern margin of Scenic River Lane, classified CL District, (8.95 acres), proposed for RM15 on parcels 87 and 88, approved for a 175 unit motel, a

10,000 square foot restaurant and two office buildings totaling 55,000 square feet, requested by Coley Davis One Partnership for Jackey Allen, owner.

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

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

A traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change 7.68 acres from CL (commercial) to RM15 (multi-family residential) district properties at 7978 and 7960 Coley Davis Road (parcels 87 and 88), along the south side of Coley Davis Road. There is also a request to cancel the undeveloped commercial portion of the Residential and Commercial PUD containing 8.95 acres (parcels 86, 87, and 88). This portion of the PUD was approved for a 175-room motel, a 10,000 square foot restaurant, and two office buildings totaling 55,000 square feet. The existing PUD calls for an intense mixture of commercial uses, while the CL base zoning is intended for retail, consumer service, banks, restaurants and office uses at a moderate intensity. The proposed RM15 district is intended for multi-family dwellings at up to 15 dwelling units per acre. The applicant has indicated he would like to keep the CL zoning on parcel 86, while canceling the PUD from all three parcels. The RM15 district would allow 115 multi-family units on this property.

Background

The Metro Council originally approved this PUD in 1982 for office, restaurant, and motel uses. The CL base zoning was applied in 1998 with the countywide zoning map update to recognize the existing commercial PUD. Prior to 1998, the property had no base zoning; it simply had a Commercial PUD.

The Subarea 6 Plan, which was approved by the Commission in 1996, designates this area as Natural Conservation (NC) policy due to a portion of this site falling within the Harpeth River floodplain. NC policy does allow for moderate intensity development at up to 4 dwelling units per acre in small areas that may be suitable for cluster lot developments. This area is also proposed by staff to be evaluated as part of the Subarea 6 Plan amendment for the Coley Davis Road area.

Although this proposal does move closer to the intent of the current subarea plan, staff recommends disapproval as contrary to the General Plan since the RM15 district is still more intense than intended for this area. Staff would support an RM4 or RM6 district on this property, which would allow 31 or 46 dwelling units, respectively. In addition, keeping the PUD will ensure the development's design is sensitive to the scenic Harpeth River.

Traffic

The Metro Traffic Engineer is requiring a left-turn lane from Coley Davis Road into the project. The applicant has agreed to this requirement in lieu of a traffic impact study.

Schools

A multi-family development at the RM15 density could generate approximately 17 students (8 elementary, 5 middle, and 4 high school). There is currently excess capacity at Gower Elementary School with a current enrollment of 461 students and a capacity of 800 students. Hill Middle School and Hillwood High School currently have sufficient capacity to accommodate additional development in this area.

Mr. Steve Hays, President of the homeowners association, spoke in favor of the zone change proposal, and expressed concerns regarding traffic.

Mr. Craig Williams stated he was concerned about the traffic, a decrease in property value, and child safety.

Mr. Tom White, representing the property owner, stated it was a close to unanimous vote at the homeowners meeting in favor of this proposal.

Mr. Jeff Hankey spoke in favor of any proposal that would keep the property developing as Somerset Farms has previously.

Mr. Damon Bagwell stated if a hotel or townhomes were built it would downgrade the existing homes.

Ms. Bennie Malley agreed with Mr. Hankey and Mr. Bagwell.

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

Mr. Leeman stated staff did not support the existing Commercial PUD, but would support a Residential PUD.

Ms. Nielson stated she would have to be in opposition to the proposal because it was contrary to the General Plan.

Ms. Nielson moved and Vice Chairman Small seconded the motion, which carried unanimously, to disapprove as contrary to the General Plan with a recommendation that the proposal be re-referred to the Commission.

Resolution No. 2001-495

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 151-82-G-06 is DISAPPROVED CONTRARY TO THE GENERAL PLAN (9-0) WITH REQUEST TO COUNCIL TO REFER BACK TO COMMISSION.”

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-105G-06 is DISAPPROVED (9-0) as contrary to the General Plan and refer back to the Commission so it can be reconsidered when the Subarea 6 Plan for this area has been re-evaluated

The existing Subarea 6 Plan designates this area as Natural Conservation (NC) policy due to a portion of this site falling within the Harpeth River floodplain. NC policy does allow for moderate intensity development at up to 4 dwelling units per acre in small areas that may be suitable for cluster lot developments. The RM15 district is more intense than intended for this area under the current subarea plan. The Commission has authorized staff to begin the process of updating the Subarea 6 Plan for this area along Coley Davis Road. The Commission has requested the Metro Council refer this zone change back to the Commission for reconsideration after the subarea plan amendment is completed.”

13. 2001Z-108U-11

Council Bill No. BL2001-859

Map 093-16, Parcel(s) 27 (.12 ac), 28 (.12 ac)

Subarea 11 (1999)

District 19 (Wallace)

A council bill to change from OR20 district to MUN district properties at 101 and 103 Charles E. Davis Boulevard, at the northeast corner of Charles E. Davis Boulevard and Cannon Street (.24 acres), requested by Elsie Harris, appellant/owner.

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

A. **Subarea Plan Amendment required?** Yes, and none was submitted.

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

This council bill is to rezone .24 acres from OR20 (office and residential) to MUN (mixed-use neighborhood) vacant properties located at 101 and 103 Charles E. Davis Boulevard. The existing OR20 district is intended for office and/or residential multi-family uses at up to 20 dwelling units per acre. The MUN district is intended for a low intensity mixture of residential, retail, and office uses. The applicant wants to construct a building with retail and restaurant uses.

The Subarea 11 Plan, which was last updated in 1999, designates this area known as the Napier Neighborhood, as Residential Medium (RM) policy. That policy calls for medium density residential uses between 4 and 9 dwelling units per acre. The Subarea 11 Plan discourages the expansion of commercial uses. In 1987, the Planning Commission disapproved a request to change this property from R6 to OP, but it was subsequently approved by the Metro Council. The OP district was converted to OR20 in 1998 with the overall update of the Zoning Ordinance.

“The expansion of commercial uses into residential areas along Fairfield Avenue and north of Lafayette Street is strongly discouraged...there are more appropriate locations for commercialization within the Enterprise Community.” (Subarea 11 Plan, page 61).

Staff recommends disapproval as contrary to the General Plan since MUN zoning allows for commercial uses, which are strongly discouraged in this area south of Green Street and north of Lafayette Street. There are existing underutilized commercial parcels on Green Street and Old Hermitage Avenue to the north, and along Lafayette Street to the south that could be used for commercial activities.

Traffic

The Metro Traffic Engineer has indicated that Charles E. Davis Boulevard can currently accommodate traffic generated by MUN zoning.

Councilmember Luyde Wallace spoke in favor of the proposal and stated that he was worried the vacant lots in his district would remain vacant if changes were not made and that he had heard no opposition to the proposal.

Mr. Harris, appellant, owner, spoke in favor of the proposal and stated this vacant lot is only collecting trash at the present time.

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

Mr. Clifton stated he agreed with staff because at the present time this proposal is contrary, but that in the future maybe these situations should be looked at individually because this proposal is a good idea.

Ms. Nielson moved and Mr. Clifton seconded the motion, which carried with Councilmember Summers in opposition, to disapprove as contrary to the General Plan.

Resolution No. 2001-496

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-108U-11 is **DISAPPROVED (8-1-0)**;

The existing Subarea 11 Plan designates this area as Residential Medium (RM) policy calling for medium density residential uses between 4 and 9 dwelling units per acre. The MUN zoning allows for commercial uses, which are strongly discouraged in this area south of Green Street and north of Lafayette Street. There are existing underutilized commercial parcels on Green Street and Old Hermitage Avenue to the

north, and along Lafayette Street to the south that could be used for commercial activities. However, urban areas such as this need to be reconsidered in the subarea planning process to determine if neighborhood-scale commercial is appropriate, as it may be in this case near the public library.”

Mr. McLean left at 3:00, at this point in the agenda.

PRELIMINARY PLAT SUBDIVISIONS

14. 2001S-294G-14

HERMITAGE HIGHLANDS

Map 086, Parcel(s) 141; Map 086-10, Parcel(s) 100

Subarea 14 (1996)

District 12 (Ponder)

A request for preliminary plat approval for 18 lots within a cluster lot subdivision abutting the southwest corner of Lakeside Place and Central Pike (4.69 acres), classified within the RS10 District, requested by Roy C. Flowers, owner/developer, T Square, surveyor.

Mr. Jones stated staff recommends *conditional approval* subject to a variance for sidewalks along a portion of Lakeside Place and Central Pike.

This request was originally scheduled for the October 11, 2001, Commission meeting, but the applicant requested to defer indefinitely. More time was needed to check field-conditions for the feasibility of a stub-street into the adjacent property and for recalculation of the property’s overall size. The request is for preliminary plat approval for 18 lots on 4.8 acres within a cluster lot subdivision abutting the southwest corner of Lakeside Place and Central Pike. The property is located in the Hermitage area and classified within the RS10 District. A cluster lot subdivision is being requested by the applicant due to the topographic constraints of the property.

The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts. Therefore, this subdivision within the RS10 district may create lots equivalent in size to the RS5 district. The proposed lots range in size from just over 5,000 square feet to over 12,000 square feet. A typical subdivision on 4.8 acres and classified within the RS10 district would allow 18 lots. This request is for 18 lots, and 1.4 acres are being reserved as open space for the development.

Stub-Street

Staff visited the site to determine whether a stub-street to parcel 140 would be feasible. The field visit proved that a stub-street to parcel 140 would not be feasible because a creek running through the middle of parcel 140 would make this connection unattainable.

Sidewalk Variances

The applicant has requested a sidewalk variance along Lakeside Place and Central Pike. Staff supports the variance in part. The applicant claims that an existing retaining wall will prevent the installation of sidewalks along Lakeside Place. The retaining wall is only located along a portion of Lakeside Place, but it would obstruct any pedestrian movement to the west of the proposed project entrance. Staff recommends approval of a sidewalk variance on the west side of the proposed entrance due to the existing retaining wall and the obstruction that it would cause.

The applicant further claims that existing severe slopes on the east side of the proposed entrance will prevent the installation of sidewalks. Staff feels that the construction of a 5-foot sidewalk with a 4-foot grass strip is possible along Lakeside Place up to the existing intersection with Central Pike. Several trees that could be used to satisfy bufferyard requirements may be lost in the construction, but the existing

slopes will permit a sidewalk to be built up to Public Works' standards. A new library and police station have been constructed across Central Pike, and this sidewalk will make it easier for residents of the proposed subdivision to walk to the library and police station.

Public Works is requesting that an additional 12 feet of right-of-way be reserved along Central Pike because this portion of the road will be upgraded in the near future. Staff recommends approval of a variance for sidewalks along Central Pike because it is likely that any sidewalks constructed will be removed with a future road widening.

Staff recommends conditional approval subject to a variance for sidewalks along a portion of Lakeside Place and along Central Pike.

Councilmember Ponder stated he had heard from four neighbors and believed all their questions had been answered.

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

Resolution No. 2001-497

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-294G-14, is APPROVED WITH CONDITIONS AND SUBJECT TO A SIDEWALK VARIANCE ALONG LAKESIDE DRIVE FROM PROJECT ENTRANCE WEST TO PARCEL 99 AND ALONG CENTRAL PIKE (SECTION 2-6.1 OF SUBDIVISION REGULATIONS (8-0)).”

15. 2001S-299U-14

TIMBER VALLEY (formerly Timber Ridge)
Map 108-00, Parcel(s) 196; Map 121, Parcel(s) Part of 185
Subarea 14 (1996)
District 13 (Derryberry)

A request to extend either the preliminary plat approval one year to create 45 lots or approve a new preliminary plat to create 45 single-family lots with variances for property abutting the south terminus of Timber Valley Drive, opposite Pleasant View Drive (12.59 acres), classified within the RS7.5 District, requested by Gill Smith, owner/developer, MEC, Inc., surveyor.

Ms. Regen stated Staff recommends *disapproval*.

This item was deferred from the October 11th meeting at the request of the applicant. This request is to extend either the preliminary plat approval one year to create 45 lots or approve a new preliminary plat to create 45 lots with variances for property abutting the south terminus of Timber Valley Drive, opposite Pleasant View Drive. Based on the property's RS7.5 zoning, 62 lots could be built where 45 lots are proposed on 12.59 acres.

Background

The Planning Commission approved on November 25, 1998 a preliminary plat for 45 single-family lots (cluster-lot subdivision 98S-388U). That plat expired last year on November 25, 2000. Preliminary plats are good for two years as provided in Section 3-3.4 of the Subdivision Regulations. A preliminary plat can be extended one year by the Planning Commission, if requested by the applicant *prior* to the plat's expiration and if progress has been made on the subdivision. Progress is defined by the regulations as infrastructure in place for a minimum of 10% of the lots. The Planning Commission sends all applicants after it's meeting an "action letter". This letter describes the Commission's action and the applicant's next steps. The letter for Mr. Smith's project dated December 3, 1998 specifically stated the preliminary plat's expiration date as November 25, 2000 (see attachment #1).

Current Situation

The applicant, Mr. Gill Smith, contends he was unaware of the plat's expiration, and did not learn of it until he received a letter from Metro Legal dated September 10, 2001 (see attachment #2). Metro Legal's letter was written after planning staff researched the property's platting history upon receiving a phone call from Councilmember Derryberry. A neighbor had called asking him what subdivision was being constructed on this adjoining property. Planning staff informed Codes, Public Works, Water Services, and Metro Legal of the preliminary plat's expiration, and then the applicant's grading and blasting permits were revoked. Metro Water Services also stopped the applicant from further constructing water and sewer lines.

After a meeting with the applicant and his surveyor, Joe McConnell of MEC, Inc., a letter was submitted by Mr. McConnell requesting the plat be extended (see attachment #3) as originally approved. This plat does not comply with today's Subdivision Regulations for sidewalks and local street right-of-way dedication. Approval of a current plat is a precondition for the Commission's consideration of this plat extension. The applicant does not have an approved plat, it having expired on November 25, 2000 with no extension having been granted. An essential pre-requisite for a plat extension has not been met. Therefore, the Commission may not consider it or grant it.

In Mr. McConnell's letter, he states that if the Commission cannot grant a plat extension for the Commission to approve the original preliminary plat with variances. While his letter does not specify the variances being requested, he does provide general justification for approval of the original plat. A review of the plat indicates variances would be needed for sidewalks as well as right-of-way. When the original plat was approved, it complied with the Subdivision Regulations. The regulations were updated in December 2000 requiring 4 foot planting strips, 5 foot sidewalks, and sidewalks on both sides of the street. To accommodate the sidewalks, the minimum right-of-way for local streets is 46 feet. The original plat shows only a right-of-way dedication of 40 feet for local streets within the subdivision.

The applicant does not want to construct sidewalks on both sides of the street. The applicant is willing to construct them with the required 4 foot planting strip and 5 foot path, but not within a 46 foot right-of-way. Instead, the applicant proposes keeping the 40 foot right-of-way and constructing a portion of the sidewalks within a 3 foot pedestrian easement. Sidewalks may be constructed within pedestrian easements, however, that is typically permitted only where there is limited right-of-way due to the existing built environment. On a large site such as this one, there is room to accommodate the sidewalks within a 46 foot right-of-way.

Staff recommends disapproval of the applicant's request for a plat extension and/or re-approval of the original plat with variances. Since extensive work has not been done on this site, the applicant should submit a new preliminary plat that complies with today's Subdivision Regulations for staff review and Commission consideration.

Mr. Joe McConnell, MEC, Inc., explained the steps that had been taken to get to this point, and complained about how staff had shut down the construction project by having all the permits pulled instead of working with applicant by re-approving it at final.

Mr. Gil Smith, developer, stated he was surprised by the shut down and asked for help from the Commission.

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

Mr. Clifton stated he sympathized with the situation and asked if this was a normal procedure for staff.

Ms. Regen stated that in the past staff may have tried to work things out, but that she couldn't speak to that. Staff did not shut down the project, but only notified other departments that the plat had expired. Councilmember Derryberry called staff and said he wanted the work stopped.

Ms. Jones asked if this was a new subdivision or part of an existing subdivision.

Ms. Regen stated there were developed subdivisions to the north and the sidewalks in this subdivision would network with them.

Councilmember Summers stated the city is having to retrofit sidewalks all over the city and that at some point the standards need to start being enforced. Many members of the Council want to see this Commission pass the cost of infrastructure on to the developers and new taxpayers.

Mr. McConnell stated this subdivision has sidewalks on every street.

Chairman Lawson asked if this problem could be resolved with a deferral.

Ms. Regen stated staff would be committed to resolution.

Ms. Jones asked that if the developer would lose 5 lots if the buffer was required.

Mr. Bernhardt stated staff would be willing to ignore the buffer if the applicant would build sidewalks on both sides of each street.

Mr. Clifton moved and Councilmember Summers seconded the motion, which carried unanimously, to approve with the conditions outlined by Mr. Bernhardt.

Resolution No. 2001-498

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-299U-14, is **APPROVED SUBJECT TO ALL ROADS BEING CONSTRUCTED WITH 46 FEET OF RIGHT-OF-WAY AND SIDEWALKS TO METRO STANDARDS OR 40 FEET OF RIGHT-OF-WAY AND 3 FOOT PEDESTRIAN EASEMENTS FOR SIDEWALKS TO METRO STANDARDS (8-0).**”

16. 2001S-306U-10
WICH SUBDIVISION
Map 116-16, Parcel(s) 063
Subarea 10 (1994)
District 34 (Williams)

A request for preliminary plat approval to subdivide one parcel into two lots abutting the west margin of Estes Road, approximately 776 feet south of Abbott Martin Road (1.0 acres), classified within the R20 District, requested by A. Michael and Marlene A. Wich, owners/developers, John Kohl and Company, surveyor.

Mr. Hardison stated staff recommends *disapproval*.

This request is for preliminary plat approval to subdivide a 1-acre lot into two lots. The property abuts the west margin of Estes Road. Due to the size of the proposed lots, sidewalks are not required. The Subdivision Regulations requires sidewalks where lots are less than 20,000 square feet sidewalks. The R20 base zoning requires a minimum lot size of 20,000 square feet.

Existing Conditions

This property is currently a flag-shaped lot with one dwelling. The lot has access to Estes Road by way of a 30-foot driveway that runs between two adjacent properties.

Lot Comparability

The applicant has requested a variance for lot comparability. The Subdivision Regulations require that

subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. Lots 1 and 2 both satisfied the requirement for lot area. Both lots failed lot frontage. The minimum allowable lot frontage was 97 feet; each lot has only 15 feet of frontage. Given the proposed lots are being created from a lot that has only 30 feet of frontage, these lots cannot meet the requirements. Staff does not support the variance for lot comparability based on the vast difference between the minimum allowable frontage and what is proposed on this preliminary plat.

Flag Lot Variance

The applicant has requested a flat lot variance based on the following:

- A. Splitting the lot will increase the owner's property value.
- B. With the R20 zoning separate ownership and control are preferred.
- C. No desire to create the permitted condominium development.

The Subdivision Regulations in Section 2-4.2-A state as follows: "Each lot shall have frontage on a public street to enable vehicular access to be provided. *Flag lots generally shall not be permitted.* In the event the Planning Commission finds that due to unusual topographic conditions, direct lot frontage on a street is precluded, it may recommend a waiver."

Staff recommends disapproval of this preliminary plat based on the proposed lots failing the lot comparability and creating a precedent with the flag lot variance. This plat creates more non-conformity with the Subdivision Regulations and neighborhood character than exists today.

Chairman Lawson asked what other option the owner had other than a flagged shaped lot.

Ms. Regen stated there was a possibility to build four units if adjoining homes were built.

Mr. Mike Wich, owner, explained his proposal and stated he would like to limit the buildings to one unit per lot and would be happy to put that statement on the plan.

Ms. Jones asked if there was a home on the lot at the present time.

Mr. Wich stated there was a barn there being used as a residence.

Mr. Ross Edwards expressed concerns regarding property depreciation and that there should be restrictions in case the property were sold.

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

Ms. Nielson stated there should be restrictions and asked how that could be accomplished.

Mr. Hardison stated Metro would have no control over a deed restriction.

Mr. Bernhardt stated the Commission could rezone the property to RS and that would restrict it.

Ms. Nielson moved and Vice Chairman Small seconded the motion, which carried unanimously, to defer this matter indefinitely.

FINAL PLAT SUBDIVISIONS

17. 2001S-045U-05

SHEPARDWOOD, Section 1, Resubdivision of Reserve Parcel B

Map 060-16, Parcel(s) 206

Subarea 5 (1994)

District 4 (Majors)

A request for preliminary and final plat approval to subdivide a reserve parcel into two lots abutting the east margin of Oakwood Avenue, approximately 753 feet north of Bullock Avenue (.56 acres), classified within the RS7.5 District, requested by Tennessee Home Services, Inc., owner/developer, George C. Gregory, surveyor.

Ms. Regen stated staff recommends *conditional approval* subject to a sidewalk variance along Oakwood Avenue, Public Works' approval of the private sewer lines within Oakwood Avenue, and bonds and bonds for extension of roads and public utilities.

This request is for final plat approval to convert a reserve parcel into two lots. The total land area is 0.56 acres. Lots 1 and 2 are proposed at 8,903 square feet and 15,391 square feet, respectively. Both lots comply with the requirements of lot comparability.

Existing Conditions

Oakwood Avenue is presently constructed approximately 60 feet past the proposed interior lot line between lots 1 and 2. All streets in this subdivision were platted in the mid-1980's and are built on an open ditch cross-section design. The right-of-way platted for the proposed stub-out street adjacent to lot 1 has never been constructed. The property shown on the plat of record as future development, which would have used this stub-street is a Metro park. The property to the north of this reserve parcel is the new Jerry Baxter Elementary School. Given the property's location, there is no need for the applicant to construct the stub-street into the Metro park (parcel 47).

Existing Utilities

Metro Water and Sewer Services currently has an 8" water line in Oakwood Avenue to serve these proposed lots. Sewer service is being proposed by the installation of two long private sewer service lines to an existing manhole approximately 180 feet south of the property in Oakwood Avenue. Metro Water Services has issued an active availability approving the two long private sewer lines for this property. Prior to the Commission meeting, the applicant must obtain Public Works' approval to locate these private service lines within the public right-of-way of Oakwood Avenue.

Sidewalk Variance

The applicant has requested a sidewalk variance for Oakwood Avenue. There are no sidewalks in this subdivision or on any adjacent streets south to Trinity Lane. Staff supports a sidewalk variance along Oakwood Avenue.

Staff recommends conditional approval to a sidewalk variance along Oakwood Avenue, Public Works' approval of the private sewer lines within Oakwood Avenue, and bonds for the extension of roads and public utilities.

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

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

Resolution No. 2001-499

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-045U-05 is **APPROVED WITH CONDITIONS WITH SIDEWALK VARIANCES ALONG OAKWOOD AVENUE AND STUB-STREET INTO PARCEL 47 (SECTION 2-6.1 OF SUBDIVISION REGULATIONS) (8-0).**”

20. 2001S-078U-07

DULUTH-VERNON SUBDIVISION

Map 091-05, Parcel(s) 136 & 161; Map 091-09,

Parcel(s) 022 & 032

Subarea 7 (2000)

District 22 (Hand)

A request for final plat approval to consolidate ten lots into three lots between Vernon Avenue and Duluth Avenue, approximately 300 feet north of Robertson Avenue (4.0 acres), classified within the IR District, requested by Mid-South Industries, owner/developer, Walker Engineering, surveyor.

Ms. Regen stated staff recommends *conditional approval* subject to a sidewalk variance along Duluth Avenue and Vernon Avenue.

This request is for final plat approval to consolidate ten lots into three lots. The property is located abutting the east margin of Vernon Avenue and the west margin of Duluth Avenue. This property is classified within the IR (industrial) district. This plat reconfigures lot lines to allow the separate ownership of three existing warehouse-type buildings on the property.

Service Utilities

The existing water and sewer lines will serve all three buildings. Metro Water Services has approved separate service connections.

Sidewalk Variance

The applicant has requested a sidewalk variance along Duluth and Vernon Avenues. The current cross-section of the abutting streets is an open ditch design. Also, the closest sidewalks in relation to this site are approximately 2,300 feet to the northeast across Richland Creek. Staff supports this sidewalk variance.

Staff recommends conditional approval subject to a sidewalk variance along Duluth and Vernon Avenues.

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. 2001-500

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-078U-07, is **APPROVED WITH CONDITIONS AND WITH A SIDEWALK VARIANCE ALONG VERNON AVENUE AND DULUTH AVENUE (SECTION 2-6.1 OF SUBDIVISION REGULATIONS) (8-0).**”

21. 2001S-287U-11

MERCURY COURT, Resubdivision Lot 1

Map 106-01, Parcel(s) 110

Subarea 11 (1999)

District 19 (Wallace)

A request for final plat approval to subdivide one lot into two lots abutting the south margin of Murfreesboro Pike and the west margin of Parris Avenue (4.05 acres), classified within the ORI District, requested by CCS Housing Systems, Inc., owner/developer, Ragan-Smith-Associates, Inc, surveyor.

31. 2001M-105U-11

Close Portions of Alleys #2076 and #2080
Map 106-1, Parcel(s) 110
Subarea 11 (1999)
District 19 (Wallace)

A request to close a portion of Alleys #2076 and #2080 located between Nance Lane and Parris Avenue, requested by CCS Housing Systems, Inc., abutting property owner. Easements are to be abandoned.

Mr. Jones stated staff recommends *conditional approval* subject to a flag lot variance and no delay in plat recordation due to the mandatory referral.

A similar final plat for this property was disapproved by the Planning Commission on September 27, 2001 (6-1). The Commission disapproved the plat because it was precedent setting by creating a lot with no public road frontage. The Subdivision Regulations require that each lot within a proposed subdivision have frontage on a public street to enable vehicular access to be provided, unless the property is within a PUD.

A new plat has been submitted that creates a “flag lot” rather than a lot with no public road frontage. This request is for final plat approval to subdivide one lot on approximately 4 acres into two lots abutting the south margin of Murfreesboro Pike and the west margin of Parris Avenue. The property is within the ORI District, while all surrounding properties are within CS district property. This final plat request is being filed as a unified plat of subdivision that would enable the Zoning Administrator and/or the Planning Commission to authorize design flexibility concerning several issues. A unified plat of subdivision allows proposed lot 2 to redistribute parking, floor area ratio, and impervious surface ratio to proposed lot 1.

This property is a former hotel site that has been redeveloped into an affordable housing complex. This plat would allow on lot 2 a 20-unit affordable housing structure under the Tennessee Housing Development Authority Program (THDA). Urban Housing Solutions owns the entire property. THDA is requiring a non-profit entity of Urban Housing Solutions to own proposed lot 2 in order to receive funding for the affordable housing project to be erected on that lot. A flag-shaped lot is being created by the proposed subdivision. The Subdivision Regulations state that flag lots generally shall not be permitted, but the Planning Commission may find that a variance is necessary for this regulation (Section 2-4.2A).

Flag Lot

The applicant has submitted a variance application for the flag-shaped lot based on economic hardship since lot 2 must have a separate owner in order to receive federal funding. The applicant claims that there is no other location on this property to place an additional unit. There are currently buildings along the property’s perimeter on Parris Avenue and Murfreesboro Pike where roadway frontage exists. The Murfreesboro Pike frontage is also narrow with 40% of its frontage already taken up by buildings. The applicant also argues that this site is unique based upon the existing shape of the parcel and the location of the existing buildings. This small portion of available frontage combined with the fact that there is only one possible location for the additional units to be located within the development creates a unique situation, according to the applicant. Staff agrees that this is a unique situation and supports the variance request.

Alley Closures

There are two alleys that cross the site that still appear on the Official Street and Alley Map. A mandatory referral has been requested to remove these alleys from the map (see 2001M-105U-11). These alleys were closed by a court decree in 1952. They remain on the map, however, and Council action will be necessary to remove them. Based on the fact that this is merely a housekeeping measure, the recording of this plat need not be delayed by the approval of the mandatory referral by Council.

Staff recommends approval of this plat subject to a flag lot variance and no delay in plat recordation due to the mandatory referral.

Staff recommends *approval of the Mandatory Referral*.

This request is to close a portion of Alleys #2076 and #2080 between Nance Lane and Parris Avenue. Easements are to be abandoned. It is a housekeeping amendment to the Official Street and Alley Map. Both of these alleys were closed in 1952, but have never been removed from the map. The applicant is requesting these closures as part of the Mercury Court subdivision (2001S-287U-11).

Today, these alleys do not physically exist since they were built upon in the 1950's with the construction of the former motel and parking lot. On April 14, 1952, the Chancery Court of Davidson County determined these unimproved alleys were to be closed. They were never opened or accepted by Davidson County. After the court's decree, the former motel was constructed. Therefore, this mandatory referral merely amends the map to reflect the court's decision made nearly 60 years ago. The Metro Legal Department has indicated staff cannot administratively amend the Official Street and Alley Map. That power is reserved for the Metro Council, including housekeeping errors as in this case.

Staff recommends approval of these alley closures as all reviewing agencies and departments are recommending approval.

No one was present to speak at the public hearing.

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

Resolution No. 2001-501

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-287U-11, is **APPROVED WITH CONDITIONS AND WITH A VARIANCE FOR A FLAG-SHAPED LOT (SECTION 2-4.2 OF SUBDIVISION REGULATIONS) (8-0).**”

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-105U-11 is **APPROVED (8-0).**”

Chairman Lawson presented to the Commission that there is new information concerning age regarding the redistricting process. He asked the Commission to consider to rehear these facts to be presented by staff on November 5, 2001.

Ms. Nielson asked if this information would be restricted to certain districts as it was before.

Chairman Lawson stated that if the information warrants reexamination, because it could further reduce minority districts, we should reevaluate it. We need to hear new information and decide from that point.

Ms. Nielson stated she did not want to restrict the rehearing to any particular districts.

Mr. Clifton asked if the Commission hear a staff recommendation.

Mr. Bernhardt stated they would.

Vice Chairman Small stated that previously the Commission had a special meeting, on September 13th, to consider whether or not we would rehear. Then we would schedule another meeting with public notice. Based on Charter we were under deadline.

Chairman Lawson stated the Commission has met that requirement and can not chose to take another look at it, but can present other options and also be within our rights and our guidelines.

Mr. Bernhardt stated the Charter issue relates to the clock when the census dates were turned over back in April.

Mr. Karl Dean, Legal Director, stated this is basically newly discovered evidence. Additional information was presented to staff that would significantly change the information the Commission voted on and passed on to Council. The voting age did not come up until later. You had a false start and now that can be resolved. We also have an obligation to notify the public.

Chairman Lawson stated the Commission will hear the November 5th presentation by staff and weigh evidence, and schedule a public hearing, which must be at least 10 days from meeting.

Mr. Fox stated this effort must involve some suspension of rules, like 8b. The request to rehear may be made and the hearing on that request takes place 14 days later.

Mr. Bernhardt stated the Chairman is asking for suspension of that rule in order to have the meeting on November 5th, and that meeting will be to decide whether to rehear or not.

Mr. Fox stated the deadline before Council is December 10, 2001.

Mr. Dean stated some courts call that the voting age population should be the population that is considered.

Vice Chairman Small moved and Mr. Clifton seconded the motion, which carried with Mr. Cochran abstaining, that the Commission suspend the rules with respect to the time frame for November 5th, meeting to determine if the Commission wants to rehear the redistricting plan.

Chairman Lawson stated the vote taken earlier in this meeting regarding the 2002 MPC Schedule was only to vote on the meeting dates and not filing deadlines, because Mr. McLean wants to discuss those deadlines.

OTHER BUSINESS

38. Legislative update

Councilmember Summers provided an update on the current legislative of items previously considered by the Commission.

Mr. Bernhardt stated he will be out for the December meeting because of Leadership Nashville, and that he and Ms. Hammond will be at The Seaside Institute for the November 8th, meeting.

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:50 p.m.

Chairman

Secretary

Minute Approval: this 8th day of November 2001

