

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: September 13, 2001
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Bill Purcell
James McLean
Vicki Oglesby

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, Planner III
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 called for a moment of silence for tragedy this week.

ADOPTION OF AGENDA

Staff announced item 4. 2001Z-095U-10 has been withdrawn and should be removed from the agenda.

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

APPROVAL OF MINUTES

Ms. Nielson moved and Vice Chairman Small seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of August 30, 2001.

RECOGNITION OF COUNCILMEMBERS

No Councilmember were present to speak at this point in the agenda.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS

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

- 2. 2001Z-093U-11, deferred indefinitely.
- 7. 2001S-125U-14, Jack D. Brown and James E. Nichols Subdivision, deferred indefinitely.
- 10. 2001S-264U-13, Hamilton Glen, deferred indefinitely.
- 25. MPO Contract with Fishback Transportation, deferred indefinitely.

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

Councilmember Summers arrived at this point in the agenda, at 1:15 p.m.

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

ZONING MAP AMENDMENTS

- 6. 2001S-237U-07**
Charlotte Park, Block 34, 2nd extension
of part of closed street
Map 92-13, Parcel 259
Subarea 7 (2000)
District 24 (Summers)

A request for preliminary and final plat approval to subdivide one lot and part of a street into three lots, including a portion of a closed street, abutting the east margin of 38th Avenue North, opposite Dakota Avenue (.50 acres), classified within the RS5 district, requested by Gerald F. Vinett, Jr., owner/developer, John Kohl and Company, surveyor.

Staff recommends *approval*.

This request was deferred from the August 16, 2001 Planning Commission meeting so the applicant could purchase sewer capacity. This request is for preliminary and final plat approval to subdivide one lot containing .50 acres and part of a closed street (Dakota Avenue) into three lots abutting the southeast margin of 38th Avenue North, opposite Dakota Avenue. This subdivision is located in Sylvan Park within the RS5 district. Sidewalks exist along the property's frontage on 38th Avenue North.

A lot comparability analysis was performed on this proposed subdivision, and no variances are required. 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. The minimum allowable lot area for this subdivision is 5,612 square feet while the minimum lot frontage is 46 feet. All three lots meet or exceed these minimum requirements.

Staff recommends approval of this final plat to create three lots. In 1968, a portion of Dakota Avenue was closed (Ordinance #68-533). That portion of roadway was never built and will become part of Lot 3. Easements retained by that closure shall continue to remain in effect by this plat.

Resolution No. 2001-404

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-237U-07, is APPROVED (7-0).”

FINAL PLAT SUBDIVISIONS

- 8. 2001S-225U-13**
Hamilton Hills Funeral Home
Map 150, Parcel 116
Subarea 13 (1996)
District 29 (Holloway)

A request for final plat approval to subdivide one parcel into two lots abutting the east margin of Murfreesboro Pike, approximately 432 feet southeast of Hamilton Church Road (5.5 acres), classified within the CS district, requested by Hamilton Hills Funeral Home, LLC, owner/developer, Dale and Associates, Inc., surveyor.

Staff recommends *conditional approval* subject to bonds for the construction of sidewalks and the extension of public utilities and a revised plat showing an additional 3 feet of right-of-way along Murfreesboro Pike and an easement for a water quality device.

The applicant deferred this request from the August 16, 2001 meeting to purchase sewer capacity. Capacity has now been purchased. The request is for final plat approval to record one parcel into two lots on 5.5 acres abutting the east margin of Murfreesboro Pike, south of Hamilton Church Road, within the CS district. This proposed subdivision is located on vacant commercial land adjacent to Hamilton United Methodist Church. The applicant wishes to subdivide this land in order to construct a funeral home on Lot 1.

A site plan has been approved by the Codes Department that shows an access from the proposed funeral home onto the property of the neighboring church. This would allow an additional access across the church's property to the funeral home from Hamilton Church Road rather than a sole access from Murfreesboro Pike. This access would help limit turns in and out of the funeral home via Murfreesboro Pike.

Sidewalks were originally shown for Lot 1 along Murfreesboro Pike, but not Lot 2. Sidewalks have now been added for Lot 2 on a revised plat. There are currently no sidewalks in this area, however, much of this

area along Murfreesboro Pike is zoned CS and will be developed in the future. As development occurs in this area, each subdivision that provides sidewalks will be a critical link in a chain of pedestrian movement along Murfreesboro Pike.

A revised plat has been submitted by the applicant to show an additional 7 feet of right-of-way along Murfreesboro Pike. Based upon more current calculations by Public Works, an additional 3 feet should be added to the final plat prior to recordation in order to achieve the 54 feet from the centerline of the road required for a future six-lane arterial. Staff recommends conditional approval subject to bonds for the construction of sidewalks and the extension of public utilities. A revised plat submitted prior to recordation must show the additional 3 feet of right-of-way as well as an easement for a water quality device required by Public Works.

Resolution No. 2001-405

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-225U-13, is APPROVED WITH CONDITIONS AND SUBJECT TO A BOND (7-0).”

9. 2001S-239U-14

Belle Acres, Phase 1
Map 95-5, Parcel 99
Subarea 14 (1996)
District 15 (Loring)

A request for final plat approval to record greenway and floodway buffer easements as well as utility easements for Phase 1 of Belle Acres PUD abutting the northwest margin of Lebanon Pike, approximately 495 feet southwest of Donelson Hills Drive (11.23 acres), classified within the RS10 Residential Planned Unit Development District, requested by Lebanon Road Properties, LLC, owner/developer, Dale and Associates, Inc., surveyor.

Staff recommends *conditional approval* subject to a bond for the extension of public utilities, a bond for the construction of two turn lanes on Lebanon Road, and a revised plat prior to plat recordation.

This request is for final plat approval to record greenway and floodway buffer easements for Phase 1 of the Belle Acres PUD. The property contains 11 acres and abuts the northwest margin of Lebanon Pike, approximately 495 feet southwest of Donelson Hills Drive. The property is classified within the RS10 Residential Planned Unit Development District. The plan to develop 55 townhomes in the first phase was approved by the Planning Commission as a revised preliminary PUD plan on April 12, 2001.

Although a large portion of this site is encumbered by the Mill Creek floodplain, the plan proposes all of the units outside of the floodplain, and includes a conservation easement along Mill Creek. A 50-foot floodway buffer has been provided for the entire length of the property, and an additional 25-foot wide conservation easement for a portion of the site outside of Mill Creek’s floodway. The PUD plan was approved without the additional 25-foot easement on a portion of the site, because the plan would have been significantly changed in order to accommodate the easement. The applicant dedicated the entire floodway and floodway buffer as a compromise. Metro Greenways has indicated that this will sufficiently accommodate the future Mill Creek greenway trail by allowing enough area for the trail to transition from the higher grades to the creek where it will go under the bridge at Lebanon Pike.

This plat is showing public utility easements for water and sanitary sewer lines. A bond for these improvements must be satisfied through Water and Sewer before this plat is recorded. A left-turn lane and right-turn lane, as set forth with the final PUD, must also be bonded through Public Works prior to plat recordation. Staff recommends conditional approval subject to these bonds being satisfied. A revised plat must also be submitted prior to recordation that shows a drainage easement to the proposed detention pond.

Resolution No. 2001-406

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-239U-14, is APPROVED WITH CONDITIONS AND SUBJECT TO A BOND (7-0).”

11. 2001S-266G-14

Blossom Trace, Resubdivision of Lots 35, 36, and 37
Map 75-12-D, Parcels 25, 26, and 27
Subarea 14 (1996)
District 12 (Ponder)

A request for final plat approval to consolidate three lots into two lots abutting the south margin of Weeping Cherry Lane, approximately 257 feet east of Lilac Drive, (.77 acres), classified within the RS15 district, requested by Blossom Trace LLC, owner/developer, SEC, Inc., surveyor.

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

This request is for final plat approval to consolidate three lots into two lots at the terminus of Weeping Cherry Lane. The property is zoned RS15 district. The new lots will have frontage of 125 feet and 61.4 feet and a depth of 138.4 feet. One lot will have more square footage than the other lot; they are not being evenly resubdivided. There are no comparability issues with these lots. Also, both lots are shown as critical lots due to steep topography.

Staff recommends conditional approval subject to a revised plat being submitted prior to recordation. This plat conforms to the Subdivision Regulations and Zoning Ordinance. The revised plat needs to show a corrected note #12 and sidewalks.

Resolution No. 2001-407

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-266G-14, is APPROVED WITH CONDITIONS (7-0).”

12. 2001S-269U-07

Crest Meade, Section 3, Resubdivision of Reserve Parcel A
Map 115-2, Parcel 60
Subarea 7 (2000)
District 23 (Bogen)

A request for final plat approval to subdivide a reserve parcel and a deeded parcel into two lots abutting the northeast margin of Davidson Drive, opposite Windrowe Drive, (1.84 acres), classified within the RS40 district, requested by Holman C. and Ruby B. Milhous, owners/developers, H and H Land Surveying, Inc., surveyor.

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

This request is for final plat approval to subdivide one parcel and a reserve parcel into two lots on Davidson Drive, opposite Windrowe Drive. The property is zoned RS40 district. There is an existing home on lot 1 that will remain. The reserve parcel was created in 1956 when Section 3 of the Crest Meade subdivision was approved. The adjoining parcel was a deeded piece of property and never platted. Had it been platted, the reserve parcel would have been incorporated into any adjoining future subdivision. The proposed new two lots both incorporate a portion of this reserve parcel.

The applicant has not requested a variance for sidewalks and none are required. The Subdivision Regulations require sidewalks for properties where the zoning requires a minimum lot size of 20,000 square feet or less. Since the property is zoned RS40 district requiring a minimum lot size of 40,000 square feet, the sidewalk requirement does not apply.

A lot comparability analysis was performed on this proposed subdivision, and no variances are required. 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. The minimum allowable lot area for this subdivision is 29,621 square feet while the minimum lot frontage is 110.8 feet. All lots meet or exceed these minimum requirements as well as those of the RS40 district. Lot 1 contains 40,033 square feet and 142.5 feet of frontage. Lot 2 contains 40,033 square feet and 215.5 feet of frontage.

Staff recommends conditional approval subject to the submittal of a revised plat prior to recordation. The revised plat needs to show the following changes:

drainage easements along the side lot lines of each proposed lot;
a 5 foot dedication of right-of-way along Davidson Drive. This street is a collector road with less than the required 60 feet of right-of-way;
a note indicating individual water and sewer lines are required for each lot.

Resolution No. 2001-408

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-269U-07, is APPROVED WITH CONDITIONS (7-0).”

13. 2001S-273G-12
Oak Highlands, Phase 3
Map 173, Part of Parcel 165
Subarea 12 (1997)
District 31 (Knoch)

A request for final plat approval to create 53 lots abutting the southwest margin of Blue Hole Road and the southwest terminus of Ridgefalls Way, (19.89 acres), classified within the R15 Residential Planned Unit Development District, requested by Pine Oaks Properties Two, L.L.P., owner/developer, MEC, Inc., surveyor.

Staff recommends *conditional approval* subject to bonds for extension of roads, sidewalks, and public utilities, and a revised plat prior to plat recordation.

This request is for final plat approval to create 53 lots abutting the southwest margin of Blue Hole Road, classified within the R15 PUD District. The proposed configuration of the lots is consistent with the final PUD plan approved by the Planning Commission on April 26, 2001 (116-74-G-12). A stream is located on the southwest and southeast portion of the property.

Staff recommends conditional approval subject to a revised plat prior to plat recordation. The revised plat needs to show a 25-foot buffer on either side of the stream as it crosses the property, and a note indicating the buffer area will be left in a natural state. In addition, the applicant needs to identify graphically the 100-year floodplain. Lastly, the sidewalks along Oak Highlands Drive, Prudence Court, and Ridgefalls Way do not match the approved PUD sidewalk layout. The submitted sidewalk layout does not provide a connection to the existing sidewalk in Phase Two of the PUD. The sidewalks need to be modified to match the approved PUD plan.

Resolution No. 2001-409

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-273G-12, is APPROVED WITH CONDITIONS AND SUBJECT TO A BOND (7-0).”

PLANNED UNIT DEVELOPMENTS (revisions)

- 14. 18-84-U-10**
Burton Hills, Phase IV
Map 131-6-A, Parcel 17
Subarea 10 (1994)
District 33 (Turner)

A request for a revision for preliminary plat and for final plat approval for a phase of the Commercial Planned Unit Development District located abutting the eastern margin of Hillsboro Pike, north of Burton Hills Boulevard, (4.2 acres), classified within the R15 district, to permit the development of a 137,906 square foot, 6 story office building and a parking deck to replace the approved 130,000 square foot 6 story office building and a parking deck, requested by Littlejohn Engineering Associates for Alex S. Palmer and Company, owner. (Also requesting final plat approval).

Staff recommends *conditional approval* of the PUD and *conditional approval* of the final plat subject to a bond for sidewalks.

This request is to revise a portion of the preliminary plan and for final approval for a portion of the Commercial PUD district located on the east side of Hillsboro Pike, north of Burton Hills Boulevard to permit a 137,906 square foot, 6-story office building and a 3-level parking structure, replacing a previously approved 130,000 square foot, 6-story office building and 3-level parking structure. There is also a request for final plat approval to relocate an existing sewer line easement. A Mandatory Referral has been submitted to abandon the easement. This plan slightly redesigns the building footprint and makes changes to the proposed driveway into the site from Burton Hills Boulevard, but it does not change the basic layout or concept of what was previously approved. Staff recommends conditional approval of the final PUD plan provided Public Works and Water Services approve the plans, and a revised plan is submitted showing a sidewalk along Hillsboro Pike prior to the meeting. Staff recommends conditional approval of the final plat subject to a bond for sidewalks and subject to the mandatory referral approval by the Metro Council for the sewer line abandonment.

A sidewalk is needed along Hillsboro Pike since it is a major arterial road. Section 17.20.120 of the Zoning Ordinance requires sidewalks along the frontage of properties located on a collector or arterial road.

Traffic

The Metro Traffic Engineer has indicated that Hillsboro Pike and Burton Hills Boulevard can currently handle the traffic that will be generated by a 137,906 square foot office building. There is an existing traffic signal at the intersection of Hillsboro Pike and Burton Hills Boulevard that has not yet been activated (it is currently flashing). The Traffic Engineer has indicated that this signal should not be activated until actual traffic counts warrant. The owner(s) will be required to perform a traffic count analysis when the office building is 50% occupied.

Resolution No. 2001-410

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 18-84-U-10 is given APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR PHASE

IV. FINAL PLAT APPROVAL SUBJECT TO THE POSTING OF A BOND FOR REQUIRED PUBLIC IMPROVEMENTS (7-0): The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuing of any building permits the recording of a revised subdivision plat upon the bonding of all necessary public improvements including the public sidewalk along Hillsboro pike.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. This final plat approval will expire after 180 days have lapsed if the conditions of approval (if applicable) have not been satisfied and plat recorded in the Register's Office of Davidson County, Tennessee. Upon any resubmittal of a final subdivision plat, all applicable fees shall be due.
5. 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.
6. 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. 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."

15. 96P-023G-04
Bristol Park at Riverchase
Map 26-16, Parcel 1
Subarea 4 (1998)
District 10 (Balthrop)

A request for final approval for a phase of the Residential Planned Unit Development District located abutting the south margin of Gallatin Pike, west of Cumberland Hills Drive, (28.0 acres), classified within the RM4 district, to permit the development of 60 multi-family units, where 60 multi-family units were approved on the preliminary plan, requested by Littlejohn Engineering Associates, for Bristol Park at Riverchase LLC, owner.

Staff recommends *conditional approval*.

This item was deferred at the January 18, 2001 Planning Commission meeting since the applicant had not yet purchased sewer capacity. Sewer capacity has now been purchased.

The request is for final approval of a phase of the Residential PUD district located south of Gallatin Pike and west of Cumberland Hills Drive, to develop 60 multi-family units and a playground/amenity center. This final plan is consistent with the preliminary PUD plan approved by the Planning Commission on August 31, 2000 and by the Metro Council on November 21, 2000. The plan includes the creation of three lots, where two lots were previously approved, including one lot for each phase and a separate lot for the common open space. The plan retains 48 acres of permanent open space surrounding the development on the north, south, and east. With this addition, the PUD will contain a total of 25 apartment buildings and a clubhouse.

Staff recommends conditional approval provided Public Works approves the drainage plans, prior to the meeting.

Resolution No. 2001-411

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 96P-023G-04 is given CONDITIONAL FINAL APPROVAL (7-0): The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits the recording of a final subdivision plat upon the bonding of all required public improvements.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission. 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.”

16. 97P-004G-13

Nashboro Village (Kroger Gas Station)
Map 135, Parcel 399
Subarea 13 (1996)
District 27 (Sontany)

A request to revise the preliminary plan and for final plat approval for a portion of the Commercial Planned Unit Development District located abutting the northwest corner of Murfreesboro Pike and Nashboro Boulevard, (1.06 acres), classified within the SCC district, to permit the development a gas station with 4 gas pump islands, a 96 square foot kiosk and a 131 square foot restroom facility, replacing an approved 14,000 square foot retail/bank/restaurant building, requested by C.E.I. Engineering Associates for The Kroger Company, owner.

Staff recommends *conditional approval*.

This request is to revise a portion of the preliminary PUD plan and for final approval for a portion of the Commercial (General) PUD district located at the existing Kroger store on the east side of Murfreesboro Pike, north of Nashboro Boulevard. This request to permit the development of a gas station with four (4) pump islands, a 96 square foot kiosk, and a 131 square foot restroom facility, replacing an undeveloped 14,000 square foot retail/bank/restaurant building previously approved on this outparcel. Staff recommends conditional approval provided Water Services and Public Works approve this plan, prior to the meeting.

This revision will require the addition of a sidewalk along Murfreesboro Pike since it is a major arterial road. Section 17.20.120 of the Zoning Ordinance requires sidewalks along the frontage of properties that have frontage on a collector or arterial road. Kroger, located behind the gas station, will own the proposed gas station. The plan includes four (4) pump islands with no direct access to Murfreesboro Pike. All access will be through existing private driveways on the Kroger site.

The site's SCC base zoning allows automobile convenience (i.e. gas station) uses as a PC use (Permitted with Conditions). This plan complies with the Zoning Ordinance requirements, including a minimum street frontage of 100 feet, gasoline pumps that are at least 20 feet from the nearest property line and 20 feet from Murfreesboro Pike, no outdoor loudspeakers, and a screened trash dumpster.

The Zoning Administrator has indicated this site does not need to meet all of the same requirements as the Kroger gas station in Bordeaux. Unlike the Bordeaux facility, this gas station will provide restrooms on-site.

Resolution No. 2001-412

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-004G-13 is given APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE (7-0): The following conditions apply:

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

18. 2001M-075U-07
Closure of Portion of 63rd Avenue North
Map 91-01, Parcel 92
Subarea 7 (1999)
District 22 (Hand)

A request to close a portion of 63rd Avenue North from Briley Parkway to its terminus, requested by Alcoa Fujikura Ltd./Dixiewire, abutting property owners. (Easements are to be retained).

Staff recommends *approval*.

This request is to close a portion of 63rd Avenue North from Briley Parkway to its terminus. An abutting property owner, Alcoa Fujikura Ltd./Dixiewire has requested the closure to control access near its plant and to prevent dumping. All easements are to be retained. Metro Government also owns an adjacent property,

parcel 190, and has signed on the application agreeing to this closure. Staff recommends approval as all reviewing agencies and departments have recommended approval.

Resolution No. 2001-413

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-075U-07 is APPROVED (7-0)."

19. 2001M-076G-12
Council Bill BL2001-813
School Property Acquisition: W. H. Oliver Middle School
Map 172, Parcel 94
Subarea 12 (1997)
District 31 (Knoch)

A council bill to purchase 28.21 acres of land zoned AR2a district for the new W. H. Oliver Middle School and a future elementary school in the Nolensville Road area, requested by the Public Property Administrator on behalf of the Metro Board of Education.

Staff recommends *approval*.

This council bill is to acquire 28.21 acres of land zoned AR2a district on Nolensville Pike for a new school, W. H. Oliver Middle School. The Metro School Board has identified this property to accommodate both the middle school and a future elementary school. The property is zoned AR2a district and is advertised for sale. Schools are permitted by special exception in this district subject to the Board of Zoning Appeals approval. The Metro School Board approved the property's acquisition on July 10, 2001. The future elementary school will relieve overcrowding at Granbery Elementary. No funding has been identified or appropriated for the new elementary school in Metro's capital improvements budget. A public hearing will be held on the acquisition.

Staff recommends approval subject to all reviewing agencies and departments recommending approval. A public hearing will be held by the Metro Council on this acquisition on October 1, 2001 at 5:30 p.m. in the Council Chambers by the Metro Council's Planning & Zoning Committee.

Resolution No. 2001-414

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-076G-12 is APPROVED (7-0)."

20. 2001M-084G-14
Council Bill No. BL2001-816
Metro Stones River Greenway Easement Agreement
Map 73-16, Parcel 82
Map 85, Parcels 7 and 42
Map 96, Parcel 7
Subarea 14 (1996)
District 12 (Ponder)

A council bill to accept and record easements on seven properties for the use and benefit of the Greenway Commission along the Stones River, sponsored by Councilmember Craig Jenkins.

Staff recommends *approval*.

This council bill is to accept and record easements on seven properties along the Stones River for a Metro greenway trail. Two of the seven properties are owned by Metro Government. The five remaining properties are owned either by the federal government, corporations, or a family. Each property owner has agreed to dedicate to Metro the easements. A description of each easement is provided below.

Easements Described

U.S. Army Corps of Engineers: 6.89 acres at bottom of Percy Priest Dam below floodgates Fogelman Properties: 2.42 acres behind the Stewarts Ferry Apartments. Closest point of easement to an apartment building is 58.5 feet.

Metro Government (Water & Sewer): 5.751 acres near treatment plant

Mr. & Mrs. Gayron C. Lytle: 40 feet wide easement extending from Ravenwood Country Club along the Cumberland River, then along the Stones River. Easement is through farmland.

Metro Government (Water & Sewer): 2.51 acres near treatment plant.

Cumberland Trace Partnership: 1.8 acres extending from McGavock Pike along Stones River behind multi-family housing. Closest point of easement to a dwelling is 70 feet.

Opryland Attractions: 11.26 acres along Cumberland River.

Staff recommends approval subject to all reviewing agencies and departments recommending approval. Each easement clearly depicts a public greenway trail giving future property owners due notice of the trail's location and easement's intent. Each property owner must execute with Metro Government a detailed "Agreement for Grant of Easement for Conservation Greenway". This agreement sets forth Metro's rights and covenants to these property owners such as, but not limited to, public access hours, leashed pets, no discrimination of persons using trail, no horseback riding, no alcoholic beverages, no dumping, no littering, no firearms, etc.

Resolution No. 2001-415

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-084G-14 is APPROVED (7-0)."

21. 2001M-085G-12

Council Bill No. BL2001-817

Mill Run Subdivision Greenway Easement Agreement

Map 173

Subarea 12 (1997)

District 31 (Knoch)

A council bill to accept and record an easement containing approximately 8.69 acres along Mill Creek within the Mill Creek subdivision located off of Old Hickory Boulevard, between Barnes Road and Culbertson Road, sponsored by Councilmember Craig Jenkins.

Staff recommends *approval*.

This council bill is to accept and record easements on one property along Mill Creek for a Metro greenway trail. The property contains 8.69 acres and is being dedicated to Metro by the Mill Run, LLC and Nashville Mill Run Homeowner's Association. The Mill Run subdivision was approved in 1999 for 141 single-family lots. The plat included a greenway dedication. The easement measures approximately 150 feet in width along the creek. The same Conservation Greenway agreement will be signed by these property owners and Metro Government, as described above in 2001M-084G-14. Unlike the exhibits in the agreement for 2001M-084G-14, the exhibits attached to this agreement do not depict a public greenway trail within the dedicated easement. Staff recommends approval subject to all reviewing agencies and departments recommending approval. However, staff strongly suggests the exhibits to this agreement be revised to include an actual public greenway trail running through the easements to serve as notice to future property owners of the trail's location and easement's intent.

Resolution No. 2001-416

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-085G-12 is APPROVED (7-0)."

22. 2001M-086G-14

Council Bill No. BL2001-818
Ravenwood Country Club Greenway Easement Agreement
Map 85, Parcel 16
Subarea 14 (1996)
District 14 (Stanley)

A council bill to accept and record an easement on the Ravenwood Country Club along the Stones River, sponsored by Councilmembers Craig Jenkins and Bruce Stanley.

Staff recommends *approval*.

This council bill is to accept and record easements on one property along Stones River for a Metro greenway trail. The property is being dedicated by the Ravenwood Country Club. The club is reserving the right to access the easement area to maintain a river pump via River Road. The same Conservation Greenway agreement has been signed by the club as will be done by the property owners for 2001M-084G-14 and 2001M-085G-12.

Staff recommends approval subject to all reviewing agencies and departments recommending approval. However, staff strongly suggests the exhibits to this agreement be revised to include an actual public greenway trail running through the easements to serve as notice to a future property owner of the trail's location and easement's intent.

Resolution No. 2001-417

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-086G-14 is APPROVED (7-0)."

23. 2001M-100U-09

Council Bill No. BL2001-815
Donation of Land from First Baptist Church
Map 92
Subarea 9 (1997)
District 19 (Wallace)

A council bill to accept land in fee simple from First Baptist Church downtown for improvements by Metro Government at the intersection of Demonbreun Street and Seventh Avenue South, sponsored by Councilmember Ludye Wallace.

Staff recommends *approval*.

This council bill is to accept land in fee simple from First Baptist Church downtown. Land is needed for improvements by Metro Government at the intersection of Demonbreun Street and Seventh Avenue South. Staff recommends approval subject to all reviewing agencies and departments recommending approval.

Resolution No. 2001-418

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-100U-09 is APPROVED (7-0)."

This concluded the items on the consent agenda.

PUBLIC HEARING

ZONING MAP AMENDMENTS

- 1. 2001Z-092U-12**
Map 172, Parcel 121
Subarea 12 (1997)
District 32 (Jenkins)

A request to change from R40 district to RM9 district property at Edmondson Pike (unnumbered) approximately 500 feet south of Old Hickory Boulevard, (10.61 acres), requested by George Tomlin of Franklin Land Associates, LLC, for Ollie R. and Gerald Lee Kennedy, et al, owners.

Ms. Regen stated staff recommends *conditional approval*.

No Subarea Plan Amendment is required.

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

This request is to change 11 acres from R40 (residential) to RM9 (multi-family residential) district property at Edmondson Pike (unnumbered), approximately 500 feet south of Old Hickory Boulevard. The existing R40 district is intended for single-family homes and duplexes at 1 dwelling unit per acre. The proposed RM9 district is intended for single-family, duplex and, multi-family dwellings at 9 units per acre. With RM9 zoning, up to 96 dwelling units could be constructed on this property. Under the current R40 zoning, 12 homes could be developed.

Staff recommends conditional approval of the proposed RM9 zoning subject to road and pedestrian way improvements. This zone change is consistent with the Subarea 12 Plan's Residential Medium (RM) policy, which calls for 4 to 9 dwelling units per acre. It is also consistent with the RM9 zoning to the west on parcels 43, 44 and 135. The Planning Commission and Council approved that rezoning in 1998.

Traffic

The Traffic Engineer initially required a traffic impact study (TIS) for this rezoning. The increased density was a concern along Edmondson Pike; the road is a substandard arterial. After meeting with the applicant, the Traffic Engineer agreed to several improvements along Edmondson Pike -- improvements a TIS would have identified. Therefore, a TIS was not required. Since then, the applicant has agreed to some, but not all of the improvements below. The applicant is still considering various improvement options. The improvements below are what the staff finds are necessary to integrate and transition this property from the abutting single-family, the Kroger shopping center, and the property to the west which has significantly restricted access from Old Hickory Boulevard. The improvements along Edmondson Pike are as follows:

- Widen Edmondson Pike to its ultimate width along the property's frontage from the Kroger Shopping Center south to parcel 166.
- Construct a left-turn lane into the development on Edmondson Pike. Turn lane needs to measure 75 feet of storage with a taper.
- Construct a sidewalk along Edmondson Pike as part of the widening project in #1 above

Construct a street from Edmondson Pike running westward that connects with Westheimer Drive, a stub street into this property (parcel 121), and to parcel 44 further west. This street will provide access to parcels 43, 44 since access from Old Hickory Boulevard is not feasible in future due to slopes, sight distance, and driveway separation.

Provide pedestrian connections from parcel 121 to the Kroger Shopping Center to promote walkability.

Schools

A multi-family development at RM9 density will generate approximately 14 students (6 Elementary, 4 Middle/Junior High, and 4 High School). While Overton High School and McMurry Junior High School may not be impacted by the development of this property under the proposed zoning. Granberry Elementary School and Glendale Middle School will be impacted. Granberry's capacity is 680 students and Glendale's capacity is 365 students, currently each school is more than 25% over capacity. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

Staff is recommending indefinite deferral at this point rather than conditional approval in order to have further discussion with Public Works staff.

Mr. Ed Owens, Gresham Smith and Partners, representing the applicant, stated this property is next to a commercial activity center. 10.5 acres are proposed for condos, which may be 75 units. The applicant is being nickel and dimed to death with all the conditions to do this practical development. Some of those conditions include a traffic study, widening Edmondson Pike to its ultimate width, a pedestrian connection to the Kroger center and a street through the property to connect to the property in the rear. These are more than the Zoning Regulations require.

The client is willing to defer if there is some indication from the Commission that there will be an agreement in the future. A piece of property like this cannot be expected to widen the 5 lane road for a 75 unit condominium development.

Mr. Chris Craig, representing development to the south, Sterling Oaks, spoke in opposition to the road staff is requesting to the south and stated there is already a cut through traffic problem in that immediate area.

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

Mr. Clifton asked about a limit on those impact fees and where is the line was drawn.

Chairman Lawson stated that is the reason for the deferral. To see where that line is.

Vice Chairman Small asked if he could get an explanation on the conditional zoning and whether or not there is bonding as relating to zoning.

Ms. Jones stated this access road would enhance that landlocked property in the rear. It would be better to ask for the easement at this time and not build the road. We shouldn't make one man make another mans property more available.

Mr. Cochran moved and Ms. Nielson seconded the motion, which carried unanimously, to defer this matter 2 weeks.

3. 2001Z-094U-07
Map 103-8, Parcel 53
Subarea 7 (2000)
District 24 (Summers)

A request to change from CS district to MUL district property at 4501 Murphy Road, and the east margin of Westlawn Drive, (.26 acres), requested by David Powell of Polifilo, appellant, for Norma Crow, owner.

Mr. Hardison stated staff recommends *approval*.

No Subarea Plan Amendment is required.

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

This request is to change 0.26 acres from CS (commercial) to MUL (mix use limited) district at 4501 Murphy Road at the intersection of Murphy Road and 46th Avenue North. The current CS district is intended for a wide range of commercial service related uses including low intensity manufacturing and storage facilities. The proposed MUL district is intended for a moderate intensity of residential, retail, and office uses. Staff sent a public hearing notice to the Sylvan Park homeowners association.

This property borders a neighborhood shopping area along Murphy Road that includes a pub, market, coffee house and several other small businesses. The applicant is requesting this zone change to construct a multi-storied structure (two stories above grade). This structure would include retail space, office space, and three to four dwelling units. This rezoning conforms to the Subarea 7 Plan's Residential Medium Density (RM) policy, which calls for 4 to 9 dwelling units per acre. Although the proposed MUL zoning supports non-residential uses, the subarea plan acknowledges within the RM policy the Murphy Road neighborhood commercial node. The plan specifically states:

"The somewhat unique node of neighborhood commercial development centered on the intersection of 46th Avenue North and Murphy Road: emphasis should be given to maintaining and enhancing the viability of the established node and on achieving a non-intrusive, stable and harmonious relationship with the surrounding neighborhood." (Subarea 7 Plan, page 32)

Staff recommends approval of the proposed MUL zoning. Rezoning this property will support the make up and growth of this neighborhood as a vital residential area.

Ms. Nielson asked if any of this property was included in the Cherokee Conservation Overlay.

Mr. Hardison stated it was not.

Mr. David Powell, architect for project, with Polifilo, stated he had met with the neighborhood association and some neighbors were for, and some against. He said he also met with Councilmember Summers and they did not quite see eye to eye. The difference in this project is what you can do in MUL and in CS. MUL has an FAR of 1 and CS has an FAR of 5. There is also a residential aspect to the project.

Mr. Richard Ice and Mr. Bill Hampton spoke in favor of the project.

Mr. Nick Bailey, former president of the neighborhood association, stated the neighbors have not had enough time to receive adequate information, and the neighborhood association has no official stand. He expressed concerns regarding the MUL zoning, and the scale you can use in that zoning, parking, congestion, overbuilding the property, and the amount of residential units. He asked for disapproval.

Ms. June Kingsbury, Mr. Bernard Pickney, expressed concerns regarding parking, the business district expansion, and setting a precedent.

Mr. Tom Truitt, president of the Richland-West End Neighborhood Association, stated he was not speaking for the neighborhood association because they had not had time to meet regarding the project. He asked for a deferral.

Ms. Linda Davis, Ms. Marne Duke and Ms. Kimberly Davis asked for deferral.

Mr. Sam Stafford stated he had concerns regarding traffic, parking, and safety.

Ms. Margaret Williams stated she had concerns regarding the scale, density, parking, and traffic.

Ms. Martha Mader expressed concerns regarding noise, traffic, pollution, and incompatibility.

Mr. Tim Sadler stated the developer is willing to work with the neighborhood to make it better.

Mr. John Dean spoke in favor of the zone change to MUL.

Ms. Norma Crow, applicant, spoke in favor of the zone change, explained her plan, and asked the Commission for approval.

Mr. Allen Cohen and Ms. Cheryl Pickney stated they are opposed to the project.

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

Mr. Clifton stated it is a real risk to leave CS zoning on this property, but this development will intensify it.

Mr. Cochran stated the neighborhood doesn't understand its CS now and all the applicant has to do is get a building permit and build.

Ms. Nielson stated she felt the MUL is better than CS.

Vice Chairman Small asked if the area included Portland Brew?

Mr. Powell stated the area does not include all of triangle as shown on slide, but does include Portland Brew.

Vice Chairman Small stated that once this property is rezoned to MUL a large quantity of condos could be built.

Councilmember Summers stated this is a very divisive issue, and that he thought that at the end of the day the opposition will carry. He agreed with Vice Chairman Small. Staff would recommend MUL on any of the property in this node. The land use policy in this area is inappropriate. This is such a small-scale node that MUL is not appropriate. He asked staff to look at this area in the Subarea Plan. Most of this neighborhood should be CN.

Mr. Bernhardt stated that if the issue is the floor area then may be the use should be MUN, which has the smaller FAR.

Ms. Jones stated she wants to know the plans for parking. Is it 2 stories or 3, because if the parking is in the back there's a downhill slope and there would be only 2 stories on Murphy Road.

Chairman Lawson stated the Commission can't decide on design.

Mr. Clifton moved and Vice Chairman Small seconded the motion, which carried with Mr. Cochran and Ms. Jones in opposition, to approve the following resolution:

Resolution No. 2001-419

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-094U-07 is DISAPPROVED (5-2):

Although this area falls within an unmapped neighborhood commercial node within the Subarea 7 Plan, the Mixed Use Limited (MUL) district permits too high of a floor area ratio (1.0) for this particular part of the Sylvan Park neighborhood. MUL zoning would significantly intensify the development opportunity on this property which is inconsistent with the surrounding neighborhood."

PRELIMINARY PLAT SUBDIVISIONS

5. 2001S-267G-06

Harpeth Crest (formerly Max Vinson Property)
Map 141, Parcels 45 and 46
Subarea 6 (1996)
District 35 (Lineweaver)

A request for preliminary plat approval for 41 lots abutting the north terminus of Morton Mill Road and the north terminus of River Bend Road, (40.95 acres), classified within the RS20 district, requested by Harpeth Crest LLC, owner/developer, Walter Davidson and Associates., surveyor.

Mr. Jones stated staff recommends *conditional approval* of the preliminary plat subject to a variance for sidewalks.

The original preliminary plan for this property to create 40 lots was approved by the Planning Commission on June 8, 2000. Revisions to the plan were subsequently approved by the Commission on September 28, 2000, and November 9, 2000. This request is for a newly-revised preliminary plat for 41 lots on 41 acres. The property is located in Bellevue and abuts the northern terminus of Morton Mill Road and River Bend Road. The applicant is re-submitting this plat in order to create an access easement to lots 26-30. Over half of the proposed lots are critical lots since they are located in the Harpeth River's floodplain or have steep topography. Lots 26-30 cannot be accessed from Morton Mill Road due to steep topography. Therefore, an ingress/egress easement is being proposed from River Bend Lane in order to access these five lots. Each lot, however, will have frontage on Morton Mill Road, a public street. The applicant has also worked closely with the staff to provide a Greenway Public Access Trail Easement that was not included on any of the previously approved preliminary plans. This easement is essential to the continuation of the Bellevue Greenway.

This subdivision is a cluster lot development within the RS20 district at a proposed density of 1 dwelling unit per acre. The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain under the cluster lot option. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the RS20 district may create lots equivalent in size to the RS10 district. The proposed lots range in size from just over 10,000 square feet to nearly 30,000 square feet. A typical subdivision on 41 acres and classified within the RS20 district would allow 75.85 dwelling units. In this case, the applicant has chosen to preserve the natural features of the property by employing the cluster lot option and is proposing only 41 lots.

Design – Streets

This proposal continues Morton Mill Road and shows a temporary cul-de-sac to be extended in the future over the CSX railroad tracks at the property's northern boundary. A previously approved preliminary plat shows Morton Mill Road terminating at River Bend Lane. The staff feels that the continuation of Morton Mill Road as shown on the current proposal is essential for the development of this property. Morton Mill Road currently acts as a collector that provides access to four subdivisions: River Bend Estates, Morton Mill Estates, Southampton, and Riverside. As this area

develops, it will be necessary to continue Morton Mill Road in order to reduce traffic volumes on substandard roads in the area. A mandatory referral request to abandon the public portion of Morton Mill Road on this property has been submitted by the applicant. This portion of the road will be relocated and dedicated by this plat. The plat shall be conditioned upon the mandatory referral's approval by Metro Council.

Design - Greenway

A significant portion of this site is encumbered by the floodway and floodplain of the Harpeth River. Much of the land is part of Metro's Greenways Master Plan. Because the property is part of the Greenways Master Plan, it is anticipated to be included in a future Greenway Overlay District (as defined by the Zoning Ordinance). This property actually abuts Phase One of the Bellevue Greenway that was completed in 1995. Staff has worked with the applicant and Metro Greenways to create a connection to the existing greenway. The preliminary alignment of a Greenway Public Access Trail is shown on the plat. This trail, along with Phases 1 and 2 of the Bellevue Greenway, will create a bicycle/pedestrian connection to Old Harding Pike.

Typically, a trail is located along the edge of the floodway. In this case, however, the applicant has agreed to construct an 8-foot-wide concrete trail along Morton Mill Road. This area is not along the floodway, but it will enable a connection to be made to the existing Bellevue trail, an elevated boardwalk trail on Morton Mill Road. The applicant has agreed to construct this trail along Morton Mill Road to a point at which the topography will allow a transition down to the floodway. At the point of transition, Metro will construct the proposed trail.

A variance to Section 2-6.1 of the Subdivision Regulations is being requested by the applicant. This section requires sidewalks to be constructed on both sides of the street within subdivisions. The steep topography on the site would require extensive grading in order to build a sidewalk on Morton Mill Road opposite the proposed greenway trail. The staff believes that since the applicant is providing an 8' concrete trail on one side of Morton Mill Road, it is reasonable to not require a sidewalk on the opposite side of the street. The staff recommends approval of the variance to exclude sidewalks along Morton Mill Road from the property's boundary at lot 26 to the southeast corner of lot 25. Otherwise, sidewalks shall be provided on both sides of all streets within the subdivision.

Staff recommends conditional approval of the preliminary plat subject to a variance for sidewalks and with the following conditions:

The final plat shall label the area containing the proposed trail along Morton Mill Road as well as the Floodway and Floodway Buffer as a "Dedicated Conservation/Greenway Public Access Trail Easement Area." This area shall not include the developer's detention area to the west of the floodway buffer, and shall be clearly denoted on the final plat.

Signs indicating the presence of the public greenway trail must be located every 100' along the rear property lines of lots 1-12. Signs shall be posted prior to the first building permit with the text facing inward on the lot. The developer shall be responsible for the maintenance of all signs until the lots within the subdivision have been sold to the ultimate home purchaser.

The proposed trail along Morton Mill Road shall be shown on the final plat to extend to the property line along existing Morton Mill Road.

The final plat shall show a crosswalk to be provided by the applicant that links the start of sidewalks on the west side of Morton Mill Road at the southeast corner of lot 25 to the east side of Morton Mill Road. This crosswalk shall include striping, signage, and ramps built to ADA standards.

The transition of the greenway trail from Morton Mill Road into the floodway buffer shall be graded by the developer prior to lot grading completion. The grading for the trail shall be done according to Greenway Design Standards.

The final plat shall provide cross-section details of all roadways and greenway trails.

Streets that are to be extended in the future shall be shown on the final plat as temporary cul-de-sacs and labeled as "Temporary Cul-de-sac Road to be extended in the future." Signs shall be installed and maintained by the developer noting the same.

Mr. Tim Meehan, area resident, and board member for Riverbend Neighborhood Association, expressed concerns regarding railroad noise because bushes have been torn down, and how the sewer lines will be installed. The Harpeth Valley Utility Districts wants to build a gravity line along the railroad and take down the tree line. He stated he would support the proposal with the condition the natural barrier be preserved.

Chairman Lawson stated this Commission couldn't impose those conditions.

Mr. Clifton stated this is an issue for Councilmember Lineweaver.

Mr. Walter Davidson, engineer for project, addressed the sewer line statement and said they would stay out of the tree line.

Ms. Phyllis Childs Foust and Mr. Alan Smith, homeowners at top of the hill, expressed concerns that their houses are almost on property line. They were told, when they bought their houses, that the property line went all the way back to a fence line. Mr. Davidson has offered them a 20 foot easement and it was kind of him to do that, but they would like to have 40 feet to keep them from having a fence right at their back porch. They also stated they want the tree line to stay behind their homes. The road going out comes to a cul-de-sac dead end and there is a condition to end it as a temporary cul-de-sac so it can be opened up in the future. They suggested the Commission staff rethink that because it will make matters worse.

Mr. Steven Sosha expressed concerns regarding the sewer line.

Ms. Marian Lopez stated the only access to her property is across Mr. Sosha's property and that she was told she would have an access to the original Morton Mill. She asked for an easement off of the Morton Mill side onto the backside of her property.

Mr. Bernhardt said it would work to move present road to the south 2 lots and that would give the barn lot and Ms. Lopez's lot access and nothing would be lost.

Mr. Davidson stated Ms. Lopez has a 50 foot easement in from Riverbend.

Mr. Bobby Bowling stated he would work with Ms. Lopez regarding the easement and access. Ms. Lopez and Mr. Sosha want the upgrade on the sewer line so they can develop their property in the future. He stated he was here to please both sides.

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

Ms. Nielson moved and Mr. Cochran seconded the motion, which carried unanimously, to approve staff's recommendation, conditionally, with a variance.

Resolution No. 2001-420

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-267G-06, is APPROVED WITH CONDITIONS AND A VARIANCE TO THE SUBDIVISION REGULATIONS FOR SIDEWALK ALONG PORTION OF MORTON MILL ROAD (7-0).”

Vice Chairman Small stated he would like to have the current sketch and also a close up sketch of the subdivision.

MANDATORY REFERRALS

17. 2001M-051U-09

Closure of Alley #86, #87, and #142
Map 93-14, Parcels 206, 207, 208, 211,
212, 215, 216, and 217
Subarea 9 (1997)
District 19 (Wallace)

A request to close alley #86 from alley #87 to its terminus at parcels 208 and 218 on tax map 93-14, alley #87 between 8th Avenue South and 7th Avenue South, and alley #142 from Drexel Street to its terminus at alley #87, requested by Richard Ropelewski for abutting property owners. (Easements are to be retained).

Ms. Regen stated staff recommends *disapproval*.

This request is to close several alleys between 7th Avenue South and 8th Avenue South, south of Drexel Street. The Planning Commission approved this request on June 7, 2001. When it acted, staff did not realize Public Works was not in favor of these closures. Staff received written comments from Public Works on Monday, June 11, 2001 indicating disapproval. Due to the Planning Commission not having the benefit of Public Works' input, staff has placed this item back on the Commission's agenda for its reconsideration. Public Works recommended disapproval citing the need for these alleys to provide alternative access and trash pick-up.

Originally, the applicant requested that all of the alleys (#86, #87, and #142) be closed between 8th Avenue South, Drexel Street, and 7th Avenue South. The applicant requested those closures because of persons congregating in the alleys from the nearby Rescue Mission. At times, the alleys can have several groups of people standing in them. This effort to close the alleys has been coordinated by businesses abutting the alleys to provide a safe working environment for their employees coming to/from work and during lunch breaks.

In response to comments from Public Works, the applicant who is an abutting property owner to these alleys, has modified the original request. The applicant is now requesting only to close portions of Alleys #87 and #142. Alley #86 would still be closed in total. By closing a portion of these two alleys, the applicant would maintain access for trash pick-up to parcel 201 and alternative emergency access. Public Works has indicated these modifications do not address the fundamental need for all of these alleys to remain public for trash pick-up, utility routing, off-street parking, and alternative access.

In light of Public Works' concerns, and after field-checking these alleys again, staff recommends disapproval of these alley closures. While there is a genuine concern for these business owners, closing these alleys does not resolve the problem--- people from the Rescue Mission congregating. The problem experienced by these property owners will merely be shifted to other property owners in the vicinity. The loss of these public alleys for safety, access, and services will be permanent.

Ms. Pat Devault stated area property owners and MDHA supports closure. The Commission approved this and then Traffic and Parking deferred it 1 month. Father Strobel is a good neighbor, but when he moved in pedestrian street traffic became heavier and one area became a homeless hideaway. There is drug trafficking, people passed out, bottles, and cans all in this one lane alley. Closing the alley would not be a trash pickup issue. She stated she just wants to gate the back of property. The Fire Marshall and Police have also approved it.

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

Councilmember Summers asked what hours did the misconduct take place.

Ms. Devalt stated it went on all day, but sometimes when it gets real hot they leave. She said they also have an agreement none of neighbors would build on property, and there will also be a maintenance agreement.

Ms. Nielson moved and Mr. Clifton seconded the motion, which carried unanimously, to disapprove the entire request, but to approve closure of a portion of Alley 87 back to alley 142 from 7th Avenue with easements retained.

Resolution No. 2001-421

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-051U-09 is DISAPPROVED (7-0); recommend approval to close Alley #87 from 7th Avenue South to Alley #142 with easements retained (7-0)."

OTHER BUSINESS

24. Staff presentation on sidewalks

Mr. Leeman recapped the work and research staff done on sidewalks and stated the purpose of this item is to request public hearing for September 27, which was set.

26. Legislative update

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

ADJOURNMENT

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

Chairman

Secretary

Minute Approval: This 27th day of September 2001

