

1. **Zone Change Proposal No. 2001Z-057G-14** (Council Bill No. BL2001-803)

Staff recommends *conditional approval*.

- **Subarea Plan Amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** Yes, please see *Traffic* note.

At the Metro Council public hearing held on September 4, 2001, the Council referred this item back to the Planning Commission for reconsideration. The Council felt that not all of the issues had been presented fairly by opponents to this rezoning at the Planning Commission meeting. This council bill is to change 4.87 acres from R8 (residential) to RM15 (multi-family residential) district property at 3535 Bell Road, north of Elm Hill Pike. The current R8 district requires minimum lot sizes of 8,000 square feet and is intended for single-family and duplex residential uses at 4.6 dwelling units per acre. The current zoning would allow 23 dwelling units and with 25% duplex it would allow 28 dwelling units. The proposed RM15 district is intended for multi-family dwellings at up to 15 dwelling units per acre. With RM15 zoning, 73 units would be permitted on this site.

The Commission recommended disapproval of this item at its August 16, 2001 meeting since the area is mapped with Residential Medium (RM) policy that generally calls for 4 to 9 dwelling units per acre. The RM15 zoning calls for 15 dwelling units per acre. The Commission did not find the text of the Subarea 14 Plan compelling enough to override the land use map's RM policy. Staff reasons that the map and the text must be considered together for context and guidance.

The text of the subarea plan, which was last updated in 1996, states the following: *"The portion of this area north of Elm Hill Pike and east of Pleasant Hill Road is partly developed with medium-high density (9 to 20 dwelling units per acre) residential uses and should continue to develop at such densities."* [emphasis added].

Staff recommends conditional approval of this request with the condition that the developer be responsible for constructing a center-turn lane on Bell Road from the approved center-turn lane at Lincoya Bay Drive to the project entrance. There are several existing and approved multi-family developments along the east side of Bell Road that have already established a pattern of more than 9 dwelling units per acre, as noted in the Subarea Plan. The Lakes PUD on Lincoya Bay Drive (parcels 12 and 223) was approved for 480 multi-family units at 12.20 units per acre, while another residential PUD was approved in 1983 for 248 apartment units at 13 units per acre. The Lakes-West PUD (parcel 8) was given final PUD approval in October 2000 for 44 multi-family units at a density of 10.7 units per acre. These properties are all surrounded by U.S. Army Corp of Engineers

property and will not easily expand beyond this small pocket north of Elm Hill Pike near the lake.

Traffic

The Metro Traffic Engineer has indicated that Bell Road should be widened from Lincoya Bay Drive to the project entrance, a distance of approximately 730 feet, to provide a center-turn lane for access to this site. This is required due to safety concerns that will be created from more multi-family units at this location. A traffic impact study (TIS) was prepared which indicated that there is sufficient site distance to allow a driveway on Bell Road at this location.

Schools

A multi-family development at RM15 density could generate approximately 11 students (5 elementary, 3 middle, and 3 high school). Hickman Elementary is currently over capacity while McGavock High School has sufficient capacity. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

2. **Zone Change Proposal 2001Z-058G-04** (Council Bill BL2001-807)

Staff recommends *disapproval* as contrary to the General Plan.

At the Metro Council public hearing held on September 4, 2001, the Council referred this item to the Planning Commission. Councilmember Dillard indicated at the public hearing that residential uses are not viable along State Highway 45. Therefore, he asked the Commission to reconsider permitting commercial uses in this area. The Commission disapproved the proposed CS zoning on June 27, 2001 as contrary to the general plan.

This council bill is to rezone from OR20 (office and multi-family residential) to CS (commercial services) district property at 905, 909, and 911 Old Hickory Boulevard, east of Myatt Drive. The existing OR20 district is intended for office, parking, and multi-family residential at 20 dwelling units per acre. The CS district is intended for is intended for retail, consumer services, banks, restaurants, office, light manufacturing, self-storage, and small warehouse uses.

The Subarea 4 Plan, which was last updated in 1998, states the following:

*“The majority of this area is zoned for office uses and Office Concentration (OC) policy is applied to reflect a continuation of the existing commitment to office uses in this area. **Any expansion of commercial zoning in this area is strongly discouraged.**” (Area 8C, page 56 – emphasis added)*

Staff recommends disapproval of the proposed CS zoning as contrary to the General Plan. The Subarea 4 Plan’s Office Concentration (OC) policy calls for general and medical office uses for this stretch of Old Hickory Boulevard, east of Myatt Drive. Myatt Drive is the dividing line between the commercial policy along Old Hickory Boulevard and the office policy. The property next door was changed from OP (Office and Service Parking) to CG (Commercial General) in 1988 (88Z-041) and then to CS in 1998 with Council’s adoption of the new comprehensive zoning code and maps. The Planning Commission recommended disapproval of the change to CG; however, the Metro Council approved it.

3. Zone Change Proposal No. 2001Z-078U-10

INSERT ANN'S MEMO

4. Zone Change Proposal No. 2001Z-080G-06

Staff recommends *disapproval*.

- **Subarea Plan Amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No, the Metro Traffic Engineer has accepted a letter from the applicant agreeing to construction of no more than 94 single-family lots.

This item was deferred at the August 2, 2001 meeting to allow the applicant more time to discuss doing a PUD. The applicant has decided not to do a PUD for this property. The request is to change the zoning on 89 acres at 7401 Highway 100 from AR2a (agricultural) and R40 (residential) to RS20 (residential) at 7401 Highway 100. The existing AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 unit per 2 acres of land. The existing R40 is intended for residential single-family and duplexes at 1 dwelling unit per acre. The proposed RS20 district is intended for single-family homes at 1.85 dwelling units per acre. This property is located adjacent to Edwin Warner Park on Highway 100.

At the Planning Commission meeting of July 19, 2001 the original public hearing on this item was held. The Planning Commission heard comments from representatives of Friends of Warner Parks and the Historical Commission. In response, the Commission directed staff to obtain additional information from the speakers and review the project again. As a result, staff modified its recommendation to require a PUD. It was felt with the sensitivity of this site, a PUD would provide the necessary information at the zoning stage to determine whether the property should be changed to RS20 district. Staff recommends disapproval since a PUD plan has not been completed to demonstrate the project's relationship to scenic Highway 100, Edwin Warner Park, the historic Devon Farm home, future greenway, nearby development, and the treatment to be accorded the Harpeth River's extensive floodway and floodplain.

Staff's recommendation for disapproval is based on the following factors:

Site Analysis.

- **The property is bordered on the northwest by Highway 100 which is a designated state scenic highway** on the Major Street Plan. Subdivision Regulation Section 2-7.4 requires that any lot area within 75 feet of the existing centerline of the arterial be designated a scenic landscape easement. Zoning Ordinance Section 17.24.070 requires a ten foot "scenic landscape easement" immediately outside the right-of-way; no grading, tree removal, or disturbance of prominent natural features is allowed; minimum Standard A buffer yard is required.
- **The property is bordered on the south by the Harpeth River with its extensive floodplain.** The large regulated floodway consumes 53% of the site. With the

addition of the balance of the floodplain (the floodway fringe), a total of 63% of the site is subject to flooding. To make the floodway fringe buildable, filling of the floodplain would be necessary. A greenway is also needed along the river.

- **The historic Devon Farm is a Davidson County site placed on the National Register of Historic Places in 1974.** The National Register designation consists of the brick farmhouse, a log smokehouse, a brick spring house/cheesehouse, a two-story stone springhouse, and frame carriage house. The Historic Commission has indicated the property also contains a cemetery that is important to the character of the farm. The house and outbuildings are located on 26.7 acres or 30% of the site, as shown on the National Register application. The original home was begun in 1796. The original structure was enlarged in the mid-1800s, then again in the mid-1900s. It is said that the place was named “Devon Farm” for the Devon cattle imported from England and bred on the farm. The original owner, John Davis, and his descendants were instrumental in the settlement of Tennessee and particularly Davidson and surrounding counties. Therefore there is both architectural and historical significance attached to this site.
- **TVA Line.** A TVA transmission line cuts across the site from southeast to northwest.
- **Warner Parks.** The site is bounded on the east by Edwin Warner Park, separated from it only by a minor unpaved road (Hicks Road). Warner Parks are widely recognized as the “jewels” of the Metro Parks system. Therefore, with the sensitivity of this site, surrounding development should take into account the sensitive location.

The Subarea 6 Plan, which was last updated in 1996, recognizes the features on and around the site, and designated it a Natural Conservation (NC) policy area. The Subarea 6 Plan, “Policies for Natural Conservation and Major Public Open Space Areas”, states the following:

“because NC policy is generally applied to large areas, some locations are suitable for more intensive development. Within these locations, RLM (2-4 du/a) policy principles may be applied if slopes are less than 20%, there is no floodplain or other environmental hazard, the area is contiguous with RLM policy or a more intensively developed area, and public sewerage and water services are available.”

Because the subject site includes a large amount of floodway and floodplain, the RLM policy should not be applied in this instance. Instead, the RL policy conforms more nearly to the intent of the Subarea 6 Plan. The plan goes on to say:

“to foster conservation of these areas in their natural state, disturbance and modification is discouraged and should be kept to a minimum....To foster preservation and minimize pressure for development, zoning should generally be limited to that which allows only very low intensity development that is compatible with adjoining development. (pp. 39-40)

Preservation of the Harpeth River floodplain is specifically recommended by the plan.

Current zoning allows 37 building lots on the site. The developer is seeking RS20 zoning and has indicated he intends to use the cluster lot option to develop 94 home sites on the property. Clustering permits the 20,000 square foot minimum lot size of the RS20 district to be reduced to 10,000 square feet. (Generally, perimeter lots under this scenario must be a minimum of 18,000 square feet or with reverse frontage and a landscape buffer may be further reduced).

In order to meet the cluster lot regulations for minimum lot size, a substantial portion of the floodway fringe would need to be filled in order to produce 94 buildable lots. In addition, the RS20 zoning requested could technically permit up to 165 lots on this site. In the absence of a PUD site plan, the Commission, the Council, and the citizens have no guarantees.

5. Zone Change Proposal 2001Z-092U-12

Staff recommends *conditional approval*.

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

This item was deferred at the September 13, 2001 Planning Commission meeting to work out issues with vehicular and pedestrian connections with parcel 259 to the north, parcels 43 and 44 to the east, and the Sterling Oaks Subdivision, a PUD (99P-001U), to the south. *See Traffic for follow-up to Metro Planning Commission meeting.* 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 and 44. The Planning Commission and Council approved that rezoning in 1998 (98Z-197U; O99-1515).

Traffic

The Traffic Engineer initially required a traffic impact study for this rezoning. The increased density was a concern along Edmondson Pike; the road is a substandard arterial. Staff met with the applicant and the Traffic Engineer to discuss the conditions of this zone change. During this meeting three conditions were discussed: 1) the dedication of 80 foot right-of-way for Edmondson Pike, 2) a 46 foot right-of-way reservation for a local minor road that would provide a street connection to parcels 43 and 44 through 121, and 3) a 75-foot left-turn lane. The conditions for this zone change are pending several issues that Public Works is clarifying. These issues are as follows:

1. Edmondson Pike - The historic Ogelsby Community Center is located across Edmondson Pike from parcel 121. There is a brick retaining wall located at the street edge. The Historic Commission reported that while the wall is not historic, its preference is for the wall to be retained to maintain the property's historic presence. The Traffic Engineer is in the process of determining the amount of dedication and reservation the applicant is required to give based on the

information provided by the Historic Commission. *The applicant will not be required to widen the road to its ultimate width per Public Works.*

2. Minor Local Road – There is a need to reserve right-of-way along the southern portion of parcel 121 to provide a future connection to parcels 43 and 44 to the east, and to Westheimer Drive to the south, within the Sterling Oaks Subdivision. The applicant is still considering the affect of this proposed condition.
3. Left-turn lane - The applicant has agreed to construct a left-turn lane into the development on Edmondson Pike, as required by the Traffic Engineer. The turn lane needs to measure 75 feet of storage with a taper.

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 McMurray Junior High School may not be impacted by the development of this property under the proposed zoning. Granbery Elementary School and Glendale Middle School will be impacted. Granbery's capacity is 680 students and Glendale's capacity is 365 students, currently each school is more than 25% over capacity.

6. Zone Change Proposal No. 2001Z-096G-06

Applicant has requested *withdrawal*.

7. PUD Proposal No. 151-82-G-06 Harpeth Springs PUD

Applicant has requested *withdrawal*.

This request is to change 8.95 acres from CL (commercial) to RM15 (multi-family residential) district properties at 7986, 7978, and 7960 Coley Davis Road, along the east and west margins of Somerset Farms Drive. There is also a request to cancel an undeveloped Commercial portion of a Residential and Commercial PUD approved for a 175-room motel, a 10,000 square foot restaurant, and two office buildings totaling 55,000 square feet.

The applicant has submitted a written request to withdraw both the zone change request and the PUD cancellation. Staff recommends withdrawal. Since public hearing notices were sent to the surrounding properties, these items remained on the agenda.

8. **Zone Change Proposal 2001Z-097U-10**

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 11 acres from R10 (residential) to CS (commercial) district at 2318 Gallatin Pike approximately 500 feet east of Riverchase Boulevard. The existing R10 district is intended for single-family and duplex homes at 3.7 dwelling units per acre. The proposed CS is intended for a wide range of commercial service related uses including low intensity manufacturing and storage facilities.

Staff recommends approval of the CS zoning. It is consistent with the Subarea 4 Plan's Commercial Mixed Concentration (CMC) policy and the Gallatin Pike's commercial corridor. The applicant's intent is to expand the adjacent automobile dealership. In this largely commercial area, the redevelopment of this property to a residential neighborhood is highly unlikely. The long-term intent of the subarea plan would be to intensify the existing commercial uses.

Traffic

The Metro Traffic Engineer has indicated that Gallatin Pike can sustain the additional traffic from this zone change.

9. Zone Change Proposal 2001Z-098G-13

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 3 acres from CN (commercial) to MUL (mixed-use limited) district at 3606 Hamilton Church Road at the intersection of Hamilton Church Road and Hobson Pike. The current CN district is intended for very low intensity retail, office, and commercial service uses which provide for the recurring shopping needs of the nearby residential areas. The proposed MUL district is intended for a moderate intensity of residential, retail, and office uses.

The applicant is requesting this zone change to add gas pumps to an existing neighborhood store on the property. The CN zoning does not allow automobile convenience. The MUN (mixed-use neighborhood) district is the preferred zoning for a neighborhood commercial node, but in this case the MUL zoning allows for gasoline pumps where the MUN zoning as well as the CN district do not. In addition, the applicant rezoned the property to CSL (commercial-services limited; 93Z-085G) in 1996. It was rezoned to CN in 1998 with the countywide rezoning effort to reflect the small market on the property. The prior CSL zoning permitted a convenience market with a gas station.

Staff recommends approval of the proposed MUL zoning. Given this property's location in a high-growth area of the county, there is a need for convenience sales and services. The intersection of Hamilton Church Road and Hobson Pike provides the kind of location for such commercial opportunities. When the Subarea 13 Plan is next updated, staff recommends a commercial neighborhood policy be explored for this intersection.

Traffic

The Metro Traffic Engineer has indicated that a project has already been initiated to improve the existing condition of the Hamilton Church Road and Hobson Pike intersection. This project will add turn lanes and Metro Public Works will install a traffic light at the intersection. Any additional traffic this zone change would generate will be accommodated by these traffic improvements.

10. Zone Change Proposal 2001Z-099G-01

Staff recommends *disapproval as contrary to the General Plan*.

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

This request is to change 3 acres from AR2a (agricultural) to R40 (residential) district at Lain Hollow Road (unnumbered) approximately 430 feet west of Whites Creek Pike. The existing AR2a district is intended for single-family homes, duplexes, and mobile homes at one unit per two acres of land. The proposed R40 district is intended for single-family and duplex residential at one dwelling unit per acre. The applicant is requesting this zone change to subdivide the property into two or three lots.

Staff recommends disapproval of the proposed R40 zoning as contrary to the General Plan. This zone change would not be consistent with the Subarea 1 Plan's Interim Nonurban (IN) policy calling for low-density residential five-acre lots, agricultural use, and low intensity commercial that is rural in character. The IN policy was applied to this area because it is intended to be maintained in a rural character due to a lack of public utility service. The IN policy is intended to have areas grow in a coordinated manner rather than in a leapfrog pattern.

Currently, there is RS40 zoning along Whites Creek Pike from Riley Adcock Road to Lain Hollow Road. This area was zoned R40 prior to 1974. It was rezoned in 1998 with the countywide rezoning effort to RS40 district to reflect the single-family homes on the property by the former council member. Staff's recommendation for this area during the adoption of the new ordinance was AG (agricultural) zoning which calls for five-acre lots, consistent with IN policy. The Council did not agree since the property was already zoned and constructed based on the R40 zoning pattern.

Traffic

The Metro Traffic Engineer has indicated that Whites Creek Pike can handle additional traffic associated with this zone change. This particular zone change would not be adverse, but intensification of this type of rezoning would require the road's upgrade in the future.

Schools

A single-family development at R40 density on 3.01 acres will generate no students as calculated using the student generation rates. Therefore, the proposed rezoning of this property will generate no impact on area schools.

11. Subdivision Proposal 2001S-113U-13 Windhaven Shores

Staff recommends *conditional approval* subject to a variance for a sidewalk along Hamilton Church Road and notes and labeling added to the final plat concerning the sinkholes, critical lots, and stream buffers.

This request is for preliminary plat approval for a cluster lot subdivision to create 130 single-family lots on approximately 44 acres abutting the south margin of Hobson Pike, approximately 1,618 feet northeast of Hamilton Church Road. The proposed density is 2.98 units per acre with 46% of the property reserved for open space. Based on the site's size and cluster lot provisions, 161 lots could be developed on these 44 acres.

Staff recommends conditional approval of this preliminary plat subject to a note on the final plat concerning sinkholes, identification and labeling of all critical lots due to sinkholes, steep slopes, and floodplain, and the identification of the stream buffer. Staff also supports a sidewalk variance along Hamilton Church Road due to Public Works' concern for public safety.

Stub-Streets and Connectivity

This plat provides two stub-out streets to the south allowing future neighborhood connectivity.

Road Improvements

A traffic impact study was submitted and approved by the Traffic Engineer. The study recommends southbound turn lane and a northbound deceleration lane on Hobson Pike into the project site.

Critical Lots

Lots 6-7, 60-61, 66-67, 76-77, 84-94, 116-118, and 123-126 are all designated as critical lots because they include part of a sinkhole. The majority of the property's sinkholes are located in open space. Lots with sinkholes may require special construction methods in order to ensure stability of the homes. The plat includes a note to this affect to inform a future buyer. Public Works has indicated that lots other than those identified on the plat may contain sinkholes. Inconjunction with the final plat submittal, the applicant shall identify and label all sinkholes, and identify building envelopes on all critical lots. The final lot count may be less depending on where those sinkholes are located in relation to the proposed lots on the final plat.

Sidewalk Variance

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

TVA Easement

A portion of the front yard of Lot 115 includes the TVA easement. The applicant included the deed book and page number of the easement in Note 11. The final plat should include the land use limitations in the note as described in the recorded easement. The note gives notice to any future buyer of this particular lot's limitations due to the easement.

Greenways

The Metro Greenways Master Plan includes a planned greenway around the perimeter of Percy Priest Lake. This subdivision includes property that abuts the U.S. Army Corps of Engineers property, where a future greenway is planned. The plat includes a 25-foot wide conservation easement/public greenway trail that will connect the future greenway to the sidewalk along Windcrest Trail.

12. **Subdivision Proposal 2001S-117G-12 Deer Valley (submitted as Magnolia Hill)**

Staff recommends *conditional approval* subject to a variance for a sidewalk along Pettus Road and notes and labeling added to the final plat concerning the sinkholes and critical lots.

This request is for preliminary plat approval for a cluster lot subdivision to create 140 single-family lots on approximately 53 acres abutting the north margin of Pettus Road, between Blue Hole Road and Old Hickory Boulevard. The proposed density is 2.64 units per acre. The applicant requests a variance from the Subdivision Regulations requirement for sidewalks along Pettus Road. Based on the site's size and the cluster lot provisions, 195 lots could be developed on these 53 acres.

Staff recommends conditional approval of this preliminary plat subject to a note on the final plat concerning sinkholes, identification and labeling of all critical lots due to sinkholes and steep slopes, and a mandatory referral application for Old Preston Road in conjunction with the final plat submittal. Staff also supports a sidewalk variance along Pettus Road due to Public Works' concerns for public safety.

Stub-Streets and Connectivity

This plat provides a street connection to the Oak Highlands subdivision to the north and two stub-streets to the east and west allowing future neighborhood connectivity.

Old Preston Road

The plat shows lots where Old Preston Road is located, a road no longer used by the public. In conjunction with the final plat, the applicant will need to submit a mandatory referral for this road's closure. The mandatory referral will have to be approved by the Metro Council prior to plat recordation.

Road Improvements

The traffic impact study reviewed and approved by the Traffic Engineer recommends a southbound turn lane from Old Hickory Boulevard onto Pettus Road by this development.

Critical Lots

Lots 120-140 are designated as critical lots because they include part of a sinkhole. The center of this sinkhole is located in Open Space "C". Lots with sinkholes may require special construction methods in order to ensure stability of the homes. The plat includes a note to this effect to inform a future buyer. In conjunction with the final plat submittal, the applicant shall identify and label all sinkholes, and identify building envelopes on all critical lots. The final lot count may be less depending on where those sinkholes are located in relation to the proposed lots on the final plat.

Sidewalk Variance

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

13. Subdivision Proposal 2001S-214U-13 Aldwych Village

Staff recommends *conditional approval* subject to a variance for a sidewalk along Franklin-Limestone Road and lot 13 being labeled a critical lot on the final plat.

This request is for preliminary plat approval for a cluster lot subdivision to create 93 single-family lots on approximately 26 acres abutting the south margin of Franklin-Limestone Road, abutting the southeast terminus of Aldwych Court. The proposed density is 3.03 units per acre with approximately 30% of the property reserved for open space. Based on the site's size and the cluster lot provisions, 127 lots could be built on these 26 acres.

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

Critical Lots

The applicant has indicated that lots 14-16 and 27-30 are critical lots because they include floodplain. Lot 13 should also be added as a critical lot this plat since a portion of it includes floodway. The applicant has also shown the finished floor elevations on this preliminary plat. All building envelopes are shown above the floodplain elevation.

Greenway

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

Franklin-Limestone Road

Franklin-Limestone Road is considered a substandard collector road. The Traffic Engineer has indicated; however, that Franklin-Limestone Road will not be adversely impacted by this development since the majority of the lots will have not have direct or indirect access to the road. There are 23 lots on Aldwych Court that could indirectly access Franklin-Limestone Road; however, since a second access point is available through Billingsgate Road, no significant impact is anticipated on Franklin-Limestone Road.

Sidewalk Variance

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

14. Subdivision Proposal 2001S-288U-13 Airpark East

Staff will provide a recommendation at the meeting.

This request is for preliminary and final plat approval for a subdivision to create four industrial lots on approximately 83 acres abutting the south margin of Couchville Pike and the west margin of Ned Shelton Road. The Planning Commission conditionally approved the preliminary plat on June 22, 2001 for three lots. The applicant has revised that plat to add one lot. Public Works staff is still reviewing this plat for drainage and stormwater quality/detention. Therefore, staff will provide its recommendation to the Commission at the meeting.

15. Subdivision Proposal 2001S-259G-04 Power & Roth–Madison Park, Resub. Lot 18-20

Staff recommends *disapproval*.

This request is for final plat approval to reconfigure three lots abutting the northwest corner of Robinwood Avenue and Walnut Street (0.67 acres), approximately 200 feet from Neely's Bend Road classified within the RS7.5 District. A variance for sidewalks and lot comparability have been requested.

Staff recommends disapproval of this final plat due to lots 1 and 2 failing lot comparability, although staff supports a sidewalk variance. There are no existing sidewalks within this neighborhood, and there is a ditch section running along the property's frontage on Walnut Street and Robinwood Avenue. Although the applicant has requested a variance for lot comparability, staff does not support it. While all three lots meet or exceed the requirements for RS7.5 district, they fail lot comparability for lot size and frontage. The Subdivision Regulations require that 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 9,051 square feet while the minimum lot frontage is 62 feet. Lot 1 meets all minimum requirements and lots 2 and 3 meet the minimum lot frontage requirement, but are below the minimum lot square footage. These lots are 7,951 square feet, 1,000 square feet less than required. Staff is continuing to work with the applicant on alternatives and will present those to the Commission at its meeting.

16. Subdivision Proposal 2001S-274U-11 Calvin McKee Property

Staff recommends *disapproval*.

This request is for final plat approval to subdivide one lot containing 1.1 acres into two lots abutting the southeast corner of Robert Burns Drive and Woodmere Drive. The property is zoned RS15 district requiring a minimum lot size of 15,000 square feet. The applicant has submitted this plat so he can have the two lot configuration he had when he purchased the property in 1982. Since the applicant combined the lots in 1982, the lot comparability provisions were adopted as part of the Subdivision Regulations. A variance for sidewalks is also requested.

Although the property is zoned RS15 which permits 15,000 square foot lots, 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 zoning standard of 15,000 square feet is a minimum, but it does not address neighborhood character as does the Subdivision Regulations.

The 300 foot distance used for comparability includes all of the 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 surrounding lots. The minimum allowable area is 20,038 square feet and the minimum frontage is 99 feet. Lot 1 of the proposed subdivision meets lot frontage and size requirements. It contains 30,596 square feet and 212 feet of frontage. Lot 2 does not meet the requirements since its proposed area is 17,126 square feet (15% less) and frontage is 60 feet (40% less) than the minimum required. Staff redid the study based on a 1,000 foot radius around the property and lot 2 still failed for lot area and frontage.

Staff recommends disapproval of this plat since lot 2 fails to meet comparability. Staff would not support a variance to the Subdivision Regulations for comparability given Lot 2’s size and frontage are significantly out of character with the predominant lot size. While there are a few lots in the subdivision nearby which appear, and are indeed comparable, they are the exception. Comparability requires the Commission and staff to evaluate based on these two lots meeting of 90% of lot frontage and 75% of lot area, which they do not.

17. Subdivision Proposal 2001S-276U-10 Fairfax Place, Resub. Lots 9- 11 and Part of Lot 13

Staff recommends *conditional approval* subject to a variance for the maximum lot size requirement and a revised plat prior to recordation which shows a 5' perimeter landscape strip around the church's additional parking area.

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

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

While lot 2 of the proposed subdivision may satisfy the minimum lot requirements of lot comparability, lot 1 actually exceeds the maximum lot size allowed for a subdivision within this zone district. The Subdivision Regulations require that a lot not exceed three times the minimum lot size required for the zone district. In this case, the subdivision is located within the R8 zone district. The minimum lot size within this district is 8,000 square feet. A proposed lot could not exceed 24,000 square feet according to this regulation, but lot 1 contains 56,450 square feet. The applicant, however, has submitted an application for a variance. The applicant claims that the growth of the church requires additional parking and that this proposed extension of parking is the most logical solution to meet the needs of the church. The only other solution, according to the applicant, is to acquire another property more remote to its location. This would require pedestrians to cross Blair Boulevard and/or Natchez Trace.

Staff recommends conditional approval subject to a variance for maximum lot size and a revised plat prior to recordation that shows a 5' perimeter landscape strip around the additional parking area. Staff supports the variance for maximum lot size since the church is a pre-existing, non-residential use. Also, churches and schools, both non-residential uses, typically are not able to satisfy residential lot size requirements. The Subdivision Regulations do not differentiate between lots created in a residential zoning district for residential and non-residential use.

18. Subdivision Proposal 2001S-279U-05 Noel's Subdivision of Watkins Grove, Resub. Lots 40, 64, and a portion of Lots 39 and 65

Staff recommends *conditional approval* subject to variances for sidewalks, lot frontage, and lot area.

This request is for final plat approval to subdivide two lots and part of two lots into two lots on approximately 3 acres abutting the northwest corner of Woodmont Boulevard and Richards Street. The property is in the Woodmont East Neighborhood and is classified within the R10 and R40 Districts. The Young Women's Christian Association (YWCA) currently owns both of the proposed lots, but they would like to sell existing lot 39. Currently, however, a portion of the parking lot from existing lot 40 extends onto lot 39. This resubdivision proposes the creation of a lot line that would retain all of the parking within proposed lot 2 enabling the YWCA to sell proposed lot 1.

The Planning Commission disapproved a rezoning request for parcel 1.01 (proposed lot 1) on April 12, 2001. The request was approved by Council on August 7, 2001 (BL2001-732). The rezoning was attempting to rectify a situation created by the YWCA when it placed a parking lot on a portion of this residential lot. The R20 zoning required a minimum 20,000 square foot lot. The largest lot size that could be achieved without encroaching into the parking lot was 13,085 square feet, and that is the size of proposed lot 1. The YWCA rezoned the property to the R10 district in order to allow the proposed 13,085 square foot lot.

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. Lot 1 of the proposed subdivision does not contain the minimum allowable area or the minimum allowable frontage necessary to satisfy lot comparability. The minimum allowable area is 23,261 square feet, and the minimum allowable frontage is 150 feet. The proposed area for lot 1 is 13,085 square feet, and the proposed frontage is 77 feet. The applicant has submitted an application for a variance for lot comparability. The rezoning of this property by Council created a situation in which this property has become an anomaly when compared to other properties in the area. As a result, it cannot possibly meet the standards of lot comparability if the surrounding lots are zoned R20 and R40.

A variance to Section 2-6.1 of the Subdivision Regulations for sidewalks is also requested. Although this proposed subdivision is within an established neighborhood, the Subdivision Regulations require sidewalks in infill situations except those proposed within residential zones with minimum required lot sizes 20,000 square feet or greater. Lot 1 would require a sidewalk along Richards Street because it is within the R10 zone district. Lot 2, however, is not required to have sidewalks, because it is within the R40 zone district. The applicant has submitted an application for a variance for sidewalks since there are no sidewalks in the immediate area. The nearest sidewalk is over a quarter of a mile away. Staff recommends *conditional approval* subject to a variance for sidewalks, lot frontage, and lot area.

19. Subdivision Proposal 2001S-283U-12 Greenwood Subdivision, Phase 2

Staff recommends *conditional approval* subject to a bond for the construction of roads, sidewalks, and the extension of public utilities, as well as a revised plat prior to recordation that shows an updated FEMA note as well as a stamp from N.E.S.

This request is for final plat approval to create 20 lots on approximately 4 acres abutting both margins of Green Timbers Drive along Old Hickory Boulevard in the Antioch area. This request is classified within the R10 Residential Planned Unit Development District. The final plat matches the final PUD plan approved by the Planning Commission on June 25, 1998 (97P-033U). A final plat was approved on August 3, 2000, for the other 19 lots within this PUD. The approval of this plat would complete both phases of the PUD for a total of 39 lots.

Staff recommends conditional approval subject to a bond for the construction of roads, sidewalks, and the extension of public utilities, as well as a revised plat prior to recordation that shows an updated FEMA note as well as a stamp from N.E.S. Public Works requires a note on final plats indicating whether or not a property is within an area subject to flooding (FEMA note). A revised plat shall be submitted prior to recordation that shows the updated version of the note as requested by Public Works. Applicants applying for final plats must also submit a copy of the plat with a stamp from the Customer Service Engineering Section of Nashville Electric Service. This plat cannot be recorded until a stamped copy from N.E.S. is submitted for the file.

20. Subdivision Proposal 2001S-284G Villages of Long Hunter PUD, Ph. 1, Resub. Lots 26 and 27

Staff recommends *conditional approval* subject to a variance for a non-radial lot line and a revised plat prior to recordation showing a building envelope on lot 26 and sidewalks along lots 26 and 27.

This request is for final plat approval to reconfigure two lots (26 and 27) abutting the southeast margin of West Winchester Drive, approximately 468 feet southwest of Winchester Pass within the Villages of Long Hunter. The property is zoned R15 district and is located within a residential PUD. The applicant is requesting this reconfiguration due to the home on lot 27 being constructed on the common property line shared by lots 26 and 27. This error occurred when the property was staked. The homebuilder did not realize the stakes represented the property line instead of the side setback line. A 5 foot side setback is required between residential structures and side property lines within this PUD. By shifting the lot line further south onto lot 26, a drainage easement shared between these lots will also shift slightly south. The reconfigured lot line resulting from this shift, however, is not radial to the street (West Winchester Drive), as required by Section 2-4.1 of the Subdivision Regulations.

Staff recommends conditional approval of this plat subject to a variance for a non-radial lot line and revised plat prior to recordation. The regulations require the lot lines be drawn at right angles to the street. The proposed lot line only slightly deviates from this requirement; and therefore, will not have an impact on adjoining properties. A revised plat is needed showing the building envelope on lot 26 and sidewalks along the frontage of both lots 26 and 27 prior to plat recordation. The building envelope will ensure another variance is not required on lot 26 by clearly delineating the boundaries of the lot's buildable area.

21. Subdivision Proposal 2001S-285U-12 Banbury Crossing, Section 5a

Staff recommends *conditional approval* subject to a bond for the construction of roads, sidewalks, and the extension of public utilities as well as a revised plat prior to recordation showing detention ponds and drainage easements.

This request is for final plat approval to create 31 single-family lots on approximately 11 acres abutting the western terminus of Banbury Crossing, west of Banbury Way. The property is just north of Old Smyrna Road and west of Edmondson Pike and classified within the R40 residential PUD. The Planning Commission approved a final plat for all of Section 5, totaling 58 lots, subject to a bond on March 18, 1999. The applicant has submitted this request for final plat approval for roughly half the number of lots to reduce the required bond amount.

Staff recommends conditional approval subject to a bond for the construction of roads, sidewalks, and the extension of public utilities. A revised plat showing detention ponds and drainage easements as requested by Public Works shall also be required prior to plat recordation.

22. Subdivision Proposal 2001S-286U-07 Post Square, Resub. Lots 1 & 2

Staff recommends *conditional approval* subject to a revised plat showing a 2' right-of-way reservation along White Bridge Road and a 5' right-of-way dedication along Post Road prior to plat recordation.

This request is for final plat approval to reconfigure two lots abutting the southwest corner of White Bridge Pike and Post Road within the SCC district. This property contains the O'Charley's restaurant across from the Lion Head's shopping center. The applicant is adjusting the lot line between lots 1 and 2 to add an outdoor dining area to the O'Charley's restaurant.

Staff recommends conditional approval subject to a revised plat prior to recordation showing a 2 foot right-of-way reservation along White Bridge Road and a 5 foot right-of-way dedication along Post Road. There is no sidewalk variance request since sidewalks exist along both Post Road and White Bridge Road.

23. Subdivision Proposal 2001S-287U-11 Mercury Court, Resubdivision of Lot 1

Staff recommends *disapproval*.

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. The purpose for resubdividing the property is to create a lot that would allow for the development of 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 land-locked parcel is being created by the proposed subdivision.

Staff recommends disapproval of this plat based on the fact that 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. The applicant has submitted an application for a variance to this regulation based on the hardship created by the necessity to have a separate owner of proposed lot 2 in order to receive funding for the development of affordable housing. The applicant claims that there is no other location on this property to place an additional unit, because there are currently buildings along the property's perimeter on Parris Avenue and Murfreesboro Pike where roadway frontage exists. The applicant further maintains this situation is unique because road frontage is not a necessity for affordable housing due to the fact that the renters typically do not drive or have cars.

Staff recommends disapproval based on the need to further investigate several important issues that need to be resolved aside from lot 2 having no road frontage. The applicant has been unwilling to defer this request because no funds will be available from THDA after October 5th. Among the issues is water availability. A revised plat has been submitted by the applicant, as requested by Metro Water Services, to show proposed lot 2 abutting an existing water main. Sewer capacity has not been purchased for lot 2 and Metro Water will not recommend approval until capacity is purchased. Also, there are two alleys that cross the site that still appear on the Official Street and Alley Map. There is reason to believe that the maps may be in error. Furthermore, questions remain concerning an easement for sanitary sewers and /or storm drainage that goes beneath existing buildings. The Fire Marshall may also need to become involved in order to insure that the proposed land-locked parcel is accessible and that there is adequate access to water in case of a fire.

24. PUD Proposal 98-85-P-14 Woodland Pointe, Phases 8, 9 and 10

Staff recommends *conditional approval* with a variance to the sidewalk requirements of the Subdivision Regulations and the Zoning Ordinance.

This request is to revise three phases (Phases 8, 9, and 10) of the preliminary plan and for final approval for two phases (Phases 9 and 10) of the Residential PUD district to reduce the number of townhomes from 245 to 228 units. This plan makes some minor adjustments to the location of two driveways and to the layout of the townhomes. The proposed plan reduces the number of units in Phase 8 from 59 to 55 units, and reduces the number of units in phases 9 and 10 from 186 to 173 units. Staff recommends conditional approval with a variance for sidewalks along Bell Road, provided Public Works approves the grading and drainage plans prior to the Planning Commission meeting, and provided the final PUD plan is revised in accordance with the conditions below.

Variances

This revision requires the addition of a sidewalk along the frontage of parcel 74 on Bell Road, since it is a locally designated scenic arterial road with multi-family development. Section 17.20.120 of the Zoning Ordinance requires sidewalks along the frontage of multi-family properties that have frontage on a collector or arterial road. The Planning Commission previously approved Phase 3 (directly north of parcel 74) without a sidewalk since the Zoning Ordinance did not require it when it was given final PUD approval in May 2000. The Zoning Regulations were amended in December 2000 to require the sidewalk along the frontage of this type of an arterial street. Staff supports this variance since Phase 3 is currently approved without a sidewalk and since there is a 25-foot rock wall that would prohibit a safe sidewalk from being constructed at this time.

Furthermore, with this property being located on Percy Priest Lake, situated between large areas of property owned by the U.S. Corps of Engineers, a sidewalk on the east side of Bell Road would have limited connection opportunities in the future.

The existing topography, the limited space for a sidewalk, and the proximity to the U.S. Corps of Engineers property are the reasons why staff supports this variance. The Planning Commission will make a recommendation on this variance request to the Board of Zoning Appeals.

Conditions:

A note shall be added to the final PUD plan indicating the following: The final plat for the horizontal property regime shall be submitted to the Planning Commission for each phase designating with an asterisk (*) all units and buildings on the plat that are built within a sinkhole or on the rim of a sinkhole. Each plat shall also include the following note: "Units designated with an asterisk on this plat are totally or partially within a sinkhole and/or the 100-year floodplain. Special construction methods may be required on these units."

25. PUD Proposal 94P-017G-12 Apple Valley (formerly October Woods)

Staff recommends *conditional approval*.

This request is to revise a portion of the preliminary plan and for final approval for Phase 6 of the Residential PUD district to permit the development of 148 single-family lots, where 148 single-family lots were previously approved. This plan shifts the location of several lots and internal public roads in order to comply with the new Stormwater Management Regulations. These regulations require a 25-foot buffer from the top of the bank of a small stream running through the property. The plan is consistent with the approved plan in terms of sidewalks, street connections, and lot sizes of the previous plan.

Staff recommends conditional approval provided the Stormwater Management Committee approves the location of a detention pond within the stream buffer. A final plat cannot be approved until the Stormwater Management Committee acts on the variance request. This plan also proposes 40-foot wide right-of-ways on several minor-local streets, as was approved on the preliminary PUD plan. Since this is one of the final phases of the PUD, the applicant is proposing sidewalks on only one side of the streets in this phase. The Subdivision Regulations allow the Commission the ability to approve previously approved plans with sidewalks on only one side of the street when previous phases were similarly approved. These sidewalks are consistent with the previous phases of this development.

26. PUD Proposal 97P-029G-06 Bellevue Property

Staff recommends *conditional approval*.

This request is for final approval for a portion of the Residential PUD district to permit the development of 24 single-family lots. The preliminary plan was approved by the Commission on July 19, 2001 for the same number of lots with the same configuration. The plan was revised in July 2001 to add four single-family lots for a total of 24 single-family lots. Staff recommends conditional approval provided Public Works approves the drainage plans and sewer capacity is purchased prior to the Planning Commission meeting. The PUD was originally approved with 35 single-family lots and reduced due to steep topography and unstable soils. The applicant has indicated that multiple soil samples were done to reanalyze this portion of the site. This analysis indicated that the soils would be suitable building sites for the four additional lots. However, due to very steep slopes, all 24 lots have been designated as critical lots. This means that before a building permit is issued for any lot, an individual site plan for each lot shall be submitted for review and approval by the Planning Commission and Public Works Department to show that each building footprint will be designed appropriately and each lot will drain properly.

27. Mandatory Referral Proposal 2001M-087U-05

Staff recommends to *defer indefinitely*.

This request is to rename Maplewood Lane to “Maplewood Place” between Patapsco Street and Gallatin Pike for E-911 system efficiency. Councilmember Hart requested the Public Works Department initiate this street renaming.

28. Mandatory Referral Proposal 2001M-088U-02

Staff recommends *approval*.

This request is to rename Maplewood Lane to “Maplewood Trace” between Dickerson Pike and Walton Lane and to “Walton Lane” between Walton Lane and Broadmoor Drive for E-911 system efficiency. Councilmember Majors requested the Public Works Department initiate this street renaming.

Analysis of Both Street Renamings

Maplewood Lane exists in three sections in the same general area – see attached sketch.

- Section 1: Dickerson Pike to Walton Lane with no ability to connect to section 2 because street is physically located north of section 2----above Broadmoor Drive and it dead-ends into Maplewood High School. Proposed to be renamed “Maplewood Trace”.
- Section 2: East of Ellington Parkway to Saunders Avenue is unlikely to connect since there’s a railroad track separating section 2 from section 3. This section is not proposed to be renamed.
- Section 3: Patapsco to Gallatin Pike is the last section and dead-ends at Gallatin Pike and Issac Litton Middle School. Proposed to be renamed “Maplewood Place”.

Staff mailed on August 29, 2001 a letter to 35 property owners abutting Maplewood Lane (Section 1) on August 29, 2001. We have received one phone call in opposition. Staff mailed on August 29, 2001 a letter to 44 property owners abutting Maplewood Lane (Section 3). We have received several phone calls in opposition, two e-mails in opposition, and a petition with the signatures of persons in opposition. Those opposing indicate that changing the street name would create a significant burden due to the notification individual property owners would have to make regarding their street address change to friends, families, banks, mortgage companies, insurance companies, etc.

The Public Works Department reviewed this request and recommended its approval. Based on this street’s bisected segments, renaming two sections would improve E-911 efficiency by eliminating any confusion. Staff recommends the renaming to “Maplewood Trace” since no opposition has been received. Staff recommends deferring indefinitely the renaming to “Maplewood Place” until consensus is reached with the affected property owners on the street’s renaming.

29. Mandatory Referral Proposal 2001M-089U-11

Staff recommends *indefinite deferral*.

This request is to rename Decatur Street to “Joslin Street” between Willow Street and Hermitage Avenue and to “Neon Street” between Hermitage Avenue and Green Street, and to rename Green Street to “Bobcat Street” between Decatur Street and Keith Street for E-911 system efficiency. Councilmember Loring requested the Public Works Department initiate this street renaming. Staff mailed on August 29, 2001 a letter to 33 property owners abutting these streets. We have received several phone calls in opposition and an e-mail in opposition. Those who have opposed the renaming belong to the Green Street Church of Christ, a church that has been in the community for years. Members of the congregation are opposed to renaming this section of Green Street to “Bobcat Street” since Green Street is part of the church’s name and identity. Members have indicated renaming the street would cause confusion for people trying to find Green Street Church of Christ on “Bobcat Street.”

Staff recommends deferring indefinitely the Commission’s consideration of this renaming until more community consensus is reached. The item was placed on the Planning Commission’s agenda since notices were sent to the public about the proposed renaming.

30. Mandatory Referral Proposal 2001M-090U-07

Staff recommends to *approval*.

This request is to rename Hull Place to “O’Brien Avenue” midblock between Lellyett Street to Westboro Drive for E-911 system efficiency. Councilmember Hand requested that the Public Works Department initiate this street renaming. Staff mailed on August 29, 2001 a letter to 27 property owners abutting this street. We have received several phone calls and e-mails in support of the renaming. From information staff has gleaned from persons who have called, “Hull Place” was formerly O’Brien Avenue. This renaming in their opinion merely converts the street to the correct name it should have had all this time.

Staff recommends approval of the proposed street renaming provided all the reviewing agencies and departments recommend approval.

31. Mandatory Referral Proposal 2001M-091G-04

Staff recommends *indefinite deferral*.

This request is to rename Liberty Circle to “East Palestine Avenue” between Argyle Avenue and East Palestine Avenue and to “East Webster Street” between East Webster Street and East Palestine Avenue for E-911 system efficiency. Councilmember Hart requested the Public Works Department to initiate this renaming. Through this renaming, there would no longer be a Liberty Circle. Staff mailed on August 29, 2001 a letter to 17 property owners abutting this circular street. We have received one e-mail supporting the street’s renaming, but not as proposed. Owners of the Falcon View Apartments located on East Palestine indicated they would prefer the circle be renamed entirely to “East Webster Street”.

Staff recommends deferring indefinitely this renaming until additional research can be completed by Public Works on alternatives. The item was placed on the Planning Commission’s agenda since notices were sent to the public about the proposed renaming.

32. Mandatory Referral Proposal 2001M-092U-08

Staff recommends *approval*.

This request is to rename Georgia Avenue to “Georgia Court” between Georgia Court and 37th Avenue North, located adjacent to the north side of I-40 for E-911 system efficiency. Councilmember Whitmore requested the Public Works Department to initiate this renaming. Georgia Avenue was sharply terminated by the construction of I-40 in west Nashville. Staff mailed on August 29, 2001 a letter to four property owners abutting this street. We have received no phone calls, letters, or e-mails in opposition.

Staff recommends approval of the proposed street renaming provided all the reviewing agencies and departments recommend approval.

33. Mandatory Referral Proposal 2001M-094U-10

Staff recommends *approval*.

This request is to abandon a portion of a sewer easement measuring 20 feet by 103 feet at 40 Burton Hills Boulevard in Green Hills (parcel 17 on tax map 131-6-A). This sewer easement is proposed to be abandoned subject to a manhole's construction, as required by Metro Water Services. The Planning Commission approved a 137,906 square foot, 6-story office building with a 3-level parking structure on this property at its last meeting on September 13, 2001 (18-84-U-10). It also approved a final plat for that property on that same agenda to abandon this easement subject to Metro Council approval.

Staff recommends approval of this sewer easement abandonment. All reviewing agencies and departments are recommending approval.

34. Mandatory Referral Proposal 2001M-095U-07

Staff recommends *approval*.

This request is to rename Alley #1511 to “Mackie Place” between Sterling Street and Snyder Avenue located adjacent to Briley Parkway for E-911 system efficiency. Councilmember Hand requested the Public Works Department to initiate this renaming. When Briley Parkway was constructed, access from the front of these lots that abut Briley Parkway was eliminated. Therefore, they have only access from Alley #1511. To help locate persons during an emergency, it was determined naming the alley was appropriate in lieu of its current number. Staff mailed on August 29, 2001 a letter to abutting property owners and we have received no phone calls, letters, or e-mails in opposition.

Staff recommends approval of the proposed street renaming provided all the reviewing agencies and departments recommend approval.

35. Mandatory Referral Proposal 2001M-096U-10

Staff recommends *disapproval*.

This request is to encroach entirely within 25th Avenue North's right-of-way in front of 310 25th Avenue North with a sign measuring 8 feet tall by 8 feet long and 12" wide. The applicant, MPA 310 Nashville LLC, has retail uses at this location. The area for the sign was created when the State of Tennessee widened the railroad overpass on Charlotte Avenue at the 25th Avenue North intersection.

Staff recommends disapproval of this encroachment. Allowing the placement of purely commercial signage which has no nexus to traffic directional control would establish an unfortunate precedent that could lead to right-of-way encroachment at a level inconsistent to public safety. Furthermore, once having granted this permission, it is not clear Metro could refuse subsequent requests without violation of federal and state constitutional provisions (i.e. equal protection law).

36. Mandatory Referral Proposal 2001M-098U-10

Staff will provide a recommendation at the meeting.

This request is to close an unbuilt portion of Oaklawn Avenue between Estes Road and Wilson Boulevard South by abutting property owners. Easements are to be retained. Oaklawn Avenue was dedicated on a plat called Woodmont Park subdivision in 1927. The abutting property owners are requesting this closure to protect the mature trees that are within the right-of-way from ever being removed and to ensure Oaklawn never connects to Estes Road.

Staff is still reviewing this proposed street closure as well as other reviewing agencies and departments. Staff will provide a recommendation at the Commission meeting.