

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: April 25, 2002
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

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

Absent:

Mayor Bill Purcell
Tonya Jones

Staff Present:

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Manager 2
Kathryn Fuller, Planner 2
Ann Hammond, Assistant Executive Director/Planning
Marcus Hardison, Planner 1
Lee Jones, Planner 1
David Kleinfelter, Planner 3
Jeff Lawrence, Assistant Executive Director/Operations
Robert Leeman, Planner 2
Preston Mitchell, Planner 2
Carolyn Perry, Administrative Assistant
Jennifer Regen, Planning Manager 2
Chris Wooton, Planning Technician 1

Others Present:

Ali Afis, Public Works, Traffic Engineer
Jim Armstrong, Public Works
Brook Fox, Legal Department
Chris Koster, Mayor's Office

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

Ms. Nielson moved and Mr. McLean seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of April 11, 2002.

RECOGNITION OF COUNCILMEMBERS

Councilmember Lineweaver thanked staff, Carol Croop and Jerry Fawcett, for their work in Bellevue.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS

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

- | | |
|--|-----------------------------|
| 7. 114-66-G-07, Howard Johnson Motor Lodge | Withdrawn |
| 9. 98P-003G-06, Bellevue Assisted Living | Deferred until May 23, 2002 |
| 14. Bonds Industrial Property | Deferred indefinitely |
| 15. National Materials L. P. Property | Deferred until May 9, 2002 |
| 24. MPC Rule Revision | Deferred indefinitely |

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

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

PUBLIC HEARING

ZONING MAP AMENDMENTS

- 1. 2001Z-107U-03**
 Council Bill No. BL2002-997
 Map 070-08, Parcel(s) 224
 Subarea 3 (1998)
 District 2 (Black)

A council bill to rezone from R8 district to RM2 district property at 820 Youngs Lane, approximately 450 feet west of McKinley Street, (4 acres), requested by Ehrai Acklen and Joyce A. Lilly, owners.

Staff recommends *approval*.

Subarea Plan Amendment required? **No.**

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

This request was deferred indefinitely at the November 8, 2001 Planning Commission meeting at the request of the applicant. It has since become a council bill to change 4 acres from R8 (residential) to RM2 (residential) district at 820 Youngs Lane, approximately 350 feet from McKinley Street. The existing R8 district is intended for single-family homes and duplexes at up to 4.6 units per acre. The proposed RM2 district is intended for single-family, duplex, and multi-family dwellings at 2 units per acre. The applicant is seeking this zone change to bring the existing three homes on one lot into compliance with zoning. With the existing R8 zoning the applicant could potentially develop 18 dwelling units. With the proposed RM2 zoning 8 dwelling units could be developed on the property.

Metro Codes indicates that for the past 20 years this property has been granted a conditional land use variance (with a two year expiration). With the adoption of the revised Zoning Regulations in 1998, the Board of Zoning Appeals is no longer able to grant conditional land use variances. Unable to get a land use variance since their prior variance expired in 2000, the applicant is requesting to rezone the property. Currently, there are two single-family homes and a doublewide mobile home on the property. The applicant is seeking this zone change because the present zoning will allow only one residence on the property. This property is accessed by way of an easement through adjoining properties (parcels 225 and 226). With RM2 zoning the applicant would be able to maintain what currently exists on the property.

Staff recommends approval of the RM2 zoning since this zone change will allow the applicant to maintain the current homes. This property is within the Subarea 3 Plan's Residential Medium High (RMH) policy. The RMH policy calls for 9 to 20 dwelling units per acre. A request of this nature is very rare, typically rezonings seek to intensify uses and density. Within the RMH policy area, the multi-family zoning district should be between RM9 and RM20, but since the residences on this property have existed legally for more than 20 years, allowing the applicant to rezone the property to the minimum district to maintain the current use is appropriate.

Traffic

The Metro Traffic Engineer has indicated that Youngs Lane can accommodate the traffic generated by this zone change.

Schools

A multi-family development at RM2 density will generate approximately 1 student (1 elementary, no middle, and no high school). Students will attend Alex Green Elementary School, Ewing Park Middle School, and Whites Creek High School. Alex Green Elementary and Ewing Park Middle Schools have been identified as being overcrowded by the Metro School Board.

Resolution No. 2002-155

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-107U is **APPROVED (7-0)**:

Although RM2 is not consistent with the Residential Medium High (RMH) policy calling for 9 to 20 dwelling units per acre, it is consistent with the policy in terms of allowing for multi-family development. Within the RMH policy area, the multi-family zoning district should be between RM9 and RM20, but since the residences on this property have existed legally for more than 20 years, allowing the applicant to rezone the property to the minimum district to maintain the current use is appropriate."

- 2. 2002Z-034U-09**
Map 081-16, Parcel(s) 724, 725
Subarea 9 (1997)
District 20 (Haddox)

A request to change from CS district to MUN district properties at 934 and 938 Locklayer Street, at the intersection of Locklayer Street and 10th Avenue North, (0.17 acres), requested by Dale & Associates Engineers, appellant, for K-2 Creative, owner.

Staff recommends *approval*.

This request was originally scheduled for the April 11, 2002, Planning Commission meeting for a zone change of RS3.75. The item was deferred in order for the applicant to comply with the desire of Metropolitan Development and Housing Agency that the requested zoning district be MUN. The applicant has amended the request from RS3.75 to MUN district. The MUN district is more consistent with the Phillips-Jackson Redevelopment District in which the property is located. Public hearing notices were resent to the 61 property owners within 300 feet of the property boundary advising them of this change and the date that the Planning Commission would hear the request.

Subarea Plan amendment required? **No.**

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

This request is to change 0.2 acres from CS (commercial) to MUN (mixed use) district property at 10th Avenue North and Locklayer Street. The property is also located within the Urban Zoning Overlay district. The existing CS district is intended for a wide range of commercial uses including retail, office, restaurant, vehicle sales, light manufacturing, mini-storage, and bank uses. The proposed MUN district is intended for lower intensity mixed use development with bulk standards that are designed to maintain a residential scale of development.

The Hope Gardens Neighborhood Plan (which was adopted as part of the Subarea 9 Plan) classifies this area as Residential Medium (RM) policy. The plan states that 10th Avenue North is a residential street, and that this area should ultimately be developed for residential use similar to what is found in the rest of the neighborhood. This property is also located in MDHA's Phillips-Jackson Redevelopment District. MDHA would like to allow for the possibility that these lots could be developed as live/work units, smaller storefronts or office uses in addition to the applicant's desire to develop them as residential. The MUN district is an appropriate alternative to commercial zoning because it permits a variety of uses while maintaining a residential scale that is compatible with the current development pattern of the area.

Traffic

The Traffic Engineer indicates that 10th Avenue North and Locklayer Street can adequately accommodate traffic generated by MUN zoning.

Resolution No. 2002-156

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-034U-09 is **APPROVED (7-0)**:

The MUN district is consistent with the Phillips-Jackson Redevelopment District in which the property is located. The Hope Gardens Neighborhood Plan (which was adopted as part of the Subarea 9 Plan) classifies this area as Residential Medium (RM) policy. The MUN district is an appropriate alternative to commercial zoning because it permits a variety of uses while maintaining a residential-scale that is compatible with the area's current development pattern."

5. 2002Z-037G-04
Map 043-03, Parcel(s) 3, 4
Subarea 4 (1998)
District 9 (Dillard)

A request to change from IR district to CS district properties at 501 and 505 Myatt Drive, abutting the eastern margin of Myatt Drive, (0.96 acres), requested by Aaron and Robin Walker, owners.

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 0.96 acres from IR (industrial) to CS (commercial) district properties at 501 and 505 Myatt Drive, approximately 250 feet north of Madison Road. The existing IR district is intended for light industrial uses at a small to moderate scale. The proposed CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Staff recommends approval of the proposed CS zoning since there is an existing commercial pattern on the eastern margin of Myatt Drive. This property is within the Subarea 4 Plan's Industrial Distribution (IND) policy area, which calls for storage, business centers, wholesale centers, and manufacturing uses. Although the CS district is less intensive than the existing IR district, there is an established commercial development pattern for the parcels fronting Myatt Drive. In the past, development in this area, on Myatt Drive between Anderson Lane and Northgate Business Parkway, has grown with moderately intense industrial uses on the west margin of Myatt Drive and off of the cul-de-sac's on the eastern margin of Myatt Drive, with commercial uses on the eastern margin of Myatt Drive. Several of the uses on the eastern margin of Myatt Drive do not conform to the uses allowed in the IR district, but they do fit the CS district which allows commercial and some low intensity industrial uses.

Traffic

The Metro Traffic Engineer has indicated that Myatt Drive can accommodate the traffic that would be generated by CS zoning.

Resolution No. 2002-157

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-037G-04 is **DISAPPROVED (7-0) as contrary to the General Plan:**

The Subarea 4 Plan's Industrial Distribution (IND) policy calls for storage, business centers, wholesale centers, and manufacturing uses. Although the CS district is less intensive than the existing IR district, there is an established commercial development pattern for the parcels fronting Myatt Drive on the east margin. CS zoning should not extend further east of the fronting parcels on Myatt Drive or on the western margin of Myatt Drive."

- 6. 2002Z-038U-08**
Map 092-02, Parcel(s) 306
Subarea 8 (1995)
District 21 (Whitmore)

A request to change from CN district to RM20 district property at 2500 Jefferson Street, approximately 500 feet east of 26th Avenue North, (0.17 acres), requested by Willow Martin, owner.

Staff recommends *approval*.

Subarea Plan amendment required? No.

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

This request is to change 0.17 acres from CN (commercial neighborhood) to RM20 (multi-family residential) district properties at 2500 Jefferson Street, approximately 500 east of 26th Avenue North. The existing CN district is intended for very low intensity retail, office, and commercial service uses. The proposed RM20 district is intended for multi-family dwelling units at 20 units per acre. With the proposed RM20 zoning the applicant will be able to develop a three-unit apartment building or a six single-room unit boarding house.

Staff recommends approval of RM20 zoning since it is consistent with the Subarea 8 Plan's Mixed Housing detailed land use policy area in the Corridor Center (CC) policy, which calls for a mixture of housing types and densities. The intent of the subarea plan is to create a more densely populated area in the middle of a commercial and mixed-use main street corridor along Jefferson Street. This property currently is used as a florist shop which does not fit the intent of the newly adopted Subarea 8 Plan.

Traffic

The Metro Traffic Engineer has indicated that Jefferson Street can sufficiently accommodate the traffic generated by RM20 zoning. This property will not be allowed access onto Jefferson Street. Vehicular access will come from Beasley Street at the rear of the property, as it does now.

Resolution No. 2002-158

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-038U-08 is **APPROVED (7-0)**:

The proposed RM20 district is consistent with the Subarea 8 Plan's Mixed Housing detailed land use policy area in the Corridor Center (CC) policy, which calls for a mixture of housing types and densities. This property currently is used as a florist shop which does not fit the intent of the newly adopted Subarea 8 Plan."

8. 94P-009U-12
Council Bill No. BL2002-964
Brentwood Properties
Map 160, Parcel(s) 54 & 223
Subarea 12 (1997)
District 32 (Jenkins)

A request to amend the preliminary plan of the Planned Unit Development District located abutting the north margin of Old Hickory Boulevard and the east margin of Franklin Pike Circle, classified OR40 and CL districts, (14.42 acres), to change a condition approved by the Planning Commission regarding the timing of off-site road improvements for the development of three 6-story, 150,000 square foot office buildings and parking garages, and two 8,000 square foot restaurants, replacing 130 condominium units, a 10 story 250,000 square foot office building and two 8,000 square foot restaurants, requested by Barge, Cauthen and Associates, appellant, for Brentwood Properties, owners. (Re-referred from Metro Council on 4/2/02).

Staff recommends *conditional approval*.

This item was referred back to the Planning Commission from the Metro Council for reconsideration of the timing for off-site traffic improvements. The Planning Commission approved the preliminary plan with conditions on January 10, 2002. Since a supplemental traffic analysis for phasing the improvements was not submitted until April 17th, the Metro Traffic Engineer is still reviewing the analysis. Therefore, staff will make a recommendation to the Commission at the meeting.

This request is to amend the preliminary plan for the Commercial PUD located at the northeast intersection of Old Hickory Boulevard and Franklin Pike Circle, known as the "Elks Club" property. This plan

proposes three, 6-story office buildings -- each with four levels of underground parking, and two 8,000 square foot restaurants, replacing a 10-story, 250,000 square foot office building, an 11-story, 130 unit residential building with condo's, and two 8,000 square foot restaurants. The original PUD plan approved in 1994, and most recently amended in July 1998, showed two restaurants (totaling 12,000 square feet), one office building (200,000 square feet, 10 floors), two hotels (130 rooms, 54,000 square feet and 250 rooms, 100,000 square feet), and two parking structures. Staff recommends conditional approval since this plan is consistent with the Subarea 12 Plan's Office Concentration (OC) policy calling for large concentrations of office development.

Zoning

This plan is also consistent with the existing underlying OR40 (office and residential) and CL (commercial limited) base zoning that allows maximum FAR's of 1.0 and .6. The proposed plan has an FAR of .86 for the office portion and .15 for the restaurant portion, which is within the allowable floor areas established by the underlying zoning districts.

Traffic & Circulation

A supplemental traffic analysis was prepared by the applicant's traffic engineer, and is currently being reviewed by the Metro Traffic Engineer. The required traffic improvements remain the same. The only change being proposed is that instead of all the improvements being constructed prior to the issuance of the first Use and Occupancy permit for any portion of the PUD, the applicant is requesting to phase the improvements as development occurs. The previous Planning Commission action was based on the applicant's traffic impact study that had inadvertently left-out a traffic improvement phasing plan. The traffic improvements include the following:

A southbound left-turn lane on Franklin Pike Circle to Old Hickory Boulevard.

A 50-foot long left turn lane into the Waffle House (Map 160, parcel 56.02).

A right-turn lane with 250 feet of storage on Old Hickory Boulevard to Franklin Pike Circle.

The extension of the existing eastbound left turn lane on Old Hickory Boulevard at Franklin Pike Circle by 150 feet, for a total of approximately 300 feet of storage with a 100-foot long transition.

Modification to the existing traffic signal at the intersection of Old Hickory Boulevard and Franklin Pike Circle to include a right turn overlap for the westbound approach on Old Hickory Boulevard and the southbound approach on Franklin Pike Circle.

Two exiting lanes and one entering lane at the northernmost project driveway.

Crosswalks shall be striped and pedestrian signals and push buttons shall be installed so that pedestrians can cross each approach of the intersection at Old Hickory Boulevard and Franklin Pike Circle/Stonebrook Drive.

Widen Franklin Pike Circle to provide two southbound lanes, one center lane, and one northbound lane for a total of four lanes between the northernmost driveway and Old Hickory Boulevard.

Widen Franklin Pike Circle to three lanes, north of the Wilson Inn driveway (map 160, parcel 56), to a three-lane section to allow for left-turn lanes into the site and other immediate driveways.

Resolution No. 2002-159

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-009U-12 is given **CONDITIONAL APPROVAL TO AMEND PRELIMINARY PUD PLAN (7-0)**: The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management Section of Metro Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. Prior to or in conjunction with any final PUD plan submittal for the first restaurant to the Planning Commission, construction plans for the following road improvements shall be submitted to the

Planning Commission for review and approval by the Metropolitan Department of Public Works, and are to be completed by the developer as follows:

Prior to the issuance of a Use and Occupancy permit for the first restaurant, the following traffic improvements shall be completed:

- a. **Crosswalks shall be striped and pedestrian signals and push buttons shall be installed so that pedestrians can cross each approach of the intersection at Old Hickory Boulevard and Franklin Pike Circle/Stonebrook Drive.**
 - b. **Widen Franklin Pike Circle to provide two southbound lanes, one center lane, and one northbound lane for a total of four lanes between the northernmost project driveway and Old Hickory Boulevard.**
 - c. **Widen Franklin Pike Circle to three lanes, north of the Wilson Inn driveway (Map 160, Parcel 56), to a three-lane section to allow for left-turn lanes into the site and other immediate driveways.**
 - d. **A southbound left-turn lane on Franklin Pike Circle onto Old Hickory Boulevard.**
 - e. **A 50-foot long left-turn lane into the Waffle House property (Map 160, Parcel 56.02).**
3. **Prior to or in conjunction with any final PUD plan submittal for the first office building to the Planning Commission, construction plans for the following road improvements shall be submitted to the Planning Commission for review and approval by the Metropolitan Department of Public Works, and are to be completed by the developer as follows:**

Prior to the issuance of a Use and Occupancy permit for the first office building (150,000 square feet), the following traffic improvements shall be completed:

- a. **All those identified in Condition #2 above (a-e).**
- b. **A right-turn lane with 250 feet of storage on Old Hickory Boulevard onto Franklin Pike Circle.**
- c. **Modification to the existing traffic signal at the intersection of Old Hickory Boulevard and Franklin Pike Circle to include a right-turn overlap for the westbound approach on Old Hickory Boulevard and the southbound approach on Franklin Pike Circle.**
- d. **Two exiting lanes and one entering lane at the northernmost project driveway on Franklin Pike Circle.**
- e. **The extension of the existing eastbound left-turn lane on Old Hickory Boulevard at Franklin Pike Circle by 150 feet, for a total of approximately 300 feet of storage with a 100-foot long transition.”**

PRELIMINARY PLAT SUBDIVISIONS

13. 2002S-113U-05
H. G. HILL, Lots 3 and 4, First Revision
Map 072-03, Parcel(s) 122 & 123
Subarea 5 (1994)
District 8 (Hart)

A request for preliminary and final plat approval to subdivide two lots into four lots abutting the north margin of Howard Street, approximately 200 feet east of Gallatin Pike, (.97 acres), classified within the RS7.5 district, requested by Stewart Building Group, owner/developer, Tommy E. Walker, surveyor.

Staff recommends *conditional approval* subject to a variance for a non-radial lot line and a revised plat prior to recordation.

This request is for preliminary and final plat approval to subdivide two lots into four lots on approximately .97 acres, abutting the north margin of Howard Street, approximately 200 feet east of Gallatin Pike. The property is located within the RS7.5 district. The lots on the plat comply with lot comparability and the 7,500 square foot minimum lot size required by the Zoning Ordinance. Sidewalks are currently in place on Howard Avenue.

Variance- Non-Radial Lot Line

Section 2-4.2 of the Subdivision Regulations require that lot lines are drawn perpendicular to the existing street as required by the Subdivision Regulations. Lot lines may be drawn differently if the resulting line variation results in a better street or lot plan. Because of an existing irregular lot line, Lot 1 is triangular shaped instead of a preferred rectangular configuration. This lot contains approximately twenty-four feet more of road frontage than the other three lots in the subdivision in order to create a comparable building envelope.

Staff recommends *conditional approval* subject to a variance for a non-radial lot line and a revised plat prior to recordation. The plat needs to show a revised note #5 that reads, “ Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with Storm Water Management Ordinance No. 78-840 and approved by the Metropolitan Department of *Water Services*.”

Resolution No. 2002-160

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-113U-05, is **APPROVED WITH CONDITIONS AND A VARIANCE TO SECTION 2-4.2 OF SUBDIVISION REGULATIONS FOR A NON-RADIAL LOT LINE (7-0)**.

Staff recommends approval of the final plat with the condition that the applicant satisfy the following prior to plat recordation:

1. Planning Commission must approve a variance for a non-radial lot line.
1. A revised note #5 that reads, “ Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with Storm Water Management Ordinance No. 78-840 and approved by the Metropolitan Department of *Water Services*.”

PLANNED UNIT DEVELOPMENTS (revisions)

16. 74-79-G-13
Nashboro Village, Tract 11
Map 135, Parcel(s) 324
Subarea 13 (1996)
District 28 (Alexander)

A request for final approval for a phase of the Residential Planned Unit Development District located abutting the east margin of Flintlock Court, south of Nashboro Boulevard, classified R10, (12.99 acres), to develop 155 townhouse units, requested by Wamble and Associates, for WDN Properties LTD, owner.

Staff recommends *conditional approval*.

This request is for final PUD approval for a portion of the Nashboro Village Residential PUD district to permit the development of 155 townhome units. The property is located at the intersection of Flintlock Court and Nashboro Boulevard, east of Murfreesboro Pike. The Planning Commission approved a

preliminary plan on April 11, 2002, matching this final plan. This phase is surrounded by the Nashboro Village golf course and abuts Lake Nashboro. Multi-family development has always been shown for this phase on the original PUD plan approved in 1979 by the Metro Council. Staff recommends conditional approval with a condition that the Stormwater Management Board approve the stream crossing for the project entrance at its May 2, 2002 meeting.

Resolution No. 2002-161

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 74-79-G-13 is given **CONDITIONAL FINAL PUD APPROVAL FOR PHASE 11 (7-0)**: The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. Prior to the issuance of any grading permits, the Stormwater Management Appeals Board shall grant approval of the proposed stream crossing.
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.”

MANDATORY REFERRALS

17. 2002M-036G-00

Council Bill No. BL2002-1040

Nashville Career Advancement Lease in Wilson County

A council bill to lease 3,300 square feet of office space from Neal and Oleta Shipper for the Nashville Career Advancement Center (NCAC) at 813-A N. Cumberland Drive, Lebanon, Tennessee, sponsored by Councilmember Jim Shulman.

Staff recommends *approval*.

This council bill is to lease 3,300 square feet of space from Neal and Oleta Shipper at 813A North Cumberland Drive, Lebanon, TN for the Nashville Career Advancement Center (NCAC). The NCAC is the local fiscal agent and administrator of federal funds allocated to the Middle Tennessee Local Workforce Investment Area under the Workforce Investment Act and Families First Program. The NCAC currently uses this space for offices and classrooms serving dislocated workers, Families First, Welfare to Work, the working poor, and general public. The Middle Tennessee Local Workforce Investment Area is comprised of Davidson, Rutherford, Trousdale, and Wilson counties. The lease term is for five (5) years beginning April 1, 2002 and ending March 31, 2007. The monthly rent is \$2,062.50 for a total rental payment of \$123,750.00 over the five year term. Staff recommends approval since all reviewing agencies and departments recommend approval.

Resolution No. 2002-162

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-036G-00 is **APPROVED (7-0)**.”

18. 2002M-037U-05
Lease Amendment of Medical Examiner's Office
Map 061, Parcel(s) 039
Subarea 5 (1994)
District 4 (Majors)

A request to amend an existing lease (Ord. No. O99-1765) between Metro Government and the State of Tennessee to modify the lease term and clarify the first year's rental payment for the Metro Government's medical examiner's office, requested by the Director of Public Property.

Staff recommends *approval*.

This request is amend an existing lease by and between the State of Tennessee and Metro Government for the Metro Government's medical examiner's office at 800 R. S. Gass Boulevard. Metro's medical examiner occupies space within the state medical examiner's office. The original lease was approved in 1999 (99M-092U) by the Planning Commission and Metro Council (O99-1765). The proposed amendment modifies the lease term and clarifies how operating costs shall be handled. The lease term began

July 15, 2001 and ends July 14, 2021 with an unlimited number of 5 year renewal options. The date on which the lease began must be amended since the space occupied by the medical examiner was completed earlier than anticipated under the original lease term. Therefore, the first year's rental payment is being clarified under this amendment. There is no increase rental cost of the space associated with this amendment. Staff recommends approval as all reviewing agencies and departments recommend approval.

Resolution No. 2002-163

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-037U-05 is **APPROVED (7-0)**."

19. 2002M-038U-09
Lease Agreement with American Trust Building LLC
Map 093, Parcel(s)
Subarea 9 (1997)
District 19 (Wallace)

A request to lease 39,974 square feet of additional office space for the Public Defender at the American Trust Building at 310 Union Street, requested by the Director of Public Property.

Staff recommends *approval*.

This request is to lease 39,974 square feet of additional office space for Metro's public defender at the American Trust Building, 310 Union Street. This space is needed since Metro is selling the Stahlman building to a private developer to renovate for affordable housing. Current Metro programs occupying the Stahlman building will need to be relocated from that building by June 30, 2003. There is no Metro owned space available for the public defender's office to relocate into. The lease term is from July 1, 2002 to June 30, 2012. The annual rental payment is \$519,662 or \$5.19 million over the 10 year term. The lease contains a renewal option for two additional five (5) year terms. Staff recommends approval as all reviewing agencies and departments recommend approval.

Resolution No. 2002-164

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-038U-09 is **APPROVED (7-0)**."

20. 2002M-039U-09

Lease Agreement for 222 Second Avenue North, Suite 430
Map 093, Parcel(s) 003
Subarea 9 (1997)
District 19 (Wallace)

A request to amend an existing lease (Ord. No. 093-690) between the Metropolitan Government of Nashville and Davidson County and W.S. Investment Holdings, L.P. and Square Investment Holdings, L.P. for the use of 4,508 square feet of additional office space at 222 2nd Avenue North, Suite 430, Nashville, Tennessee, requested by the Director of Public Property.

Staff recommends *approval*.

This request is to amend an existing lease between Metro Government and W. S. Investment Holdings, L.P. and Square Investment Holdings, L.P. for 4,508 square feet of additional office space at the Third Avenue North building, 222 2nd Avenue North, Suite 430 in downtown Nashville. Metro currently rents 34,141 square feet from the lessor on the 4th and 5th floors of this office building. In 1993, the Planning Commission (93M-044U) and Metro Council approved the original lease (O93-690) for this space. The additional 4,508 square feet of space will be occupied by the Mayor's Office of Economic and Community Development and the Sports Authority. These tenants currently occupy other space within the same building, but must be relocated to accommodate the expansion of existing programs within the same building. The lease term is from July 1, 1993 to June 30, 2008 for 38,649 square feet of office space. The monthly rental payment for the total leased space is \$35,604.07. Over the remaining lease term, the rental payments will total \$2.63 million. Staff recommends approval as all reviewing agencies and departments recommend approval.

Resolution No. 2002-165

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-039U-09 is **APPROVED (7-0)**."

21. 2002M-042U-13

Bell Road Right-of-Way Acquisition
Map 136, Parcel(s) 308,54,56,48,49,39
Subarea 13 (1996)
District 27 (Sontany)

A request to acquire small portions of properties along Bell Road and Smith Springs Road for public right-of-way and easements for the Smith Springs Road and Bell Road intersection improvements (Project No. 94-R-3, CIB #97PW028), requested by Public Works.

Staff recommends *approval*.

This request is to acquire small portions of properties along Bell Road and Smith Springs Road for right-of-way purposes to accommodate improvements at the Bell Road/Smith Springs Road intersection. These improvements are part of Public Works Project No. 94-R-3 and will be constructed through use of 2001 GSD multi-purpose improvement bonds (CIB# 97PW028). The right-of-way and easement acquisitions will be purchased from William A. White et ux, Sara D. Piercey, Joseph A. Piercey, the Exxon Corporation, and the U.S. Army Corps of Engineers. A total of .13 acres is to be acquired from private parties for right-of-way, .09 acres will be acquired for permanent drainage easements and .37 acres for temporary construction easements from these same parties, and 1.87 acres will be acquired from the U.S. Army Corps of Engineers for right-of-way and public utility easements. Staff recommends approval as all reviewing agencies and departments recommend approval.

Resolution No. 2002-166

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-042U-13 is **APPROVED (7-0).**"

22. 2002M-043U-13

Army Corps of Engineers Easement for Smith Springs Townhomes
Map 136, Parcel(s)
Subarea 13 (1996)
District 29 (Holloway)

A request for Metro Government to enter into an agreement with the U.S. Army Corps of Engineers for an easement on J. Percy Priest Tract #1031, south of Smith Springs Road, for the construction and maintenance of certain drainage culverts and concrete headwalls, requested by Public Works.

Staff recommends *approval*.

This request is to permit Metro Government to enter into an agreement with the U.S. Army Corps of Engineers for an easement on J. Percy Priest Tract #1031 for the construction and maintenance of certain drainage culverts and concrete headwalls on the eastern margin of Smith Springs Road, north of Folkstone Drive. The Corps of Engineers is granting Metro an easement via this agreement. The agreement is for a term of 20 years beginning April 1, 2002 and ending March 31, 2022. There is no cost associated with the granting of this easement since Metro Government will be constructing, operating, and maintaining these improvements for the benefit of the United State and general public. Standard conditions of this agreement include the agreement may be terminated with 30 days written notice to Metro Government for failure to abide by the agreement's conditions or if the agreement interferes with the Army Corps of Engineers use of the land, and that the United States may flood the right-of-way as necessary for the operation and maintenance of the J. Percy Priest Dam and Reservoir. Part of the land covered by this agreement lies within the floodplain. Staff recommends approval as all reviewing agencies and departments recommend approval.

Resolution No. 2002-167

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-043U-13 is **APPROVED (7-0).**"

OTHER BUSINESS

23. Consideration of the 2002-2003 to 2007-2008 Capital Improvements Recommended Budget

Resolution No. 2002-168

"Employee contract for Cynthia Wood by the Metropolitan Planning Commission that it **APPROVES** the 2002-2003 to 2007-2008 Capital Improvements Recommended Budget."

25. Employee contract for Cynthia Wood

Resolution No. 2002-169

"Employee contract for Cynthia Wood by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Cynthia Wood for one year, from May 1, 2002 through April 30, 2003."

This concluded the items on the consent agenda.

Mr. Clifton arrived at 1:30, at this point in the agenda.

ZONING MAP AMENDMENTS

3. 2002Z-035U-08
Map 091-12, Parcel(s) 193
Subarea 8 (1995)
District 21 (Whitmore)

A request to change from OR20 district to IR district property at Clifton Avenue (unnumbered), abutting the south margin of Clifton Avenue, (0.79 acres), requested by Stephan Taylor, owner.

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

Subarea Plan amendment required? **Yes. A Subarea Plan amendment would normally be required to allow industrial zoning in a Neighborhood Urban policy area, however, staff feels this particular request does not warrant an amendment since the updated Subarea 8 Plan was recently adopted by Planning Commission this policy is unlikely to change.**

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

This request is to change 0.79 acres from OR20 (office/residential) to IR (industrial) district vacant property at Clifton Avenue (unnumbered), at the intersection of Clifton Avenue and 41st Avenue North. The existing OR20 district is intended for office and multi-family residential uses at up to 20 dwelling units per acre. The proposed IR district is intended for light industrial uses at a small to moderate scale.

Staff recommends disapproval as contrary to the General Plan of the proposed IR zoning. This property is within the Subarea 8 Plan 's Neighborhood Urban (NU) policy. The NU policy calls for a mixture of residential and neighborhood-scale commercial development. Developing this property industrially is inconsistent with the NU policy. The Subarea 8 Plan calls for areas designated NU, but lack a Detailed Neighborhood Design Plan be zoned one of the following conventional zoning districts: RS5, RS3.5, R6, RM9 - RM20, or MUN at any location; or RM40 or MUL only if the site fronts on an arterial street with four or more lanes. The IR district is not one of the zoning districts called for by the Subarea 8 Plan.

Traffic

The Metro Traffic Engineer has indicated that this property does not have access to any road that could accommodate industrial traffic that would be generated by IR zoning. This portion Clifton Avenue cannot accommodate industrial traffic.

Mr. Steve Taylor spoke in favor of the proposal.

Mr. Davis and Ms. Joann Mellon stated the neighbors had no problem with the change request.

Ms. Nielson moved and Ms. Cummings seconded he motion, which carried unanimously, to close the public hearing and disapprove as contrary to the General Plan.

Resolution No. 2002-170

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-035U-08 is **DISAPPROVED (8-0) as contrary to the General Plan:**

IR zoning is not consistent with the Subarea 8 Plan's Neighborhood Urban (NU) policy calling for a mixture of residential and neighborhood-scale commercial development. That policy calls for conventional zoning districts such as RS5, RS3.75, R6, RM9-RM20, or MUN at any location within the policy area, or RM40 or MUL if the site front on an arterial street with four or more lanes. Developing this property industrially is inconsistent with the NU policy."

4. 2002Z-036U-08
Map 092-06, Parcel(s) 520, 522
Subarea 8 (1995)
District 21 (Whitmore)

A request to change from R6 district to CS district properties at 701 and 705 Lena Street, at the intersection of Lena Street and Clifton Avenue, (0.24 acres), requested by Edgar Covington, owner.

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

Subarea Plan amendment required? Yes. A Subarea Plan amendment would normally be required to allow commercial zoning in a Neighborhood General policy area, however, staff feels this particular request does not warrant an amendment since the updated Subarea 8 Plan was recently adopted by Planning Commission this policy is unlikely to change.

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

This request is to change 0.24 acres from R6 (residential) to CS (commercial) district properties at 701 and 705 Lena Street, at the intersection of Lena Street and Clifton Avenue. The existing R6 district is intended for single-family and duplexes at up to 6.17 units per acre. The proposed CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Subarea 8 Plan Policy

Staff recommends disapproval as contrary to the General Plan of the proposed CS zoning. This property is within the Subarea 8 Plan's Neighborhood General (NG) policy, which calls for mixed residential uses, civic activities, and low-rise public benefit uses. Residential uses in the NG policy area should not exceed 20 units per acre. The CS zoning is inconsistent with the intent of NG policy. Just west of this property is the intersection of Clifton Avenue and 28th Avenue North which the plan designates as Neighborhood Center (NC) policy. The commercial activities in this area have been confined to this intersection. Encroaching commercial activities further into the residential area is not the intent of the NG policy.

Traffic

The Metro Traffic Engineer has indicated that Lena Street cannot support the traffic that would be generated by CS zoning. Although Clifton Avenue could accommodate the traffic, one of the proposed parcels does not have frontage on Clifton Avenue.

No one was present to speak at the public hearing

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing and disapprove as contrary to the General Plan.

Resolution No. 2002-171

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-036U-08 is **APPROVED (8-0)**:

CS zoning is inconsistent with the Subarea 8 Plan's Neighborhood General (NG) policy, which calls for mixed residential uses, civic activities, and low-rise public benefit uses. Residential uses in the

NG policy area should not exceed 20 units per acre. The CS zoning is inconsistent with the intent of NG policy. Just west of this property is the intersection of Clifton Avenue and 28th Avenue North which the plan designates as Neighborhood Center (NC) policy. The commercial activities in this area have been confined to this intersection. Encroaching commercial activities further into the residential area is not the intent of the NG policy.”

PRELIMINARY PLAT SUBDIVISIONS

10. 2002S-082G-12
SUNDOWN GREEN (formerly Greenway)
Map 181, Parcel(s) 036
Subarea 12 (1997)
District 31 (Knoch)

A request for preliminary plat approval of 156 lots abutting the south margin of Culbertson Road, approximately 1,675 feet south of Old Hickory Boulevard, (43.35 acres), classified within the RS10 district, requested by H. Maxine Sullivan, owner/developer, Anderson-Delk and Associates, Inc., surveyor. (Deferred from meeting of 4/11/02).

Ms. Regen stated staff recommends *disapproval*.

This request was deferred at the April 11, 2002 Planning Commission meeting so Public Works staff could provide more information concerning the traffic impact analysis to the commission. The Public Works Department is preparing a memo to provide additional clarification. That memo will be provided to the Commission before the meeting. The request had also been previously scheduled for the March 28, 2002, Planning Commission meeting, but was deferred by the applicant to allow more time to receive information from the Tennessee Department of Environment and Conservation and from LAW Engineering and Environmental Services, Inc.

The applicant is requesting approval of a preliminary plat for 156 lots on 43 acres abutting the south margin of Culbertson Road, approximately 1,675 feet south of Old Hickory Boulevard. The property is located in the Antioch area. This subdivision is a cluster-lot development within the RS10 district at a proposed density of 3.6 dwelling units per acre.

Cluster Lot Subdivision

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. This particular property contains steep slopes, and is within the Mill Creek floodplain. 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 RS10 district may create lots equivalent in size to the RS5 district. The proposed lots range in size from 5,700 square feet to nearly 18,000 square feet. A typical subdivision on 43 acres and classified within the RS10 district would allow 160 dwelling units. In this case, the applicant is proposing 156 lots.

State Approval

Public Works originally required a 25-foot buffer from the top of the bank of an existing blue-line stream and a constructed farm pond on the site. The applicant, however, plans to drain the farm pond and divert the stream. The State of Tennessee must approve the downgrading of a blue-line stream and draining of the pond since the stream discharges into Mill Creek, which contains the endangered Nashville crayfish.

A letter from the Tennessee Department of Environment and Conservation has been submitted to Public Works authorizing the downgrading and alteration of the blue-line stream and draining of the farm pond. The letter goes on to state that extreme care must be utilized during this project to prevent any adverse

impacts to Mill Creek. LAW Engineering and Environmental Services performed a survey for the federally endangered Nashville crayfish on the stream and farm pond. A letter has been submitted to Public Works indicating that the survey resulted in no collection of the Nashville crayfish.

Traffic Impact Study

A traffic impact study was submitted by the applicant and reviewed by the Traffic Engineer. While the study indicates initially that all of the project traffic can be accommodated on Culbertson Road, it recommends several roadway improvements to mitigate traffic generated by the Sundown Green subdivision. These roadway improvements are to be made on adjacent properties. While these adjacent properties are part of large residential PUD developments known as Autumn Oaks and Indian Creek Estates, these PUDs are being built in phases. None of the approved and recorded phases of these PUD developments provide the improvements called for by the traffic impact study. The traffic impact study's recommended improvements are included in future phases of these PUDs --- phases for which no final plats have been submitted, approved, or recorded by the Planning Commission. In addition, the study assumes access to Culbertson Road, a rural and scenic roadway that meanders along Mill Creek, connecting Old Hickory Boulevard and Nolensville Pike. In 1998, when the same owner of this property requested to rezone it from AR2a to RS10 district, the Planning Commission stated no access should be provided to Culbertson Road because of its substandard condition.

Disapproval

Staff recommends disapproval of the proposed subdivision for the following three reasons:

The Planning Commission approved rezoning this property in 1998 subject to no access from this property to Culbertson Road.

The traffic impact study recommends certain improvements as development of this property occurs. However, the timing of these recommended improvements is unknown which the study acknowledges. Without access to Culbertson Road, this development is wholly dependent on adjacent residential developments completing their street network – a network that has received no final plat approval by the Planning Commission. In one instance, the recommended roadway improvement is on property not owned by this applicant and where the zoning is still AR2a district.

Although a significant portion of the proposed development is within the Mill Creek floodplain, and the cluster lot option is being employed, the applicant is unwilling to dedicate the Mill Creek floodway on the property as a public open space/conservation easement for the future Mill Creek greenway. A basic tenet of Metro's Stormwater Management Regulations, the Subdivision Regulations, and the Zoning Ordinance is the protection and preservation of floodway areas.

Sundown Green preliminary subdivision plat: Planning Department findings and conclusions regarding compliance with subdivision regulations

1. The proposed subdivision does not comply with Subdivision Regulation 2-6.2.2(D)(1), which requires that streets within the subdivision “shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way as established on the Major Street Plan or the adopted General Plan.” Adequate connections are not provided from the proposed subdivision to collector and/or arterial streets.
2. Some of the street connections to the proposed subdivision recommended by the traffic impact study are on property not owned or controlled by the owner of the subject property. The Planning Commission has no assurance that the proposed connections will ever be constructed. In short, the proposed subdivision requires connections to a street network that has been neither constructed, programmed for funding, nor approved.
3. The proposed subdivision should be disapproved in order to protect the safety and welfare of the citizens of Metropolitan Nashville and Davidson County. (Sub. Reg. 1-5.1)

4. The property in question is unsuitable at this time for subdivision due to its location in an area that is not currently served by an adequate road network. (Sub. Reg. 2-3)
5. The Executive Director of the Planning Commission has determined, based upon his experience and professional training, that Culbertson Road is currently a severely substandard road with inadequate paving width and right-of-way and inappropriate horizontal and vertical curves creating inadequate sight distances. Further, a portion of the road is in the floodplain and has experienced flooding. Culbertson Road, as the only available access at this time, is unsuited to provide sole access for a new residential subdivision or portion thereof, failing to properly connect the subdivision with the existing and proposed system of streets.
6. Conclusion: To protect the safety and welfare of Davidson County citizens, it is premature to approve the preliminary plat for the proposed Sundown Green subdivision, or a portion thereof, until a safe and adequate road network becomes available to which the subdivision can connect.

Mr. Tom White, attorney representing the applicant, stated Mr. Mark Macy, Mr. John Gregor and Mr. Ali Afis, with the Public Works Department, have all approved the plan for 54 lots. He discussed conditions presented just before the meeting by staff, and stated many of the conditions are premature and may not be necessary at all. He asked for several of those conditions to be deleted from the Phase 1's consideration.

Ms. Teresa Couch, Ms. Beth Bowron and Ms. Brenda Nance spoke in opposition to the proposed entrance on Culbertson Road because of the possible future Greenway, and concurred with staff regarding safety, traffic and flooding. The school buses will not come down Culbertson Road because it is so narrow.

Mr. Les Bowron stated the Traffic Impact Study does not measure traffic on this road, but only at the intersections. He expressed concern regarding the width of the road and the addition of construction vehicles. The Study also fails to mention the impact on the road itself and will deteriorate in time. The proposed subdivision entrance is the blindest curve on the road. This Study states hundreds of cars will turn left onto Culbertson from Nolensville Road, but there is no turn lane at that point, it is a sharp turn back to the left, and is very dangerous.

Mr. Jesse King stated the only thing that needs to be considered is that Culbertson Road is a dangerous road. He asked the Commission to consider that when he goes out to his mailbox that he feels like he is in no man's land because it is so hazardous and there is no way to improve it except to build a new road.

Mr. Bob Murphy, RPM and Associates stated the width of Culbertson Road was considered in the Traffic Study and that is the reason the 25% was reached as the limit of the project, and after that additional access will be required.

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

Ms. Cumming left at 1:15, at this point in the agenda.

Mr. Clifton asked for more clarity on what is or isn't part of the traffic study. Specifically, what factors were considered in determining that Culbertson Road could handle 54 lots safely.

Mr. Ali Afis, Metro Traffic Engineer, stated that he and Mr. Murphy spoke and determined that in the best interest of public safety and fairness to the public and the applicant that 25% of the project traffic could use Culbertson road safely.

Mr. Clifton stated that in most traffic reports the volume is the main factor, but from previous testimony that does not seem to be the case with this proposal.

Mr. Afis stated that he was only able to find one traffic accident reported to the police that occurred on Culbertson Road within the last 2 ½ years.

Mr. Clifton stated he had driven the road and didn't realize there were any roads like that in the county. It is narrow and has sight distance issues. He stated he felt it was so dangerous that drove with his emergency flasher light on.

Councilmember Summers asked Mr. Afis that in his role as the Metro Traffic Engineer if he could honestly testify that Culbertson Road is a safe condition.

Mr. Afis stated it is not desirable. It is safe to pass the cars and could handle the traffic.

Councilmember Summers referred to a slide of two vehicles passing on Culbertson Road and expressed concern regarding the narrow road. From a safety standpoint this is not considerable.

Mr. Afis pointed out there were no drivers in the vehicles and stated these vehicles were setup to give the impression that there is a huge safety issue at this location on the roadway.

Councilmember Summers stated that is an absolutely ridiculous argument. In all due respect, that is an absolutely ridiculous argument that you are going to tell that this is an unsafe condition because we don't have drivers in the cars. Everyday there are people out there on this street that live in this community driving on this street where there are people in the car. From a safety standpoint I don't see how this is defensible under current existing condition and really find it hard to believe that we can put more cars on the street without restrictions. This Commission relies upon staff and it really concerns me when I am getting a recommendation for approval when I know this is a substandard road.

Vice Chairman Small questioned the 25% buildout and 54 houses. He asked what additional buildout would occur after this Phase 1 is complete.

Mr. Afis stated only the 25% is all that is recommended until traffic could use connections from adjacent future developments.

Mr. McLean suggested making Culbertson Road one way with no trucks allowed or at some point in time close off this proposed entrance onto Culbertson.

Ms. Regen stated that had been discussed, but was not a formal plan.

Mr. Clifton moved and Councilmember Summers seconded the motion, which carried unanimously, to disapprove and adopt the staff suggested findings and conclusions supporting disapproval.

Mr. Clifton and Mr. McLean agreed this proposal should not have had the green light to the point it reached and perhaps this could be avoided in the future. This developer has done nothing wrong, but without staff's intervention we may have accepted with no questions asked.

Mr. McLean stated the public hearing was closed on this item at the previous meeting and that he wanted to bring that to public attention.

Resolution No. 2002-172

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-082G-12 is **DISAPPROVED (7-0) BASED ON THE FOLLOWING FINDINGS AND CONCLUSIONS:**

1. The proposed subdivision does not comply with Subdivision Regulation 2-6.2.2 (D)(1), which requires that streets within the subdivision "shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way as established on the Major Street Plan or the adopted General

Plan." Adequate connections are not provided from the proposed subdivision to collector and/or arterial streets.

2. Some of the street connections to the proposed subdivision recommended by the traffic impact study are on property not owned or controlled by the owner of the subject property. The Planning Commission has no assurance that the proposed connections will ever be constructed. In short, the proposed subdivision requires connections to a street network that has been neither constructed, programmed for funding, nor approved.
3. In order to protect the safety and welfare of the citizens of Metropolitan Nashville and Davidson County, (Subdivision Regulation 1-5.1), the property in question is unsuitable at this time for subdivision due to its location in an area that is not currently served by an adequate road network, (Subdivision Regulation 2-3).
4. The Executive Director of the Planning Commission has determined, based upon his experience and professional training, that Culbertson Road is currently a severely substandard road with inadequate paving width and right-of-way, and inappropriate horizontal and vertical curves creating inadequate sight distances. Further, a portion of the road is in the Mill Creek Floodway and has experienced flooding. Culbertson Road, as the only available access at this time, is unsuited to provide sole access for a new residential subdivision or portion thereof, failing to properly connect the subdivision with the existing and proposed system of streets.
6. To protect the safety and welfare of Davidson County citizens, it is premature to approve the preliminary plat for the proposed Sundown Green subdivision, or a portion thereof, until a safe and adequate road network becomes available to which the subdivision can connect.”

Councilmember Summers stated he wanted to defend our Executive Director who has been criticized over this. We all have an obligation to the public safety and I appreciate the fact that our legal staff brought out to us that we do have some discretion as a Commission. I know the development community would like to have it all just a check list to go down through, but there are times when you have an issue like this that we have an obligation, a responsibility to make sure what we do meets the public safety concern here. I want to make sure our staff is not chilled in trying to protect that because it is all of our obligation.

Mr. Bernhardt stated he felt the real dilemma here is, and we are working with the Director of Public Works to make sure this is dealt with, is characterized in Mr. Macy’s letter, and is actually part of the Zoning Code, section 17.20.140, in that the Planning Commission has the sole authority to approve or disapprove traffic studies. Their (Public Works) role is to provide information and recommendation, but is the Commission’s job as charged by the Council to approve or disapprove a traffic study.

11. 2002S-084G-04
W. C. HALL LAND
Map 043-04, Parcel(s) 028
Subarea 4 (1998)
District 11 (Brown)

A request for preliminary plat approval to subdivide one parcel into two lots abutting the northwest corner of Hickman Street and Swinging Bridge Road, (.52acres), classified within the R10 district, requested by W. C. and Mattie T. Hall, owners/developers, Campbell, McRae and Associates Surveying Inc., surveyor.

Mr. Hardison stated staff recommends *disapproval*.

This request is for preliminary plat approval to subdivide one lot into two lots on approximately 0.52 acres, on the northwest corner of Hickman Street and Swinging Bridge Road. The property is located within the R10 district. The applicant has requested a variance for sidewalks along Hickman Street and Swinging Bridge Road, and a variance for lot comparability.

Variance - Sidewalks

The applicant has requested a variance for sidewalks along Swinging Bridge Road and Hickman Street. The applicant's variance application stated the request is made due to there being no other sidewalks within a 3,000-foot radius of the property. Staff does not support the request for a sidewalk variance since the Subdivision Regulations do not recognize the proximity of the nearest sidewalks as justification for granting a sidewalk variance. The Subdivision Regulations allow for a variance if one of the following pertains to the proposed subdivision:

- A. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 - C. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- The variance will not in any manner vary from the provisions of the adopted General Plan, Major Street Plan, or Zoning Regulations.

None of the four conditions for granting a variance are present with this subdivision.

Lot size

This subdivision is creating two lots. Lot one is 12,912 square feet and lot two is 9,644 square feet. The property is within the R10 district which requires a minimum lot size of 10,000 square feet. The applicant requested a lot size variance to permit the 9,644 square foot lot from the Board of Zoning Appeals (BZA). The BZA granted the variance on March 21, 2002 (case # 2002B-022). In a similar plat situation on March 14, 2002, Ole Orchard-Phase 3 (2002S-060G-03), the Planning Commission disapproved a two-lot subdivision since the proposed lots were smaller than permitted by zoning. The BZA had also granted that applicant a variance for lot size. At the March 14th Planning Commission meeting, Metro Legal informed the Planning Commission that approving a subdivision that created lots with less square footage than required by zoning was essentially a rezoning of the property. Metro Legal added that only the Metro Council can legally rezone property. Based on Metro Legal's previous advice, and the Planning Commission's action, staff recommends disapproval of this plat. Lot 2 is 355 square feet below the minimum require 10,000 square foot lot size. Also, staff does not support the applicant's request for a sidewalk variance along Swinging Bridge Road and Hickman Street.

Councilmember Feller Brown spoke in support of the application and stated the Commission had in front of them a petition with 24 names on it in favor of the proposal. The property owners are not well and their son wants to put in a doublewide trailer to be close to his parents to help care for them.

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

Ms. Nielson stated she is sympathetic as to why this is being done but this may set a precedent in that area.

Councilmember Brown pointed out there were not many properties around that could subdivide.

Mr. McLean moved and Councilmember Summers seconded the motion to approve with the variance to sidewalks.

Councilmember Clifton questioned the variance for sidewalks.

Councilmember Summers stated he would second the motion if Mr. McLean would drop the sidewalk variance.

Mr. McLean moved and Councilmember Summers seconded the motion, which carried with Mr. McLean, Mr. Cochran, Chairman Lawson, Vice Chairman Small and Councilmember Summers in favor and with Ms. Nielson and Mr. Clifton in opposition, to approve the following resolution with conditions:

Resolution No. 2002-173

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-084G-04, is **APPROVED WITH LOT COMPARABILITY VARIANCE FOR LOT AREA (SECTION 2-4.7 OF THE SUBDIVISION REGULATIONS), SUBJECT TO A DEMOLITION BOND FOR REMOVAL OF GARAGES IN ORDER TO INCREASE SIZE OF LOT 2, AND A REVISED PLAT PRIOR TO RECORDATION DECREASING THE SIZE OF LOT 1 AND INCREASING THE SIZE OF LOT 2 TO 10,000 SQUARE FEET, THE MINIMUM LOT SIZE IN THE R10 DISTRICT (5-2).”**

12. 2002S-102G-06

ARBORS at BELLEVUE (formerly Buttrey Place)
Map 128, Parcel(s) 056
Subarea 6 (1996)
District 23 (Bogen)

A request for preliminary plat approval of 26 lots abutting the east margin of Sawyer Brown Road, approximately 120 feet south of Williamsport Court, (13.88 acres), classified within the R20 district, requested by Classic Properties, owner/developer, Civil Site Design Group, surveyor. (Deferred from meeting of 4/11/02).

Ms. Fuller stated staff recommends *conditional approval* subject to a revised preliminary plat that will be received prior to the planning commission meeting.

This request was deferred at the last Planning Commission meeting so Councilmember Bogen could hold a community meeting to address drainage issues on Monday, April 22, 2002. Staff will present to the Commission at its meeting any new information from that community meeting.

Cluster Lot Option

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. Portions of this property contain slopes 20% or greater. 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 R20 district may create lots equivalent in size to the R10 district. The minimum lot size for a subdivision within the R10 district is 10,000 square feet. The proposed lots for this subdivision range in size from just over 10,000 square feet to just under 15,000 square feet, with one lot on the perimeter totaling almost 20,000 square feet. The lots proposed in this subdivision are larger than the neighboring lots on Williamsport Court (zoned R20 with a PUD overlay) that have an average size of 8,563 square feet. A typical subdivision located on 13.88 acres and classified within the R20 district would allow 30 lots. This subdivision proposes 26 lots. In this case, the applicant has chosen to preserve the natural features of the property by employing the cluster lot option and is proposing less than the maximum number of lots allowed for the property. Approximately 4.9 acres are being preserved as open space within the development.

Three of the lots located within this subdivision have been identified as critical lots. As critical lots, the developer shall be required to submit more detailed plans for these lots prior to issuance of grading or building permits. Planning, Public Works and Water Services staffs will further review critical lot plans to ensure optimal drainage is maintained and steeper slopes are properly stabilized.

Storm Water Management

Because this is a preliminary plat, no detention and water quality concepts have been finalized although their location has been shown conceptually on this plat. The final plat is the time when the designs of these

systems are finalized. For this reason, it is recommended that site work, such as grading and infrastructure installation, not be permitted to commence prior to the recordation of the final plat.

Traffic

The Metro Traffic Engineer has required that the applicant construct an approximate 120-foot deceleration/right turn lane on Sawyer Brown Road at the project entrance. The applicant will also clear vegetation along the right-of-way of Sawyer Brown Road to increase sight visibility at the project entrance. The applicant has also shown the dedication that will be required with the final plat to bring Sawyer Brown to the collector road standard.

Schools

A single-family development with 26 lots will generate 2 elementary, 2 middle and 1 high school students. Students in this area will attend Gower Elementary, H.G. Hill Middle and Hillwood High Schools. None of these schools have been identified as being overcrowded by the Metro School Board.

Staff recommends *conditional approval* subject to a revised preliminary that will be received prior to the planning commission.

A note that reads: "The purpose of the plat is to create a 26-lot cluster subdivision."

A note that reads: "The development of this project shall comply with the requirements of the adopted Tree Ordinance 094-1104 (Metro Code Chapter 17.24, Article II, Tree Protection and Replacement; and Chapter 17.40 Article X, Tree Protection and Replacement Procedures."

The Standard "C" Type Buffer Yard shall be continuous around the perimeter of the subdivision. This is especially important in the Open Space to the north of Road "A" to screen the rear of the houses on the adjacent Williamsport Court from the view of drivers traveling on Road "A."

A note that reads as note #2 on the plat in large, 14 bold font: "No grading, blasting, or building permits shall be issued for any portion of this property prior to the recording of a final plat." The same shall be placed across the actual plat's lot layout.

A note that reads: "The final plat for this subdivision shall not be approved administratively, but shall be presented to the Metro Planning Commission for final approval."

Councilmember Bob Bogen stated he had visited this area and expressed concerns from neighbors regarding flooding, drainage and a swamp behind their home.

Mr. Porter, explained the plan and improvements to be made.

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

Resolution No. 2002-174

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-102G-06, is APPROVED WITH CONDITIONS (7-0), AND REQUEST FOR INFORMATION WITH FINAL PLAT THAT WATER DOES NOT DRAIN INTO BACKYARDS OF ADJACENT NEIGHBORS ON WILLIAMSPORT COURT

Staff recommends approval of the preliminary plat with the condition that the applicant satisfy the following:

- 1. A note that reads: "The purpose of the plat is to create a 26-lot cluster subdivision."**
- 2. A note that reads: "The development of this project shall comply with the requirements of the adopted Tree Ordinance 094-1104 (Metro Code Chapter 17.24, Article II, Tree Protection and Replacement; and Chapter 17.40 Article X, Tree Protection and Replacement Procedures."**

3. The Standard "C" Type Buffer Yard shall be continuous around the perimeter of the subdivision. This is especially important in the Open Space to the north of Road "A" to screen the rear of the houses on the adjacent Williamsport Court from the view of drivers traveling on Road "A."
4. A note that reads as note #2 on the plat in large, 14 bold font: "No grading, blasting, or building permits shall be issued for any portion of this property prior to the recording of a final plat." The same shall be placed across the actual plat's lot layout.
5. A note that reads: "The final plat for this subdivision shall not be approved administratively, but shall be presented to the Metro Planning Commission for final approval."

Mr. Small stated that when this comes back for final plat approval he would like to see a plan that permanently protects from flooding.

OTHER BUSINESS

26. Legislative update

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:40 p.m.

Chairman

Secretary

Minute Approval: this 9th day of May 2002



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