

MINUTES
OF
THE METROPOLITAN PLANNING COMMISSION

Date: December 13, 2001
Time: 1:00 p.m.
Place: Main Conference Room
Planning Department

Roll Call

Present:

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

Absent:

Mayor Bill Purcell
Councilmember John Summers

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Vice Chairman Small moved and Mr. McLean seconded the motion, which carried unanimously, to adopt agenda.

RECOGNITION OF COUNCILMEMBERS

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

FINAL PLAT SUBDIVISIONS

34. 2001S-116G-04
MARDALEE SUBDIVISION
Map 043-10, Parcel(s) 16, 17, 18, 28, & 29
Subarea 4 (1998)
District 9 (Dillard)

A request for final plat approval for a sidewalk variance on the north margin of North Dupont Avenue, Nix Drive, and Scalf Drive, (2.48 acres), classified within the RS7.5 district, requested by Oliver Dale and James Humphrey, Jr., owners/developers, Jesse Walker Engineering, surveyor.

Ms. Regen stated staff recommends *approval* of a sidewalk variance in part.

This request is for a sidewalk variance along Nix Drive, Scalf Drive, and North DuPont Avenue. The Planning Commission approved the preliminary plat containing 11 lots with sidewalks on June 7, 2001 and a final plat on June 27, 2001. A bond was posted to construct the sidewalks in the amount of \$23,800.

Staff recommends approval of this sidewalk variance for DuPont Avenue only. While the streets abutting this property are a two-lane section with an open ditch, they are flat with sufficient right-of-way for sidewalks. There is no physical hardship to prevent the sidewalks on Nix and Scalf Drives. Although there are no sidewalks within the surrounding neighborhood, there is a public park (Madison Park) and active retirement center within a short walking distance of this site, across DuPont Avenue.

No one was present to speak at the public hearing.

Mr. Clifton moved and Mr. McLean seconded the approve staff recommendation.

Resolution No. 2001-575

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-116G-04, is **APPROVED WITH SIDEWALK VARIANCE ALONG NORTH DUPONT AVENUE, SECTION 2-6.1, OF THE SUBDIVISION REGULATIONS (7-0).**”

36. 2001S-185U-05
LUTON MERIDIAN SUBD.
Map 071-11, Parcel(s) 020 & 030
Subarea 5 (1994)
District 5 (Hall)

A request for final plat approval for 16 lots between Meridian Street and Luton Street, approximately 190 feet north of Gatewood Avenue (3.43 acres), classified within the RS5 District, requested by Fred W. and Kaye S. Hahn, Jr., owners/developers, Jesse Walker Engineering, surveyor.

Mr. Jones stated staff recommends *conditional approval* subject to variances for sidewalks and lot depth to width ratio as well as approval by the Metro Stormwater Management Committee to not require water quality or stormwater detention on this property.

The preliminary plat for this subdivision was approved by the Planning Commission on June 27, 2001. The approval included a variance for lot comparability. This plat closely matches the approved preliminary. This request is for final plat approval to create 16 single-family lots located on 3.43 acres between Meridian Street and Luton Street approximately 190 feet north of Gatewood Avenue within the RS5 District. The proposed density of 4.66 dwelling units per acre is less than the 7.41 dwelling units per acre permitted by the RS5 zoning.

Variance – Sidewalks

A variance to Section 2-6.1 of the Subdivision Regulations is being requested by the applicant. This section requires sidewalks to be constructed on both sides of the street within subdivisions. The applicant has submitted a variance for sidewalks along Luton Street and Meridian Street. The applicant claims that both streets are conventional “ditch-section” roadways with steep, rocky terrain. Staff recommends approval of the sidewalk variance. Public Works will be constructing a sidewalk on the east side of Meridian Street as part of its sidewalk improvement program.

Variance – Lot Depth to Width Ratio

The Subdivision Regulations require that lot width shall not be less than 25% of the average lot depth. The applicant has submitted an application for a variance for lot depth to width ratio. The applicant claims that by infilling between two existing streets, the depth has already been set, and there is no need to make the lots any wider to accommodate the housing type to be constructed on the lots. Staff concurs, and recommends approval of the variance.

Public Works requested that the applicant provide a water quality concept for the preliminary, but the applicant requested that water quality be achieved off-site. The final plat does not address water quality. At the meeting of the Metro Stormwater Management Committee held on October 25, 2001, Appeal No.

2001-63 was deferred. This variance was to permit this subdivision's construction without the provision of water quality best management practices or stormwater detention. Public Works cannot approve the subdivision unless the Stormwater Committee approves the variance request. The applicant's request will be considered by the Stormwater Committee on December 6th.

Staff recommends *conditional approval* subject to variances for sidewalks and lot depth to width ratio as well as approval by the Metro Stormwater Management Committee to not require water quality or stormwater detention on this property.

No one was present to speak at the public hearing

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

Resolution No. 2001-576

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-185U-05, is **APPROVED WITH SIDEWALK VARIANCE ALONG LUTTON STREET AND THE SUBDIVISION REGULATIONS (8-0).**”

38. 2001S-311U-05
MAPLEWOOD HEIGHTS 2ND SUBDIVISION
Resubdivision of Lot 235
Map 061-10, Parcel(s) 021
Subarea 5 (1994)
District 4 (Majors)

A request for final plat approval to subdivide one lot into two lots abutting the northwest margin of Hutson Avenue, approximately 1,060 feet southwest of Virginia Avenue (.69 acres), classified within the RS15 district, requested by William H. Dorris and Robert B. Huffine, owners/developers, Burns and Associates, surveyor.

Ms. Regen stated staff recommends *conditional approval* subject to a demolition bond and variances for sidewalks, lot depth to width ratio, and lot comparability.

This request is for final plat approval to subdivide .69 acres into two lots on Hutson Avenue, between Hart Lane and Virginia Avenue. The property is zoned RS15 district. The original 1923 plat was approved with all 47 lots having 100 feet of street frontage except three lots. The lots as they are currently deeded, have been unchanged since 1959. The recorded deed describes the property as being lots 234 and 235 of Maplewood Heights. The end of the deed states “*included in the above description but specifically excluded from this conveyance is the following tract*” which then describes the southern half of lot 234. This alteration to the lot pattern was done by deed without any review or approval by the local planning authority. Due to the fact that this was done so long ago, each of these parcels would now qualify for building permits.

Sidewalk Variance

The applicant has requested a sidewalk variance along Hutson Avenue since it is a ditch-section and there are no sidewalks in the neighborhood. While the closest sidewalk is along Hart Lane, 1,300 feet to the south, this existing subdivision has none. Staff supports this variance request because of the ditch-section and no other sidewalks in the neighborhood.

Lot Comparability Variance

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 having approximately 70 feet of frontage. They both fail, however, for lot comparability since they contain .34 acres and are required to have .37 acres (69% as opposed to 75%). Staff supports this proposed lot area variance since these figures if taken purely as a mathematical comparison seem to indicate these lots would be out of character, however, the overall pattern of the area would support this proposed lot ratio more closely.

Lot Width to Depth Variance

The Subdivision Regulations provide that a lot's width should not exceed its depth by more than four times. Both lots have approximately 50 feet of frontage and a depth of approximately 300 feet, exceeding the 200 foot maximum set forth in the regulations. Staff supports a variance for lot depth to width since all of the lots along Hutson Avenue are of the same depth, as originally platted in 1923.

Demolition Bond

A demolition bond is required to remove an existing building that straddles lots 1 and 2.

Staff recommends conditional approval subject to a demolition bond and variances for lot comparability, lot depth to width ratio and sidewalks.

No one was present to speak at the public hearing.

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

Resolution No. 2001-577

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-311U-05, is **APPROVED WITH SIDEWALK VARIANCE ALONG HUTSON AVE., SECTION 2-6.1, & VARIANCES FOR LOT DEPTH TO WIDTH RATIO (SECTION 2-4.2E) AND LOT COMPARABILITY (SECTION 2-4.7) OF THE SUBDIVISION REGULATIONS (8-0)**

40. 2001S-315G-03

WILLIAM H. THOMPSON, JR. PROPERTY
Map 039, Parcel(s) Part of 165
Subarea 3 (1998)
District 1 (Gilmore)

A request for final plat approval to create one lot abutting the northeast margin of Old Hickory Boulevard, approximately 1,313 feet northwest of Whites Creek Pike (.70 acres), classified within the R15 district, requested by William H. Thompson, Jr., owner/developer, Walter Davidson and Associates, surveyor.

Ms. Regen stated staff recommends *approval* subject to a variance for sidewalks along Old Hickory Boulevard and a revised plat prior to recordation showing an 8 foot right-of-way reservation on Old Hickory Boulevard.

This request is for final plat approval for a 0.70 acre lot fronting on the northern margin of Old Hickory Boulevard, approximately 1,300 feet west of Whites Creek Pike, classified within the R15 zoning district. The plat converts a deeded parcel with a home on it into a platted lot.

Right-of-Way Dedication

Old Hickory Boulevard is classified as a S2 (Scenic Arterial) with a total functional right-of-way at 150 feet on the Major Street Plan. The current road's construction is a two-lane asphalt section with an open ditch. The present width of dedicated right-of-way is 60 feet. An additional 8 feet of right-of-way needs to be reserved and shown on a revised plat prior to recordation.

Sidewalks

The applicant has requested a sidewalk variance along Old Hickory Boulevard since it is a ditch-section, and no sidewalks exist within several miles of the property. Staff supports this sidewalk variance.

Staff recommends approval subject to a variance for sidewalks along Old Hickory Boulevard and a revised plat prior to recordation. The revised plat needs to show an 8 foot right-of-way reservation along Old Hickory Boulevard.

No one was present to speak at the public hearing.

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

Ms. Nielson question the variance and stated this is not a large development but there may eventually be development.

Ms. Regen stated there hasn't been much development in the Whites Creek area.

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

Resolution No. 2001-578

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-315G-03, is **APPROVED WITH SIDEWALK VARIANCE ALONG OLD HICKORY BLVD., SECTION 2-6.1, OF THE SUBDIVISION REGULATIONS (8-0).**”

41. 2001S-319U-03

R. ANDERSON SUBDIVISION
Map 071-14, Parcel(s) 032 & 033
Subarea 3 (1998)
District 2 (Black)

A request for final plat approval to consolidate two lots and one parcel into one lot abutting the west margin of Brick Church Pike, approximately 172 feet south of Fern Avenue (.69 acres), classified within the CS and RS5 districts, requested by Hozell Anderson, owner/developer, Land Surveying, Inc., surveyor.

Mr. Hardison stated staff recommends *conditional approval* subject to a sidewalk variance and the rezoning of parcel 52 from RS5 to CS prior to recordation.

This request was originally scheduled for the November 8, 2001 Planning Commission meeting but do to a lack of quorum the meeting was cancelled. This request is for preliminary and final plat approval to combine 0.69 acres of three existing parcels into one lot abutting the west margin of Brick Church Pike, approximately 170 feet south of Fern Avenue. Parcel 52 is zoned RS5 district and the other two properties, parcels 32 and 33 are zoned CS district.

Sidewalk Variance

The applicant has requested a sidewalk variance due to the future upgrade of Brick Church Pike. If the applicant were to construct the sidewalks at this time, when Brick Church Pike is upgraded those sidewalks would have to be removed and replaced. Staff supports the applicant's sidewalk variance request based on the future upgrade of Brick Church Pike.

Zone Change

The applicant has submitted an application to rezone parcel 52. At this time his application has been deferred indefinitely in order to consolidate the properties and not create a landlocked property between a CS district and a RS5 district. Prior to the recordation of this final plat the applicant's rezoning application

will need to be approved by the Planning Commission and Metro Council. Parcels 32 and 33 (along with parcel 31, not included in subdivision) were rezoned from RS5 to CS (Council Bill: O99-1635, Zone Change Proposal 99Z-021U) by the Council with the Planning Commission's recommendation on May 24, 1999.

Staff recommends conditional approval subject to a sidewalk variance, the rezoning of parcel 52 from RS5 to CS district.

Chairman Lawson asked why do they want to rezone the part in the back.

Mr. Hardison stated that it is owned by the same person and when mass rezoning went through in 1998 it was automatically rezoned and if it stays that way it will be land locked.

No one was present to speak at the public hearing

Ms. Nielson moved and Ms. Jones seconded the motion to approve.

Mr. Bernhardt stated the Commission could defer this to see the rezoning on the property at the same time, which is scheduled for January 10, 2002.

Ms. Nielson withdrew her motion and Ms. Jones withdrew her second.

Vice Chairman Small moved and Ms. Jones seconded the motion, which carried unanimously, to defer until January 10, 2002.

47. 2001S-334U-14

LARCHWOOD, Section 7, Resubdivision of Lots 406 and 407
Map 108-04, Parcel(s) 191 & 192
Subarea 14 (1996)
District 14 (Stanley)

A request for final plat approval to consolidate two lots into one lot abutting the northeast margin of Fitzpatrick Road, approximately 940 feet southeast of Blackwood Drive (.64 acres), classified within the RS10 district, requested by Frank Batson Quality Homes, owner/developer, C. Michael Moran, surveyor.

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

This request is for final plat approval to consolidate two lots into one lot abutting the northeast margin of Fitzpatrick Road, approximately 940 feet southeast of Blackwood Drive. The lots are also located within the RS10 district.

Sidewalk Variance

The applicant has requested a sidewalk variance along Fitzpatrick Road due to there being no sidewalks in the area. The Larchwood Subdivision was developed with no sidewalks. The nearest sidewalks are located along Elm Hill Pike. Staff supports this sidewalk variance request.

Lot Comparability

A lot comparability study was prepared to determine whether or not the proposed consolidated lot is comparable to the surrounding lots. The minimum allowable lot area for lots within this area is 9,801 square feet, and the minimum allowable frontage is 70 feet. This lot meets and exceeds both the lot area and lot frontage requirements with a lot area of 27,787 square feet and frontage of 136 feet.

Maximum Lot Size

Staff then made sure the new lot did not exceed the base zoning by more than three times, as defined in the Subdivision Regulations 2-4.2.D. The base zoning for this area is the RS10 district that calls for 10,000

square feet lots, which means that lots in this area cannot exceed 30,000 square feet. This consolidated lot at 27,787 square feet does not exceed the three times base zoning rule.

Staff recommends conditional approval subject to a sidewalk variance on Fitzpatrick Road.

No one was present to speak at the public hearing

Ms. Nielson moved and Vice Chairman Small seconded the motion to close the public hearing.

Ms. Nielson asked if this was the same situation as at the last meeting, with the driveways draining downhill.

Mr. Bernhardt stated that driveways often drain downhill, but in the other case the problem was the sidewalks draining downhill.

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

Resolution No. 2001-579

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-334U-14, is **APPROVED WITH SIDEWALK VARIANCE ALONG FITZPATRICK DRIVE, SECTION 2-6.1, OF THE SUBDIVISION REGULATIONS (8-0).**”

49. 2001S-342G-06

HARPETH CREST, Phase 2
Map 141-00, Parcel(s) Part of 045 & 046
Subarea 6 (1996)
District 35 (Lineweaver)

A request for final plat approval to create 36 lots abutting the north terminus of River Bend Road and the north terminus of Morton Mill Road (33.1 acres), classified within the RS20 district, requested by Harpeth Crest LLC, owner/developer, Daniels and Associates, Inc., surveyor.

Mr. Jones stated staff recommends *conditional approval* subject to a bond for the extension of roads, sidewalks, greenway trail, and public utilities as well the conditions listed below.

The Planning Commission approved a preliminary plat for this subdivision to create 41 single-family lots on September 13, 2001 (2001S-267G-06). The final plat for Phase 1 of this development to create 5 lots was approved by the Planning Commission on November 26, 2001. This request is for final plat approval to create 36 lots on 33 acres abutting the north terminus of River Bend Road and the north terminus of Morton Mill Road. This is a cluster lot subdivision within the RS20 district. The final plat matches the approved preliminary, and is the second and final phase of the development.

The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain under the cluster lot option. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the RS20 district may create lots equivalent in size to the RS10 district. The proposed lots range in size from just over 10,000 square feet to nearly 21,000 square feet. A typical subdivision on 33 acres and classified within the RS20 district would allow 61 dwelling units. In this case, the applicant has chosen to preserve the natural features of the property by employing the cluster lot option and is proposing only 33 lots.

Design - Streets

A mandatory referral request to abandon and relocate the public portion of Morton Mill Road on this property was approved by the Commission on October 25, 2001 (2001M-097-06). The recording of this

final plat should not be effected by BL2001-893 because Public Works has assured staff that the Official Street and Alley Map is incorrect, and this abandonment is merely a housekeeping measure.

The final plat proposes to continue Morton Mill Road and shows a temporary cul-de-sac to be extended in the future over the CSX railroad tracks at the property's northern boundary. A stub-street, Harpeth Crest Drive, is proposed from the Morton Mill Road extension to an adjacent property to the west. River Bend Road is extended from River Bend Estates, and terminates in a permanent cul-de-sac on the property.

Design – Sidewalks

The Commission approved a variance with the preliminary plat's approval to exclude sidewalks along Morton Mill Road from the property's boundary at lot 26 to the southeast corner of lot 25. The Commission approved the variance because the applicant agreed to construct an 8-foot-wide concrete greenway trail along the east side of Morton Mill Road. The applicant agreed to construct this trail to a point at which the topography will allow a transition down to the floodway. The applicant agreed to grade the transition down to the floodway, and Metro Parks will construct the trail within the transition. The Commission also approved a variance for sidewalks along River Bend Lane with final plat approval of Phase 1 on November 26, 2001. The applicant requested the variance in order to create an off-site connection to the existing Bellevue Greenway in lieu of constructing the sidewalk. Sidewalks are being shown in all other required areas on the plat.

Design – Greenway

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

The applicant will construct both the on and off-site trail sections, but the applicant is designing only the on-site trail. The Parks Department is designing the off-site trail. The bond for the construction of the greenway trail was postponed with Phase 1 in order to allow the applicant and the Parks Department to collaborate to ensure the two trail sections compliment one another. The bond for the trail construction will need to be satisfied prior to this plat's recordation.

Staff recommends conditional approval of the final plat subject to the following conditions:

1. Bond for the extension of roads, sidewalks, greenway trail, and public utilities. The Parks Department is in the process of finalizing plans for the missing off-site greenway section. When these plans are complete, Public Works will review the off-site greenway plans and the applicant's on-site greenway plans for Phase 1 and Phase 2 to insure that the grading plans allow for adequate drainage. Bonding for the Phase 1 greenway section was postponed by the Commission on November 26, 2001. Following approval by Public Works, a bond will be established for the entire greenway.
2. Signs indicating the presence of the public greenway trail must be located every 100' along the rear property lines of lots 1 and 2. Signs shall be posted prior to the first building permit with the text facing inward on the lot. The developer shall be responsible for the maintenance of all signs until the lots within the subdivision have been sold to the ultimate home purchaser.
3. The final plat shall show a crosswalk to be provided by the applicant that links the start of sidewalks on the west side of Morton Mill Road at the southeast corner of lot 25 to the proposed greenway trail on the east side of Morton Mill Road. This crosswalk shall include striping, signage, and ramps built to ADA standards. Construction drawings shall be submitted to Public Works that include the crosswalk.

4. The transition of the greenway trail from Morton Mill Road into the floodway buffer shall be graded by the developer prior to lot grading completion. The grading for the trail shall be done according to Greenway Design Standards.
5. A sign shall be installed and maintained by the developer at the temporary cul-de-sac on Morton Mill Road. The sign shall read, "Temporary Cul-de-sac, To Be Extended In The Future."

Mr. William Towel, representing his daughter Marian Lopez, spoke in opposition to the proposal and stated he does not object to development, but objects to the development eliminating access to his daughter's property. The Planning Commission previously approved a plat showing a stub out to her property. There was no discussion of the stub out and it was done at the request of Councilmember Lineweaver. She bought the property under the understanding there would be a stub out access to her property. She met with the developer and staff and no solution has been made. The developer's attorney said there could not be access.

Mr. Tom Pennington, attorney, representing developer, stated they have looked in great detail at this matter and ask the Commission grant approval with no other changes.

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

Ms. Nielson asked if this approval would create a landlocked piece of property.

Ms. Regen stated Ms. Lopez bought a landlocked piece of property and she had access through a private drive.

Mr. Clifton asked what is at stake here.

Mr. Bernhardt stated that at the preliminary approval in September there was discussion of this from Ms. Lopez and the Commission requested her meet with the developer and move the access, but it was not made a condition of preliminary plat. So staff could only make sure the final was consistent with the preliminary.

Mr. McLean asked why is this not sufficient.

Mr. Towel stated it is sufficient for her home but not if she wants to develop the property.

Vice Chairman Small stated that maybe there should be a condition of approval to make an access to Ms. Lopez's property.

Chairman Lawson stated that the only problem is that with the approval of the preliminary there were no condition for that. The developer has met all criteria we and other reviewing departments set forth when we approved his preliminary plan.

Phillip Milter, Land Mark Development, stated this change was made by request of the Harpeth Bend Homeowners Association and then it was approved. One homeowner had already established his driveway onto this road easement and we were obligated to provide access to him.

Mr. Bernhardt stated the bottom line issue is that if Ms. Lopez wants to develop her property first rather than second or third she won't have access.

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

Resolution No. 2001-580

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-342G-06, is **APPROVED WITH CONDITIONS (8-0).**”

51. 2001S-347G-04
A. E. WILLIAMS SUBDIVISION
Map 034, Parcel(s) 037
Subarea 4 (1998)
District 11 (Brown)

A request for final plat approval to subdivide one parcel into two lots abutting the southwest margin of Swinging Bridge Road and the northwest margin of Warren Drive (3.54 acres), classified within the R10 and R15 districts, requested by Tom Williams et ux, owners/developers, Bruce Rainey and Associates, surveyor.

Ms. Regen stated this request is for preliminary and final plat approval to subdivide a parcel containing 3.68 acres into two lots. The property has frontage on both Swinging Bridge Road and Warren Road near Old Hickory. Lot 1 is located on Swinging Bridge Road and has an existing home on the property that is to remain. Lot 2 is a larger lot located on Warren Drive with no existing development.

Variance - Sidewalks

The applicant has requested a sidewalk variance along both Swinging Bridge Road and Warren Road. Staff is still evaluating these two requests.

Variance - Lot Comparability

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study will be presented to the Commission at the meeting.

Variance - Maximum Lot Size

The Subdivision Regulations require that a lot not exceed three times the minimum lot size required for the zone district. In this case, the subdivision is located within the R10 and R15 zone districts. Lot 1 contains 21,344 square feet and is located entirely within the R10 district. That district requires a minimum lot size of 10,000 square feet. Lot 1 does not exceed by three times that minimum lot size. Lot 2 contains 132,858 square feet and is within both the R10 and R15 zoning districts. These two districts require 10,000 square foot and 15,000 square foot lots, respectively. Lot 2 clearly exceeds the maximum lot size required by zoning. Staff recommends approval of Lot 2 maximum lot size variance given its location adjacent to other large lots also zoned R10 and R15. This plat does not prevent the current owner or any future owner from resubdividing Lot 2 into smaller lots that comply with zoning.

Councilmember Feller Brown, representing the Williams’s estate, asked for approval.

Mr. Clifton stated that he objected to any development not having sidewalks, when it is feasible, because it may force the city to provide sidewalks in the future.

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

Resolution No. 2001-581

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-347G-04, is **APPROVED WITH SIDEWALK VARIANCES ON SWINGING BRIDGE ROAD AND WARREN**

AVENUE (SECTION 2-6.1) AND VARIANCE FOR MAXIMUM LOT SIZE (SECTION 2 -4.2D) OF THE SUBDIVISION REGULATIONS (8-0).”

PLANNED UNIT DEVELOPMENTS (revisions)

54. 157-77-G-12

Windlands Retirement Community
Map 133, Parcel(s) 117
Subarea 12 (1997)
District 26 (Arriola)

A request for a variance to Section 17.32.080 (Sign Regulations) for the Residential Planned Unit Development District located abutting the north margin of Sam Boney Drive, east of Nolensville Pike, classified RM20 (12.61 acres), to place additional wording on a wall sign adding the word "Retirement" to the existing wall sign containing 192 square feet of sign area, requested by Straight Sign Company, for Congregate Care Asset V, owner.

Ms. Regen stated staff recommends *approval*.

This request is for a variance to Section 17.32.080 (Sign Regulations) for the Residential PUD district located abutting the north margin of Sam Boney Drive, east of Nolensville Pike to permit additional wording to be added to an existing wall sign on a building. The sign on the building contains 192 square feet of signage with 4-foot tall letters reading “WINDLANDS.” The Zoning Regulations allow a maximum sign area of 32 square feet for each street a property fronts. This request is to add 120 additional square feet of sign area by adding the word “RETIREMENT” next to WINDLANDS on the side of the building. “RETIREMENT” is proposed with non-illuminated, 2-foot letters, while the existing sign is illuminated. The applicant has indicated that the purpose of adding the word “RETIREMENT” to the sign is to reduce the amount of walk-in inquires. Since these are not traditional apartment units, this will help reduce the amount of foot-traffic. The PUD was originally approved as an “elderly housing” complex.

The permit records from the Codes Department indicate that a permit was issued in the early 1980’s for the existing sign. The permit did not specify sign size nor was a variance approved to allow the existing 192 square foot sign. Staff recommends approval of this variance since this building is located approximately 820 feet from Nolensville Pike and faces a commercial corridor. Given the property’s distance from Nolensville, a larger than normal sign is necessary to identify this location. This will have minimal impact on the adjacent residential area.

This request to increase the total sign area to 312 square feet will not compromise the PUD’s integrity or the facility’s operations. Since this existing sign has been in place for nearly 20 years with little impact to the surrounding area, staff recommends approval of this PUD revision and variance. The Planning Commission’s action will be forwarded to the Board of Zoning Appeals as a recommendation.

No one was present to speak at the public hearing.

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

Resolution No. 2001-582

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 157-77-G-12 is given **APPROVAL WITH CONDITIONS AND VARIANCE FOR TOTAL SIGN AREA TO ADD THE WORD "RETIREMENT" (8-0)**: The following condition applies.

Approval of this sign variance by the Board of Zoning Appeals.”

OTHER BUSINESS

82. Urban Design Overlay District Approval Procedure

Mr. Bernhardt stated this would give staff authority to approve administratively.

84. Legislative update: none

ADDENDUM

85. MPO Contract for East Nashville Traffic Planning Study

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

Resolution No. 2001-583

“BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the MPO Contract for East Nashville Traffic Planning Study.”

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 2:10 p.m.

Chairman

Secretary

Minute Approval: this 10th day of January 2002

