

**MINUTES  
OF THE  
METROPOLITAN PLANNING COMMISSION**

Date: April 10, 2003  
Time: 4:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

James Lawson, Chairman  
Tonya Jones  
James McLean  
Ann Nielson  
Douglas Small, Vice Chairman  
Councilmember John Summers  
Joe Sweat, Mayor's Designee  
Victor Tyler

**Absent:**

Stewart Clifton  
Judy Cummings

**Staff Present:**

Kathryn Fuller, Planner II  
Ann Hammond, Assistant Executive Director/Planning  
Marcus Hardison, Planner I  
David Kleinfelter, Planning Manager II  
Robert Leeman, Planner III  
Anita McCaig, Planner II  
Preston Mitchell, Planner II  
Marty Sewell, Planner II  
Dolores Watson, Office Support Specialist II  
Cynthia Wood, Planner III  
Chris Wooton, Planning Technician I

**Others Present:**

Brook Fox, Legal Department  
Chris Koster, Mayor's Office

Chairman Lawson called the meeting to order.

**ADOPTION OF AGENDA**

Ms. Hammond announced that the minutes for the March 27, 2003, meeting are not complete, but would be ready to be approved by the Commission at its April 24, 2003, meeting, and that the agenda accordingly should be corrected to remove Item III. Ms. Hammond further announced that Item #8 on the agenda, 2003S-072G, should be corrected to read "requested by Wayne Huffines, owner/developer," not "Leonard B. Voss."

Commissioner Neilson moved and Commissioner McLean seconded the motion, which unanimously passed, to adopt the agenda, as corrected. (7-0)

**APPROVAL OF MINUTES**

Commissioner McLean moved and Commissioner Tyler seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of March 27, 2003. (7-0)

**RECOGNITION OF COUNCILMEMBERS**

**OTHER BUSINESS**

1. Executive Director reports
3. Request by Albert Bender to set a new Public Hearing to rehear PUD Proposal 62-72-G-13 and Zone Change Proposal 2003Z-030G-13, which were approved and approved with conditions at the March 13, 2003 Planning Commission meeting.

Mr. Kleinfelter stated to the Commission that Albert Bender has requested that the Commission set a new Public Hearing for PUD Proposal 62-72-G-13 and Zone Change Proposal 2003Z-030G-13. Mr. Kleinfelter stated that Rule VIII B. of the Commission's rules requires that a person requesting a rehearing state what conditions have changed or what new information is available that may serve as cause for rehearing.

Mr. Bender stated that the items were approved by the Commission on the consent agenda and he arrived at the meeting after approval of the consent agenda, so he was not able to speak on the items. Mr. Bender said he wished to speak on the proposals because of overcrowded schools in the area and a proliferation of traffic.

Mr. Lawson noted that Mr. Bender would have an opportunity to have his voice heard when the proposals are considered by the Metro Council.

The request for rehearing was not approved by the Commission because no member of the Commission made a motion for rehearing as required by Commission Rule VIII B.

7. Legislative update

#### **PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS**

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

5. 2001S-215G-14, deferred until April 24, 2003.
7. 98S-129U-10, deferred until April 24, 2003.
14. 2003M-039U-05 deferred indefinitely.
15. 2003M-040U-03, deferred until April 24, 2003.

Ms. Nielson moved and Mr. Sweat seconded the motion, which unanimously passed, to close the public hearing and defer the items listed above. (7-0)

#### **PUBLIC HEARING: ADOPTION OF CONSENT AGENDA**

Ms. Nielson moved and Mr. Tyler seconded the motion, which unanimously carried, to close the public hearing and approve the following items on the consent agenda: (7-0)

#### **OTHER BUSINESS**

2. Amendment to the Contract between Metro and the City of Murfreesboro and Rutherford County and Fischbach Transportation Group for the Preparation of a City of Murfreesboro Major Thoroughfare Plan and Rutherford County Major Thoroughfare Plan

#### **Resolution No. 2003-126**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the Amendment to the Contract Between Metro and The City of Murfreesboro and Rutherford County and Fischbach Transportation Group for the Preparation of a City of Murfreesboro Major Thoroughfare Plan and Rutherford County Major Thoroughfare Plan.”

- MPO contract with Walkable Communities, Inc. to provide workshop, presentations, and other services to the MPO

**Resolution No. 2003-127**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the MPO contract with Walkable Communities, Inc. to provide workshop, presentations, and other services to the MPO.”

- Recommended Capital Improvements Budget for 2003-04 to 2008-09

**Resolution No. 2003-128**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the recommended Capital Improvements Budget for 2003-04 to 2008-09.”

- Employee contract for Preston Mitchell

**Resolution No. 2003-129**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** employee contract for Preston Mitchell for two years.”

**WORK PROGRAM FOR BELLEVUE COMMUNITY PLAN: 2003 UPDATE FOLLOW-UP ITEMS**

**Resolution No. 2003-130**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the Work Program for Bellevue Community Plan: 2003 Update Follow-up Items.”

**PUBLIC HEARING ZONING MAP AMENDMENTS**

- 2003Z-042U-05**  
Map 60, Portion of Parcel 77  
Map 60-11A, Portion of Parcel 81  
Subarea 5 (1994)  
District 4 (Majors)

A request to change from CS district to RS7.5 district a portion of property at 2900 Dickerson Road and Pine Ridge Drive (unnumbered), at the intersection of Pine Ridge Drive and Dickerson Pike, (0.69 acres), requested by Charlesetta Buchanan, (owner of parcel 77), and Planning Department on behalf of the Pine Ridge Homeowner’s Association.

**Staff Recommendation** - Approve

**APPLICANT REQUEST**

Rezone 0.69 acres from Commercial Service (CS) to Residential Single-Family (RS7.5) at 2900 Dickerson Pike and Pine Ridge Drive (unnumbered).

**Existing Zoning**

CS zoning - CS zoning is intended for a wide range of commercial service related uses, including low-intensity manufacturing, retail, and office uses.

**Proposed Zoning**

RS7.5 zoning - RS7.5 zoning is intended for single-family dwellings on 7,500 sq. ft. lots.





**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST**

Preliminary PUD       Revised Preliminary       Revised Preliminary & Final PUD  
 Final PUD       Amend PUD       Cancel PUD

This request is for final approval to permit 146 condominiums. This plan matches the revised preliminary approved by the Planning Commission on January 23, 2003, which replaced 224 multi-family apartments.

**Existing Zoning**

RM15/Residential PUD - The property is currently zoned RM15 with a Residential PUD overlay. The RM15 zone district allows a density of 15 units per acre. This plan has a density of 8.16 units per acre. The underlying RM15 base zoning permits the proposed use.

**PLAN DETAILS**

Prior to January 2003, the last revision of this portion of the PUD was approved September 27, 1984. That plan called for 224 multi-family units. It also included a pool, clubhouse and tennis courts, which are no longer included on the plan. The existing phase 1 includes a separate amenity area.

**Traffic Engineer’s Findings**

Approval with conditions, including the following:

1. The applicant needs to demonstrate that there is adequate site distance at the entrance to the project on the private drive south of Lincoya Bay Drive.
2. The applicant will be responsible for a left turn lane into the project entrance on the private drive south of Lincoya Bay Drive.

**CONDITIONS**

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
6. Prior to the issuance of any Use and Occupancy permits, the applicant needs to demonstrate that there is adequate site distance at the entrance to the project on the private drive south of Lincoya Bay Drive.
7. Prior to the issuance of any Use and Occupancy permits, a left turn lane into the project entrance on the private drive south of Lincoya Bay Drive must be constructed by the developer of this phase.

**Resolution No. 2003-133**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 122-74-G-14 is **APPROVED WITH CONDITIONS (7-0)**. The following conditions:

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.

2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
6. Prior to the issuance of any Use and Occupancy permits, the applicant needs to demonstrate that there is adequate site distance at the entrance to the project on the private drive south of Lincoya Bay Drive.
7. Prior to the issuance of any Use and Occupancy permits, a left turn lane into the project entrance on the private drive south of Lincoya Bay Drive must be constructed by the developer of this phase."

**10. 206-84-G-13**  
 Chelsea Village  
 Map 149, Parcel 378  
 Subarea 13 (1996)  
 District 28 (Alexander)

A request for a revision to a portion of the preliminary plan of the Residential Planned Unit Development located abutting the northwest corner of Edge-O-Lake Drive and Cover Glen Drive, classified R15, (2.60 acres), to permit the development of 12 single-family lots, requested by Dale and Associates, for Chelsea Development Corporation, owner.

**Staff Recommendation** - *Approve with Conditions*

**APPLICANT REQUEST**

Preliminary PUD       Revised Preliminary       Revised Preliminary & Final PUD  
 Final PUD       Amend PUD       Cancel PUD

Revise the preliminary master plan for a phase (Phase 6, Section 2) of the Chelsea Village Residential PUD to permit the development of 12 single-family lots along Edge-O-Lake Drive and Dover Glen Drive.

**PLAN DETAILS**

This proposal reduces the approved number of lots for this section from 13 to 12. The Metro Council originally approved the PUD plan in 1984 for 237 single-family lots. It was revised in 1987 to allow for the 13 lots along Edge-O-Lake Drive and Dover Glen Drive.

Proposed lots will range in size from 6,176 sq. ft. to 13,535 sq. ft. Sidewalks are proposed along the front of all lots on both streets.

Five of the single-family lots are designated as critical lots due to steep topography – which requires individual review and approval of the grading plans for each lot by the Stormwater Division of the Water Services Department, Public Works Department, as well as Planning Department staff.

**Existing Zoning**

R15 Zoning/Residential PUD - The R15 district is intended for single and two-family residential development, requiring minimum lot sizes of 15,000 sq. ft.

**Traffic Engineers Finding's**

Approve

**CONDITIONS**

1. A final plat needs to be recorded prior to the issuance of any building permits.
2. 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.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
5. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission. The following revisions are required on this plan:
  - a. The zone district needs to be revised to reflect the R15 zone district.

**Resolution No. 2003-134**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 206-84-G-13 is **APPROVED WITH CONDITIONS (7-0)** The following conditions:

1. A final plat needs to be recorded prior to the issuance of any building permits.
2. 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.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
5. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission. The following revisions are required on this plan:
  - a. The zone district needs to be revised to reflect the R15 zone district.”

**MANDATORY REFERRALS**

11. **2003M-029U-10**  
 Vanderbilt Place Storm & Water Line Relocation  
 Map 104-2, Parcels 377, 381-385, 387-390,  
 392-395, and 411  
 Map 104-3, Parcels 17-20, 26, 240, 246, 247,  
 and 249-251  
 Subarea 10 (1994)  
 District 18 (Hausser)

A request to relocate a 54-inch stormwater line and a 18-inch water line for Project No. 02-SC-124, located on Vanderbilt Place at 29th Avenue, as requested by the Department of Water & Sewerage Services.

**Staff Recommendation**     *Approve*

**APPLICANT REQUEST**

A request to relocate a 54-inch stormwater line and a 18-inch water line for Project No. 02-SC-124, located on Vanderbilt Place at 29th Avenue, as requested by the Department of Water & Sewerage Services.

**APPLICATION REQUIREMENTS** - None

**DEPARTMENT AND AGENCY REQUIREMENTS** - None

**RECOMMENDATION**

All reviewing departments or agencies recommend approval.

**Resolution No. 2003-135**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-029U-10 is **APPROVED (7-0)**:"

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- 12. **2003M-037U-10**  
 Capers Avenue Street Renaming  
 Map 104-7, Various Parcels  
 Map 104-8, Various Parcels  
 Subarea 10 (1994)  
 District 18 (Hausser)

A request to rename a 200-foot section of Capers Avenue in conjunction with an optional renaming of the remainder of Capers Avenue, of which the remaining portion of Capers Avenue to Natchez Trace is a private street, to "Children's Way", as requested by Vanderbilt University.

**Staff Recommendation** - *Approve*

**APPLICANT REQUEST**

A request to rename a 200-foot section of Capers Avenue in conjunction with an optional renaming of the private portion of Capers Avenue to 'Children's Way'. The remaining portion of Capers Avenue to Natchez Trace is a private street. Requested by Vanderbilt University.

**APPLICATION REQUIREMENTS**

*Application properly completed and signed? Yes*

**DEPARTMENT AND AGENCY COMMENTS**

The applicant is proposing to rename the private portion of Capers Avenue to Children's Way and must request that the 200-foot public portion be renamed as well. The public portion of Capers Avenue extends west from 21<sup>st</sup> Avenue South.

All reviewing agencies recommend approval.

**Resolution No. 2003-136**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2003M-037U-10 is **APPROVED (7-0)**:"

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13. **2003M-038U-09**  
410 2<sup>nd</sup> Avenue South (May Property)  
Sewer Easement Abandon & Relocation  
Map 93-11, Parcel 12  
Subarea 9 (1997)  
District 19 (Wallace)

A request for sewer easement abandonment and relocation for Project No. 02-SL-188, the Frank May property, as requested by the Metro Department of Water & Sewerage Services.

**Staff Recommendation** - *Approve*

**APPLICANT REQUEST**

A request for sewer easement abandonment and relocation for Project No. 02-SL-188, the Frank May property, as requested by the Metro Department of Water & Sewerage Services.

**APPLICATION REQUIREMENTS** - None

**DEPARTMENT AND AGENCY COMMENTS** - None

**RECOMMENDATION**

All reviewing departments or agencies recommend approval.

**Resolution No. 2003-137**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-038U-09 is **APPROVED (7-0)**:"

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16. **2003M-042U-10**  
121 12<sup>th</sup> Avenue South Property Lease  
Map 105-5, Parcel 47  
Subarea 10 (1994)  
District 17 (Greer)

An Ordinance approving a lease agreement between The Metropolitan Government of Nashville and Davidson County and J.D. Eatherly Properties for property located at 1121 12th Avenue South for office space for the Metropolitan Nashville Police Department for continued use as the Police Alert Center, for a term retroactive to Council approval and beginning on December 1, 2002 and ending on December 3, 2007, as requested by the Metro Department of Finance and Metro Public Property Administration.

**Staff Recommendation** *Approve*

**APPLICANT REQUEST**

An Ordinance approving a lease agreement between The Metropolitan Government of Nashville and Davidson County and J.D. Eatherly Properties for property located at 1121 12th Avenue South for office space for the Metropolitan Nashville Police Department for continued use as the Police Alert Center, for a term retroactive to Council approval and beginning on December 1, 2002 and ending on December 3, 2007, as requested by the Metro Department of Finance and Metro Public Property Administration.

**APPLICATION REQUIREMENTS** - None

**DEPARTMENT AND AGENCY COMMENTS** - None

**RECOMMENDATION**

All reviewing departments or agencies recommend approval.

**Resolution No. 2003-138**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-042U-10 is **APPROVED (7-0)**:"

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This concluded the items on the consent agenda.

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**PUBLIC HEARING ZONING MAP AMENDMENTS**

- 1. 2002Z-095G-12**  
Map 182, Portion of Parcel 27  
Subarea 12 (1997)  
District 31 (Knoch)

A request to change from AR2a district to RS10 district a portion of property at Route 1 Cane Ridge Road, abutting the west margin of Cane Ridge Road, ( 30.0 acres), requested by Roy Dale of Dale & Associates, appellant, for Sally H. Wingler, owner.

Mr. Hardison stated that staff recommends approval with conditions.

**Staff Recommendation**

Approve with conditions. The council bill should be amended to include the conditions listed below.

**APPLICANT REQUEST**

Rezone 30 acres from Agricultural/Residential (AR2a) to Residential (RS10) at Route 1 Cane Ridge Road.

**Existing Zoning**

AR2a zoning - AR2a zoning is intended for agricultural uses and residential uses requiring 2 acres per lot.

**Proposed Zoning**

RS10 zoning - RS10 is intended for single-family homes at 3.7 units per acre.

**SUBAREA AREA 12 PLAN POLICY**

Residential Low Medium (RLM) - RLM policy is intended for 2 to 4 dwelling units per acre.

**Policy Conflict** - None. RS10 district allows 3.7 units per acre, while the RLM policy calls for 2 to 4 units per acre. The RS10 district is consistent with the Subarea 12 Plan’s RLM policy.

**RECENT REZONINGS**

Yes. MPC recommended approval with conditions on 8/22/02 (2002Z-075G-12) rezoning parcels 1, 2, and 192 from AR2a to RS10 and RM15, approximately one and one-half miles to the north along Preston Road.

**TRAFFIC**

The proposed zone change would permit a total of 111 single-family lots. This number of lots would create approximately 1,062 vehicle trips per day (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic. The original request for this rezoning had access to Cane Ridge Road. Since this amended request will not have access to Cane Ridge Road no improvements will be required on Cane Ridge Road.

**Traffic Engineer’s Findings**

The Metro Traffic Engineer has indicated that no traffic impact study is necessary with this rezoning. A traffic impact study will be required prior to the approval of any subdivision plat on the property.

**SCHOOLS**

Students Generated     22 Elementary     15 Middle     13 High School



**Schools Over/Under Capacity** - If the property were developed under the proposed rezoning, 40 students would be generated. Students would attend Maxwell Elementary School, Antioch Middle School, and Antioch High School. Maxwell Elementary, Antioch Middle, and Antioch High have been identified as being overcrowded by the Metro School Board.

**CONDITIONS**

1. A detailed traffic impact study will be required with the submission of a subdivision plat to the Metro Planning Commission. The scope of the TIS is to be determined by the Metro Planning Department and the Public Works Department.

Roy Dale was present to answer questions.

Mr. Small asked where access to the property would be provided.

Mr. Hardison stated that a Traffic Impact Study would be required prior to the approval of any subdivision plat on the property.

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

**Resolution No. 2003-139**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-095G-12 is **APPROVED (7-0) with conditions:**

**The proposed RS10 is consistent with the Subarea 12 Plan’s Residential Low Medium (RLM) policy calling for residential development at 2 to 4 dwelling units per acre. A detailed traffic impact study (TIS) will be required with the submittal of a subdivision plat to the Metro Planning Commission. The scope of the TIS is to be determined by the Metro Planning Department and the Public Works Department.”**

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4. **2003Z-044G-04**  
Map 43-11, Parcels 141, 142, 143 and 144  
Subarea 4 (1998)  
District 9 (Dillard)

A request to change from RS7.5 and CL districts to CS district properties at 100, 102, 106, and 108 Myatt Drive, at the intersection of Myatt Drive and State Highway 45, (0.85 acres), requested by Kenneth Larry and Nadine Frances Johnson, owners.

Mr. Hardison stated that staff recommended disapproval.

**Staff Recommendation - Disapprove**

**APPLICANT REQUEST**

Rezoned 0.85 acres from Residential (R10) to Commercial Limited (CL) at 100, 102, 106, and 108 Myatt Drive.

**Existing Zoning**

RS7.5 zoning - RS7.5 zoning is intended for single-family dwellings at 4.94 dwelling units per acre.

**Proposed Zoning**

CS zoning - CS zoning is intended for a wide range of commercial service related uses, including low-intensity manufacturing, retail, auto-repair, auto sales, mini-storage warehouse, and office uses.

**SUBAREA 4 PLAN POLICY**

Residential Medium (RM) - RM policy calls for residential development at four to nine dwelling units per acre.

**Policy Conflict - Yes.** The Subarea 4 Plan designates this area within the Residential Medium (RM) policy calling for four to nine dwelling units per acre. Three of the parcels within this request are currently zoned CL which is not consistent with the RM policy. Rezoning these properties to CS will intensify the existing commercial activities in this stable residential area, and will allow commercial uses to encroach further into the residential neighborhood.

The Subarea 4 Plan has specific language concerning this portion of Myatt Drive:

*“Intermingled with the duplexes are vacant lots and single-family homes, both of which represent opportunities for additional infilling with duplexes. Heavy truck traffic traveling south to State Route 45 has a negative impact on the homes fronting on Myatt Drive.”*

Staff recommends disapproval of the CS zoning since the rezoning will only increase the potential for heavy amounts of commercial traffic on this residential street.

### **RECENT REZONINGS**

The Planning Commission recommended disapproval on 1/9/97 (97Z-005U-04) rezoning parcels 142 – 144 from R8 to CS. Council amended the request to CL and approved on 8/25/99 (BL97-660).

### **TRAFFIC**

Based on typical uses in CS district approximately 160 to 5,092 vehicle trips per day. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996) Other uses at different densities could generate more or less traffic.

### **Traffic Engineer’s Findings**

No exception taken

Mr. Ken Johnson, owner of the property, spoke in favor of the rezoning application. Mr. Johnson stated that the neighboring owners did not object to the application.

Mr. Small stated that the requested zoning is not consistent with the subarea plan’s residential policy for this area.

Ms. Neilson moved and Mr. Small seconded the motion, which carried unanimously, to close the public hearing and approve the staff recommendation.

### **Resolution No. 2003-140**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2003Z-044G-04 is **DISAPPROVED (7-0)**:

**The proposed CS district is not consistent with the Subarea 4 Plan’s Residential Medium (RM) policy calling for residential development at 4 to 9 dwelling units per acre. Although three of the four parcels in the application are already zoned CL, rezoning these properties to CS will intensify the existing commercial activities in this stable residential area, and will allow commercial uses to encroach further into the residential neighborhood.”**

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### **PRELIMINARY SUBDIVISION PLATS**

6. **2003S-067U-12**  
Ackerman Subdivision  
Map 147-12, Parcel 105  
Map 148-9, Parcel 148  
Subarea 12 (1997)  
District 26 (Arriola)

A request for preliminary plat approval for three lots abutting the west margin of Faulkner Drive, approximately 915 feet north of Haywood Lane, (.71 acres), classified RS10 district, requested by Jeff Faulkner, owner/developer, MEC, Inc., surveyor.

Ms. Fuller stated that the staff recommends approval with conditions, including a variance for lot comparability, but disapproval of the request for a sidewalk variance.

**Staff Recommendation** - Approve with conditions

**APPLICANT REQUEST**

Preliminary Plat     Preliminary & Final Plat     Final Plat

Create 3 lots on part of a parcel, located on the west margin of Faulkner Drive, with a sidewalk variance.

**ZONING**

RS10 Zoning - RS10 district requires a minimum lot size of 10,000 square feet.

**SUBDIVISION DETAILS**

All 3 lots pass the comparability test for minimum lot size.

**SUBDIVISION VARIANCES**

Lot Comparability (Sec. 2-4.7)

The lot comparability study for the proposed subdivision finds that lots 2 and 3 fail the minimum lot frontage requirement by approximately 2 feet. The minimum allowable lot frontage is 51.52 feet. The frontage of lot 2 is 50.18 feet and the frontage of lot 3 is 50 feet.

**Staff Recommendation**

Approve the lot comparability variance. Although the lots fail the technical comparability test, there are several lots directly to the south on Faulkner Drive that are comparable to the proposed lots.

**Sidewalks (Sec. 2-6.1)**

The Subdivision Regulations require a 5-foot wide public sidewalk and a 4-foot wide grass strip along the frontage of the residential properties for a length of approximately 155 feet. A sidewalk variance is requested for all three lots.

**Metro Public Works Findings**

The existing pavement is approximately 23 feet with a 5-foot shoulder. There is an existing extruded curb. No widening or addition of a curb and gutter is required. It is recommended that the existing extruded curb remain for compatibility with the rest of the neighborhood.

**Staff Recommendation**

Disapprove the sidewalk variance. Sidewalks are buildable with some roadside grading.

**Public Works Recommendation**

No exception taken

Staff recommends approval subject to the following conditions:

1. A revised preliminary plat must be submitted by April 24, 2003, showing the required sidewalks.
2. Prior to the recording of the final plat, a bond must be posted for the construction of the sidewalks.
3. Prior to the recording of the final plat, the balance of the parcel 105 must be deeded to the Kimbro property to the west (parcel 29).

Mr. Jeff Faulkner, owner, spoke in favor of the subdivision application.

Mr. Melvin Hargis, a resident of Faulkner Drive, asked whether the proposal would “landlock” parcel 138.

Ms. Fuller stated that parcel 138 is not part of this request.



All 3 lots pass the comparability test for minimum lot size.

### **SUBDIVISION VARIANCES**

#### **Lot Comparability (Sec. 2-4.7)**

The lot comparability study for the proposed subdivision finds that all three lots fail the minimum allowable lot frontage. The minimum allowable lot frontage is 68.72. The frontage of lots 1 and 2 is 56 feet and the frontage of lot 3 is 56 feet.

#### **Staff Recommendation**

Approve the variance for frontage. The lots are slightly pie shaped with a rear property line of approximately 70 feet.

#### **Sidewalks (Sec. 2-6.1)**

The Subdivision Regulations require a 5-foot wide public sidewalk and a 4-foot wide grass strip along the frontage of the residential properties for a length of approximately 170 feet. A sidewalk variance requested for all three lots.

#### **Metro Public Works Findings**

Fowler Street can support construction of standard sidewalk and curb with gutter. However, the 19-foot pavement width should be widened by 2 feet on either side, for a standard local road width of 23 feet.

Widening the road and building a sidewalk probably would not require relocation of the utility pole, which is nine feet away from the existing pavement. The pole should remain inside the grass strip. Construction of curb and gutter on this side would require an additional 1 ½ feet, and would ensure the pole remained in the grass strip.

There is an existing sidewalk, built to the curb, on the other side of the adjacent vacant commercial property to the south.

#### **Staff Recommendation**

Disapprove the request for a sidewalk variance. Fowler Street will need to be widened by 2-feet along the frontage of the three lots in addition to the construction of the curb, gutter and sidewalks.

### **CONDITIONS**

1. A revised preliminary plat shall be submitted by April 24, 2003 showing the required sidewalks.
2. Sidewalk construction plans will need to be submitted to the Department of Public Works for a sidewalk bond estimate.
3. Bonds will need to be posted for the construction of sidewalks and the demolition of the existing garage prior to the recording of the final plat.
4. Verification from Old Hickory Utility District must be obtained that the utility district is in agreement with the existing garage encroachment over the water line.

Ms. Faye Huffine, owner of the property spoke in favor of the proposal.

Mr. Ricky Jones, 1111 Fowler Street, asked where a duplex was proposed on the property.

Mr. John Sullivan asked what would be allowed on the new lot that would be created by the subdivision.

Councilmember Brown stated that the lots created by the subdivision would not be comparable to the other lots on Fowler Street.

Mr. Sweat asked what frontage was required by the comparability test in the regulations. Ms. Fuller answered that the test required 68 feet of frontage and the lots proposed had a frontage of 56 feet.

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

Mr. Summers asked whether there is a limit to the variance that can be granted for a lot size and lot frontage comparability.

Mr. Lawson asked planning staff to look at the lot comparability study process and to make a proposal to the Commission on how lot comparability variances should be treated.

Mr. Summers said he would not have a problem with five to ten percent variances for lot comparability, but when it gets up to twenty percent, the resulting lot will be different that what's already in the area.

Ms. Jones asked what the frontage is on the currently existing two lots.

Mr. Sweat moved to disapprove the subdivision application, which motion was seconded by Mr. Summers. The motion to disapprove carried by a vote of 5-3.

**Resolution No. 2003-142**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No.2003S-072G-14, is **DISAPPROVED (5-3)**.”

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**ADJOURNMENT**

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:10 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Minute approval this \_\_\_\_ day of May, 2003

