



**Kingston Springs Regional Planning Commission  
Meeting Agenda  
11 January 2024**

*Submittal Deadline Date: 11 December, 2023*

The meeting was called to order by \_\_\_\_\_ at \_\_\_\_\_ pm.

**1. Roll Call of Voting Members:**

- Keith Allgood \_\_\_\_\_
- Tony Thompson \_\_\_\_\_
- Tony Gross \_\_\_\_\_
- Mike Hargis \_\_\_\_\_
- Lauren Hill \_\_\_\_\_
- Mike Patenaude \_\_\_\_\_
- Craig Kitch \_\_\_\_\_
- Marie Spafford \_\_\_\_\_
- Bob Stohler \_\_\_\_\_

**2. Non-Voting Staff:**

- Sharon Armstrong, Planner \_\_\_\_\_
- Peter Chimera, P.E. \_\_\_\_\_ (Attends at Request of Planning Commission)

**3. Ex Officio Attendance:**

- John Lawless, City Manager \_\_\_\_\_
- Attorney \_\_\_\_\_ (Attends at request of Planning Commission)

**4. Declaration of Quorum by Chairperson.**

**5. Motion to approve 9 November, 2023, Planning Commission meeting minutes.**

**6. Motion to approve 11 January, 2024 Planning Commission meeting agenda.**

**7. Community Input**

Public Comments shall be:

- a. limited to three (3) minutes for all regular agenda items and items removed from the Agenda and an overall time limit for all comments on an agenda item to ten (10) minutes unless extended by vote of a majority of the Planning Commission

b. The Chairman shall limit comments to the Agenda items, to relevant comments and shall restrict comments that are disruptive in nature.

**8. Declaration of Conflict(s)**

In the event that any member shall have a personal interest of any kind in a matter then before the Kingston Springs Municipal-Regional Planning Commission, she/he shall disclose his/her interest. Conflict of Interest is defined in the Kingston Springs Municipal Code Title 1, Chapter 4, Section 1-402 through Section 1-404.

**9. Administrative Business: Election of Planning Commission Officers**

**10. Old Business**

A. **Ellersly PUD – W. Kingston Springs Rd – Stop Work Order, Development Meeting, Next Steps, Revised Grading and Site Plan**

B. **The Golf Club of DBI, South Harpeth Rd. – Inspections, Soil and Erosion Reports**

C. **The Golf Club of TN, 1000 Golf Club Dr. –**

a. **Maintenance Facility Revision – Update on Maintenance Facility Proposed Site Plan**

b. **Road improvements to South Harpeth Rd. From the GCTN Maintenance Facility to CC Rd.**

**11. New Business**

A. **Plat Revision, Bluffs of the Harpeth, Phase II, Lot 4**

**12. Other (For Discussion Only).**

a. **Discussion of Sidewalks from the Ellersly PUD to Downtown Kingston Springs**

b. **Discussion of revision to the Zoning Ordinance, Article 3.100 Accessory Uses**

c. **Concept Review – 120 Petro Rd., Realtor Inquiry Warehouse and Printing Company Location, Property is Zoned C-2 Highway Commercial District. Project would require rezoning to I-1 Light Industrial Use**

**13. Motion to Adjourn.**

**The meeting was adjourned by \_\_\_\_\_ at \_\_\_\_\_ pm**

\_\_\_\_\_  
**Mike Patenaude**  
**Planning Commission Chair**

\_\_\_\_\_  
**Jamie Dupré**  
**City Recorder**



**Kingston Springs Regional Planning Commission  
Meeting Minutes  
November 9, 2023**

*Submittal Deadline Date: 13, October, 2023*

The meeting was called to order by Chair Patenaude at 7:00 pm.

**1. Roll Call of Voting Members:**

Keith Allgood	Present
Tony Thompson	Present
Tony Gross	Present
Mike Hargis	Present
Lauren Hill	Present
Mike Patenaude	Present
Craig Kitch	Present
Marie Spafford	Present
Bob Stohler	Absent

**2. Non-Voting Staff:**

Sharon Armstrong, Planner	Present
Peter Chimera, P.E.	Present

**3. Ex Officio Attendance:**

John Lawless, City Manager	Absent
Tim Potter, Attorney	Absent (Attends at request of Planning Commission)
Jamie Dupré, City Recorder	Present

**4. Declaration of Quorum by Chairperson.**

Chair Pattenaude declared a quorum.

**5. Motion to approve October 12, 2023, Planning Commission meeting minutes.**

Motion to approve October 12, 2023, Planning Commission meeting minutes made by Mike Hargis, with a second by Lauren Hill. Motion passed.

**6. Motion to approve November 9, 2023, Planning Commission meeting agenda.**

Motion to approve November 9, 2023, Planning Commission meeting agenda made by Lauren Hill, with a second by Mike Hargis. Motion passed.

**7. Community Input**

Public Comments shall be:

- a. Limited to three (3) minutes for all regular agenda items and items removed from the agenda and an overall time limit for all comments on an agenda item to ten (10) minutes unless extended by vote of a majority of the Planning Commission
- b. The Chairman shall limit comments to the agenda items, to relevant comments and shall restrict comments that are disruptive in nature.

Catherine Downs, East Kingston Springs Road. She needs access to her easement from Mr. McPherson. It is blocked by piles of dirt.

Craig Kitch motioned to amend the agenda to add item 10.C. Temporary Partial Lift of Stop Work Order at 129 E. Kingston Springs Road to clear the easement, with a second from Lauren Hill. Motion passed.

**8. Declaration of Conflict(s)**

In the event that any member shall have a personal interest of any kind in a matter then before the Kingston Springs Municipal-Regional Planning Commission, she/he shall disclose his/her interest. Conflict of Interest is defined in the Kingston Springs Municipal Code Title 1, Chapter 4, Section 1-402 through Section 1-404.

City Engineer Peter Chimera disclosed that his company is involved with environmental studies and intake work at the Golf Course, but he has not had any direct involvement with their permit for Kingston Springs.

**9. Old Business**

**A. Ellersly PUD – W. Kingston Springs Rd – Stop Work Order, Revised Plans, PUD Agreement Update.**

City Planner Armstrong said there have been several exchanges of comments and there needs to be a discussion with the developer. Plans were submitted yesterday. Staff is comfortable in the process. The development is still under a Stop Work Order. They recommend approval of plan set submitted, but need improvements to culvert, because when it rains the water flows over the road. Staff recommends the Planning Commission approve with three conditions of approval. Armstrong said she is uncomfortable with nothing being done with the rainy season coming up. This creates hardship on the residents. There are three options:

- Option 1: Conditional approval:
  - 811 calls are made throughout construction.

- Pipe under West Kingston Springs Road and other storm water improvements as necessary be upsized for 25-year storm. Lauren Hill asked about the current culvert. It is an existing old metal pipe under the road for 10-year storm. It currently floods the road. It needs a bigger pipe and fixing ditch so it drains water better so that water doesn't top the road.
- Excavation plans would be approved by Second South Cheatham Utility District and Town of Kingston Springs Sewer Department.
- Finalized Plans will be approved by City Planner and City Engineer prior to final approval by Planning Commission.
- Option 2: Lift Stop Work Order for purposes of addressing existing conditions on site, excavation of utilities to establish separation, and to allow improvements to be made to remedy the drainage issues present on West Kingston Springs Road, conditional upon City Planner and City Engineer approval of a plan showing the proposed improvements to the sewer. This is more restrictive, allowing them to fix some issues before we get into the rainy part of winter.
- Option 3: Disapprove and leave Stop Work Order.

Option 2 will correct ongoing drainage issues on site. Option 1 will require approval of plan with staff approval. Armstrong stated that there is an electrical conduit crossing the water and sewer lines. Final Plan set will come back to Planning Commission for approval. Conditions exist with either option. Option 1 will lift the Stop Work Order and they can work at top and bottom of site. Option 2 will lift the Stop Work Order and they can work at bottom of site. Lauren Hill asked if we were complicating things or impeding the process. Option 1 gives approval to staff (conditional approval); Planning Commission is approving after the fact. Mike Hargis asked if there were advantages to Option 1. It allows them to address top and bottom areas at the same time. Disadvantage is the staff has to make sure focus is on the road and the issues affecting residents. Basically, it gives approval with conditions and Planning Commission approves on the backside. Peter Chimera said there is no approved plan for the detention pond. By lifting the Stop Work Order, you can't allow them to work on it because there is no approved plan. Mike Hargis motioned to approve option 1, with a second from Tony Gross. Motion passed. Stop Work Order will be lifted on Monday.

**B. The Golf Club of DBI, South Harpeth Rd. – Inspections, Soil and Erosion Reports.**

Armstrong reported there has been damage to the road, damage to Dorris property, storm erosion.

**C. The Golf Club of TN, 1000 Golf Club Dr. – Off Season Improvements Plan Revised Submission**

a. **Off Season Improvements Plan Revised Submission – Engineering Comments**

Addressed satisfactorily. Mike Hargis motioned to approve the plan set with a second from Craig Kitch. Motion passed.

b. **Maintenance Facility Revision – Late Submission of Comments 3 November 2023, Revisions**

Received late. There is still work to do on the maintenance agreement. Motion to withdraw from tonight's meeting and resubmit at a later date when issues have been resolved made by Craig Kitch with a second from Mike Hargis. Motion passed.

c. **Road improvements to South Harpeth Rd. from the GCTN Maintenance Facility to CC Rd.**

Discussion only. Armstrong said the bridge is now open. There has been a substantial amount of damage to the road. We need to look at the city's portion of the road. There is rutting around the road surface due to trucks. We are in preliminary stages of observing what is occurring, but there will need to be multiple discussions by the Planning Commission. Craig Kitch commented that the road is in horrible shape.

## **10. New Business**

### **A. Concept Review – John Tarver**

Sharon Armstrong said this property is the Garrison property located behind Sunoco. It is zoned C2 Commercial and has a PUD overlay to preserve the commercial zone. It consists of 21 acres combining 2 parcels. It is not zoned residential. The densest residential zoning district we have is R3, which allows 3.6 units per acre. This would require a denser residential zoning district. Craig Kitch asked how many units would be allowed. Under R3 it would allow 76 units. It would require a traffic study, and everything required in subdivision regulations. The property would have to attach to West Kingston Springs Road, with a minimum 50-foot easement to the road through the Crouch property and the Steward property. It cannot attach to Luyben Hills Road.

John Tarver introduced himself and his father Mark Tarver. They are proposing 121 single-family for-rent development, with a variety of sizes and floor plans, managed by a property management company. It would create two commercial lots on Mr. Steward's property. Easement would be through Mr. Crouch and Mr. Steward's properties. Mr. Steward was present and was asked if he planned to convey ownership of his commercial lot. He said it was not his intent to convey ownership. He was then asked if it was his intent to provide easement, and he said yes. Mr. Tarver stated that they have had a preliminary conversation with Mr. Crouch. It is Mr. Crouch's intent to grant easement through his property, provided Mr. Steward grants easement through his property. Lauren Hill inquired about Welch Road (in the old mobile home park). Armstrong stated it is not a city road. It is gravel and not recognized as a private road. It has no legal status. Mike Patenaude asked if there were a path forward to use Welch Road. Tony Thompson asked if the developers could buy it and develop the road. Armstrong said they would need to acquire permission from property owner to develop a city street. The proximity to interstate on ramp is going to present an enormous challenge.

Craig Kitch had questions regarding traffic. Are there any other options for egress? Tarver said a traffic study will have to be done on W. Kingston Springs Road. He said they think W. Kingston Spring Road is the best entrance into the property. This would

allow some sort of commercial aspect to the development. Kitch said traffic is a nightmare, and asked if there was a turning lane. The center lane is the turn lane right now. Armstrong said that mornings are pretty busy on W. Kingston Springs Road. A dedicated turning lane would alleviate some of it. She said the sidewalks prevent widening of Luyben Hills. She said the primary concern is safety. A wreck on the Interstate adds traffic to the area. A secondary issue is there are very few viable commercial lots in this town.

John Tarver said they plan to have one lot with 121 units. He said the R3+ zoning allows for multi-family project at 14 units per acre. This falls below that 14 units per acre threshold. They do not plan to subdivide into individual lots. He thought that might be something they could discuss. Armstrong said density is defined by type of development. R3 is the densest development we have, which is 3.6 units per acre. That can't be changed without altering the ordinance. Armstrong has calculated the density to 76 units for single family. Multifamily will provide more density. Tarver said the project was somewhere between single family and multifamily in some respects. As shown in drawings they are all detached single-family houses, but it is all one lot.

Craig Kitch said it was his opinion that Kingston Springs lacks entry-level housing. If the rent is at a high level and the problems with traffic and public safety, etc., then he was not sure about the project. He said he would like to see affordable housing, but not there. Armstrong said they cannot ask about the amount of rent. Tony Thompson asked about sewer capacity and if each unit will require a septic tank. Peter Chimera said water is no problem. Sewer has capacity at the plant, but there may be requirements for improvements between the project and the plant. There is a pump station this would pump to, that would need to be checked to make sure it can handle it. Sewer would likely require improvements. There would be a lot of septic tanks and one or several pumps to get it to the sewer plant. Developer would be required to set tanks and pay for connection to the main line. We would need an availability study to determine what public improvements are required in order for sewer to be available.

Craig Kitch said he had concerns about the sewer system. Sewer rates are going up; 750 homes on sewer; half of the residents are paying for sewer. He asked if this increase to sewer system would put a disproportionate cost to current customers. Peter Chimera said if you add 75 homes to system, it would increase revenue by 10%. If sewer system can't handle the development and the development has to be improved, the developer pays for improvement, and up-front costs to the city are very small. Developments are great for sewer enterprise fund.

Mike Patenaude asked what are the next steps. Armstrong said proposal needs to be formalized, and she needs to poll members on their concerns.

- Keith Allgood – concerns: safety and traffic. Developer needs to do homework on septic system. We need a development here that is affordable.
- Lauren Hill – concerns: density, congestion, safety; rental property indicates you are creating more of a bedroom community than a community; what is going to make it appealing as a community; what type of commercial property development, and the impact on general community and infrastructure.

- Tony Thompson – echoes Lauren Hill
- Craig Kitch – sees a need for affordable housing, but does not like where it sits; concerns for public safety and traffic and congestion.
- Mike Patenaude – likes the idea of entry-level homes. He is concerned with traffic congestion, emergencies, crime, public safety – isolated area.
- Tony Gross – concerns: traffic, loss of commercial zone and creation of denser zoning district, and what that creates down the road; sees the need for affordable homes.
- Mike Hargis – concerns: zoning change requirement from commercial to high-density residential and requiring a change to entire code to get to the density needed.
- Marie Spafford – concern: losing commercial property, which is limited, and losing sales tax base long-term.

**B. PC Training – New Legislation Affecting Planning Commission – Q&A, PC Member Certification of Training**

- Sidewalks cannot be required of a developer outside of a plat; inside different story.
- Agenda/Package has to be available 7 days ahead of meeting

**C. Temporary partial lift of Stop Work Order for 129 E. Kingston Springs Road.**

Motion for a minimum lift of Stop Work Order at 129 E. Kingston Springs Road to remove dirt from easement and away from bore hole location site to phase 1 or 2 of development made by Mike Hargis with a second by Lauren Hill. Motion passed.

**11. Other (For Discussion Only).**

**None.**

**12. Motion to Adjourn.**

Motion to adjourn made by Lauren Hill, with a second by Tony Gross. Meeting adjourned at 8:34 pm.

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**Mike Patenaude**  
**Planning Commission Chair**

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**Jamie Dupré**  
**City Recorder**



## Re: Ellersly culvert replacement

Bill Zimmerman <sscudgm@bellsouth.net>

Thu 1/4/2024 10:25 AM

To: Chimera, Peter <pchimera@cecinc.com>; John Lawless <jlawless@kingstonsprings-tn.gov>; Ryan Lovelace <RyanL@csdgtn.com>  
Cc: Jamie Dupre <jdupre@kingstonsprings-tn.gov>; Ron Merville <rmerv@bellsouth.net>; City Planner <cityplanner@kingstonsprings-tn.gov>; Brent Stuart <brent.stuart@sscudwater.com>

 3 attachments (1 MB)

2023-12-22 Ellersly Culvert Replacement Resubmittal.pdf; 2023-12-22 c200 Plan.pdf; 2023-12-22 Overall Drn Map.pdf;

If water service lines need to be lowered then SSCUD will perform this work. Also, if we lower these service lines there will most likely be damage to the road way as our water main is in the edge of the road. Once I know exactly what is going to be done (information provided by others) I will put together a cost estimate for this project and send it to whom ever is going to pay for these repairs. Once we receive payment then we will proceed with the work. Please allow 30 days from date of payment for the cost estimate until all work is complete.

Bill Zimmerman  
General Manager  
Second South Cheatham UD

PO Box 6

Kingston Springs, TN 37082  
O - 615-952-3094

On Friday, December 22, 2023 at 02:42:43 PM CST, Ryan Lovelace <ryanl@csdgtn.com> wrote:

John, please find attached our additional calculations and the additional improvements as shown on the C200 plan.

Thanks and have a Merry Christmas.

**Ryan E. Lovelace, PE**

*Principal*



**CSDG**

Planning | Engineering | Landscape Architecture

2305 Kline Avenue, Suite 300

Nashville, Tennessee 37211

615.248.9999 *office*

615.545.9612 *mobile*

[RyanL@csdgt.com](mailto:RyanL@csdgt.com)

[www.csdgt.com](http://www.csdgt.com)

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**From:** Chimera, Peter <pchimera@cecinc.com>

**Sent:** Wednesday, December 13, 2023 1:02 PM

**To:** Ryan Lovelace <RyanL@csdgt.com>; John Lawless <jlawless@kingstonsprings-tn.gov>

**Cc:** Jamie Dupre <jdupre@kingstonsprings-tn.gov>; Ron Merville <rmerv@bellsouth.net>; City Planner <cityplanner@kingstonsprings-tn.gov>

**Subject:** RE: Ellersly culvert replacement

Ryan,

This looks good. Will you please also provide a ditch calculation for the roadside ditch along this project's frontage, and culvert calculations for the pipe under Grace way. I am still concerned about conveyance from the proposed ditch(running south to north), to this pipe.

Thank you,

**Peter E. Chimera, P.E.** \* | *Project Manager*

Civil & Environmental Consultants, Inc.

117 Seaboard Lane, Suite E-100, Franklin, TN 37067

**office** 615.333.7797 **mobile** 215.200.4495

[www.cecinc.com](http://www.cecinc.com)

\* Licensed Professional Engineer in TN, KY and VA

CEC NASHVILLE

CELEBRATING 25 YEARS

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**From:** Ryan Lovelace <[RyanL@csdgtn.com](mailto:RyanL@csdgtn.com)>

**Sent:** Monday, December 11, 2023 2:59 PM

**To:** John Lawless <[jlawless@kingstonsprings-tn.gov](mailto:jlawless@kingstonsprings-tn.gov)>

**Cc:** Jamie Dupre <[jdupre@kingstonsprings-tn.gov](mailto:jdupre@kingstonsprings-tn.gov)>; Ron Merville <[rmerv@bellsouth.net](mailto:rmerv@bellsouth.net)>; Chimera, Peter <[pchimera@cecinc.com](mailto:pchimera@cecinc.com)>; City Planner <[cityplanner@kingstonsprings-tn.gov](mailto:cityplanner@kingstonsprings-tn.gov)>

**Subject:** Ellersly culvert replacement

John,

Please find attached our submittal package for the culvert replacement in West Kingston Springs, for review and approval. Thanks.

**Ryan E. Lovelace, PE**

*Principal*



**CSDG**

Planning | Engineering | Landscape Architecture

2305 Kline Avenue, Suite 300

Nashville, Tennessee 37211

615.248.9999 *office*

615.545.9612 *mobile*

[RyanL@csdgt.com](mailto:RyanL@csdgt.com)

[www.csdgt.com](http://www.csdgt.com)


## RE: Ellersly culvert replacement

Chimera, Peter <pchimera@cecinc.com>

Wed 1/3/2024 3:26 PM

To: Ryan Lovelace <RyanL@csdgtm.com>; John Lawless <jlawless@kingstonsprings-tn.gov>

Cc: Jamie Dupre <jdupre@kingstonsprings-tn.gov>; Ron Merville <rmerv@bellsouth.net>; City Planner <cityplanner@kingstonsprings-tn.gov>; Bill Zimmerman - Second South Cheatham U. D. <sscudgm@bellsouth.net> <sscudgm@bellsouth.net>

 1 attachments (669 KB)

2023-12-22 c200 Plan.pdf;

Ryan,

Generally, I am good with this, but I have a few questions/requests.

1. Why not just upsize the ditch to handle all of the flow? It seems to me like that would be cheaper.
2. This is going to cross over/under/through water service lines. I see you have a note referencing this, but I imagine that SSCUD will not want your contractor working on their system the service lines will likely need to be lowered by SSCUD at the developers expense.
3. That roadside ditch is far from a consistent section, and needs to be cleaned up: by that I mean, knock off the high spots, fill in the holes, and reestablish grass. You used a pretty conservative N-Value, so I'm not all that worried if it's 22" deep instead of 24". The existing culvert under Ellersly Way also needs to be looked at. The discharge end of the pipe looks to be almost half underground. To be determined who will be responsible for fixing the ditch if you wont be adding any flow to it, but it needs to be fixed.

Thank you,

**Peter E. Chimera, P.E.\*** | *Project Manager*

Civil & Environmental Consultants, Inc.

117 Seaboard Lane, Suite E-100, Franklin, TN 37067

**office** 615.333.7797 **mobile** 215.200.4495

[www.cecinc.com](http://www.cecinc.com)

\*Licensed Professional Engineer in TN, KY and VA

CEC NASHVILLE

CELEBRATING 25 YEARS

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**From:** Ryan Lovelace <RyanL@csdgtm.com>

**Sent:** Monday, December 11, 2023 2:59 PM

**To:** John Lawless <jlawless@kingstonsprings-tn.gov>

**Cc:** Jamie Dupre <jdupre@kingstonsprings-tn.gov>; Ron Merville <rmerv@bellsouth.net>; Chimera, Peter <pchimera@cecinc.com>; City Planner

<cityplanner@kingstonsprings-tn.gov>

**Subject:** Ellersly culvert replacement

John,

Please find attached our submittal package for the culvert replacement in West Kingston Springs, for review and approval. Thanks.

**Ryan E. Lovelace, PE**

*Principal*



**CSDG**

Planning | Engineering | Landscape Architecture

2305 Kline Avenue, Suite 300

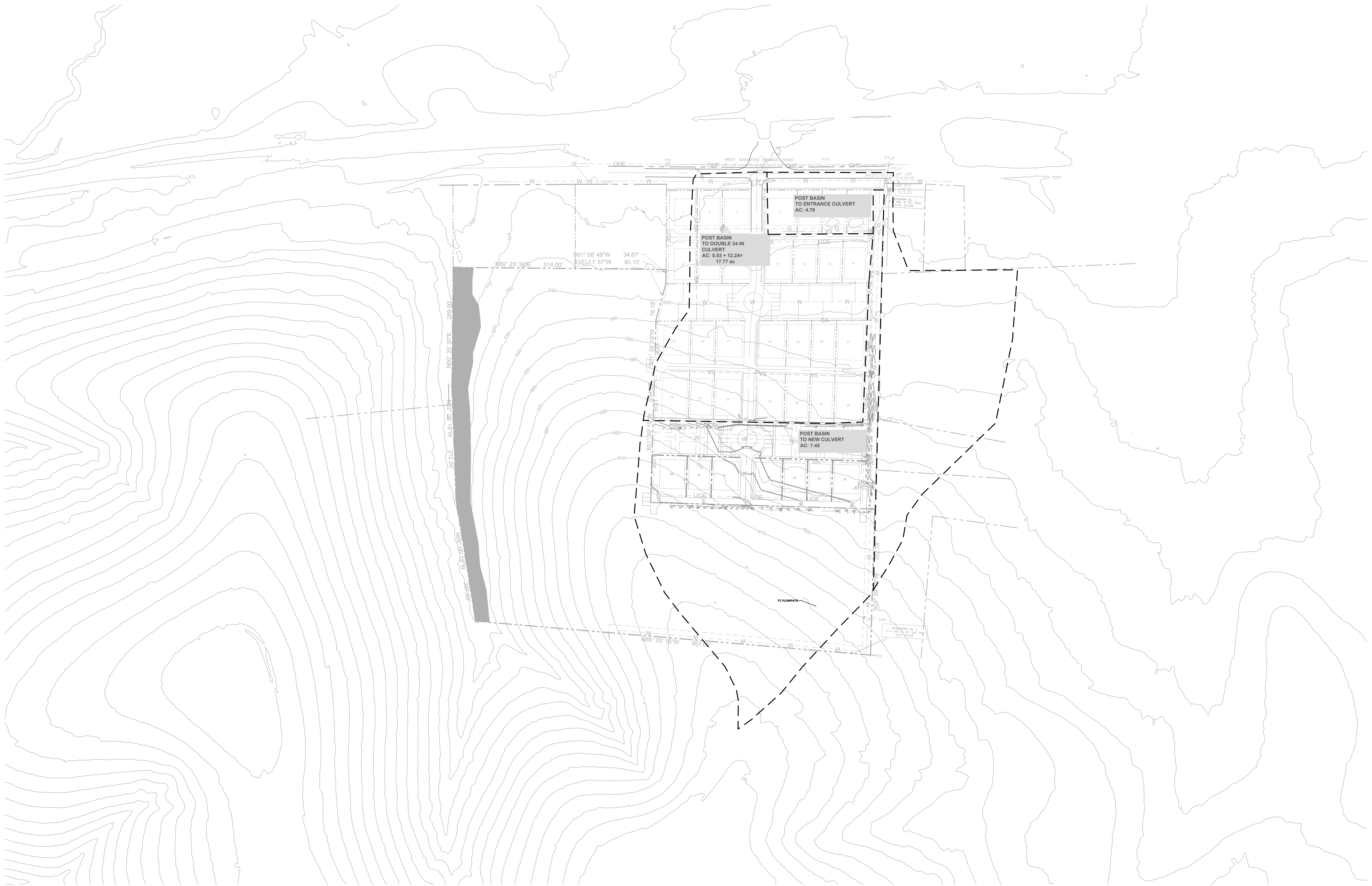
Nashville, Tennessee 37211

615.248.9999 *office*

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[RyanL@csdgtn.com](mailto:RyanL@csdgtn.com)

[www.csdgtn.com](http://www.csdgtn.com)





December 22, 2023

Mr. John Lawless  
City Manager  
Town of Kingston Springs  
PO Box 256  
Kingston Springs, TN 37082

**Re: Ellersly Subdivision  
W. Kingston Springs Improvements**

Dear Mr. Lawless,

As requested, please find attached the additional information and proposed improvements along W. Kingston Springs Road. We are proposing to install a new 24-inch pipe parallel to the roadway as you will see in our plans. This is to convey the re-routed upstream stormwater away from the roadside ditch and westerly to the new double 24-in storm culvert. We have also proposed two storm inlets at our entrance to assist in removing stormwater from the entrance road.

As you will see in our calcs, the existing roadside ditch is adequate to convey the remaining flows without overtopping W. KS Road, once these improvements are installed.

We have designed all of these structures to the 25-yr storm event including the uphill undetained flows from existing and future lots.

We are hopeful with this information you will be able to approve these plans and allow us to proceed with this work. If you need any additional information, please do not hesitate to let me know.

Respectfully Submitted  
CSDG

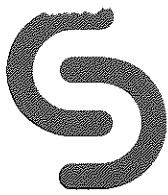
A handwritten signature in black ink, appearing to read 'Ryan Lovelace', is written over a light blue horizontal line.

Ryan Lovelace, P.E.  
Principal

Cc: Ron Merville, Developer  
Sharon Armstrong, City Planner

CSDG No. 19-012-01





W. Kingston Springs Culvert  
Area = 17.8 Ac

$$Q_{25} = CIA$$

$$T_e = 15 \text{ min}$$
$$\rightarrow i = 5.5$$

- 8.5 Ac Lots @ 0.45
  - 5.3 Ac Grass @ 0.35
  - 4 Ac Woods @ 0.28
- } → 0.47 weighted

$$Q_{25} (0.47) (5.5) (17.8 \text{ Ac}) = \boxed{46.0 \text{ cfs} = Q_{25}}$$

Per the inlet control nomograph:

- a double 24"  $\phi$  pipe will have a 1.6 headwater depth which equates to 3.2' of water depth
- $\approx$  1.2' of water above the pipe during a 25-yr storm event.



- Post Basin to new culvert parallel to W. Kingston Springs Rd.

Area = 7.45 Ac

- 2.7 Ac lots @ 0.65
- 4.7 Ac Woods @ 0.28 } → 0.41 weighted

$$Q_{25} = CIA$$

$$= 0.41 (5.5) (7.45 \text{ Ac}) = \underline{\underline{16.8 \text{ cfs}}}$$

Use 24" HDPE

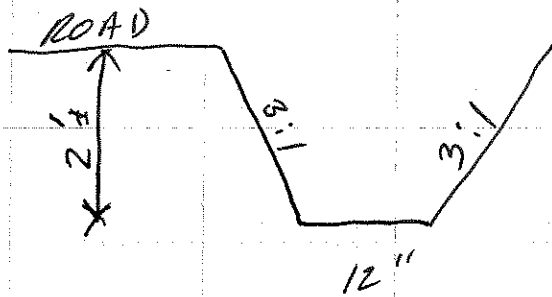
- Post Ditch Cales

Area = 4.79 Ac

- 2.5 Ac Townhomes @ 0.75
- 2.3 Ac Woods @ 0.28 } → 0.5 weighted

$$Q_{25} = CIA$$

$$= 0.5 (5.5) (4.79 \text{ Ac}) = \underline{\underline{13.2 \text{ cfs}}}$$



EXISTING DITCH

Existing ditch flow depth is 2' during 25-yr storm event.

- no improvement necessary

# Channel Report

## <Name>

### Trapezoidal

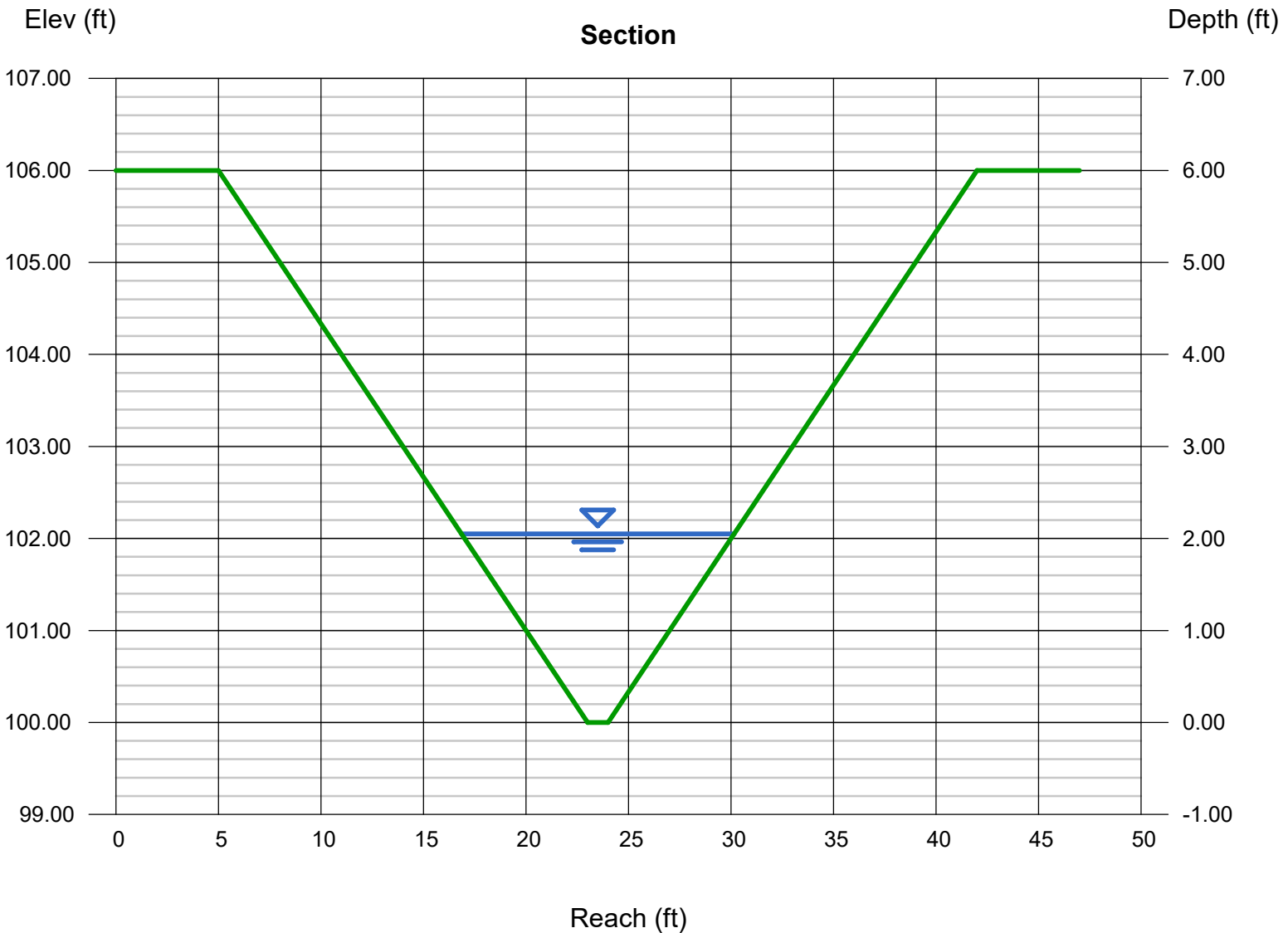
Bottom Width (ft) = 1.00  
Side Slopes (z:1) = 3.00, 3.00  
Total Depth (ft) = 6.00  
Invert Elev (ft) = 100.00  
Slope (%) = 2.00  
N-Value = 0.240

### Highlighted

Depth (ft) = 2.05  
Q (cfs) = 13.20  
Area (sqft) = 14.66  
Velocity (ft/s) = 0.90  
Wetted Perim (ft) = 13.97  
Crit Depth, Yc (ft) = 0.89  
Top Width (ft) = 13.30  
EGL (ft) = 2.06

### Calculations

Compute by: Known Q  
Known Q (cfs) = 13.20



# Storm Sewer Inventory Report

Line No.	Alignment				Flow Data				Physical Data								Line ID
	Dnstr Line No.	Line Length (ft)	Defl angle (deg)	Junc Type	Known Q (cfs)	Drng Area (ac)	Runoff Coeff (C)	Inlet Time (min)	Invert El Dn (ft)	Line Slope (%)	Invert El Up (ft)	Line Size (in)	Line Shape	N Value (n)	J-Loss Coeff (K)	Inlet/ Rim El (ft)	
1	End	80.000	0.000	Comb	0.00	0.05	0.85	5.0	507.10	0.50	507.50	24	Cir	0.012	0.50	511.00	D1-D2
2	1	26.000	0.000	Comb	0.00	0.05	0.85	5.0	507.60	1.15	507.90	24	Cir	0.012	0.50	511.00	D2-D3
3	2	250.000	0.000	Hdwl	16.80	0.00	0.00	15.0	508.00	2.00	513.00	24	Cir	0.012	1.00	516.00	D3-D4

Project File: Line D.stm

Number of lines: 3

Date: 12/22/2023

# Storm Sewer Summary Report

Line No.	Line ID	Flow rate (cfs)	Line Size (in)	Line shape	Line length (ft)	Invert EL Dn (ft)	Invert EL Up (ft)	Line Slope (%)	HGL Down (ft)	HGL Up (ft)	Minor loss (ft)	HGL Junct (ft)	Dns Line No.	Junction Type
1	D1-D2	17.26	24	Cir	80.000	507.10	507.50	0.500	508.73	509.13	0.31	509.44	End	Combination
2	D2-D3	17.03	24	Cir	26.000	507.60	507.90	1.154	509.44	509.39	n/a	509.39 j	1	Combination
3	D3-D4	16.80	24	Cir	250.000	508.00	513.00	2.000	509.39	514.48	0.71	514.48	2	OpenHeadwall

Project File: Line D.stm	Number of lines: 3	Run Date: 12/22/2023
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NOTES: Return period = 25 Yrs. ; j - Line contains hyd. jump.

# Inlet Report

Line No	Inlet ID	Q = CIA (cfs)	Q carry (cfs)	Q capt (cfs)	Q Byp (cfs)	Junc Type	Curb Inlet		Grate Inlet			Gutter						Inlet			Byp Line No	
							Ht (in)	L (ft)	Area (sqft)	L (ft)	W (ft)	So (ft/ft)	W (ft)	Sw (ft/ft)	Sx (ft/ft)	n	Depth (ft)	Spread (ft)	Depth (ft)	Spread (ft)		Depr (in)
1	D1	0.34	0.00	0.32	0.02	Comb	4.0	2.50	0.00	2.50	2.00	0.050	2.00	0.020	0.020	0.013	0.07	3.29	0.11	1.22	1.0	Off
2	D2	0.34	0.00	0.32	0.02	Comb	4.0	2.50	0.00	2.50	2.00	0.050	2.00	0.020	0.020	0.013	0.07	3.29	0.11	1.22	1.0	Off
3	D3	16.80*	0.00	16.80	0.00	Hdwl	0.0	0.00	0.00	0.00	0.00	Sag	0.00	0.000	0.000	0.000	0.00	0.00	0.00	0.00	0.00	Off

Project File: Line D.stm

Number of lines: 3

Run Date: 12/22/2023

NOTES: Inlet N-Values = 0.016; Intensity = 65.39 / (Inlet time + 11.50) ^ 0.75; Return period = 25 Yrs. ; \* Indicates Known Q added. All curb inlets are Horiz throat.

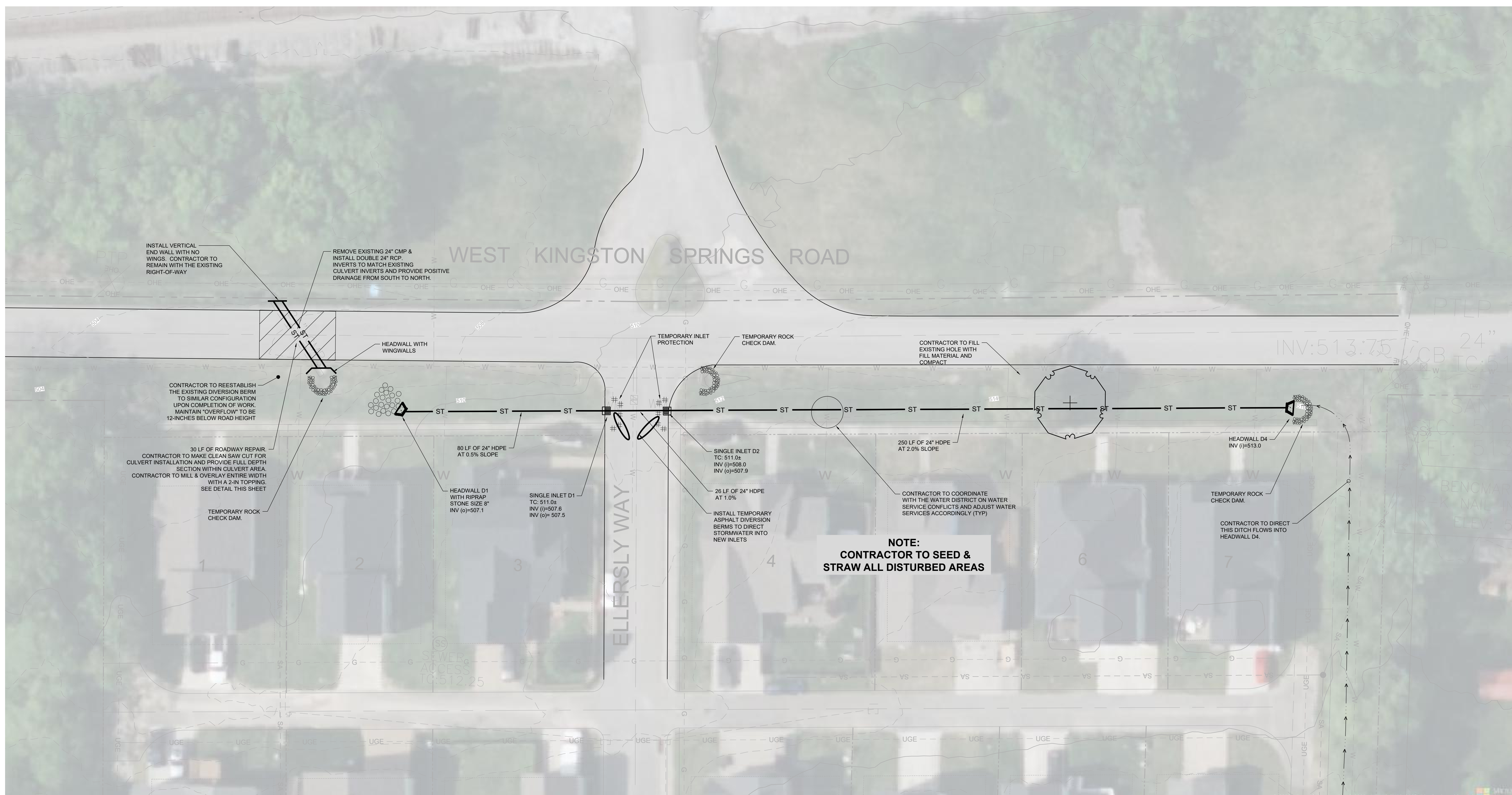


CSDG

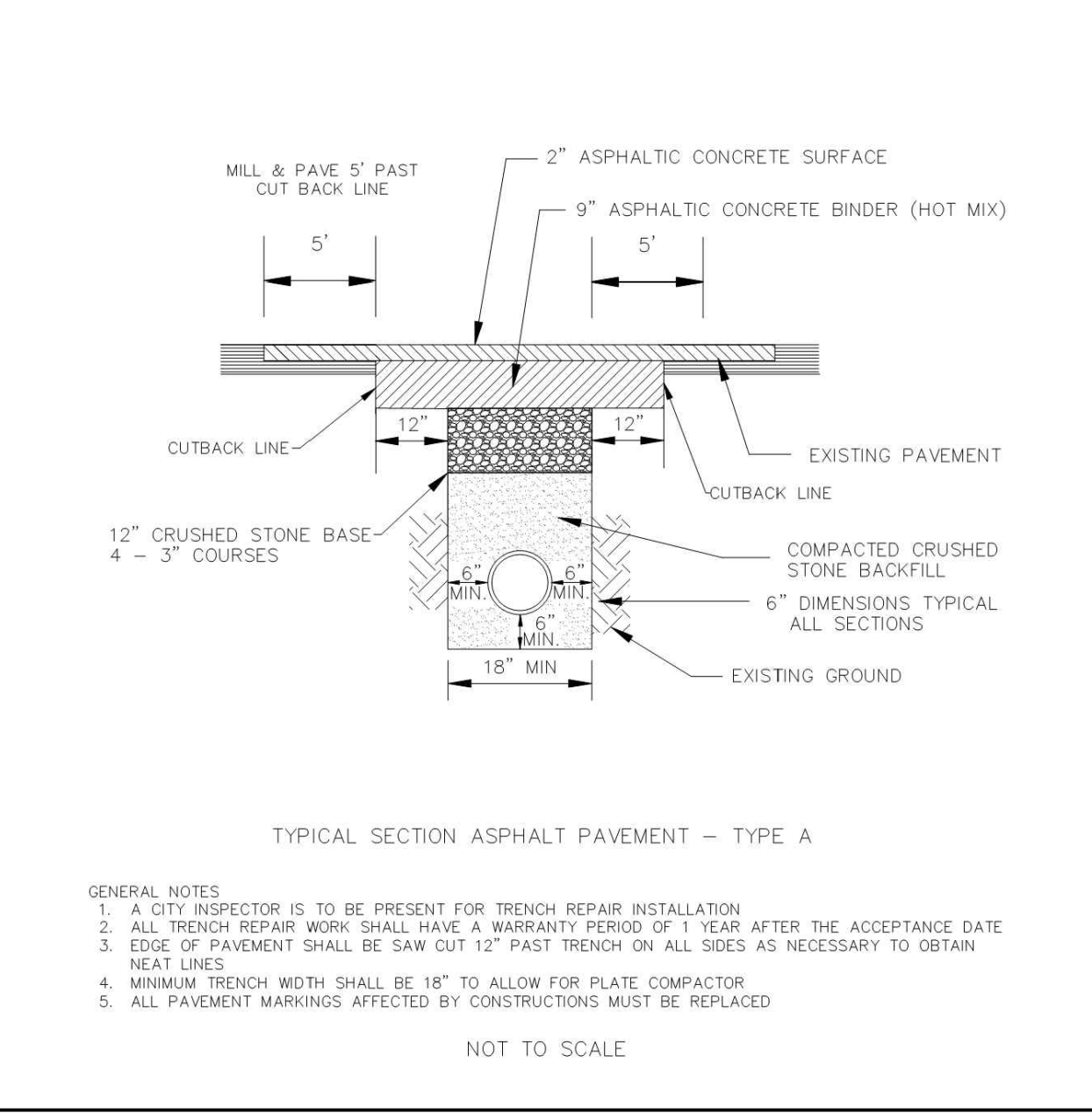
Planning | Engineering  
Landscape Architecture

2305 Kline Ave, Ste 300  
Nashville, TN 37211  
615.248.9999  
csdgn.com

SEAL



**NOTE:**  
CONTRACTOR TO SEED &  
STRAW ALL DISTURBED AREAS



Dec 22, 2023 - 1:58pm T:\CAD\2019\19-012-01\CAD\Civil\Culvert C2.00 Culvert Plan.dwg

**ELLERSLY**

West Kingston Springs Road  
Kingston Springs, Cheatham County, Tennessee

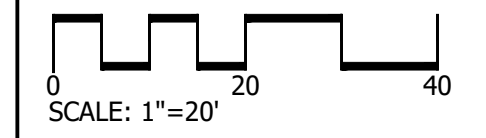
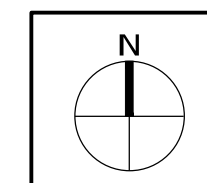
ISSUE SET:

ISSUE DATE: 12-22-2023

REVISION HISTORY:

Rev	Description	Date

DRAWN BY:  
CHECKED BY:  
STORM IMPROVEMENTS



**C2.00**  
PROJECT NO.: 19-012-01



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC)**  
 DIVISION OF WATER RESOURCES  
 William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11<sup>th</sup> Floor  
 Nashville, Tennessee 37243  
 1-888-891-8332 (TDEC)

**General NPDES Permit for Stormwater Discharges from Construction Activities (CGP)**  
**Construction Stormwater Inspection Certification (Inspection Form)**

<b>Site or Project Name:</b>		<b>NPDES Tracking Number: TNR</b>
Primary Permittee Name:		Date of Inspection:
Current approximate disturbed acreage:	Has rainfall been checked/documented daily? <input type="checkbox"/> Yes <input type="checkbox"/> No	Name of Inspector:
Current weather/ground conditions:	Rainfall total since last inspection:	Inspector's TNEPSC Certification Number:
Site Assessment <input type="checkbox"/> Yes <input type="checkbox"/> No	Assessor's TN PE registration number:	Assessor's TNEPSC Level II/CPESC number:

<b>Check the box if the following items are on-site:</b>	
<input type="checkbox"/>	Notice of Coverage (NOC)
<input type="checkbox"/>	Stormwater Pollution Prevention Plan (SWPPP)
<input type="checkbox"/>	Weekly inspection documentation
<input type="checkbox"/>	Site contact information
<input type="checkbox"/>	Rain Gage
Off-site Reference Rain Gage Location	

**Best Management Practices (BMPs):**

<b>Are the Erosion Prevention and Sediment Controls (EPSCs) functioning correctly?</b>			
If "No," describe below in Comment Section			
1.	Are all applicable EPSCs installed and maintained per the SWPPP per the current phase?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	Are EPSCs functioning correctly at all disturbed areas/material storage areas? (permit section 5.5.3)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.	Are EPSCs functioning correctly at outfall/discharge points such that there is no objectionable color contrast in the receiving stream, and no other water quality impacts? (permit section 5.5.3.5 and 6.3.2)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4.	Are EPSCs functioning correctly at ingress/egress points such that there is no evidence of track-out? (permit section 5.5.3.1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5.	If applicable, have discharges from dewatering activities been managed by appropriate controls? (permit section 4.1.3) If "No," describe below the measure to be implemented to address deficiencies.	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	If construction activity at any location on-site has temporarily/permanently ceased, was the area stabilized within 14 days? (permit section 5.5.3.4) If "No," describe below each location and measures taken to stabilize the area(s).	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	Have pollution prevention measures been installed, implemented, and maintained to minimize the discharge of pollutants from wash waters, exposure of materials and discharges from spills and leaks per section 4.1.4? If "No," describe below the measure to be implemented to address deficiencies.	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No



<b>Site or Project Name:</b>		<b>NPDES Tracking Number: TNR</b>		
Primary Permittee Name:		Date of Inspection:		
8.	If a concrete washout facility is located on site, is it clearly identified on the project and maintained? If "No," describe below the measures to be implemented to address deficiencies. (permit section 1.2.2)	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9.	Have all previous deficiencies been addressed? If "No," describe the remaining deficiencies in the Comments section. <input type="checkbox"/> Check if deficiencies/corrective measures have been reported on a previous form.	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>Comment Section. If the answer is "No" for any of the above, describe the problem and summarize corrective actions to be taken. Otherwise, describe any pertinent observations:</p>				
<p><b>Certification and Signature</b> (must be signed by the certified inspector and the permittee per Sections 5.5.3.11 (g) and 8.7.2 of the CGP)</p>				
<p>I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury.</p>				
Inspector Name and Title :		Signature:	Date:	
Primary Permittee Name and Title:		Signature:	Date:	

## Construction Stormwater Inspection Certification Form (Inspection Form)

### Purpose of this form / Instructions

An inspection, as described in subsection 5.5.3.9. of the General Permit for Stormwater Discharges from Construction Activities ("Permit"), shall be performed at the specified frequency and documented on this form. Inspections shall be performed at least 72 hours apart. Where sites or portion(s) of construction sites have been temporarily stabilized, or runoff is unlikely due to winter conditions (e.g., site covered with snow or ice), such inspection only has to be conducted once per month until thawing results in runoff or construction activity resumes.

Inspections can be performed by:

- a) a person with a valid certification from the "Fundamentals of Erosion Prevention and Sediment Control Level I" course,
- b) a licensed professional engineer or landscape architect,
- c) a Certified Professional in Erosion and Sediment Control (CPESC), or
- d) a person who has successfully completed the "Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites" course.

Qualified personnel, as defined in subsection 5.5.3.10 of the Permit (provided by the permittee or cooperatively by multiple permittees) shall inspect disturbed areas of the construction site that have not been permanently stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, locations where vehicles enter or exit the site, and each outfall.

Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the site's drainage system. Erosion prevention and sediment control measures shall be observed to ensure that they are operating correctly.

Outfall points (where discharges leave the site and/or enter waters of the state) shall be inspected to determine whether erosion prevention and sediment control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

Based on the results of the inspection, any inadequate control measures or control measures in disrepair shall be replaced or modified, or repaired as necessary, before the next rain event if possible, but in no case more than 7 days after the need is identified.

Based on the results of the inspection, the site description identified in the SWPPP in accordance with section 5.5.1 of the Permit and pollution prevention measures identified in the SWPPP in accordance with section 5.5.2 of the Permit, shall be revised as appropriate, but in no case later than 7 days following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP, but in no case later than 14 days following the inspection.

All inspections shall be documented on this Construction Stormwater Inspection Certification form. Alternative inspection forms may be used as long as the form contents and the inspection certification language are, at a minimum, equivalent to the Division's form and the permittee has obtained a written approval from the Division to use the alternative form. Inspection documentation will be maintained on site and made available to the Division upon request. Inspection reports must be submitted to the Division within 10 days of the request.

Trained certified inspectors shall complete inspection documentation to the best of their ability. Falsifying inspection records or other documentation or failure to complete inspection documentation shall result in a violation of this permit and any other applicable acts or rules.

## **November 7, 2023 Meeting – Town of Kingston Springs City Hall**

Discussion of Golf Club of Tennessee KS Regional Planning Commission Items and Project Plans

### **Meeting attendees:**

Jeff Hooper – Andy Howell – Sharon Armstrong – Peter Chimera – John Lawless

### **Discussion Summary:**

Primary discussions centered around the four items listed here:

**1. Project construction entrances on South Harpeth Road.**

Discussion centered around potentially keeping the construction entrances as permanent access points to the Golf Club of Tennessee and the Golf Club of DBI. These access points on South Harpeth Road are still being used as construction entrances and will be until project completion. It was decided to table this conversation until after project completion.

**2. Off Season Improvements work to be done at the Golf Club of Tennessee.**

During discussion of this item the representatives from the Golf Club of Tennessee stated that construction traffic for these improvements would be using the main entrance to the Golf Club off CC Road and not accessing the site via South Harpeth Road. Town staff had no notes on this item, and it will remain on the agenda for the November 9, 2023, KS Regional Planning Commission meeting. All Engineering and Planning Comments have been addressed.

**3. Renewal of existing permit (#220055) for expansion of footprint of current turf maintenance building.**

After discussion it was clarified that this permit could be renewed but the applicant was advised that no work outside of the original submitted plans could take place. City Planner will reissue this permit in the next few days.

**4. Expansion of current turf maintenance building project with changes to layout, building footprint, and the addition of a second access point to the property.**

Town staff had several concerns about the expansion of this project. These concerns included:

- The distance between the two drives now that a second one has been proposed for the project (request was made to indicate the distance between the drives on the plan set).
- The current width of South Harpeth Road, not only at the project site, but from the project location to the intersection with CC Road was discussed at length. Construction equipment and trucks leaving the site are causing damage to the ROW outside of the road surface. The stretch of road is very narrow with no

shoulder and there is concern over the amount of additional traffic, both commercial and non-commercial, this project will bring to this area.

- The use of a portion of property owned by the Dorris Trust that is included in the project footprint. Representatives from the Golf Club indicated a lease agreement was being discussed with the Dorris Trust. Town staff stated any use of that property in the project would require a permanent, perpetual easement and maintenance agreement is required between the parties (see attached email).

After discussion of these items the representative from the Golf Club of TN indicated they would be withdrawing this item from the November 9, 2023, KS Regional Planning Commission meeting agenda to better finalize an easement agreement with the Dorris Trust. They stated an email indicating such would be sent to town staff by David Yoder, Chief financial Officer of The Golf Club of DBI on Wednesday, November 8, 2023 (See attached). Representatives from the Golf Club stated their intent was to bring this item back before the KS Regional Planning Commission for their January 2024 meeting.

**Fw: Golf Maintenance Facility\_Alt Plan**

City Planner &lt;cityplanner@kingstonsprings-tn.gov&gt;

Tue 11/7/2023 10:31 AM

To: Chimera, Peter <pchimera@cecinc.com>; John Lawless <jlawless@kingstonsprings-tn.gov>  
Cc: Jeff Hooper <jhooper@bcacivil.com>

To all,

This is the conversation between Jeff Hooper and me in July regarding the Dorris property shown on the Site Plan we are discussing today for the GCTN Maintenance Facility.

Sincerely,

Sharon Armstrong, Planner  
KS Regional Planning Commission

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**From:** City Planner <cityplanner@kingstonsprings-tn.gov>**Sent:** Monday, July 17, 2023 8:29 AM**To:** Jeff Hooper <jhooper@bcacivil.com>**Cc:** Van Pond, Jr. <vpond@vanpondarchitect.com>**Subject:** Re: Golf Maintenance Facility\_Alt Plan

Jeff,

The following regulations are applicable to this request and require Planning Commission approval of the following:

Subdivision Regulations, Article IV, Section:

**4-108.3 Private Streets in Rural Areas**

Private streets in subdivisions within rural areas (as defined in Section 8-102, WORDS AND TERMS DEFINED, shall conform to the following:

1. No more than ten lots may be served by a private street or network of private streets.
2. All drainage improvements required shall be completed and certified to be in compliance With the approved drainage plan before the Planning Commission will approve the Final Plan of the proposed subdivision. The Planning Commission may permit a performance bond to be posted in lieu of completion for Final Plan approval.
3. When an existing parcel is being subdivided to create two lots, the permanent easement for access to and egress from the new building site shall have a minimum width of twenty (20) feet.
4. All private streets serving two lots shall have an all-weather surface not less than eight (8) feet in width. **(Subparts 5, 6, and 7 are not applicable).**
8. The Planning Commission shall require proof that a joint maintenance agreement mutually enforceable and running with the land has been entered into and recorded for the lots served by the private street, prior to final approval of the Final Plan. The joint maintenance agreement shall provide that each owner is jointly and severally liable for the maintenance of the private street and that each owner can enforce contributions to offset the cost of that maintenance, based proportionately on the units served by the private street. The joint maintenance agreement shall also provide that if any owner must pursue legal action to enforce its provisions, lie shall be allowed to recover reasonable attorney's fees and associated costs.

**Zoning Ordinance: Article III, Section:**

3.030. Lot Must Abut a Public Street or Dedicated Easement. No building shall be erected on a lot which does not abut at least one (1) publicly approved and accepted street for a distance of at least fifty (50) feet, or unless it abuts for at least thirty (30) feet on a street that has been shown on a final subdivision plat as approved by

the Kingston Springs Planning Commission, or unless said lots abuts for at least fifty (50) feet on a permanently dedicated easement according to the following standards:

- (1) such easement shall be at least fifty (50) in width, and shall not be used to provide access to more than one (1) lot or tract of land.
- (2) no access to any lot fronting a public street shall be utilized as access to any other lot not having public street frontage by way of a publicly dedicated easement.
- (3) no easement shall exceed seven hundred (700) feet in length.
- (4) driveway on easement shall be constructed to minimize erosion or rapid deterioration.
- (5) the topography of the easement shall be kept to a minimum and must be able to provide true access to the property.
- (6) maintenance of the easement shall be the responsibility of the property owner(s).
- (7) all required utility easements shall be located outside the fifty (50) foot roadway easement.
- (8) any further subdividing on the easement shall require the development or building of a public road and meet all road standards and other requirements as stated in the Subdivision Regulations of Kingston Springs, Tennessee.

The above standards shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private ways when such development is in the form of condominium ownership of such private improvements which have been approved by the planning commission and will be in private ownership and control in perpetuity.

Sincerely,  
Sharon

---

**From:** Jeff Hooper <jhooper@bcacivil.com>  
**Sent:** Saturday, July 15, 2023 9:56 AM  
**To:** City Planner <cityplanner@kingstonsprings-tn.gov>  
**Cc:** Van Pond, Jr. <vpond@vanpondarchitect.com>  
**Subject:** Golf Maintenance Facility\_Alt Plan

Hello Sharon-

The Dorris Family owns about a quarter acre of land on the Golf Club side of South Harpeth Road (highlighted in yellow in screenshot).

The Club and Dorris Family have discussed a long term lease of this property (25+ years).

The screenshot shows the intent of how the club would utilize the leased property, basically for access and some additional parking, which provides better circulation for delivery vehicles.

I wanted to get your feedback on this possibility, do you see any roadblocks from the Town's perspective?

If so, we would obviously not pursue but if you don't see issues, we would likely further the discussions with the Dorris' and present a revised set of drawings to the Town for approval.

Would greatly appreciate your thoughts.

Thanks,  
Jeff



**Jeff Hooper, P.E.**

Principal

**Office** 615.356.9911 **Direct**

615.324.4202

**Mobile** 615.476.3962

[BCAcivil.com](http://BCAcivil.com) | [JHOOPER@BCAcivil.com](mailto:JHOOPER@BCAcivil.com)

6606 Charlotte Pk., Ste. 210, Nashville,

TN 37209

[INSTAGRAM](#)

[TWITTER](#)

*We are excited to announce the transition of Barge Cauthen & Associates to*

*BARGE CIVIL ASSOCIATES!*



## LEASE AGREEMENT

This LEASE AGREEMENT (the "Agreement"), is made and entered into as of this 1<sup>st</sup> day of October, 2023, by and between John Richard Dorris, Jr., Priscilla Beard Dorris, John Richard Dorris, III, and Sydney Mayo Dorris Barranco (collectively, "Landlord") and The Golf Club of Tennessee, a Tennessee nonprofit corporation ("Tenant").

### WITNESSETH:

WHEREAS, Landlord is the owner of that certain real property located in Cheatham County, Tennessee described on Exhibit A ("Property"); and

WHEREAS, Tenant owns property adjacent to the Property and has requested to lease the Property from Landlord for its exclusive use; and

WHEREAS, the parties hereto desire to enter into this Agreement to memorialize their understanding concerning the lease of the Property by Tenant.

NOW, THEREFORE, for TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree to be bound and consent to the following:

### A G R E E M E N T S

1. Lease. Landlord, in consideration of the Rent to be paid and the covenants and agreements to be performed by Tenant, does hereby lease unto Tenant the Property during the Term.

2. Term. The "Term" of this License shall commence as of the date of this Agreement (the "Commencement Date") and shall continue in effect from that date until September 30, 2053 unless earlier terminated in accordance with this Agreement.

3. Rent. Tenant shall timely pay to Landlord, without demand, deduction, abatement or offset, rent in the amount of Five Thousand Dollars (\$5,000.00) per year. The first installment of Rent shall be due and payable on the Commencement Date; and thereafter, annual installments of Rent shall be due on October 1<sup>st</sup> of each succeeding year during the Term.

4. Use. Tenant shall be permitted to use the Property for any lawful purpose and use. Specifically, Tenant shall be permitted to install utility lines, piping, conduit, and related structures on, over and under the Property. Additionally, Tenant may use the Property for ingress, egress, parking and may construct other improvements on the Property. At the end of the Term, all such improvements shall become the property of Landlord.

5. Utilities Easement. In the event a utility provider, or Tenant, determines that it is necessary or appropriate for Landlord to grant a utility easement over, across and/or under the Property in connection with the construction of utility service structures from the public right-of-way to Tenant's property over, on, under or through the Property, Landlord agrees to consider any such request to grant a utility easement in good faith.

6. Maintenance of Property and Improvements Installed on the Property. Except as provided herein, Tenant, at its expense, shall be solely responsible for the operation

and maintenance of the Property and any and all improvements installed by Tenant on the Property. Notwithstanding the foregoing, in the event the Property and/or improvements installed thereon are damaged by the act or omission of Landlord, its agents, contractors, subcontractors or representatives, Landlord shall be responsible for the reasonable, actual costs and out-of-pocket expenses associated with Tenant's repair of the damage to Property and/or improvements thereon which shall be paid by Landlord within thirty (30) days of demand which demand shall include reasonable supporting documentation of Tenant's actual costs and out-of-pocket expenses associated with the repair of the damage.

7. Default. Upon the occurrence of any breach of a material term of this Agreement, including, without limitation, Tenant's failure to timely pay Rent, Landlord, at any time thereafter, may terminate this Agreement, re-enter the Property, and expel, remove, and put out Tenant or any person or persons occupying the Property.

8. Insurance. During the Term and for two (2) years following the expiration or termination of this Agreement, Tenant, at its own expense, shall purchase and maintain in effect the following kinds and minimum amounts of insurance coverage with a carrier rated A-, X by A. M. Best:

- (a) Commercial General Liability. Commercial general liability insurance shall be written on ISO occurrence form or a substitute form providing equivalent coverage and shall cover liability arising from premises, operations, products, completed operations, personal and advertising injury, at limits of liability for bodily injury and property damage liability combined of \$1,000,000 each occurrence, \$2,000,000 products and completed operations aggregate and \$2,000,000 general aggregate.
- (b) Umbrella. Excess coverage of not less than \$5,000,000 in the aggregate.

Each of the above insurance coverages shall add Landlord as an additional insured.

9. Entire Agreement; Amendment. This Agreement (i) constitutes the entire agreement between the parties hereto with respect to the lease of the Property; and (ii) may be amended only by an instrument in writing executed by Landlord and Tenant, respectively.

10. Multiple Counterparts. This Agreement may be executed in multiple counterparts. Each party hereto agrees that his, her or its signature and acknowledgment page may be detached from any such counterpart and attached to an identical counterpart so that there may be one counterpart containing original signature and acknowledgment pages.

11. Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Tennessee.

12. Partial Invalidity. If any provision of this Agreement is determined by a proper court to be invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect the other provisions of this Agreement and this Agreement shall remain in full force and effect without such invalid, illegal or unenforceable provisions provided that the severance of such provision(s) does not result in a material failure of consideration under this Agreement to either party hereto.

13. Successors and Assigns. All of the provisions hereof shall be binding upon and inure to the benefit of Landlord and Tenant, their heirs, successors in interest, assigns and personal representatives and shall be covenants running with the Property and the Tenant Property.

14. Brokers. Each party represents and warrants to the other that there are no claims for brokerage commissions or finder's fees in connection with the execution of this Agreement.

15. Miscellaneous. Time is of the essence in this Agreement. The captions, headings and paragraph titles in this Agreement are for convenience purposes only and do not in any way restrict, affect or interpret the provisions of this Agreement. Landlord is not, nor shall not become, by the provisions of this Agreement, a partner or joint venturer with Tenant. LANDLORD AND TENANT HEREBY WAIVES A JURY TRIAL IN ANY ACTION OR PROCEEDING REGARDING A DEFAULT BY TENANT AND/OR LANDLORD'S RIGHT TO POSSESSION OF THE PROPERTY.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Agreement effective as of the day and year set forth above.

LANDLORD

---

John Richard Dorris, Jr.

---

Priscilla Beard Dorris

---

John Richard Dorris, III

---

Sydney Mayo Dorris Barranco

TENANT:

THE GOLF CLUB OF TENNESSEE

By: \_\_\_\_\_  
Dave Hensley, General Manager

**EXHIBIT A**

## Re: Golf Club Updates

City Planner <cityplanner@kingstonsprings-tn.gov>

Wed 12/13/2023 11:02 AM

To: Jeff Hooper <jhooper@bcacivil.com>; John Lawless <jlawless@kingstonsprings-tn.gov>

Cc: Andy Howell <ahowell@cahco.com>; Chimera, Peter <pchimera@cecinc.com>

Mr. Hooper,

The Leasee/Landlord Agreement does not meet the requirements relayed to you in the 11 July email response, in the 7 November 2023 meeting between City Staff, you and Mr. Howell, and during the 9 November KS Regional Planning Commission Meeting.

The Lease Agreement does not meet the requirements of the regulations for term (permanent easement is required), maintenance (jointly and responsibility), nor does the agreement contains the proposed infrastructure improvements in its description (driveway connection and parking facilities).

These requirements were made clear in the meetings, emails, and by the Planning Commission.

Today is the deadline for January submission to appear on the KS Regional Planning Commission Agenda in order to meet the statutory requirements for advertisement of the Public Meeting. You have not submitted the required, signed, Easement Agreement in order to appear on the Agenda.

Please advise.

Sincerely,  
Sharon Armstrong, Planner  
KS Regional Planning Commission

---

**From:** Jeff Hooper <jhooper@bcacivil.com>

**Sent:** Wednesday, December 13, 2023 6:47 AM

**To:** John Lawless <jlawless@kingstonsprings-tn.gov>; City Planner <cityplanner@kingstonsprings-tn.gov>

**Cc:** Andy Howell <ahowell@cahco.com>

**Subject:** RE: Golf Club Updates

Good Morning John and Sharon-

Per our meeting, we have attached a revised agreement that addresses maintenance.  
Also attached is the site plan with the distance between the two entrances dimensioned.  
Please let me know if you have any questions or need anything else.

Thank you,  
Jeff

**Jeffrey C. Hooper, P.E.**

**Direct** 615.324.4208 **Mobile** 615.476.3962

[BCAcivil.com](http://BCAcivil.com) | [JHOOPER@BCAcivil.com](mailto:JHOOPER@BCAcivil.com)

*Please note our office will be **closed***

***December 25 - January 1***

*so that our staff may enjoy the holidays.*

***HAPPY HOLIDAYS!***

---

**From:** John Lawless <[jlawless@kingstonsprings-tn.gov](mailto:jlawless@kingstonsprings-tn.gov)>

**Sent:** Tuesday, December 5, 2023 8:39 AM

**To:** Jeff Hooper <[jhooper@bcacivil.com](mailto:jhooper@bcacivil.com)>; City Planner <[cityplanner@kingstonsprings-tn.gov](mailto:cityplanner@kingstonsprings-tn.gov)>

**Subject:** RE: Golf Club Updates

[EXTERNAL EMAIL]

Good morning all,

With the newspaper scheduling for the holidays we will need to have advertising for the meeting submitted no later than close of business on Wednesday, December 13<sup>th</sup>.

John Lawless

City Manager

Town of Kingston Springs, Tennessee

<http://www.kingstonsprings.net/>

615-952-2110 ex.8

[jlawless@kingstonsprings-tn.gov](mailto:jlawless@kingstonsprings-tn.gov)



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**From:** Jeff Hooper <[jhooper@bcacivil.com](mailto:jhooper@bcacivil.com)>

**Sent:** Monday, December 4, 2023 3:36 PM

**To:** John Lawless <[jlawless@kingstonsprings-tn.gov](mailto:jlawless@kingstonsprings-tn.gov)>; City Planner <[cityplanner@kingstonsprings-tn.gov](mailto:cityplanner@kingstonsprings-tn.gov)>

**Subject:** RE: Golf Club Updates

Thanks John.

**Jeffrey C. Hooper, P.E.**

**Direct** 615.324.4208 **Mobile** 615.476.3962

[BCAcivil.com](http://BCAcivil.com) | [JHOOPER@BCAcivil.com](mailto:JHOOPER@BCAcivil.com)

*Please note our office will be **closed***

**December 25 - January 1**

*so that our staff may enjoy the holidays.*

**HAPPY HOLIDAYS!**

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**From:** John Lawless <[jlawless@kingstonsprings-tn.gov](mailto:jlawless@kingstonsprings-tn.gov)>

**Sent:** Monday, December 4, 2023 3:06 PM

**To:** City Planner <[cityplanner@kingstonsprings-tn.gov](mailto:cityplanner@kingstonsprings-tn.gov)>; Jeff Hooper <[jhooper@bcacivil.com](mailto:jhooper@bcacivil.com)>

**Subject:** RE: Golf Club Updates

[EXTERNAL EMAIL]

Checking on the newspaper advertising schedule (with the Christmas/ New Years Holidays) and will let you know as soon as I find out.

Thanks,

John Lawless

City Manager

Town of Kingston Springs, Tennessee

<http://www.kingstonsprings.net/>

615-952-2110 ex.8

[jlawless@kingstonsprings-tn.gov](mailto:jlawless@kingstonsprings-tn.gov)



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**From:** City Planner <[cityplanner@kingstonsprings-tn.gov](mailto:cityplanner@kingstonsprings-tn.gov)>

**Sent:** Monday, December 4, 2023 12:59 PM

**To:** Jeff Hooper <[jhooper@bcacivil.com](mailto:jhooper@bcacivil.com)>

**Cc:** John Lawless <[jlawless@kingstonsprings-tn.gov](mailto:jlawless@kingstonsprings-tn.gov)>

**Subject:** Re: Golf Club Updates

Good afternoon Jeff,

Thank you for providing the project updates and EPSC reports.



As a note the Kingston Springs City Commission adopted new Adequate Facilities Tax rates for Residential and Commercial projects of \$.75 per square foot. The Building Permit rate remains at \$.75 per square foot. The Planning and Zoning Pass-Through rate was increased to \$100.00 per hour.

John,

Could you provide Jeff with the submission deadline for the January 2024 KS Regional Planning Commission Meeting?

Sincerely,  
Sharon Armstrong

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**From:** Jeff Hooper <[jhooper@bcacivil.com](mailto:jhooper@bcacivil.com)>  
**Sent:** Monday, December 4, 2023 9:40 AM  
**To:** City Planner <[cityplanner@kingstonsprings-tn.gov](mailto:cityplanner@kingstonsprings-tn.gov)>  
**Subject:** Golf Club Updates

Good Morning Sharon-

Please find attached latest EPSC inspection reports for the Golf Club.

Also, I wanted to give you a heads-up Larry Wieck/Wieck Construction will be applying for building permits (cart barn, pavilion, and creek house) tomorrow for the Off-Season package that was approved at the Planning Commission at the November meeting.

Lastly, we are working on the language for the maintenance agreement for the lease of the Dorris property per our meeting and hope to send later this week/early next week for the January Planning Committee meeting.

Just keeping you posted on things...please let me know if you have any questions.

Thanks,  
Jeff



**Jeffrey C. Hooper, P.E.**

Principal

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**Office** 615.356.9911 **Direct**

615.324.4202

**Mobile** 615.476.3962

[BCAcivil.com](http://BCAcivil.com) | [JHOOPER@BCAcivil.com](mailto:JHOOPER@BCAcivil.com)

6606 Charlotte Pk., Ste. 210, Nashville,  
TN 37209

[INSTAGRAM](#)

[X](#)

*Please note our office will be **closed**  
**December 25 - January 1** so that our  
staff may enjoy the holidays.*

***HAPPY HOLIDAYS!***



## KINGSTON SPRINGS PLANNING COMMISSION APPLICATION FOR REVIEW

Date of Application: DEC 29<sup>th</sup>, 2023  
 Property Address/Location: BLUFFS OF THE HARPETII - LOT 4  
 Property Owner's Name: JEFF PALK  
 Property Owner's Address: 211 RIVER BEND LANE NASHVILLE, TN 37221  
 Property Owner's Primary Phone #: 747-999-5515 Secondary #: \_\_\_\_\_  
 Property Owner's Email: PALKJEFF@GMAIL.COM  
 Applicant's Name: JEFF PALK  
 Applicant's Email: PALKJEFF@GMAIL.COM Applicant's Phone #: 747-999-5515  
 Signature of Applicant: *Jeff Palk* Signature of Owner: *Jeff Palk*

**SELECT ITEM BELOW TO BE REVIEWED BY PLANNING COMMISSION:**

**Residential:**

- Sketch Plan: \$100 (34125)
- Site Plan: \$150 (34125)
- Preliminary Plat (Minor Sub – 5 lots or less): \$350 (34125)
- Preliminary Plat (Major Sub – 6 lots or more): \$500 (34125)
- Final Plat (Minor Sub – 5 lots or less): \$150 (34125)
- Final Plat (Major Sub – 6 lots or more): \$300 (34125)
- Final Plat Revision (Minor Sub – less than 5 lots): \$350 (34125)
- Final Recorded Plat Revision (Minor Sub – less than 5 lots): \$150 (34125)

**Commercial:**

- Concept Site Plan: \$100 (34125)
- Preliminary Plat: \$500 (34125)
- Final Plat: \$300 (34125)
- Final Recorded Plat Revision: \$150 (34125)
- Construction Drawing Review: \$500 (34125)
- Plan Review: \$350 (34125)

**Other:**

- Rezone Request: \$150 (34125)
- Change of Use Request: \$50 (34125)
- Conditional Use Review: \$100 (34125)
- Final Plat Recording Fee: \$50 (34125)

**Design Review Committee Plan review (Commercial Construction):** Pass Thru fee from consultant. All new construction with the exception of single family and duplexes is subject to Design Review Pass Thru, including multi-family and major subdivisions.

**See Reverse Side for FINAL PLAT Requirements**

## FINAL PLAT Requirements (Residential and Commercial)

For appearances before the Kingston Springs Regional Planning Commission requesting approval of Final Plats:

- Once on the meeting agenda, but prior to appearance before the Kingston Springs Regional Planning Commission, two (2) mylars and three (3) paper copies signed by all appropriate representatives (with the exception of the Planning Commission Secretary) must be delivered to Kingston Springs City Hall.
- If two (2) mylars signed by all appropriate representatives (with the exception of the Planning Commission Secretary) are not available prior to the start of the meeting the agenda item will be tabled to the following month.
- If the Final Plat is approved the Kingston Springs Regional Planning Commission Secretary will sign both mylars.
- Payment of the \$50.00 Final Plat Recording Fee will then be due.
- Once the \$50.00 Final Plat Recording Fee is received the Final Plat will be delivered to the Cheatham County Register of Deeds office to be recorded and the applicant will be notified.
- If the \$50.00 Final Plat Recording Fee is not submitted prior to the following month's Kingston Springs Regional Planning Commission meeting, the Final Plat will be revoked at that meeting.

### OFFICE USE ONLY APPLICANT DO NOT WRITE BELOW THIS LINE

Date of Review: \_\_\_\_\_

Approved

Denied

Withdrawn

Planning Commission Review Fee: \$ \_\_\_\_\_

Recording Fee (if applicable): \$ \_\_\_\_\_

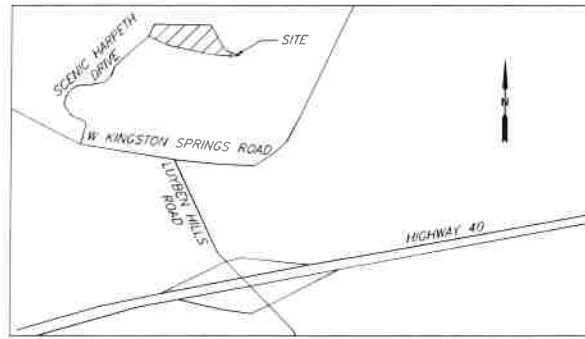
Pass Thru Fee (if applicable): \$ \_\_\_\_\_

**TOTAL FEES DUE:** \$ \_\_\_\_\_

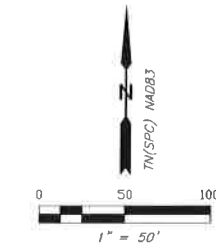
Date Paid: \_\_\_\_\_

Amount Paid: \$ \_\_\_\_\_

Receipt Number: \_\_\_\_\_



VICINITY MAP - N.T.S.



**GPS CERTIFICATION:**

I, DANIEL A. CURRY, HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM TWO POINTS ESTABLISHED VIA THE TDOT GNSS REFERENCE NETWORK AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THIS SURVEY:

TYPE OF SURVEY: REAL TIME KINEMATIC  
 POSITIONAL ACCURACY: 0.05 FEET  
 DATE OF SURVEY: 11/14/23  
 DATUM/EPOCH: NAD83(2011) EPOCH 2010.00  
 PUBLISHED/FIXED CONTROL USED: TDOT CORS NETWORK  
 COMBINED GRID FACTOR: NONE

**CERTIFICATE OF SURVEY STATEMENT:**

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT A GENERAL PROPERTY SURVEY WAS NOT PERFORMED AND THE LINE WORK SHOWN HEREON WAS DERIVED BY STATEMENTS PROVIDED IN NOTE #3 AND 4.

DATE: 20\_\_\_\_ REGISTERED LAND SURVEYOR

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AS EVIDENCED IN THE BOOK NUMBER 611, PAGE 1546, COUNTY REGISTER OFFICE, AND THAT I (WE) HEREBY ADOPT THIS PLAN WITH (OUR) FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND THAT OFFERS OR IRREVOCABLE DEDICATION FOR ALL PRIVATE WAYS, UTILITIES, AND OTHER FACILITIES HAVE BEEN FILED.

DATE: 20\_\_\_\_ OWNER

DATE: 20\_\_\_\_ OWNER

**CERTIFICATE OF APPROVAL FOR RECORDING**

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE TOWN OF KINGSTON SPRINGS, TENNESSEE SUBDIVISION REGULATIONS, WITH EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION, AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY REGISTER.

DATE: 20\_\_\_\_ SECRETARY, PLANNING COMMISSION

**CERTIFICATE OF APPROVAL OF PUBLIC SEWER SYSTEM**

I HEREBY CERTIFY THAT THE SEWER SYSTEM(S) OUTLINED OR INDICATED ON THE FINAL SUBDIVISION PLAT ENTITLED, \_\_\_\_\_, HAS/HAVE BEEN INSTALLED IN ACCORDANCE WITH CURRENT LOCAL AND STATE GOVERNMENT REQUIREMENTS, OR A SUFFICIENT BOND OR OTHER SURETY HAS BEEN FILED TO GUARANTEE SAID INSTALLATION.

DATE: 20\_\_\_\_ NAME, TITLE

AGENCY OR AUTHORIZED APPROVING AGENT

**CERTIFICATE OF HOA INCORPORATION**

I HEREBY CERTIFY THAT I HAVE THE AUTHORITY TO INCORPORATE THIS PROPERTY INTO THE BLUFFS OF HARPETH HOMEOWNERS ASSOCIATION. THIS INCORPORATION WILL GIVE ALL RIGHTS AND RESPONSIBILITIES AS OUTLINED IN DEED BOOK 352, PAGE 301.

DATE: 20\_\_\_\_ NAME, TITLE

**DEED REFERENCE:**

TO: JEFF MICHAEL & JENNA LEIGH PALK  
 FROM: JACK & ELIZABETH UMPHERS  
 DB 611 PG 1546 R.O.C.C.

**PROPERTY MAP REFERENCE:**

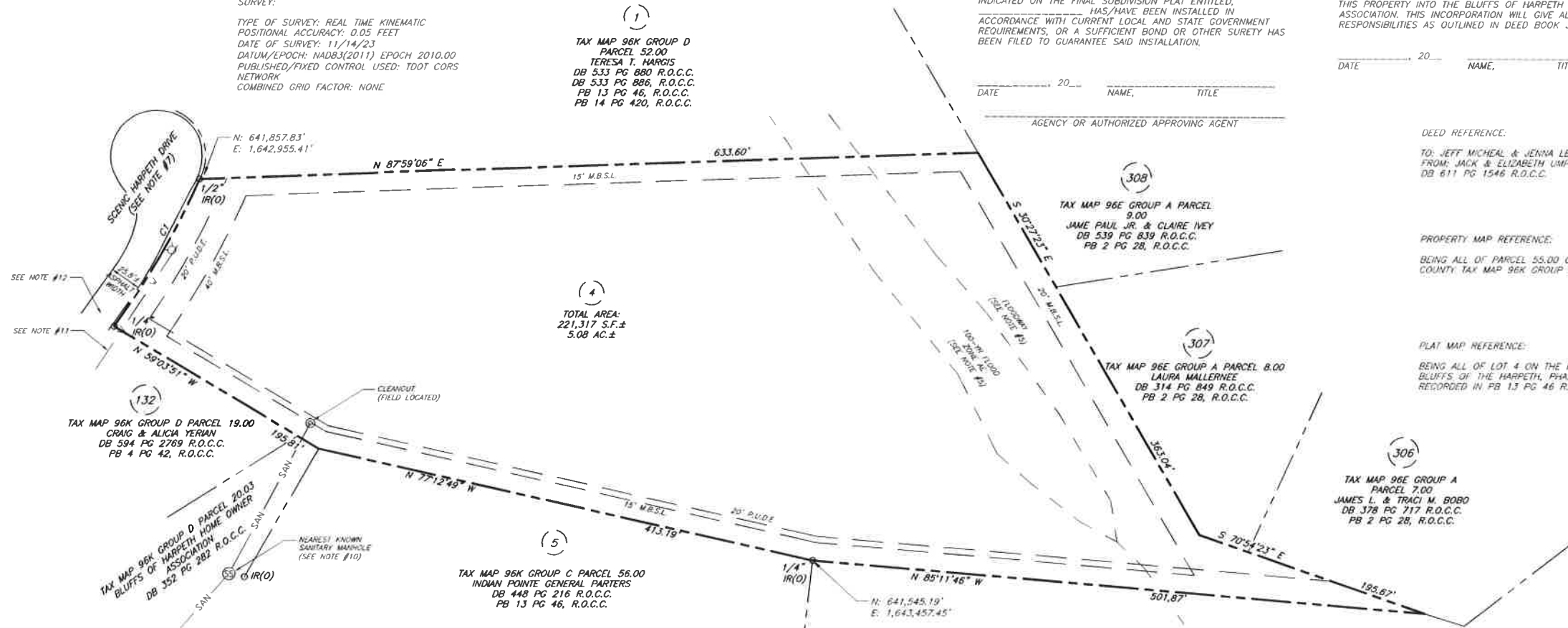
BEING ALL OF PARCEL 55.00 ON CHEATHAM COUNTY TAX MAP 96K GROUP D.

**PLAT MAP REFERENCE:**

BEING ALL OF LOT 4 ON THE PLAN OF BLUFFS OF THE HARPETH, PHASE 2 AS RECORDED IN PB 13 PG 46 R.O.C.C.

**UTILITY NOTE:**

THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE IT IS A REQUIREMENT, PER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT, THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN (3) THREE OR MORE THAN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT. TENNESSEE ONE CALL 1-615-366-1987 OR 1-800-351-1111.



(1)  
 TAX MAP 96K GROUP D  
 PARCEL 52.00  
 TERESA T. HARGIS  
 DB 533 PG 880 R.O.C.C.  
 DB 533 PG 886, R.O.C.C.  
 PB 13 PG 46, R.O.C.C.  
 PB 14 PG 420, R.O.C.C.

(4)  
 TOTAL AREA:  
 221,317 S.F.±  
 5.08 AC.±

TAX MAP 96K GROUP D PARCEL 19.00  
 CRAIG & ALICIA YERMAN  
 DB 594 PG 2789 R.O.C.C.  
 PB 4 PG 42, R.O.C.C.

TAX MAP 96K GROUP D PARCEL 20.03  
 BLUFFS OF HARPETH HOME OWNERS  
 ASSOCIATION  
 DB 352 PG 282 R.O.C.C.

TAX MAP 96K GROUP C PARCEL 56.00  
 INDIAN POINTE GENERAL PARTERS  
 DB 448 PG 216 R.O.C.C.  
 PB 13 PG 46, R.O.C.C.

TAX MAP 96E GROUP A PARCEL 9.00  
 JAME PAUL JR. & CLAIRE IVEY  
 DB 539 PG 839 R.O.C.C.  
 PB 2 PG 28, R.O.C.C.

TAX MAP 96E GROUP A PARCEL 8.00  
 LAURA MALLERNEE  
 DB 314 PG 849 R.O.C.C.  
 PB 2 PG 28, R.O.C.C.

TAX MAP 96E GROUP A  
 PARCEL 7.00  
 JAMES L. & TRACI M. BOBO  
 DB 378 PG 717 R.O.C.C.  
 PB 2 PG 28, R.O.C.C.

TAX MAP 96K GROUP C PARCEL 33.00  
 ROY E. MCPHERSON  
 DB 520 PG 1422 R.O.C.C.  
 PB 14 PG 161, R.O.C.C.

**LEGEND**

⊕	SANITARY MANHOLE
⊙	SEWER CLEANOUT
⊕	FIRE HYDRANT
⊙ IR(O)	IRON ROD, OLD
---	PROPERTY LINE
---	EASEMENT/SETBACK LINE
(4)	LOT NUMBER
P.U.D.E.	PUBLIC UTILITY AND DRAINAGE EASEMENT
M.B.S.L.	MINIMUM BUILDING SETBACK LINE
R.O.C.C.	REGISTER'S OFFICE FOR CHEATHAM COUNTY

**NOTES:**

- THE PURPOSE OF THIS PLAT IS THE FOLLOWING: TO SHOW ACCESS TO PUBLIC SANITARY SEWER AND FOR APPROVAL OF THE SUBJECT LOT TO BE INCORPORATED INTO THE HOA FOR THE BLUFFS OF THE HARPETH. THIS WOULD ALLOW FOR INGRESS/EGRESS OVER THE PRIVATE ROAD FRONTING THE LOT.
- THE RECORDING OF THIS PLAT VOID, VACATES AND SUPERSEDES LOT 4 IN THE PLANNED UNIT DEVELOPMENT - FINAL SUBDIVISION PLAT - BLUFFS OF THE HARPETH - PHASE TWO - LOTS 1 THRU 5, AS RECORDED IN PLAT BOOK 13, PAGE 46 IN REGISTER OF DEEDS FOR CHEATHAM COUNTY, TENNESSEE.
- A GENERAL PROPERTY SURVEY WAS NOT PERFORMED FOR THE PURPOSE OF THIS PLAT. THE IRON RODS SHOWN WERE FOUND DURING THE COURSE OF WALKING THE LOT WITH A POTENTIAL BUYER. LINE WORK SHOWN HEREON WAS TAKEN FROM LOT 4 IN THE PLANNED UNIT DEVELOPMENT - FINAL SUBDIVISION PLAT - BLUFFS OF THE HARPETH - PHASE TWO - LOTS 1 THRU 5, AS RECORDED IN PLAT BOOK 13, PAGE 46 IN REGISTER OF DEEDS FOR CHEATHAM COUNTY, TENNESSEE.
- BEARINGS SHOWN HEREON ARE BASED ON THE TENNESSEE STATE PLANE COORDINATE SYSTEM, ZONE 4100, NAD83. GPS EQUIPMENT WAS USED TO DETERMINE THE POSITION OF AN OBSERVATION POINT. THEN A LOCAL BASE/ROVER WAS UTILIZED FOR DERIVING THE LOCATIONS OF THE IRON RODS SHOWN HEREON.
- BY GRAPHIC PLOTTING ONLY THE PROPERTY SHOWN HEREON IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FCMA MAP AND PANEL NUMBER 4702100303E EFFECTIVE DATE DECEMBER 22, 2016. 100-YR FLOOD AND FLOODWAY AREA LIMITS SHOWN HERE WERE SCALED FROM PB 14 PG 420. ITS LOCATION SHOWN IS APPROXIMATE AND HAS NOT BEEN FIELD VERIFIED.
- ACCORDING TO RECORD PLAT MENTIONED IN NOTE #2 SETBACKS ARE AS FOLLOWS: 40' - FRONT; 15' - SIDE AND 20' - REAR.
- THE ROADWAY IN FRONT OF THE SUBJECT PROPERTY IS PRIVATELY MAINTAINED BY THE BLUFFS OF THE HARPETH HOMEOWNERS ASSOCIATION AS OUTLINED IN DEED BOOK 352, PAGE 301, R.O.C.C.
- THE LOT SHOWN HEREON WILL BE SUBJECT TO THE COVENANTS AND RESTRICTIONS AS OUTLINED IN DEED BOOK 352 PAGE 301, R.O.C.C.
- THE CITY OF KINGSTON SPRINGS DOES NOT ALLOW CONSTRUCTION IN THE REGULATED FLOOD ZONE WITH THE EXCEPTION OF ACCESS ROADS.
- THIS MANHOLE WAS FIELD LOCATED. UPON REMOVING THE CASTING THERE WAS A LINE RUNNING TOWARDS THE CLEANOUT SHOWN HEREON. THIS IS A 10' PUBLIC UTILITY EASEMENT AS SHOWN ON PB 13 PG 46, R.O.C.C.
- WATERLINE LOCATION SHOWN WAS TAKEN FROM PB 14 PG 420. PER RECORD PLAT THIS LINE IS 6" IN SIZE.
- FROM AN EXTENSION OF THE 195.81' LINE TO THE CENTERLINE OF THE SCENIC HARPETH DRIVE IT IS APPROXIMATELY 204.0'± TO THE CENTERLINE INTERSECTION OF SCENIC HARPETH DRIVE AND OVERLOOK COURT.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	650.00'	139.09'	136.82'	N 29°44'28" E	12°15'36"

NO.	DATE	BY	DESCRIPTION

**COLLIER ENGINEERING CO., INC.**  
 CONSULTING • DESIGN • CONSTRUCTION

2949 NOLENSVILLE PIKE, NASHVILLE, TN 37211  
 PHONE: (615) 331-1441 FAX: (615) 331-1050

**MINOR PLAT**  
**BLUFFS OF THE HARPETH - LOT 4**  
**11TH CIVIL DIST - KINGSTON SPRINGS,**  
**CHEATHAM COUNTY, TENNESSEE**

DATE: 12/14/2023  
 DRAWN BY: S.M.R.  
 SUPERVISED BY: D.A.C.  
 CHECKED BY: D.A.C.

**MINOR PLAT**

**PEDESTRIAN IMPROVEMENT, SIDEWALK ACCESS TO DOWNTOWN AND PARKS**

**STATEMENT** – Requests from multiple residents of Ellersly Subdivision have been received to explore sidewalk construction on WKS so safe pedestrian access can be had from the subdivision to the downtown corridor as well as both City Parks, some as documented from 2016. At the Farmer’s Market in 2021, another community member happened to see a woman leaving the market and walking along the precariously narrow side of the road in order to return to the subdivision and remarked that it would be a good idea if sidewalks were put in. Further, a resident who lives in one of the older classic family homes that line WKS expressed her opinion that a sidewalk was a necessity. She also said that she believed some of her older neighbors living along WKS would favor a sidewalk not only for the community benefit, but for their own benefit and use as well.

**GOALS** - The construction of sidewalks, curbs along WKS to allow community connectivity and safe passage for pedestrian traffic specifically for residents in Ellersly subdivision who purchased home with this implied amenity as a feature; but such sidewalks would also inure to the benefit of all residents living along WKS to reach downtown businesses, restaurants, churches, City Hall, the Farmer’s Market, and our two city parks. The Commission recently drafted the Town’s Mission Statement which references the Town’s support and commitment to sidewalk connectivity.

Excerpt from the Kingston Springs Mission Statement as drafted by the BOC: “We strive to provide convenient, safe, **and walkable access** to our many parks, the scenic Harpeth River, our historical downtown, and to our vibrant business surroundings.”

*The installation of this small section of sidewalk linking this subdivision to downtown restaurants and business, City Hall, library, churches, the Water Company, the Farmer’s Market, Burns Park (Activity Center, Splashpad, Soccer fields, walking track, Harpeth River access, Disc Golf, Playground) and City Park (skate park, dog park, Harpeth River Boat launch, basketball court and ball field) seems paramount and would make the community safer, more connected and more livable. See Exhibit 1.*

**ELLERSLY SUBDIVISION** - The developer/homebuilders/realtors have sold homes on this property advertising that the homes are “within walking distance” to downtown and parks. The accompanying photos depict pictures of downtown buildings and of Burns Park which gives the impression that these amenities are within convenient and safe walking distance. The properties have been featured on-line as being within “walking distance to the cool local hang outs, parks and river.”

This seems to be disingenuous as while both downtown and Burns Park are, indeed, within walking distance per se, the salient fact that is omitted in any of the realtor literature is that there are no sidewalks along West Kingston Springs Road connecting these areas.



**Ellersly Subdivision Kingston Springs TN Homes for Sale** – Located in the heart of Kingston Springs *within walking distance from the Main Street*, the Ellersly is a small single-family home subdivision along Ellersly Way built in 2017.



**Description of 113 Ellersly Way, Kingston Springs** - Beautiful home with open floor plan in heart of Kingston Springs. *Close to parks and quaint main street area (All Redfin listings show pictures of most if not all downtown Buildings and Burns Park as features)*



**Description of 108 Ellersly Way, Kingston Springs** - Fantastic deal with best price in town. Don't miss this opportunity to own this beautiful 4-bedroom home. It has it all. *Walking distance to the cool local hang outs, parks and river.* All this in Kingston Springs, a great place to live.



**Description of 108 Ellersly Way, Kingston Springs (Photo depicts sidewalk out front)** - Beautiful home within walking distance of adorable Kingston Springs downtown

NATCHEZ  
TRACE

REALTY  
615-952-4444

111 Madeleine Way | Kingston Springs — 3 bed, 2 bath, 2314 sq ft  
In Ellersly Subdivision **Listed at \$555,999**

**NEW LISTING!**

Beautiful new home within walking distance of charming Kingston Springs downtown restaurants and shops and minutes from Harpeth River and parks. Wood floors, granite countertops, large open floorplan with tray ceilings in the living room and vaulted ceilings in master bed. All bedrooms on main floor. Spacious bonus room with vaulted, nicely stained tongue and grooved ceiling. Lovely sunroom with tongue and grooved ceiling and beautiful Harpeth Valley views

Three-stop elevator so that everyone can be included. Over-sized 2-car garage with space for work bench. Walk-in access to large unfinished space for storage or future expansion. Under 30 minute drive to downtown Nashville. Owner/Agent Listing

LaDonna Merville  
lmerville@bellsouth.net  
615-347-4146

Chris Steward  
ibuyhouses22@yahoo.com  
615-952-1111

As pedestrians, homeowners in Ellersly subdivision and other homeowners living on WKS must navigate the unsafe, uneven, and narrow side of a busy road to be able to reach downtown and both Parks. Young mothers with baby strollers as well as senior citizens are forced to negotiate the street edge with cars and trucks passing precariously close.

Further, vehicles routinely take the left turn off of N. Main Street and immediately gun their engines and increase their speed exponentially, using the road as a raceway and further increasing the dangers that pedestrians currently face.

The only other alternative that currently exists is for Ellersly residents who wish to get to downtown is to cut-thru the adjacent condominium complex property over often soggy terrain and take the proverbial "long way around." This is not conducive to dog walkers and moms/dads with toddlers and strollers.

**PAST COMMISSION INVOLVEMENT** – September 15, 2016, Mr. Ron Yoho appeared at a Board of Commissioners meeting requesting that the sidewalk be extended from Downtown to Ellersly Way. *It is unclear if any follow-up occurred.*

December 15, 2016 - “Mr. Ron Yoho had requested to be placed on the January agenda to continue discussion on extending the sidewalk from downtown to Ellersly Way. It was determined that additional information was needed. Interim City Manager Debbie Finch and Assistant City Manager John Lawless will schedule a meeting with Mr. Ron Merville, who stated he would fund the project, and contact the city engineer for information on how to proceed.” *It is unclear if any follow-up occurred.*

**PROPERTIES IMPACTED WHERE THE PROJECT IS PROPOSED**

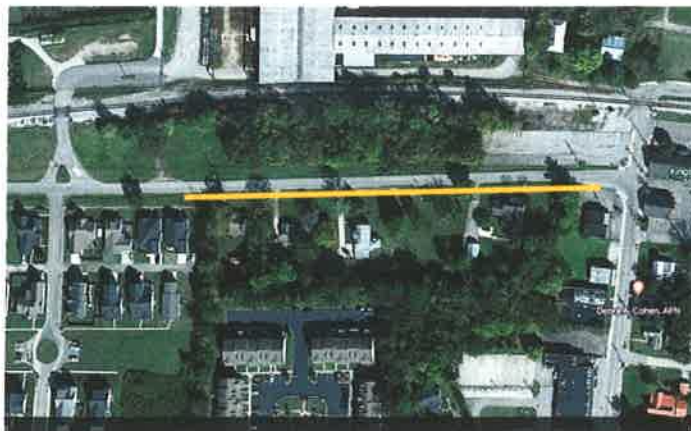
**WKS:** The 4 homes on WKS on the southside of the street from Main to 101 Ellersly Way would bear the brunt of the property impact if construction takes place on that side of the roadway. **Current distances from street edge (measurements from Google Earth) to the front of these 4 homes are 37 feet, 72 feet, 67 feet, and 40 feet.**

As will be discussed below, if CSX grants right-of-way usage of their property, the currently existing sidewalk on the track-side corner of WKS and Main St. would be extended down that side of the street. This would decrease costs (culverts, etc) as well as the encroachment on the four residential properties.

**Ellersly:** **About 20 homes** (subdivision currently has additional lots under construction for a possible 14 additional homes or 35 homes which would translate into a possible and conservative estimate of **50-60 adult residents plus children** ultimately living in Phase I of this subdivision.

The 14 acres adjacent to the current subdivision are slated to be developed as Phase II of this same subdivision with the same access thru Grace Way. The current plans/sketches which have been submitted reflect an additional 35 homes **which would mean a conservative estimate of an additional 50-60 adult residents plus children.** *See Exhibit 2.*

**SCOPE OF PROJECT – SOUTH SIDE** - Consideration of sidewalk, curbs and gutter construction along WKS (County Hwy 1948) (from Main Street to the end of Ellersly Subdivision’s existing sidewalk. This is about 828.85 linear feet. *Consideration could be given to existing ditch property being utilized to a large extent for sidewalk construction which would require that a drainage pipe be laid underneath the property instead of having to excessively encroach on the minimal property frontage that exists on those homes positioned closer to the roadway.*





**NORTH SIDE** - Possibility that CSX would consider granting the Town right-of-way access for sidewalk construction on their property on the opposite side of WKSJ. A crosswalk would have to be installed at the point at which the Ellersly sidewalk ends for safe pedestrian passage. Of course, the Town would be responsible for costs and CSX would only be granting right-of-way.

This would extend from the sidewalk that already exists on WKSJ to the entrance to Lu, Inc./Kingston Coatings. This is about 1018 linear ft.



CSX policy normally does not allow private or public usage of their property, however, does a precedent of sorts exist in that there is already an existing sidewalk from the train tracks on Main St. to the intersection of Main and WKSJ and it turns the corner and *continues parallel to the tracks for a short distance down WKSJ before it terminates*. ***See Exhibit 3 – CSX Parking Lot and corner of Main and WKSJ together with proposed sidewalks on NORTH SIDE and SOUTH SIDE.***

Further, while CSX policy states that it does not permit parallel public pedestrian paths that come within the railroad's right-of-way, notwithstanding the existing portion of sidewalk that already runs parallel to the tracks, but there exists more than the "grade separation" that CSX requires when considering such request. This would NOT constitute a sidewalk that would run "next to" the tracks per se and represent a safety issue and/or imperil pedestrians.

There exists a land expanse of at least **133 feet between the railroad tracks and the parallel proposed sidewalk on the track side of WKSJ**. This would be merely a continuation of what has already been allowed. ***See Exhibits 4-5.***

Lastly, if access is granted by CSX, fencing could easily be erected on the portion of the road that is wooded if deemed necessary to further safeguard the public.

***See pp. 38- 39 from CSX Public Project Information Manual and CSX Regional Contact information (Todd Allton) attached hereto as collective Exhibit 6.***

**COST** - The scope of the project would have to be determined. The costs will not just include the laying of concrete, but the costs of construction in the form of engineering costs, labor costs, clearing, site preparation and demolition, staking/layout earthwork (including general, drainage and structural excavation and back fill), the curb and gutter concrete sidewalk (4-6'), asphalt materials, pipe culverts, any utility relocation, any landscaping costs, establishment of a level shoulder, possible reconstruction of driveways and other fees and costs associated with this type of project.

A Metro's recent 2022 Sidewalk Program Report of various projects in Nashville estimated costs as follows:

The average cost per linear foot for building new sidewalks in FY21 was \$736 per linear foot compared to the YTD FY22 average cost per linear foot of \$350. The 52% decrease in the YTD FY22 cost per linear foot is primarily due to a newly implemented rapid design process and quick build strategies (for new sidewalks) that reduce sidewalk construction costs. The Office of Performance Management is working with NDOT calculate the effect of these cost containment strategies for the second half of FY22.

<https://www.nashville.gov/sites/default/files/2022-06/Sidewalk-Program-Report-April-2022.pdf?ct=1655816409>

**NORTH SIDE** - If this per linear foot cost is still in line with 2023 costs, the estimated cost for this proposed sidewalk would be around **\$290,097.50** (without costs as noted above).

**SOUTH SIDE** - If this per linear foot cost is still in line with 2023 costs, the estimated cost for this proposed sidewalk would be around **\$356,300.00** (without costs as noted above).

It would have to be determined if Mr. Merville is still willing to assist in funding the sidewalk from N. Main to Ellersly in whole or in conjunction with the Town. Grant possibilities follow in the next section.

See Exhibit 7.

#### **GRANT POSSIBILITIES**

- The TDOT Multimodal Access Grants are possible for projects such as this. Notice of Intent to Apply for the 2024 cycle will likely occur in April of next year (2024).
- Grants from other sources may be a possibility and could be investigated. Pedestrian and Bicycle Funding Opportunities U.S. Department of Transportation Transit, Highway, and Safety Funds [https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/funding/funding\\_opportunities.cfm](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/funding_opportunities.cfm)
- The Bipartisan Infrastructure Law (BIL) established the new Safe Streets and Roads for All (SS4A) discretionary program, with **\$5 billion in appropriated funds over 5 years, 2022-2026**. The SS4A program funds county government, city or township governments and Tribal initiative. Funds are to be awarded on a competitive basis to support planning and demonstration activities, as well as projects and strategies to prevent death and serious injury on roads and streets involving all roadway users, including pedestrians and bicyclists. <https://www.transportation.gov/grants/SS4A>

**The FY24 Notice of Funding Opportunity (NOFO) for SS4A is expected to open in February 2024. Since this funding is only being appropriated thru 2026, we would have to act post haste.**

See Exhibits 8-10.

**COMMUNITY REPRESENTATIVES** - A petition demonstrating support for this project consisting of property owners in the vicinity or the project proposal area(s) is attached as **Exhibit 11**.

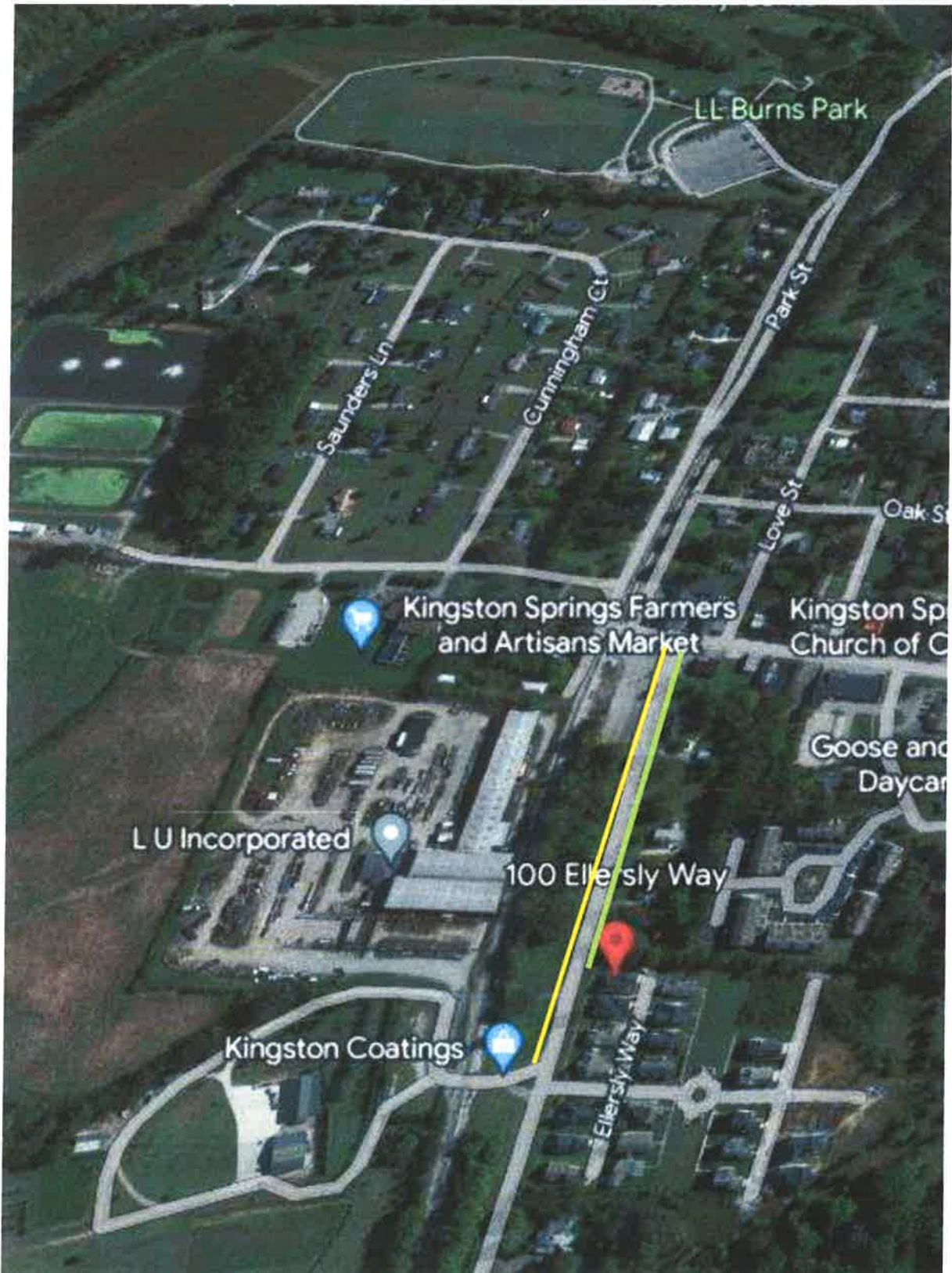
*Dated 16 July 2021 – updated 4 October 2023*



Project Request Sponsor - Commissioner Carolyn M. Clark

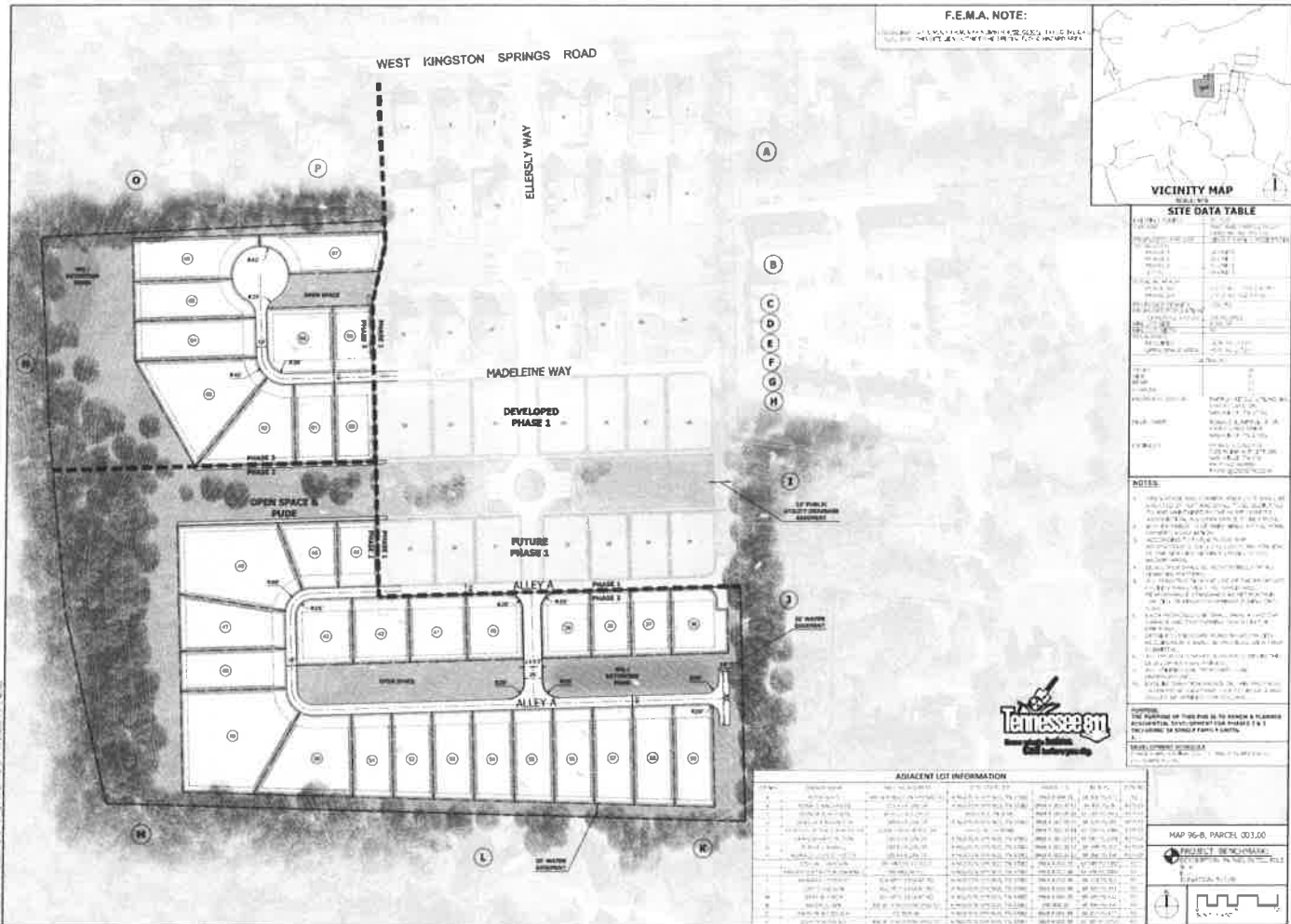
- 1. Overhead of Proposed Sidewalk from Ellersly Subdivision and Accessibility to Town Amenities**
- 2. Plat of Future Growth of Ellersly Subdivision**
- 3. Corner of Main Street and WKSR – Proposed Extension of Existing Sidewalk on South side (CSX) as well as on North Side (Houses)**
- 4. Overhead of CSX Property with Proposed Extension of Existing Sidewalk on CSX side**
- 5. Overhead of CSX Property reflecting distance from the tracks to WKSR (around 133 ft.)**
- 6. Pages 38- 39 from CSX Public Project Information Manual and CSX Regional Contact information (Todd Allton)**
- 7. Metro 2022 Sidewalk Program Report**
- 8. Multimodal Access Grant Information Page (2023 page provided as example)**
- 9. Pedestrian and Bicycle Funding Opportunities U.S. Dept. of Transportation Transit, Highway, and Safety Funds**
- 10. Bipartisan Infrastructure Law (BIL) established the new Safe Streets and Roads for All (SS4A) – Web page**
- 11. Citizen Petition**

# **EXHIBIT 1**



Sidewalk on either north or south side would provide access from Eilersly subdivision to Downtown businesses, City Hall, police department, restaurants, churches, library, farmer's market, water company, L.L. Burns Park (activity center, splashpad, playground, walking track, pond, soccer field, disc golf) and City Park (dog park, basketball and skatepark)

# **EXHIBIT 2**



**F.E.M.A. NOTE:**  
 (1) THIS PLAN IS NOT TO BE USED FOR FLOOD HAZARD IDENTIFICATION OR FLOOD HAZARD ZONING PURPOSES. FOR FLOOD HAZARD IDENTIFICATION AND FLOOD HAZARD ZONING PURPOSES, REFER TO THE FLOOD HAZARD IDENTIFICATION MAP AND FLOOD HAZARD ZONING MAP.



**SITE DATA TABLE**

NO.	DESCRIPTION	AMOUNT
1	TOTAL AREA	10.00 AC.
2	DEVELOPED PHASE 1	4.50 AC.
3	OPEN SPACE & BUDE	3.00 AC.
4	FUTURE PHASE 1	2.50 AC.
5	ROADS	0.50 AC.
6	UTILITIES	0.50 AC.
7	SETBACKS	0.00 AC.
8	ADJACENT PROPERTIES	0.00 AC.
9	ADJACENT PROPERTIES	0.00 AC.
10	ADJACENT PROPERTIES	0.00 AC.

**NOTES:**

1. THIS PLAN IS NOT TO BE USED FOR FLOOD HAZARD IDENTIFICATION OR FLOOD HAZARD ZONING PURPOSES. FOR FLOOD HAZARD IDENTIFICATION AND FLOOD HAZARD ZONING PURPOSES, REFER TO THE FLOOD HAZARD IDENTIFICATION MAP AND FLOOD HAZARD ZONING MAP.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
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10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.

**ADJACENT LOT INFORMATION**

LOT NO.	OWNER	ADDRESS	AREA
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...



**ELLERSLY SUBDIVISION PHASES 1, 2, & 3**  
 450 WEST KINGSTON SPRINGS RD  
 CHEATHAM COUNTY, TENNESSEE

**PUD SUBMITTAL**

NO.	DESCRIPTION	DATE
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...
10	...	...

**C1.00**  
 PHASE 1 (NO. 000000)

# **EXHIBIT 3**



**SOUTH SIDE (HOMES)**



**NORTH SIDE (CSX PROPERTY – Continuation of sidewalk to LU, Inc. entrance)**





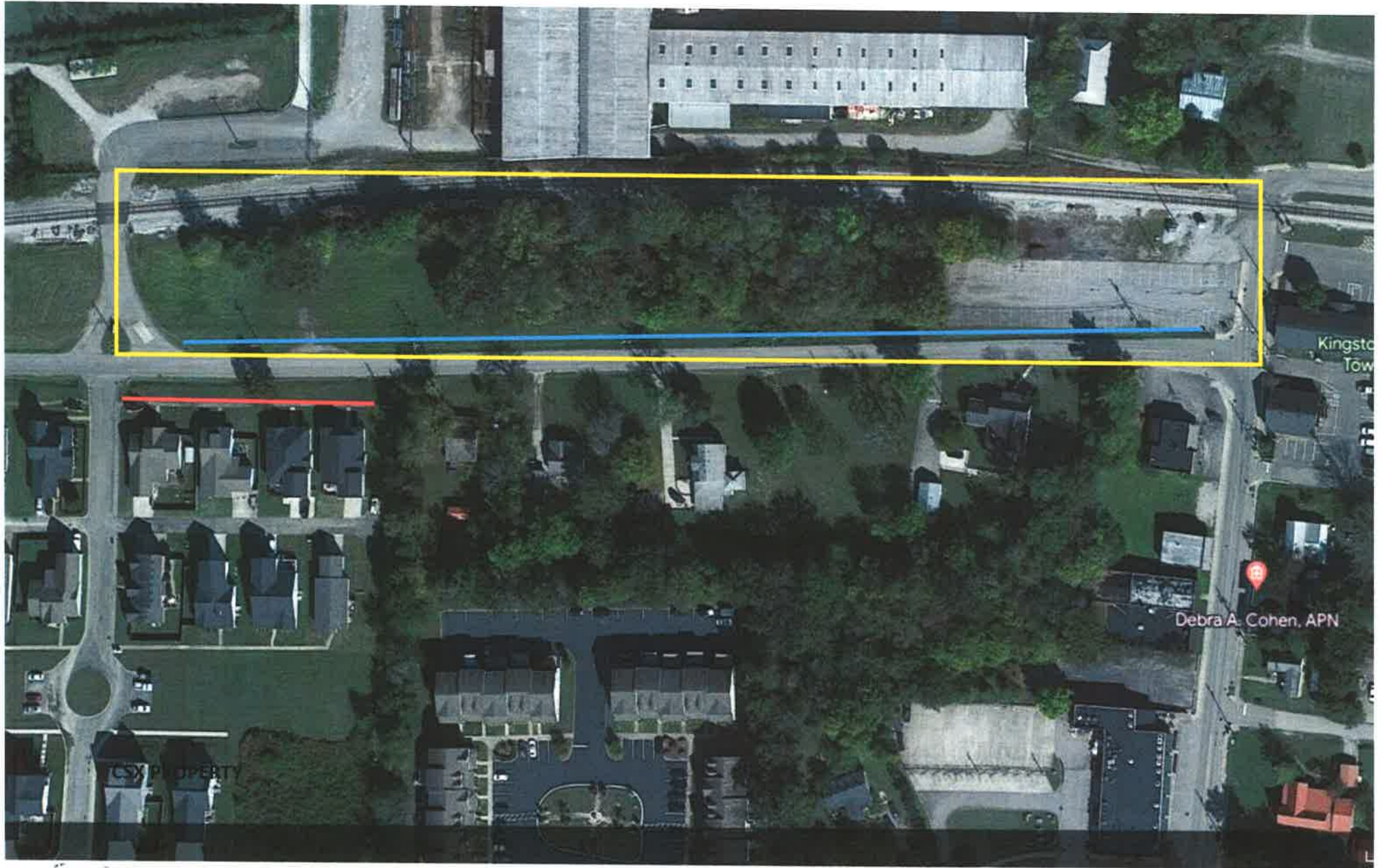


# **EXHIBIT 4**

**YELLOW BOX – CSX PROPERTY**

**BLUE LINE – PROPOSED EXTENSION OF SIDEWALK**

**RED LINE – EXISTING SIDEWALK IN FRONT OF ELLERSLY**



TN

# Tennessee Property Viewer



Vexcel | State of Tennessee, Comptroller of the Treasury | Esri Community Maps Contributors, © OpenStreetMap contributors, © Imagery © Mapbox, © Mapbox

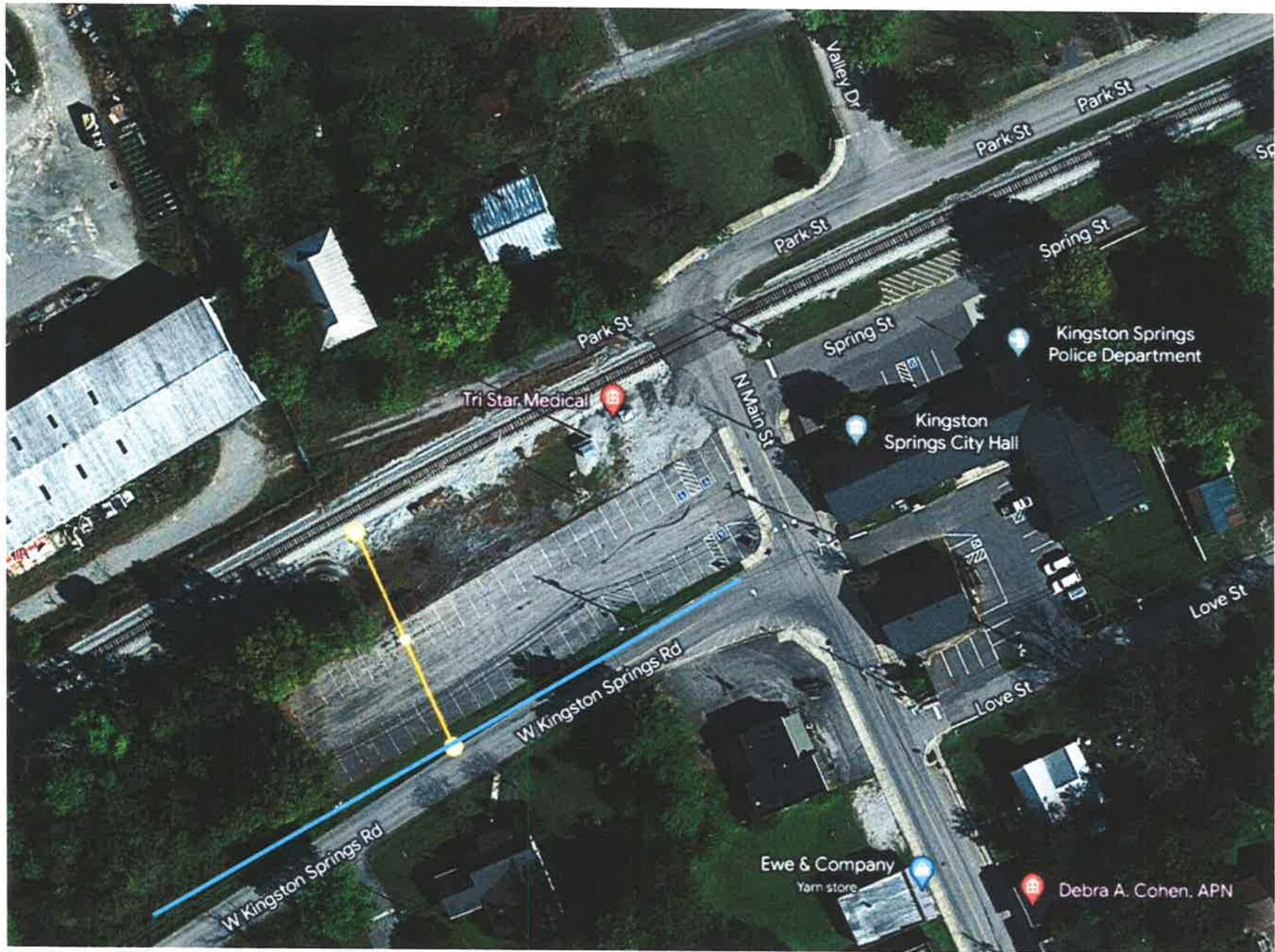
Type here to search



# **EXHIBIT 5**

Yellow Line = 133 Feet

Blue Line – Proposed Continuation of Sidewalk





# EXHIBIT 6

# BICYCLE/PEDESTRIAN PATHWAYS AND MULTI-USE TRAILS

## Overview

CSX recognizes that communities often wish to establish recreational pathways and trails in the proximity of active railroad lines. While CSX will work with communities to accommodate such requests, it is critical for project sponsors to recognize that CSX requirements must be met and safety precautions taken to protect the public and CSX employees. In addition, certain requests, such as pathway crossings at grade outside of existing highway easements, will not be permitted.

## Key Points

- Private or public bicycle/pedestrian pathways and trails parallel to the tracks are not permitted on CSX property.
- CSX prefers grade-separated bicycle/pedestrian pathways and multi-use trails.
- Bicycle/pedestrian pathways and trails cannot cross tracks at grade outside of existing highway easements.
- Pedestrian safety is enhanced when pathways and sidewalks are designed such that they cross the tracks at as close to a right angle as practical.
- The highway agency's design must include safety measures for at-grade pathways and trails within existing highway easements. These measures should include, at a minimum, detectable warnings. Pathways and trails should not be wider than 5'. All pathways and trails that exceed 5' in width must include additional safety measures beyond detectable warnings.
- CSX will oppose condemnation proceedings aimed at recreational use of trackside property.
- New crossings, if approved, and alterations to existing crossings, shall be maintained at the appropriate agency's expense.

CSX objects to publicly accessible parks, pathways and trails constructed within fifty (50) feet of its existing and proposed tracks. The location of publicly accessible recreational areas at such proximity to CSX poses major safety concerns and places undue liability to CSX. Agency shall be solely liable for any damages which could be mitigated or avoided by adherence to this safety standard.

Agency shall also install, own, maintain and repair, at its sole cost and expense, permanent protective fencing where its property is opposite CSX's property. Fencing shall be in accordance with CSX's standards.

## **CSX Policy on Pathways and Trails Parallel to CSX Property**

At CSX safety is paramount. CSX's policy is not to permit private or public parallel bicycle/pedestrian paths that come within the railroad's right-of-way. CSX will insist upon safety measures such as fencing and signage where such pathways or parks are established parallel to the railroad's right-of-way. The cost of installing, inspection and future maintenance are the responsibility of the trail sponsor or agency. CSX will oppose any attempt to establish recreational usage of CSX property through condemnation. Regardless of construction of pathways and trails, CSX reserves the right to use CSX right of way for operational necessities.

## **Pathways and Trails Crossing CSX Tracks and Right-of-Way**

Bicycle/pedestrian pathways and trails cannot cross tracks at grade outside of existing highway easements. Grade separated pathway and trail crossings are preferred in all cases, and required when outside of an existing highway easement. Pathways and trails under existing railroad structures are discouraged and will only be allowed under special circumstances. Pathways and trails under existing railroad structures will require a canopy. The canopy shall allow CSX to inspect, maintain, or repair its structure and shall not be attached to the CSX structure. Please refer to the Trail Construction Under CSX Bridges, for additional information (located in appendices to this document). Pathways and trails over and under the railroad track shall have protective fencing.

Bicycle/pedestrian pathways and trails crossing at-grade within a highway easement must have appropriate signs and warning systems as determined by the responsible highway and/or regulatory agency. When designing new sidewalk grade crossings, placing the sidewalk outside of the area occupied by grade crossing traffic control devices for vehicular traffic is important. This includes making sure that the counterweights and support arms for the automatic gates for vehicular traffic do not obstruct the sidewalk when the gate is fully lowered.

All expenses associated with the design, installation and maintenance of the pathway/trail, including the costs of signs, crossing surfaces and warning systems associated with an at-grade crossing, will be paid by the project sponsor.

Chapter 8 Section D of the Manual of Uniform Traffic Control Devices (MUTCD) provides design information to be considered by the highway agency responsible for the project engineering. The table of contents of this document has additional information on the MUTCD manual.

CSX prosecutes trespassers and every precaution must be taken to ensure that the public remains clear of CSX's property.



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SPECIALIST**

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# **EXHIBIT 7**

# METRO SIDEWALK PROGRAM REPORT

As of April 2022

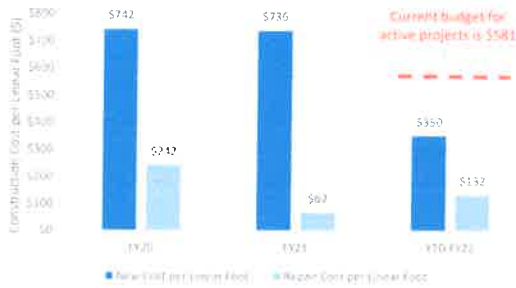
## CAPITAL SPENDING PLAN SUMMARY

CSP FY	Total LF Projected	Active LF	Total \$ Budgeted	\$ Unspent
FY19	62,580	49,925	\$32,550,943	\$27,802,446
FY20	0	0	\$0	\$0
FY21	705	705	2,458,550	1,417,493
<b>Total</b>	<b>63,285</b>	<b>50,630</b>	<b>\$35,009,493</b>	<b>\$29,219,939</b>

## ANALYSIS:

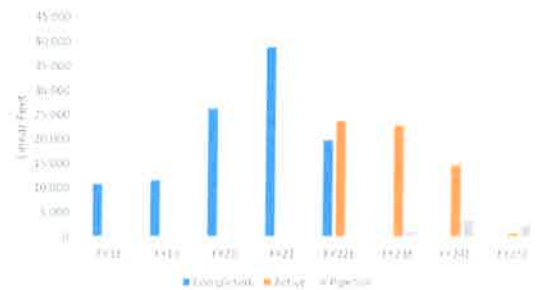
The average cost per linear foot for building new sidewalks in FY21 was \$736 per linear foot compared to the YTD FY22 average cost per linear foot of \$350. The 52% decrease in the YTD FY22 cost per linear foot is primarily due to a newly implemented rapid design process and quick build strategies (for new sidewalks) that reduce sidewalk construction costs. The Office of Performance Management is working with NDOT calculate the effect of these cost containment strategies for the second half of FY22.

Figure 1: Historical Construction Cost Per Linear Foot



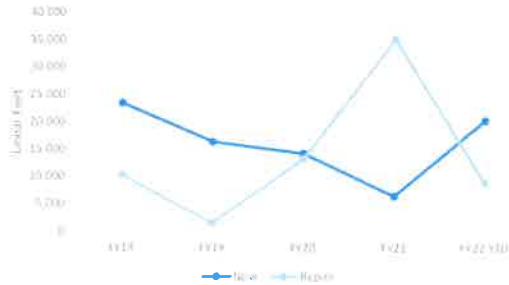
The YOY reduction in YTD FY22 is attributed to 11 of the 15 projects completed in FY22 being "quick build" projects that cost significantly less than traditional new sidewalk projects, which require more complex construction factors (e.g. curb, gutter, storm drainage, etc.)

Figure 2: Sidewalk Projects by Job Status



As of January 2022, Metro has 43 sidewalk projects that are active and in progress. These 43 projects will add over 62,000 linear feet to the network.

Figure 3: Linear Feet of Sidewalk Built & Repaired



Through the first half of FY22, Metro has added over 20,000 linear feet of new sidewalk to the network. During that same period, Metro has repaired over 8,000 linear feet of compromised sidewalk.

Figure 4: Sidewalk Construction Cost per Linear Foot



Metro invested over \$6 million in the build-out and management of its sidewalk network in FY21.

Through the first half of FY22, Metro has invested over \$7 million in the sidewalk program.

## PROJECT WATCH LIST

Project Name	Funding Source (CSP)	Linear Feet	Project Owner	New/Repair	Start of construction	Completion Date (Est.)	Status	Project Pct Complete	Budgeted Cost	Estimated Cost	Total Cost to Date
Ashford Trace	2018	125	NDOT	New	Apr-22	Aug-22	Off Track	75%	\$ 106,527	\$ -	TBD
Kings Lane	2018	1,632	NDOT	New	Apr-22	Jan-23	Off Track	75%	\$ 784,650	\$ -	TBD
Hamilton Church Road	2018	977	NDOT	New	Apr-22	Aug-22	Off Track	74%	\$ 400,000	\$ -	TBD
Davidson Road (Phase 2)	2019	1,453	NDOT	New	Apr-22	Feb-23	Off Track	75%	\$ 874,844	\$ -	TBD
Eastland Avenue	2019	926	NDOT	New	Apr-22	Nov-22	Off Track	75%	\$ 638,075	\$ -	TBD
Old Lebanon Pike (Phase 1)	2019	864	NDOT	New	Apr-22	Oct-22	Off Track	74%	\$ 847,503	\$ -	TBD
Riverside Drive	2019	1,480	NDOT	New	Apr-22	Jan-23	Off Track	75%	\$ 938,442	\$ -	TBD
Edge O Lake Drive (Phase 1 & 2)	2019	2,400	NDOT	New	Apr-22	Mar-23	Off Track	74%	\$ 1,101,000	\$ -	TBD
Tusculum Road (East)	2019	4,450	NDOT	New	Apr-22	May-23	Off Track	62%	\$ 2,400,000	\$ -	TBD
4th Ave N (Deaderick St)	2019	10	Mix	Repair	Jan-22	Mar-22	Off Track	50%	\$ 100,269	\$ -	TBD
Broadway Phase 2	2021	235	Mix	New	Jan-22	Mar-22	Off Track	99%	\$ 791,171	\$ -	\$ 680,797
Old Harding Pike	2019	1,413	NDOT	New	Apr-22	Nov-22	Off Track	75%	\$ 410,208	\$ -	TBD

# METRO SIDEWALK PROGRAM REPORT

As of April 2022

WORK IN PROGRESS (WIP)												
Project Name	Funding Source (CSP)	Linear Feet	Project Owner	New/Repair	Start of construction	Completion Date (Est.)	Status	Project Pct Complete	Budgeted Cost	Estimated Cost	Total Cost to Date	
Cane Ridge Rd	2019	1,590	Mix	New	May-22	Jan-22	On Track	60%	\$ -	\$ -	\$ -	
Maplewood Trance	2018	2,228	Mix	New	May-21	Nov-21	On Track	80%	\$ 1,303,491	\$ -	\$ 627,023	
Bowling Avenue (Phase 2)	2018	552	NDOT	New	Mar-23	Nov-23	On Track	74%	\$ 630,559	\$ -	\$ -	
Dickerson Pike Phase 1 & 2 (quick build)	2018	1,678	NDOT	New	Mar-23	Feb-24	On Track	63%	\$ 1,475,000	\$ -	\$ -	
Shadowbrook Trail	2018	109	NDOT	New	Sep-23	Aug-24	On Track	17%	\$ 175,000	\$ -	\$ -	
Vaults Lane	2018	1,788	NDOT	New	Mar-23	Apr-24	On Track	67%	\$ 1,758,742	\$ -	\$ -	
Annex Avenue (quick build)	2018	1,015	Mix	New	May-21	Feb-22	On Track	77%	\$ 1,369,000	\$ -	\$ 1,117,414	
23rd Ave N	2019	750	NDOT	New	Sep-23	Aug-24	On Track	5%	\$ 790,000	\$ -	\$ -	
Winthorne Drive	2019	2,656	NDOT	New	Mar-23	Apr-24	On Track	5%	\$ 1,100,000	\$ -	\$ -	
Foster Avenue (quick build)	2019	1,582	NDOT	New	Mar-23	Apr-24	On Track	5%	\$ 750,000	\$ -	\$ -	
Stratford Avenue (Phase 3)	2019	1,829	NDOT	New	Mar-23	Feb-24	On Track	7%	\$ 1,450,000	\$ -	\$ -	
Stewarts Ferry Pike	2019	624	NDOT	New	Sep-22	Aug-23	On Track	9%	\$ 750,000	\$ -	\$ -	
Mt. View Road	2019	758	NDOT	New	Sep-22	Aug-23	On Track	23%	\$ 690,000	\$ -	\$ -	
Unbar Drive	2019	1,538	NDOT	New	Sep-22	May-23	On Track	31%	\$ 970,374	\$ -	\$ -	
Forest Park Road	2019	1,065	NDOT	New	Sep-22	Aug-23	On Track	39%	\$ 550,000	\$ -	\$ -	
Brewer Drive (Phase 1)	2019	1,523	NDOT	New	Sep-22	Aug-23	On Track	39%	\$ 780,000	\$ -	\$ -	
Andrew Jackson Pkwy (quick build)	2019	3,760	Mix	New	Jun-22	Mar-22	On Track	80%	\$ 395,366	\$ -	\$ 212,577	
Elm Hill Pike - fesslers to Spence (quick build)	2019	4,255	NDOT	New	Jan-22	Mar-22	On Track	40%	\$ 1,032,294	\$ -	\$ 443,434	
Hwy 70 South	2019	1,920	NDOT	New	Sep-22	Mar-23	On Track	46%	\$ 712,160	\$ -	\$ -	
Herman Street	2019	1,300	Mix	New	Dec-21	May-22	On Track	80%	\$ 570,000	\$ -	\$ 285,280	
Delmas Avenue	2019	2,310	NDOT	New	Dec-21	Apr-23	On Track	75%	\$ 1,240,000	\$ -	\$ -	
Brck Church Pike	2019	2,323	Mix	New	May-22	Feb-22	On Track	95%	\$ 2,077,000	\$ -	\$ 1,356,313	
Bowling Avenue (Phase 1)	2019	1,211	NDOT	New	Sep-22	Oct-23	On Track	65%	\$ 1,526,626	\$ -	\$ -	
W. Hamilton Avenue (Phase 2)	2019	1,500	Mix	New	Dec-21	Aug-22	On Track	75%	\$ 1,030,000	\$ -	\$ 780,370	
Bellevue Rd	2019	50	Mix	Repair	Feb-22	Feb-22	On Track	40%	\$ 37,220	\$ -	\$ -	
Broadway Phase 3	2021	235	Brad Freeze	New	Feb-22	Apr-22	On Track	40%	\$ 795,676	\$ -	\$ 304,008	
Anderson Lane (quick build)	2018	470	NDOT	New	Sep-23	Aug-24	On Track	58%	\$ 500,000	\$ -	\$ -	
<b>TOTAL WIP</b>		40,119							\$ 23,908,507	\$ -	\$ -	

## PROJECT PIPELINE

Project Name	Funding Source (CSP)	Linear Feet	Project Owner	New/Repair	Start of construction	Completion Date (Est.)	Status	Project Pct Complete	Budgeted Cost	Estimated Cost	Total Cost to Date
Nolensville Pike/Wallace Rd	2018	932	NDOT	New	TBD	TBD	Hold	0%	\$ 1,080,000	\$ -	\$ -
Graybar Ln/Hillsboro Pike	2018	1,102	NDOT	New	TBD	TBD	Hold	0%	\$ 675,000	\$ -	\$ -
Lebanon Pike	2018	383	NDOT	New	Sep-23	Aug-24	On Track	0%	\$ 820,000	\$ -	\$ -
Gallatin Pike	2018	445	NDOT	New	Sep-23	Aug-24	On Track	0%	\$ 312,000	\$ -	\$ -
Murfreesboro Pike	2018	1,177	NDOT	New	Sep-23	Aug-24	On Track	0%	\$ 553,000	\$ -	\$ -
Brewer Drive (Phase 2)	2018	1,029	NDOT	New	Mar-23	May-24	On Track	0%	\$ 875,000	\$ -	\$ -
Ordway Place	2018	600	NDOT	New	Mar-23	May-24	On Track	0%	\$ 550,000	\$ -	\$ -
15th Ave N/Hynes St	2018	328	NDOT	New	Mar-23	May-24	On Track	0%	\$ 300,000	\$ -	\$ -
James Avenue (Phase 1 & 2)	2019	4,434	NDOT	New	TBD	TBD	Hold	0%	\$ 1,610,000	\$ -	\$ -
Vaughn's Gap Road	2019	1,100	NDOT	New	TBD	TBD	Hold	0%	\$ 750,000	\$ -	\$ -
Annex Ave	2019	1,275	NDOT	New	TBD	TBD	Hold	0%	\$ 1,260,000	\$ -	\$ -
Blue Hole Road	2019	1,501	NDOT	New	Mar-23	May-24	On Track	0%	\$ 600,000	\$ -	\$ -
Broadway Phase 6	2021	380	NDOT	Capex	Feb-23	Mar-23	On Track	0%	\$ -	\$ -	\$ -
Broadway Phase 5	2021	380	NDOT	Capex	Dec-22	Jan-23	On Track	0%	\$ -	\$ -	\$ -
Broadway Phase 4	2021	350	NDOT	Capex	Oct-22	Nov-22	On Track	0%	\$ -	\$ -	\$ -
<b>TOTAL PIPELINE</b>		15,366							\$ 9,385,000	\$ -	\$ -

# **EXHIBIT 8**



# Multimodal Access Grant: 2023 Application Cycle



## 2023 TDOT Matches

### Updated match percentages from the 2022 MMAG Cycle will remain:

**All applicants:** Maximum portion of the project budget eligible for TDOT match will remain at **\$1.25M**

- **Projects in Distressed/At-Risk Counties:** **95% of total project budget**, up to a maximum award of \$1,187,500
- **Project in All Other Counties:** **90% of total project budget**, up to a maximum award of \$1,125,000

### What is the Multimodal Access Grant (MMAG)?

TDOT's MMAG is a state-funded program created to support the transportation needs of pedestrians, bicyclists, and transit users through infrastructure projects that address existing gaps along state routes.

### Want to learn more?

The 2023 MMAG cycle will be held during the 2023 calendar year. **Click the link at the bottom of this page for more details.**

For questions, contact Masonya Osei at (615) 770-5322 or [Masonya.Osei@tn.gov](mailto:Masonya.Osei@tn.gov).

### Eligibility Overview:

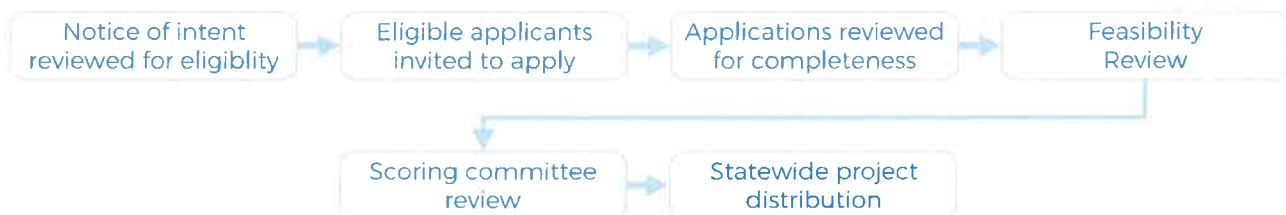
Eligible projects must meet the following criteria (see full guidelines for more information):

- ✓ Project **must** be located along a state route
- ✓ Project **must** meet ADA and PROWAG standards
- ✓ Project **must** primarily serve a transportation need
- ✓ Projects **must** be contiguous and **must** include new construction or rehab of existing facilities
- ✓ Applicants **must** commit to a local match and ongoing maintenance responsibility

Priority may be given to the following:

- ✓ Projects located in an economically distressed or at-risk area
- ✓ Applicants who have identified strategies for addressing constructability challenges
- ✓ High-quality, repeat applications

### Selection Process:



### Program Timeline:



# EXHIBIT 9

## Pedestrian and Bicycle Funding Opportunities: U.S. Department of Transportation Transit, Safety, and Highway Funds

September 9, 2022

This table indicates potential eligibility for pedestrian and bicycle activities and projects under U.S. Department of Transportation surface transportation funding programs. Activities and projects need to meet program eligibility. See notes and basic program requirements below, with links to program information. Project sponsors should integrate the safety, accessibility, equity, and convenience of walking and bicycling into surface transportation projects.

Activity or Project Type	Pedestrian and Bicycle Funding Opportunities: U.S. Department of Transportation Transit, Safety, and Highway Funds																										
	OST Programs										Federal Transit					NHTSA				Federal Highway Administration							
	RAISE	INFRA	RCP	SS4A	Thrive	RRIF	TIFIA	FTA	ATI	LOD	AoPP	402	405	BFP BIP BRR	CRP	CMAQ	IISIP	RIICP	NIPP	PRO TECT	STBG	TA	RTP	SRTS	PLAN	NSBP	ET
Access enhancements to public transportation (benches, bus pads)	\$	\$	\$	\$		~\$	~\$	\$	\$		~\$			\$	\$				\$	\$	\$	\$	\$				\$
Americans with Disabilities Act (ADA)/504 Self Evaluation / Transition Plan				\$	TA					\$	\$				\$						\$	\$	\$		\$		
Barrier removal for ADA compliance	\$	\$	\$	\$		~\$	~\$	\$	\$	~\$	~\$			\$	\$				\$	\$	\$	\$	\$	\$			\$
Bicycle plans			~\$	\$				\$		\$	\$				\$					\$	\$	\$		\$	\$		
Bicycle helmets (project or training related)												\$									\$	SSRTS		\$			
Bicycle helmets (safety promotion)																				\$	SSRTS		\$				
Bicycle lanes on road	~\$	~\$	\$	\$		~\$	~\$	\$	\$		~\$				\$	\$	\$	\$	\$	\$	\$	\$		\$			
Bicycle parking (see <a href="#">Bicycle Parking Solutions</a> )	~\$	~\$	\$	\$		~\$	\$	\$	\$		~\$				\$	\$			\$		\$	\$	\$				
Bike racks on transit	~\$		\$	~\$			~\$	\$	\$		~\$				\$	\$			\$		\$	\$	\$	\$			\$
Bicycle repair station (air pump, simple tools)	~\$		\$	~\$		~\$	~\$	\$	\$						\$	\$					\$	\$					
Bicycle share (capital and equipment; not operations)	~\$	~\$	\$	~\$		~\$	~\$	\$	\$						\$	\$			\$		\$	\$					
Bicycle storage or service centers (example: at transit hubs)	~\$		\$	~\$		~\$	\$	\$	\$						\$	\$					\$	\$					
Bridges / overcrossings for pedestrians and or bicyclists	\$	\$	\$	\$		~\$	~\$	\$	\$					\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$			
Bus shelters and benches	\$	\$	\$	~\$		~\$	~\$	\$	\$						\$	\$			\$	\$	\$	\$					\$
Coordinator positions (State or local) (limits on CMAQ and STBG)				\$							\$					\$					\$	SSRTS		\$			
Community Capacity Building (develop organizational skills/processes)				\$	TA					\$	\$														\$		
Crosswalks for pedestrians, pedestrian refuge islands (new or retrofit)	\$	\$	\$	\$		~\$	~\$	\$	\$						\$	~\$	\$	\$	\$	\$	\$	\$	\$	\$			\$
Curb ramps	\$	\$	\$	\$		~\$	~\$	\$	\$					\$	\$	~\$	\$	\$	\$	\$	\$	\$	\$	\$			\$
Counting equipment			\$	\$			~\$	\$	\$										\$		\$	\$	\$	\$			\$
Data collection and monitoring for pedestrians and/or bicyclists	\$	\$	\$	\$		~\$	\$	\$	\$	\$					\$				\$		\$	\$	\$	\$	\$		
Emergency and evacuation routes for pedestrians and/or bicyclists	\$	\$	\$	~\$			\$	\$	\$	~\$	~\$				\$				\$	\$	\$	\$	\$	\$	\$		
Historic preservation (pedestrian and bicycle and transit facilities)	~\$		~\$	~\$		~\$	~\$	\$	\$		~\$				\$						\$	\$					\$
Landscaping, streetscaping (pedestrian/bicycle route; transit access); related amenities (benches, water fountains); usually part of larger project	~\$	~\$	~\$	~\$		~\$	~\$	\$	\$	~\$	~\$				\$				~\$	\$	\$	\$					
Lighting (pedestrian and bicyclist scale associated with pedestrian/bicyclist project)	\$	\$	\$	\$		~\$	~\$	\$	\$		~\$				\$	~\$	\$	\$	\$	\$	\$	\$	\$	\$			\$
Maps (for pedestrians and/or bicyclists)				\$				\$	\$	\$	~\$				\$	\$					\$	\$		\$	\$	\$	
Micromobility projects (including scooter share)	\$		\$	~\$		~\$	~\$				~\$				\$	\$					\$	\$					\$
Paved shoulders for pedestrian and/or bicyclist use	\$	~\$	\$	\$		~\$	~\$							\$	\$	\$	\$	\$	\$	\$	\$	\$		\$			\$
Pedestrian plans	\$	~\$	~\$	\$				\$	\$	\$					\$						\$	\$	\$	\$	\$		
Rail at-grade crossings	\$	\$	\$	~\$		\$	\$	\$	\$						\$		\$	\$	\$	\$	\$	\$	\$	\$			
Recreational trails	\$		\$	~\$		~\$															\$	\$	\$	\$			\$
Resilience Improvements for pedestrians and bicyclists	\$	\$	\$	~\$		~\$	~\$			\$	~\$			~\$	~\$	~\$			\$	\$	\$	\$	\$	\$	\$		\$
Road Diets (pedestrian and bicycle portions)	\$	\$	\$	\$		~\$	\$								\$	\$	\$	\$	\$	\$	\$	\$	\$				\$

**Pedestrian and Bicycle Funding Opportunities: U.S. Department of Transportation Transit, Safety, and Highway Funds**

Key: \$ = Activity may be eligible. Restrictions may apply, see program notes and guidance. ~\$ = Eligible, but not competitive unless part of a larger project.

Activity or Project Type	OST Programs						Federal Transit				NHTSA		Federal Highway Administration															
	RAISE	INFRA	RCP	SS4A	Thrive	RRIF	IFIA	FTA	ATI	TOD	AoPP	402	405	BFP BIP BRP	CRP	CMAQ	HSIP	RHCP	NHPP	PRO TECT	STBG	TA	RTP	SRTS	PLAN	NSBP	ET	
Road Safety Assessment for pedestrians and bicyclists			S	S	TA		~S				~S						\$	\$				S	S			\$		
Safety education and awareness activities and programs to inform pedestrians, bicyclists, and motorists on ped/bike traffic safety laws				S							~S	\$	S				\$					SSRTS	SSRTS		\$	\$		
Safety education positions				S							~S	\$										SSRTS	SSRTS		\$			
Safety enforcement (including police patrols)				S								\$	S				\$					SSRTS	SSRTS		\$			
Safety program technical assessment (for peds/bicyclists)			S	~\$	TA						~S	\$					\$					SSRTS	SSRTS		\$			
Separated bicycle lanes	\$	\$	S	S		~S	~\$	\$	\$		~S			\$	\$	\$	\$	\$	\$	\$	\$	S	S		\$	\$		
Shared use paths / transportation trails	\$	\$	S	S		~S	~\$	\$	\$		~S			\$	\$	\$	\$	\$	\$	\$	\$	S	S	\$	\$	\$	\$	\$
Sidewalks (new or retrofit)	\$	\$	S	S		~S	~\$	\$	\$	~S	~S			\$	\$	\$	\$	\$	\$	\$	\$	S	S	\$	\$	\$	\$	\$
Signs, signals, signal improvements (incl accessible pedestrian signals) see note	\$	\$	S	S		~S	~\$	\$	\$	~S	~S			\$	\$	\$	\$	\$	\$	\$	\$	S	S		\$	\$		
Signing for pedestrian or bicycle routes	\$	\$	S	S		~S	~\$	\$	\$		~S			\$	\$	\$		\$	\$	\$	\$	S	S		\$	\$		
Spot improvement programs (for pedestrian and bicycle facilities)	\$	\$		S		~S	~\$	\$			~S			\$	\$	\$		\$	\$	\$	\$	S	S		\$	\$		
Stormwater impacts related to pedestrian and bicycle project impacts	\$	\$	S	~\$		~S	~\$	\$	\$					\$	\$	\$	\$	\$	\$	\$	\$	S	S	\$	\$			
Traffic calming	\$	\$	S	S		~S	~\$	\$						\$		\$	\$	\$	\$	\$	\$	S	S	\$	\$			
Trail bridges	\$	\$	S	~\$		~S	\$							\$	~S	\$	\$	\$	\$	\$	\$	S	S	\$	\$			
Trail construction and maintenance equipment				~\$		~S	~\$							\$								\$	\$	\$				
Trail/highway crossings and intersections	\$	\$	S	S		~S	~\$							\$	\$	~S	\$	\$	\$	\$	\$	S	S	\$	\$	\$	\$	\$
Trailside/trailhead facilities (restrooms, water, not general park amenities)	~S					~S	~\$							~\$								\$	\$	\$		\$		
Training				S	TA						~S	\$				\$	\$					\$	\$	\$	\$	\$	\$	\$
Training for law enforcement on ped/bicyclist safety laws				~\$								\$	\$			~S	\$					SSRTS	SSRTS		\$			
Tunnels / underpasses for pedestrians and/or bicyclists	\$	\$	S	S		\$	\$	\$	\$					\$	\$	\$	\$	\$	\$	\$	\$	S	S	\$	\$			
Vulnerable Road User Safety Assessment			S	S	TA												\$	\$	\$	\$	\$	S	S	\$	\$			

**Abbreviations**

ADA/504: Americans with Disabilities Act of 1990 / Section 504 of the Rehabilitation Act of 1973

**RAISE:** Rebuilding American Infrastructure with Sustainability and Equity

**INFRA:** Infrastructure for Rebuilding America Discretionary Grant Program

**RCP:** Reconnecting Communities Pilot Program

**SS4A:** Safe Streets and Roads for All

**Thrive:** Thriving Communities Initiative (TA: Technical Assistance)

**RRIF:** Railroad Rehabilitation and Improvement Financing (loans)

**IFIA:** Transportation Infrastructure Finance and Innovation Act (loans)

**FTA:** Federal Transit Administration Capital Funds

**ATI:** Associated Transit Improvement (1% set-aside of FTA)

**TOD:** Transit-Oriented Development

**AoPP:** Areas of Persistent Poverty Program

**NHTSA 402:** National Highway Traffic Safety Administration State and Community Highway Safety Grant Program

**NHTSA 405:** National Highway Traffic Safety Administration National Priority Safety Programs (Nonmotorized safety)

**BFP:** Bridge Formula Program; **BIP:** Bridge Investment Program; **BRP:** Bridge Replacement and Rehabilitation Program

**CRP:** Carbon Reduction Program

**CMAQ:** Congestion Mitigation and Air Quality Improvement Program

**HSIP:** Highway Safety Improvement Program

**RHCP:** Railway-Highway Crossings (Section 130) Program

**NHPP:** National Highway Performance Program

**PROTECT:** Promoting Resilient Operations for Transformative, Efficient, and Cost Saving Transportation

**STBG:** Surface Transportation Block Grant Program

**TA:** Transportation Alternatives Set-Aside (formerly Transportation Alternatives Program, Transportation Enh

**RTP:** Recreational Trails Program

**SRTS:** Safe Routes to School Program (and related activities)

**PLAN:** Statewide Planning and Research (SPR) or Metropolitan Planning funds

**NSBP:** National Scenic Byways Program

**ELTTP:** Federal Lands and Tribal Transportation Programs: [Federal Lands Access Program](#), [Federal Lands Tribal Transportation Program](#), [Federal Lands Planning Program](#) and related programs for Federal an such as the [Nationally Significant Federal Lands and Tribal Projects](#) program.

**TTP:** Tribal Transportation Program

**TTPSE:** Tribal Transportation Program Safety Fund

## Cross-cutting notes

This table indicates potential eligibility for pedestrian, bicycle, and micromobility activities and projects under U.S. Department of Transportation surface transportation funding programs. Activities and projects must meet program requirements. See notes and links to program information below. Although the primary focus of this table is stand-alone activities and projects, programs also fund pedestrian and bicycle facilities as part of larger projects. Projects are encouraged to consider [Complete Streets](#) and Networks that routinely integrate the safety, accessibility, equity, and convenience of walking and bicycling into surface transportation projects. In these instances, the Federal-aid pedestrian and bicycle elements are considered under the eligibility criteria applicable to the larger highway project. Pedestrian and bicycle activities also may be characterized as environmental mitigation for larger highway projects in response to impacts to a Section 4(f) property or work zone safety, mobility, and accessibility impacts on bicyclists and pedestrians.

- See [FHWA Bicycle and Pedestrian Planning, Program, and Project Development](#) (Guidance)
- Bicycle Project Purpose: 23 U.S.C. 217(i) requires that bicycle facilities “be principally for transportation, rather than recreation, purposes”. However, 23 U.S.C. 133(b)(7) and 133(h) authorize recreational trails under [STB Set-Aside](#), therefore, 23 U.S.C. 217(i) does not apply to trail projects (including for bicycle use) using [STBG](#) or [TA Set-Aside](#) funds. Section 217(i) applies to bicycle facilities other than trail-related projects, and section 217(i) applies to bicycle facilities using other programs ([NJIPP](#), [IISIP](#), [CMAQ](#)). The transportation requirement under section 217(i) only applies to bicycle projects, not to any other trail use or transportation mode.
- Signs, signals, signal improvements includes ensuring accessibility for persons with disabilities. See [Accessible Pedestrian Signals](#). See also [Proven Safety Countermeasures](#), such as [Crosswalk Visibility Enhancements](#), [Leaving Interval](#) signals, [Pedestrian Hybrid Beacons](#), and [Rectangular Rapid Flashing Beacons](#).
- Occasional DOT or agency incentive grants may be available for specific research or technical assistance purposes.
- Aspects of DOT initiatives may be eligible as individual projects. Activities above may benefit safe, comfortable, multimodal networks; environmental justice; and equity.
- The [DOT Navigator](#) is a resource to help communities understand the best ways to apply for grants, and to plan for and deliver transformative infrastructure projects and services.
- FHWA’s [Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America](#).
- FHWA Links to [Technical Assistance and Local Support](#).

## Program-specific notes

Federal-aid and other DOT funding programs have specific requirements that projects must meet, and eligibility must be determined on a case-by-case basis. See links to program guidance for more information.

- [RAISE](#) (Infrastructure Investment and Jobs Act (Pub. L. 117-58) (IIJA), also known as the Bipartisan Infrastructure Law (BIL), § 21202): Funds capital and planning grants.
- [INFRA](#) (IIJA § 11110): For projects that improve safety, generate economic benefits, reduce congestion, enhance resiliency, and hold the greatest promise to eliminate freight bottlenecks and improve critical freight movement.
- [RCP](#) (IIJA § 11509 and div. J, title VIII, Highway Infrastructure Programs, para. (7)): See [RCP Program Notice of Funding Opportunity](#) for full details. Planning grants and Capital Construction Grants must relate to a transit project that creates a barrier to community connectivity.
- [SS4A](#) (IIJA § 24112): Discretionary program funds regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries. Projects must be identified in a comprehensive safety action plan (§ 24112).
- [Thrive](#) (Department of Transportation Appropriations Act, 2022 (Pub. L. 117-103, div. L, title I): Technical assistance, planning, and capacity-building support in selected communities.
- [RRIF](#) (Chapter 224 of title 49 U.S.C.): Program offers direct loans and loan guarantees for capital projects related to rail facilities, stations, or crossings. Pedestrian and bicycle infrastructure components of “economic development” projects located within ½-mile of qualifying rail stations may be eligible. May be combined with other grant sources.
- [TIFIA](#) (Chapter 6 of title 23 U.S.C.): Program offers secured loans, loan guarantees, or standby lines of credit for capital projects. Minimum total project size is \$10 million; multiple surface transportation projects may be below the cost threshold, under the condition that all projects have a common repayment pledge. May be combined with other grant sources, subject to total Federal assistance limitations.
- [FTA / ATI](#) (49 U.S.C. 5307): Multimodal projects funded with FTA transit funds must provide access to transit. See [Bicycles and Transit](#), [Flex Funding for Transit Access](#), the FTA [Final Policy Statement on the Eligibility and Bicycle Improvements Under Federal Transit Law](#), and [FTA Program & Bicycle Related Funding Opportunities](#).
  - Bicycle infrastructure plans and projects must be within a 3-mile radius of a transit stop or station. If more than 3 miles, within a distance that people could be expected to safely and conveniently bike to the particular stop or station.
  - Pedestrian infrastructure plans and projects must be within a ½ mile radius of a transit stop or station. If more than ½ mile, within a distance that people could be expected to safely and conveniently walk to the particular stop or station.
  - FTA funds cannot be used to purchase bicycles for bike share systems.
- [FTA TOD](#): Provides planning grants to support community efforts to improve safe access to public transportation for pedestrians and cyclists. The grants help organizations plan for transportation projects that connect communities and improve access to transit and affordable housing, not for capital purchases.
- [FTA AoPP](#) (Further Consolidated Appropriations Act, 2020 (Pub. L. 116-94); Consolidated Appropriations Act, 2021 (Pub. L. 116-260)): Promotes multimodal planning, engineering, and technical studies, or financial plan for transit services in areas experiencing long-term economic distress, not for capital purchases.
- [NHTSA 402](#) (23 U.S.C. 402): Project activity must be included in the State’s Highway Safety Plan. Contact the [State Highway Safety Office](#) for details.
- [NHTSA 405](#) (23 U.S.C. 405): Funds are subject to eligibility, application, and award. Project activity must be included in the State’s Highway Safety Plan. Contact the [State Highway Safety Office](#) for details. The [Bipartisan Infrastructure Law](#) expanded the eligible use of funds for a Section 405 Nonmotorized Safety grant beginning in FY 2024; however, for FY 2023 grants, FAST Act eligible uses remain in place.
- [BEP](#), (IIJA, Div. J, title VIII, para. (1)), [BIP](#) (23 U.S.C. 124), [BRR](#) (Department of Transportation Appropriations Act, 2022): For specific highway bridge projects and highway bridge projects that will replace or rehabilitate existing bridges, consider pedestrian and bicycle access as part of the project and costs related to their inclusion are eligible under these programs.
- [CRP](#) (23 U.S.C. 175): Projects should support the reduction of carbon dioxide emissions from on-road highway sources.

- [CMAQ](#) (23 U.S.C. 149): Projects must demonstrate emissions reduction and benefit air quality. See the CMAQ guidance at [www.fhwa.dot.gov/environment/air\\_quality/cmaq/](http://www.fhwa.dot.gov/environment/air_quality/cmaq/) for a list of projects that may be eligible for CMAQ funds may be used for shared use paths, but not for trails that are primarily for recreational use.
- [HSIP](#) (23 U.S.C. 148): Projects must be consistent with a State's [Strategic Highway Safety Plan](#) and (1) correct or improve a hazardous road location or feature, or (2) address a highway safety problem. Certain non-infrastructure projects can also be funded using HSIP funds as specified safety projects.
- [RHCP](#) (23 U.S.C. 130): Projects at all public railroad crossings including roadways, bike trails, and pedestrian paths.
- [NHPP](#) (23 U.S.C. 119): Projects must benefit National Highway System (NHS) corridors and must be located on land adjacent to any highway on the National Highway System (23 U.S.C. 217(b)).
- [PROTECT](#) (23 U.S.C. 176): Funds can only be used for activities that are primarily for the purpose of resilience or inherently resilience related. With certain exceptions, the focus must be on supporting the incremental cost assets more resilient.
- [STBG](#) (23 U.S.C. 133) and [TA Set-Aside](#) (23 U.S.C. 133(h)): Activities marked "SSRTS" means eligible only as an SRTS project benefiting schools for kindergarten through 12<sup>th</sup> grade. Bicycle transportation nonconstructive related to safe bicycle use are eligible under STBG, but not under TA (23 U.S.C. 217(a)). There is broad eligibility for projects under 23 U.S.C. 206, 208, and 217.
- [RTP](#) (23 U.S.C. 206): Projects for trails and trailside and trailhead facilities for any recreational trail use. RTP projects are eligible under TA Set-Aside and STBG.
- [SRTS](#) (23 U.S.C. 208): Projects for any SRTS activity. FY 2012 was the last year for dedicated - funds, but funds are available until expended. SRTS projects are eligible under TA Set-Aside and STBG.
- [PLAN](#) (23 U.S.C. 134 and 135): Funds must be used for planning purposes, for example: Maps: System maps and GIS: Safety education and awareness: for transportation safety planning; Safety program technical assessment; transportation safety planning; Training: bicycle and pedestrian system planning training.
- [NSBP](#) (23 U.S.C. 162): Discretionary program subject to annual appropriations. Projects must directly benefit and be close to a designated scenic byway.
- [FLTPP](#) (23 U.S.C. 201-204): Projects must provide access to or within Federal or tribal lands. Programs include: Federal Lands and Tribal Transportation Programs ([Federal Lands Access Program](#), [Federal Lands Transportation Program](#)) and related programs for Federal and Tribal lands such as the [Nationally Significant Federal Lands and Tribal Projects](#) (NSFLTP) program.
  - [Federal Lands Transportation Program](#) (23 U.S.C. 203): For Federal agencies for projects that provide access within Federal lands.
  - [Federal Lands Access Program](#) (FLAP) (23 U.S.C. 204): For State and local entities for projects that provide access to or within Federal or tribal lands.
- [TTP](#) (23 U.S.C. 202): For federally-recognized tribal governments for projects within tribal boundaries and public roads that access tribal lands.
- [TTPSE](#) (23 U.S.C. 202(e)(1) and 23 U.S.C. 148(a)(4)): Grants available to [federally recognized Indian tribes](#) through a competitive, discretionary program to plan and implement transportation safety projects.

# **EXHIBIT 10**

# Safe Streets and Roads for All (SS4A) Grant Program

<https://www.transportation.gov/grants/ss4a/announcement>

[https://www.transportation.gov/grants/SS4A#:~:text=The%20Bipartisan%20Infrastructure%20Law%20\(BIL,roadway%20deaths%20and%20serious%20injuries](https://www.transportation.gov/grants/SS4A#:~:text=The%20Bipartisan%20Infrastructure%20Law%20(BIL,roadway%20deaths%20and%20serious%20injuries)

The [Bipartisan Infrastructure Law](#) (BIL) established the Safe Streets and Roads for All (SS4A) discretionary program with \$5 billion in appropriated funds over 5 years, 2022-2026. The SS4A program funds regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries.

The SS4A program supports the U.S. Department of Transportation's [National Roadway Safety Strategy](#) and our goal of zero roadway deaths using a [Safe System Approach](#).

## FY23 Round 1 Awards Announced for 235 Communities

On Oct. 27, 2023, the [U.S. Department of Transportation announced](#) 235 fiscal year (FY) 2023 SS4A grants totaling \$82 million to regional, local, and Tribal communities for planning and demonstration projects to improve safety and help prevent deaths and serious injuries on the nation's roadways.

[Learn about the selected FY23 projects.](#)

## Additional FY23 Awards Anticipated in December

This is the **first of two FY23 announcements** for the Safe Streets and Roads for All competitive grant program and includes Planning and Demonstration Grants only.

The second announcement is anticipated in December and will include additional **Planning and Demonstration Grants** and **Implementation Grants**, which provide federal funds to implement projects and strategies identified in an Action Plan to address a roadway safety problem.

Fiscal year 2023 marks the second year of this 5-year grant program.

## FY24 Applications Anticipated to Open in February 2024

[Applications](#) for the FY24 SS4A Notice of Funding Opportunity are anticipated to open in February 2024

[Subscribe to email updates](#) to be notified when additional information is available.



[Subscribe to email updates](#) to be notified when additional information is available.

## Who Is Eligible for Grant Funding?

The following groups of applicants are eligible for the SS4A grant program:

- Counties, cities, towns, transit agencies, and other special districts that are political subdivisions of a State.
- Metropolitan planning organizations (MPOs).
- Federally recognized Tribal governments.

[Learn more about SS4A eligibility.](#)

## Grant Types

The program supports the development of a comprehensive safety action plan (Action Plan) that identifies the most significant roadway safety concerns in a community and the implementation of projects and strategies to address roadway safety issues. Action Plans are the foundation of the SS4A grant program. SS4A requires an eligible Action Plan be in place before applying to implement projects and strategies. The SS4A program provides funding for two types of grants:

- **Planning and Demonstration Grants** provide Federal funds to develop, complete, or supplement a comprehensive safety action plan. The goal of an Action Plan is to develop a holistic, well-defined strategy to prevent roadway fatalities and serious injuries in a locality, Tribe, or region. Planning and Demonstration Grants also fund supplemental planning and/or demonstration activities that inform the development of a new or existing Action Plan. The Department encourages including demonstration activities in an application.
- **Implementation Grants** provide Federal funds to implement projects and strategies identified in an Action Plan to address a roadway safety problem. Projects and strategies can be infrastructure, behavioral, and/or operational activities. Implementation Grants may also include demonstration activities, supplemental planning, and project-level planning, design, and development. **Applicants must have an eligible Action Plan to apply for Implementation Grants.** The Department encourages including demonstration activities in an application.

# Planning and Demonstration Grants

## Implementation Grants

### Implementation Example Activities

Implementation Grants fund projects and strategies identified in an Action Plan that address roadway safety problems. Implementation Grants may also fund supplemental planning and demonstration activities as described above on this website, as well as planning, design, and development activities for projects and strategies identified in an Action Plan.

Below are illustrative examples of projects and strategies that could be conducted as part of an Implementation Grant. **This list is not intended to be exhaustive** in nature and could include infrastructure, behavioral, and operational safety activities identified in an Action Plan:

- **Applying low-cost roadway safety treatments** system-wide, such as left- and right-turn lanes at intersections, centerline and shoulder rumble strips, wider edge lines, high-friction surface treatments, road diets, and better signage along high-crash urban and rural corridors.
- **Identifying and correcting common risks** across a network, such as improving pedestrian crosswalks by adding high-visibility pavement markings, lighting, and signage at transit stops, in a designated neighborhood, or along a busy public transportation route.
- **Transforming a roadway corridor** on a High-Injury Network into a Complete Street with safety improvements to control speed, separate users, and improve visibility, along with other measures that improve safety for all users.
- **Installing pedestrian safety enhancements and closing network gaps** with sidewalks, rectangular rapid-flashing beacons, signal improvements, and audible pedestrian signals for people walking, rolling, or using mobility assisted devices.
- **Supporting the development of bikeway networks** with bicycle lanes for different roadway volumes and speeds that are safe for people of all ages and abilities.
- **Carrying out speed management strategies** such as implementing traffic calming road design changes, addressing speed along key corridors through infrastructure, conducting education and outreach, setting appropriate speed limits, and making strategic use of speed safety cameras.

- **Creating safe routes to school and public transit services** through multiple activities that lead to people safely walking, biking, and rolling in underserved communities.
- **Promoting the adoption of innovative technologies or strategies to promote safety** and protect vulnerable road users in high-traffic areas where commercial motor vehicles (CMVs), pedestrians, bicyclists, motorcyclists, etc. interact.
- **Conducting education campaigns to accompany new or innovative infrastructure**, such as roundabouts, pedestrian hybrid beacons, or pedestrian-only zones.
- **Reducing roadway departure crashes** through enhanced delineation, shoulder widening, rumble strips, and roadside safety improvements.
- **Evaluating and improving the safety of intersections** by considering innovative design changes, improved delineation, and advanced warning.

Implementation Grant applicants may also “bundle” supplemental planning and demonstration activities with funding proposals for projects and strategies. These additional activities do not need to be in the same area as the projects and strategies, and could be addressing a separate safety issue. DOT will evaluate such activities separately from projects and strategies. Some examples include:

- **Working with community members in an identified problem area** to carry out quick-build street design changes informed by outreach and user input.
- **Unifying and integrating safety data across jurisdictions** where local agencies share their crash, roadway inventory, and traffic volume data to create an analytic data resource.
- **Testing out the deployment advanced transportation technologies**, such as the installation of connected intersection-based safety solutions and vehicle-to-infrastructure (V2I) advisory speed limit systems (e.g., Intelligent Speed Assistance [ISA]).
- **Improving first responder services** with improved crash data collection, formalizing street names and addressing, and enhancing emergency vehicle warning systems.
- **Implementing standard and novel data collection and analysis technologies and strategies** to better understand vulnerable road user (pedestrian/bicycle/transit rider) network gaps and to collect exposure data.

**EXHIBIT 11**

**Sidewalk Program Project Petition**  
**Requested Project: West Kingston Springs (County Hwy 1848)**

**N. Main Street to Ellersly Subdivision**

#	Petitioner Signature	Petitioner Full Name (Please Print Legibly)	Street Address (Address Number and Street Name)	Contact Info (Phone or Email)
1	<i>James E. Timmerman</i>	JAMES E. TIMMERMAN	104 Ellersly Way	timmermanj@comcast.net
2	<i>Debbie Yoho</i>	Deborah J. Yoho	106 Ellersly Way	dlyoho@tel.com
3	<i>Joseph M. Hurst</i>	JOSEPH M. HURST	102 Ellersly Way	michael.hurst@comcast.net
4	<i>Alivia N. Hurst</i>	Alivia N. Hurst	102 Ellersly Way	alivianroberts@gmail.com
5	<i>Paula Webb</i>	Paula Webb	100 Ellersly Way	paula.webb@vime.org
6	<i>Cole Webb</i>	Cole Webb	100 Ellersly Way	cole.r.webb@vime.org
7	<i>Jonathan Greer</i>	Jonathan Greer	109 Ellersly Way	john-greer@msn.com
8	<i>Tricia Greer</i>	Tricia Greer	"	"
9	<i>Scott Renbler</i>	SCOTT RENBLER	108 ELLERSLY WAY	REDWAN115@GMAIL.COM
10	<i>Hadi Renbler</i>	HADI RENBLER	108 ELLERSLY WAY	HADI.RENBLER@GMAIL.COM
11	<i>SJ. McNally</i>	SJ. McNally	111 ELLERSLY WAY	sjmcnally26@gmail.com
12	<i>Bailey Wall</i>	BAILEY WALL	111 ELLERSLY WAY	Bwall812@gmail.com
13	<i>Clay Cook</i>	Clay Cook	105 Ellersly Way	claycook91@gmail.com
14	<i>Amber McGill</i>	AMBER MCGILL	105 Ellersly Way	amber.mcgill2@aol.com
15	<i>Elizabeth Davis</i>	Elizabeth Davis	108 Madeleine Way	elizabethjoy.davis@gmail.com
16	<i>Andrew Paul</i>	Andrew Paul	112 Ellersly Way	paulandr22@yahoo
17	<i>Brittany Paul</i>	Brittany Paul	112 Ellersly Way	paulandr22@yahoo
18	<i>Ann Reitmann</i>	ANN REITMANN	112 MADELEINE WAY	annreitmann5@gmail.com
19	<i>Lundy Copp</i>	LUNDY COPP	106 1/2 TIMBER RIDGE CT	lcopp@comcast.net
20	<i>Echo Brabenc</i>	Echo Brabenc	368 Oak Street	etchaskechilles@gmail.com
21	<i>Philip Brown</i>	Philip Brown	1018 Dogwood Ln	

**Sidewalk Program Project Petition**  
**Requested Project: West Kingston Springs (County Hwy 1848)**

**N. Main Street to Ellersly Subdivision**

#	Petitioner Signature	Petitioner Full Name (Please Print Legibly)	Street Address (Address Number and Street Name)	Contact Info (Phone or Email)
22	<i>[Signature]</i>	Shed Conway	1190 Webb Ridge Rd	615-604-0055
23	<i>[Signature]</i>	Bonja Beckett	1091 Crane Ct.	865-356-1879
24	<i>[Signature]</i>	Dwiyne Beckett	1091 Crane Ct	865-335-6759
25	<i>[Signature]</i>	PAT MCCORMAN	1070 Wildlife Tr.	615 889 8711
26	<i>[Signature]</i>	Shelby Cavener	1055 Lonesome Pine Rd	252-675-5301
27	<i>[Signature]</i>	Loren Cavener	1055 Lonesome Pine Rd	501-786-8486
28	<i>[Signature]</i>	Catherine J. Downs	103 E. K.S. rd, K.S.	615-927-0127
29	<i>[Signature]</i>	Shay McGowan	376 N Main Street KS	615 970 1853
30	<i>[Signature]</i>	Savanna McGowan	376 N Main St K	615 934 1454
31	<i>[Signature]</i>	Chris Johnson	1001 Copps Hill Circle	615 484-6175
32	Adam Geddes	Adam Geddes	1195 Wax Wing	615-945-5610
33	Jeff Geddes	<i>[Signature]</i>	1190 WAX WING CIR	615-888-6727
34	EMILIE BURTON	Emilie Burton	1751 DOG CREEK	615-910-1371
35	<i>[Signature]</i>	Linda Stapler	1355 NORTH	linda@harpethregionalnews.com
36	<i>[Signature]</i>	Dalton Parker	201 Hickory Dr	dereckharr@comcast.net
37	<i>[Signature]</i>	Aidan Cook	201 Hickory Dr	aidan@harpethregionalnews.com
38	<i>[Signature]</i>	D. Jill Stewart	110 Ellersly Way	615-386-9839
39				
40				
41				
42				

12.D.

ACCESSORY USE AND KINGSTON SPRINGS ZONING ORDINANCES PERTINENT THERETO – TOTAL BUILDING AREA v. LIVABLE AREA

in - Are the Kingston Springs Zoning Ordinances being interpreted to the detriment of homeowners being able to have full use of their property and depriving them of accessory structure usage? Recent zoning issues regarding regulations necessitate discussion and reevaluation of square footage of the principal structure utilized in our ordinances.

**Use**  
Kingston Springs Zoning ordinances refer generically to "principal use" and our ordinances regarding accessory use are interpreted that the square footage of the principal use only encompasses the square footage of the finished space and not the total square footage of the entire structure defined as building coverage. This diminished calculation fails to inure to the benefit of a homeowner by reducing the actual size of the structure to only the living space which in essence serves to restrict them from being able to build a garage, a deck, or otherwise have full use of their property to increase their enjoyment of their property. The Town's current interpretation could in effect enjoin a property owner from using what comes down to only a few hundred square feet of accessory usage being in violation.

The dimensions of a structure should be taken into account when applying our accessory use regulations found in Article III - Section 3.100 ACCESSORY USE REGULATIONS. The actual size or the total square footage of the entire footprint of a residence or principal structure should be interpreted and calculated to be the total amount of space it takes up on any given lot. Using only the livable area grossly does not take into account the actual scope/space that the building takes up on the property. Limiting the calculation to only include the net or living space used for realtor sale purposes and not the actual dimensions of a principal structure does not make sense in terms of gauging the maximum lot coverage as contemplated by Article V - Zoning Districts 5.050.

Total square feet is the total area of enclosed space measured to the exterior walls of a building. This is an umbrella term that includes everything, i.e. the total space a building takes up regardless of whether or not the space is used.

In Cheatham County's Zoning Resolution dated June 28, 2021 (with amendments as recent as 8/21/23), Principal Structure is defined as follows:

**PRINCIPAL STRUCTURE:** A structure in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed the principal structure on the lot on which the same is located. Carports and garages if permanently attached to the principal structure shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure and shall meet all yard requirements.

The City's Zoning Regulations as found in their Section 3.100 refers to the "total square footage of the principal structure" and not the livable area.

The City: "We look at the total square footage of the principal structure footprint and not just the livable area (which would include an attached garage). . . . our definitions section for a principal structure . . . does not specify total or livable area, but I interpret this as addressing density of a person's property and therefore look at total of the building footprint."

The City does not specifically define "principal use" beyond "[T]he specific primary purpose for which land is being used." It would benefit homeowners to incorporate the definition of "principal use" and "principal structure" as contemplated in detail by Cheatham County or usage of "total" square footage is contemplated by the City. The home's total square footage should include attached finished garages and possibly other attachments that are up to the footprint as well.

A homeowner seeking to build a garage or other accessory structure not only seeks to further enjoyment and use of their property, but the residential value will also increase which is also a benefit to the Town.

Summary of Comments on Response to Commission Clark Accessory Use Proposal 2023-11-16 BOC Meeting Packet.pdf

Page: 1

Author: razor Subject: Sticky Note Date: 11/13/2023 12:59:17 PM

1. Building or structure means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor  
2. Building Square Footage or "BSF" means the square footage of assessable internal living space of a Unit, exclusive of any carports, walkways, garages, overhangs, patios, enclosed patios, detached accessory structure, other structures not used as living space, or any other square footage excluded under Government Code Section 65995 as determined by reference to the Building Permit for such Unit.  
3. Accessory Structure - General means, except in planned, institutional and educational districts where individual lot lines may be disregarded under certain circumstances, a structure located on the same lot with the principal structure and customary, incidental and subordinate to the use of the principal structure and subordinate in lot coverage and floor area to the principal structure as provided in this Chapter.  
Source: <https://www.lawinsider.com/dictionary/>

Author: razor Subject: Sticky Note Date: 11/13/2023 12:27:11 PM

E. Not exceed forty (40) percent of the total square footage of the principal structure on any residential lot, not to exceed six hundred (600) square feet in size. If however, the subject property is at least two (2) acres in size, the Board of Zoning shall have the discretion to vary this requirement under the conditional use provisions of this ordinance. If freestanding, it shall be located in the rear yard in relation to the principal structure on any zone lot.  
See Illustrations in Appendix.  
III-4

The Town could also consider implementing a graduated increase in allowable accessory structure size (singular or cumulative) as per the example below.

This would benefit persons living in a home that has a footprint of 1600 total square feet, but lives on over 5 acres. This way, they are not seemingly penalized for having less square footage than say a home with 2500 total square feet on the same size lot.

Such a process would inure to the benefit of the property owner and would not negatively impact surrounding properties.

Lot Size	Maximum Allowable Structure(s) Size
Up to 7,000 square feet	500 square feet
7,001 to 9,000 square feet	780 square feet
9,001 to 12,000 square feet	950 square feet
12,001 to 21,780 square feet	1080 square feet
21,781 to 43,560 square feet (1 acre)	2,000 square feet
43,561 to 65,340 square feet	2,500 square feet
65,341 to 87,120 square feet (2 acres)	3,000 square feet
87,121 to 108,900 square feet (2.5 acres)	3,500 square feet
108,901 to 217,800 square feet (5 acres)	4,500 square feet
217,801 or more square feet	6,000 square feet for each five acres of property owned

Submitted by Commissioner Carolyn Clark – 10/25/23



**AMENDMENT PROPOSAL:**

**Amending Kingston Springs Zoning Ordinance – Gross Living Area as opposed to Livable Area when Calculating Accessory Use.**

**100. Accessory Use Regulations.** The use of land, buildings, and other structures permitted in each of the districts established by this ordinance are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted uses are also permitted in each district. Each accessory use shall:

- Be customarily incidental to the principal use established on the same lot.
- Be subordinate to and serve such principal use.
- Be subordinate in area, intent, and purpose to such principal use.
- Contribute to the comfort, convenience, or necessity of users of such principal use.

Total accessory uses in residential areas shall be limited in their size. An accessory use on any lot shall be limited to no more than one-half the size of its principal use, i.e., the total square footage of the principal structure on such lot.

If however, the subject property is at least \_\_\_\_\_ acres in size, the Kingston Springs Municipal Planning Commission shall have the discretion to vary this requirement on a case-by-case basis.

No accessory building or structure shall be located closer than ten (10) feet from any adjoining property line. See Sections 3.040 and 3.050, for other related setback requirements.

**Title II Definitions – Amending Kingston Springs Zoning Ordinance - Definition of Principal Use:**

**PRINCIPAL USE:** The specific primary purpose for which land or a building is used.

**PRINCIPAL USE OR STRUCTURE:** A structure in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed part of the principal structure and shall meet all yard requirements.

Comments: Additional factors when considering Zoning Amendments include lot coverage, allowed accessory use and intent that accessory uses are subordinate in size, conformance to the surrounding neighborhood, and Covenants and Restrictions that prohibit or restrict accessory use location or size. I would suggest forwarded the recommendation to the KS Regional Planning Commission for study, comment, and recommendation.



Submitted by Commissioner Carolyn M. Clark

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Author: razor Subject: Sticky Note Date: 11/13/2023 1:14:26 PM  
 The Planning Commission is prohibited by the State of TN in approving Zoning Variances on a case by case basis. The Board of Appeals lacks authority in permitting a variance that violates the intent of the Zoning Ordinance.

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Author: razor Subject: Sticky Note Date: 11/13/2023 1:06:35 PM  
 Principal Structure is further defined as principal use of a building. In this case is the the living area of the home.

**MEMPHIS AND SHELBY COUNTY ZONING BOARD OF ADJUSTMENT**

**STAFF REPORT # 10**

**CASE NUMBER:** BOA 14-53      **B.O.A MEETING:** November 19, 2014

**LOCATION:** 4046 East Mallory Avenue: located at the intersection of Titus Street and Mallory Avenue (North side of Mallory Avenue, 1,160 +/- east of Getwell Road)

**COUNCIL DISTRICT:** 4

**SUPER DISTRICT:** 9

**OWNER OF RECORD / APPLICANT:** Frank Dowdy

**REPRESENTATIVE:** Frank Dowdy

**REQUEST:** Variance to Sub-Section 2.7.2.C to permit a storage building in the R-6 District that exceeds the maximum accessory structure size of 75% of the principal structure

**EXISTING LAND USE & ZONING:** Detached single-family house and an existing accessory structure are located in the Single-Family Residential (R-6) District

**RECOMMENDATION  
REJECTION**

Staff Writer: Marion Jones

Email: [marion.jones@memphistn.gov](mailto:marion.jones@memphistn.gov)

**CONCLUSIONS:**

1. The subject property is located in a neighborhood that was platted in 1933 and is located north of Interstate 240, east of Getwell Road. Many of the houses were constructed in the 1940s and 1950s. The majority of the duplexes in the neighborhood were constructed in the 1965.
2. The principal structure on the lot is approximately 944 square feet. The principal structure would permit an accessory structure of 708 square feet.
3. The applicant is proposing to construct a metal building of approximately 1,032 square feet. This is approximately 88 square feet larger than the house and does not include the square footage of the existing accessory structure located on the site.
4. The principles of planning require that an accessory structure be subordinate to the principal structure. The principal structure establishes the land use of the property for the purpose of zoning. When the accessory structure violates the intent of this subordination of structures, it also changes the relationship and nature of the lot. In this case, the residential becomes subordinate to the proposed storage use. This is clearly in violation of the single-Family Residential (R-6) District and the UDC.

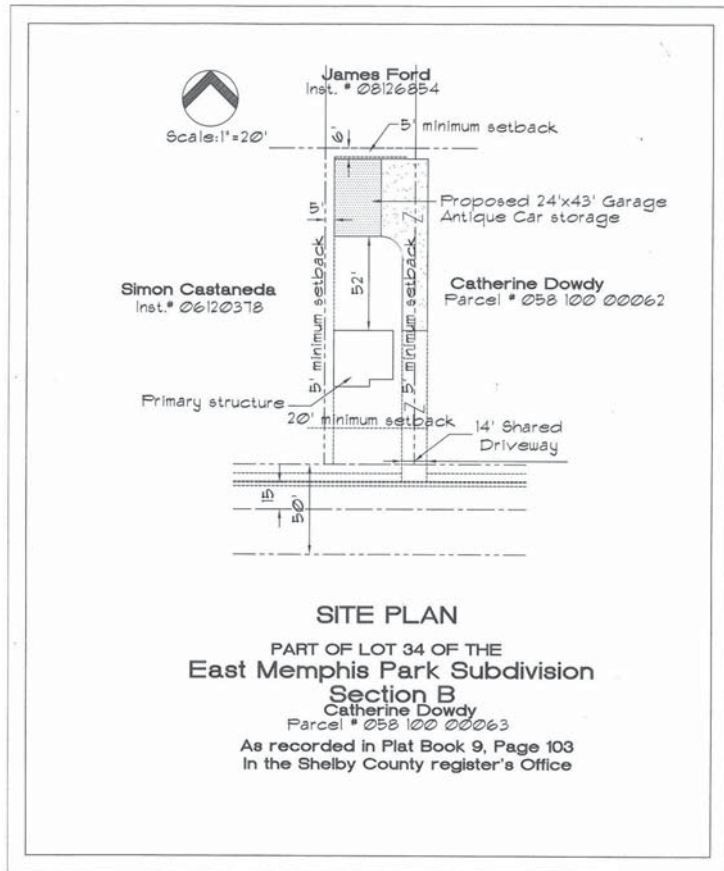
**LAND USE & ZONING MAP**



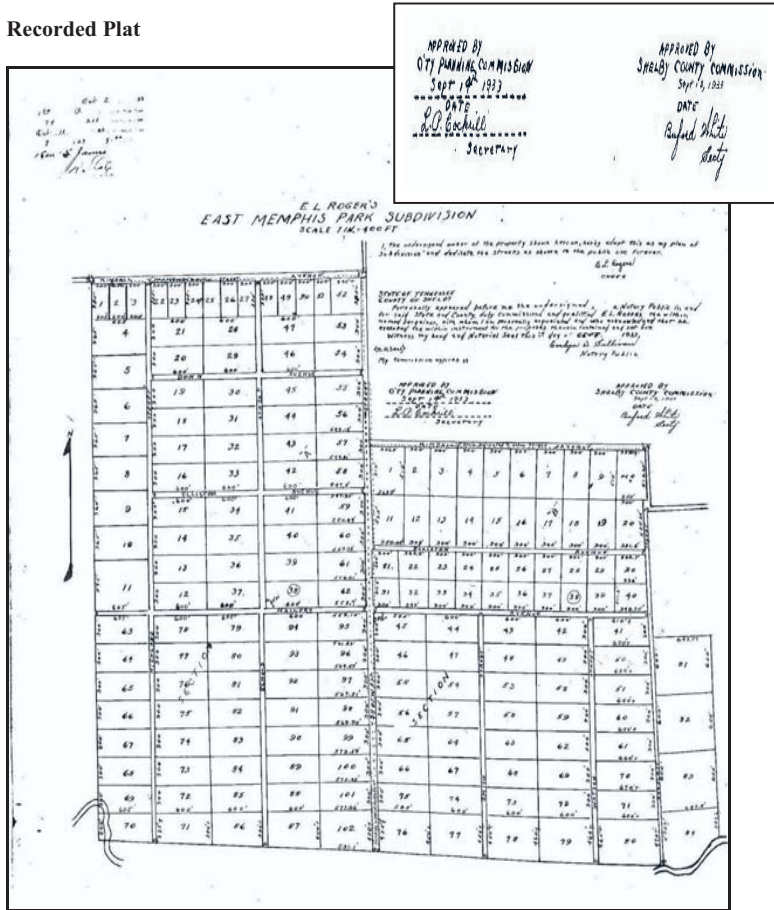
**SURROUNDING LAND USE & ZONING:**

- North:** Vacant land and detached single-family houses in the Single-Family Residential (R-6) District.
- East:** A duplex and detached single-family houses in the Single-Family Residential (R-6) District.
- South:** Duplexes and detached single-family houses in the Single-Family Residential (R-6) District.
- West:** Detached single-family houses and vacant land in the Single-Family Residential (R-6) District.

Site Plan

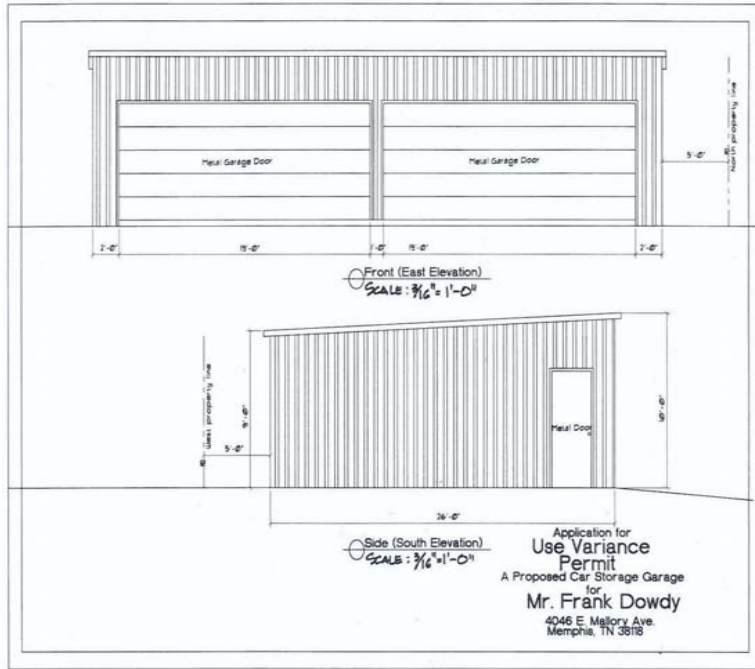


Recorded Plat



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**Proposed Accessory Building**



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**Photograph of the Footings for Proposed Accessory Building**



**Photograph of Building Material Behind Garage at 4050 Mallory**



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**Photographs**

Site

Front of 4046 Mallory



Rear of 4046 Mallory





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View of 4046 and 4050 Mallory from Rear of Adjacent Properties on Elliston



4050 Mallory Road-Adjacent Property Owned by Applicant



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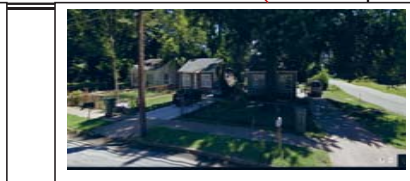
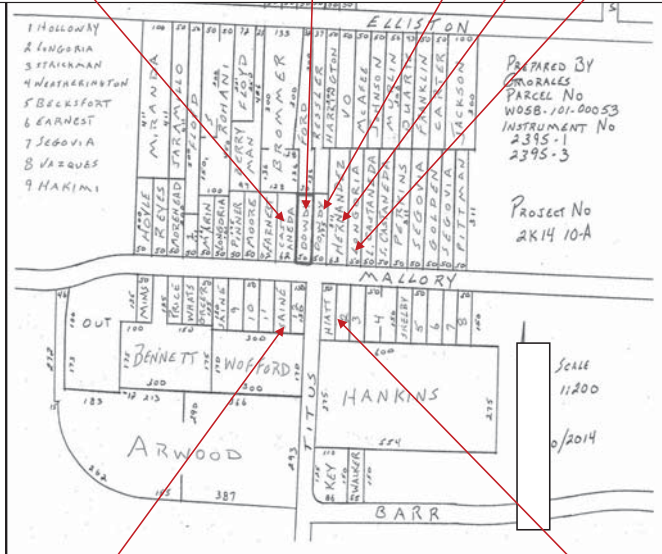
Garage at 4050 Mallory



Car Between House and Garage at 4050 Mallory



**Photographs of Adjacent Properties**



**Applicant's Request and Justification:**

Request: variation from Sub-Section 2.7.2C of the Unified Development Code to allow the proposed accessory structure to exceed the maximum accessory structure size of 75% of the principal structure.

In his justification, the application states:

- Have multiple antique vehicles that are in the restoration process that are in need for storage during the process and afterward. Metal structure has been purchased and lying on the ground until approval is granted.
- The subject site is unique in that the principal structure is relatively small when compared to surrounding structures as well as typical new construction square footage. The subject site is approximately 800 sq. ft. and would be considered small considering today's standards (average single-family home+2,200 sq. ft.)
- This accessory structure shall be shared with the abutting property to the east (4050 East Mallory). Both the subject site and the abutting property are owned by the applicant. There is an existing driveway that is shared by the subject site and the abutting property.

The proposed accessory structure will be 24 feet by 43 feet and 10 feet tall with a slight slope of the roof for drainage. The accessory structure will contain 1,032 square feet of area. As you can see from the rendering on page 5, the structure will be made of metal with two garage doors on the front that are approximately 19 feet wide and a metal door that on the south side.

**Findings of Fact:**

1. Unusual characteristics of the property. The property is unusual in that it exhibits at least one of the following exceptional physical features as compared to other properties located in the same zoning district: exceptional topographic conditions, exceptional narrowness, exceptional shallowness, exceptional shape or any extraordinary and exceptional situation or condition.

**Applicant's response:** The subject site is unique in that the principal structure is relatively small when compared to surrounding structures as well as typical new construction square footage. The subject site is approximately 800 sq. ft. and would be considered small considering today's standards (average single-family home+2,200 sq. ft.)

This accessory structure shall be shared with the abutting property to the east

(4050 East Mallory). Both the subject site and the abutting property are owned by the applicant. There is an existing driveway that is shared by the subject site and the abutting property.

**Staff's response:** There are no unusual characteristics of this property such as topography, narrowness, shallowness, shape, etc. This is a neighborhood that was platted in 1933 and located north of Interstate 240. Many of the houses were constructed in the 1940s and 1950s. The majority of the duplexes were constructed in 1965. Some of the houses were constructed in the 1960s.

In addition, the Assessor of Property's record shows the square footage of this house as 944 square feet. Under the UDC, a 944 square foot house is permitted an accessory structure of 708 square feet. As you can see from the photograph on page 7, there is an existing barn style, accessory structure on the site. The proposed accessory structure would be the second accessory building on the site unless the applicant plans to remove the current accessory structure. The existing accessory structure is not shown on the site plan submitted by the applicant on page 3.

The average detached single family house on Mallory Avenue in the notification area excluding 4001 Mallory is 931 square feet. This would permit an accessory structure of 698 square feet. If you include 4001 Mallory, the average house size increases to 986 square feet and would permit an accessory structure of 740 square feet. Under the strict application of the Unified Development Code, the principal structure would need to be approximately 1,375 square feet in size to permit an accessory structure of 1,031 square feet.

There are two tables that contain information about the structures and vacant land. The first table is the House Sizes on Mallory in the Notification Area. The vacant land and duplexes were removed from this table. This table reflects the size of similar detached single family houses such as the applicant's principal structure. 4001 Mallory Avenue is an outlier in terms of square footage and was removed to calculate a more accurate average detached single family house size. The second table contains the principal structures that front Mallory and adjacent properties on Elliston Road.

Table 1






House Sizes on Mallory in Notification Area							
#	Lot #	Address	Name	Use	Sq. Ft.	Carport	Parcel Id. No.
1	33	3990 East Mallory	Hoyle	Single Family	1,224	Yes	058100 00074
2	44	3993 East Mallory	Mims	Single Family	800		058097 00003
3	33	3996 East Mallory	Reyes	Single Family	1,192	Yes	058100 00073
4	44	4001 Mallory	Price	Single Family	2,406		058097 00018
5	33	4002 East Mallory	Moorehead	Single Family	864	Yes	058100 00072
6	44	4003 East Mallory	What's Next, LLC	Single Family	720		058097 00006
7	33	4006 Mallory	Holloway	Single Family	972		058100 00071
8	33	4010 East Mallory	Marin	Single Family	1,044		058100 00070
9	33	4018 East Mallory	Longoria M	Single Family	972	Yes	058100 00069
10	34	4022 East Mallory	Pinner	Single Family	996		058100 00068
11	34	4026 East Mallory	Moore	Single Family	1,024	Yes	058100 00067
12	34	4036 East Mallory	Castaneda S	Single Family	884		058100 00064
13	34	4046 East Mallory	Dowdy	Single Family	944		058100 00063
14		4050 East Mallory	Dowdy	Single Family	942		058100 00062
15	43	4053 East Mallory	Hiatt	Single Family	910		058099 00001
16	43	4059 East Mallory	Longoria M	Single Family	845		058099 00002
17	35	4062 East Mallory	Longoria R	Single Family	884		058100 00060
18	43	4063 East Mallory	Strickman	Single Family	972		058099 00003
19	35	4064 East Mallory	Castaneda L	Single Family	1,084		058100 00059
20	35	4076 East Mallory	Perkins	Single Family	800		058100 00057
21	35 & 36	4082 East Mallory	Segovia T	Single Family	800		058100 00056
22	43	4085 East Mallory	Becksfort	Single Family	600		058099 00007
23	36	4088 East Mallory	Golden	Single Family	1,045		058100 00055
24	36	4092 East Mallory	Segovia T	Single Family	984		058100 00054
25	43	4093 East Mallory	Segovia T	Single Family	576		058099 00011
26	43	4097 East Mallory	Vazquez	Single Family	1,128		058099 00012
27	36	4098 East Mallory	Pittman	Single Family	<u>1,000</u>	Yes	058100 00053
TOTAL HOUSE SQUARE FOOTAGE					26,612		
ADJUSTED TOTAL WITHOUT 4001 MALLORY					24,206		
<b>AVERAGE HOUSE SQUARE FOOTAGE</b>					<b>931</b>		
<b>LEGEND</b>							
		House > 2,200 sq.ft.			Applicant's house		
		Adjacent house					
NOTE: 4001 Mallory is an outlier and its square footage was removed from the calculation.							
Prepared by: Memphis and Shelby County Office of Planning and Development on November 4, 2014, mmj.							

Table 2

House Sizes							
#	Lot #	Address	Name	Use	Sq. Ft.	Carport	Parcel Id. No.
1	34	0 Elliston	Brommer	Vacant land	0		58100 0065
2	24 & 34	4037 Elliston	Berryman	Single Family	800		058100 00011
3	24 & 34	4045 Elliston	Ford	Vacant land	0		058100 00013
4	24, 34 & 35	4049 Elliston	Ressler	Single Family	939		058100 00014
5	SE PT 16	4110 Elliston	Vo	Single Family	1,276		058101 00043
6	25	4055 Elliston	Harrington	Single Family	775		058100 00015
7	S W PT 33	3990 East Mallory	Hoyle	Single Family	1,224	Yes	058100 00074
8	44	3993 East Mallory	Mims	Single Family	800		058097 00003
9	33	3996 East Mallory	Reyes	Single Family	1,192	Yes	058100 00073
10	44	4001 Mallory	Price	Single Family	2,406		058097 00018
11	33	4002 East Mallory	Moorehead	Single Family	864	Yes	058100 00072
12	44	4003 East Mallory	What's Next, LLC	Single Family	720		058097 00006
13	33	4006 Mallory	Holloway	Single Family	972		058100 00071
14	44	4009 Mallory	Greer	Duplex	1,590		058097 00007
15	33	4010 East Mallory	Marin	Single Family	1,044		058100 00070
16	44	4015 Mallory	Saine	Duplex	1,630		058097 00019
17	33	4018 East Mallory	Longoria M.	Single Family	972	Yes	058100 00069
18	44	4019 Mallory	Hakimi	Duplex	1,590		058097 00020
19	34	4022 East Mallory	Pinner	Single Family	996		058100 00068
20	44	4025 East Mallory	Razian	Duplex	1,602		058097 00021
21	34	4026 East Mallory	Moore	Single Family	1,024	Yes	058100 00067
22	34	4030 East Mallory	Shelby County	Vacant land	0		058100 00066
23	44	4031 East Mallory	Mostafavi	Duplex	1,602		058097 00022
24	34	4036 East Mallory	Castaneda S.	Single Family	884		058100 00064
25	44	4037 East Mallory	Saine	Duplex	1,537		058097 00023
26	44	4043 Mallory	O'Leary	Duplex	1,597		058097 00024
27	34	4046 East Mallory	Dowdy	Single Family	944		058100 00063
28	44	4050 East Mallory	Dowdy	Single Family	942		058100 00062
30	43	4053 East Mallory	Hiatt	Single Family	910		058099 00001
31	35	4058 East Mallory	Hernandez	Duplex	2,288		058100 00061
32	43	4059 East Mallory	Longoria M.	Single Family	845		058099 00002
33	35	4062 East Mallory	Longoria R.	Single Family	884		058100 00060
34	43	4063 East Mallory	Strickman	Single Family	972		058099 00003
35	35	4064 East Mallory	Castaneda L.	Single Family	1,084		058100 00059
36	43	4067 East Mallory	Weatherington	Vacant land	0		058099 00004
37	43	4073 East Mallory	Weatherington	Vacant land	0		058099 00005

38	35	4076 East Mallory	Perkins	Single Family	800		058100 00057
39	35 & 36	4082 East Mallory	Segovia T.	Single Family	800		058100 00056
40	43	4085 East Mallory	Becksfort	Single Family	600		058099 00007
41	43	4087 East Mallory	Earnest	Vacant land	0		058099 00008
42	36	4088 East Mallory	Golden	Single Family	1,045		058100 00055
43	36	4092 East Mallory	Segovia T.	Single Family	984		058100 00054
44	43	4093 East Mallory	Segovia T.	Single Family	576		058099 00011
45	43	4097 East Mallory	Vazquez	Single Family	1,128		058099 00012
46	36	4098 East Mallory	Pittman	Single Family	1,000	Yes	058100 00053

**LEGEND**

	House > 2,200 sq.ft.		Duplex
	Applicant's house		Adjacent house

Prepared by: Memphis and Shelby County Office of Planning and Development on November 4, 2014, mmj.

- Practical difficulties or undue hardship. By reason of the unusual characteristics found to apply in Paragraph 1, the strict application of any regulation found in this Code would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property.

**Applicant's response:** Requiring the requested accessory structure size to remain below an unusually small principal structure. The strict application of the code would prevent the owner from constructing the accessory structure and may prevent the shared parking arrangement as planned for the two abutting structures.

**Staff's response:** There are no unusual characteristics found to apply in Paragraph 1

The Unified Development Code (UDC) is generous in the size of accessory structures permitted. It requires the accessory structure to be 25% smaller in size than the principal structure on the lot. The previous zoning ordinance limited the size of accessory structures to 25% of the actual rear yard size. Under this calculation, the applicant would be limited to an accessory structure of 1,250 square feet compared to the 1,032 square foot structure the applicant is requesting. The UDC clearly subordinates the accessory structure to the principal structure on the lot and ensures the consistency between the zoning and permitted uses. The applicant is basically requesting an accessory structure that is 88 feet larger than the principal structure on the lot. In essence, the accessory structure would become the dominant and principal structure on the lot in terms of size.

Activities in the accessory structures are governed by the UDC in terms of permitted uses. Under the principal structure -accessory structure relation and subordination, the storage would be secondary to the residential use of the property as permitted by the R-S6 District. With such an oversized accessory



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structure, the reverse is true. The storage becomes the main use: storage is not permitted in the R-6 District as the principal use. OPD Staff has also concerns that over time what began as a storage building for antique cars could evolve into a business that is not permitted in the R-6 District.

3. The unusual characteristic found to apply in Paragraph 1 is not the result from and deliberate action by the owner.

**Applicant's response:** This variance was not deliberately promulgated by the applicant. The accessory structure and its size is needed to serve both households.

**Staff's Response:** There are no unusual characteristics found to apply in Paragraph 1. The UDC is set up so that each lot has the opportunity to provide for its storage on that lot through the construction of an accessory structure.

4. That a variance from the strict application of this Code may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of an adopted plan and this Code.

**Applicant's response:** The proposed accessory structure will not be detrimental to the neighborhood as it will not be visible from the street. Furthermore, this structure is typical for a residential garage.

**Staff's response:** By definition, violation of the UDC is detrimental to the public good whether that the violation is visible from the public right-of-way or not. Incidentally, the structure will be visible from Elliston since the land behind the site is vacant. The UDC governs the use of land in a way that is predictable, promotes stability and area compatibility of land uses, and insures adequate public facilities.

This size accessory structure is not typical of the accessory structures in this neighborhood or the relationship of accessory structures to principal structures as regulated by the UDC. Paragraph 2.7.2A(1) of the Accessory Structures Section of the UDC states "Scale, transparency and materials may be considered in determining compliance. There appears to be no transparency. Likewise, the material and design are more industrial than residential .

If several people on the street did as the applicant is requesting, it changes the relationship of the structures on the lot and the relationship of the structures to the rest of the street. Over time, this can ultimately change the character and land use of properties within the neighborhood.

5. The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or the general public.

**Applicant's response:** The proposed accessory structure will be in harmony and in keeping with the character of the surrounding neighborhood.

**Staff's Response:** As stated in No.4, OPD Staff does not believe the proposed accessory structure will be in harmony and in keeping with the character of the surrounding neighborhood. OPD Staff also believes the requested variance will have long-term detrimental effects on the neighborhood. Further, the accessory structure will be a large metal building with an industrial look, not similar in style, material or size to the garaged on the adjacent lot owned by the applicant. Paragraph 2.7.2A(1) states "Scale, transparency and materials may be considered in determining compliance."

6. The variance is not granted simply because by granting the variance, the property could be utilized more profitably or that the applicant would save money.

**Applicant's response:** The structure will not be used for profit. It will only be used to restore for the applicant's antique vehicles. The structure will be used, conceal and store personal automobiles.

**Staff's response:** This is not applicable.

#### **STAFF ANALYSIS**

The previous zoning ordinance limited the size of accessory structures to 25% of the actual rear yard. By comparison, the Unified Development Code (UDC) permits accessory structures to be 75% of the size of the principal structure. By definition, an accessory structure is meant to be subordinate to the main land use and principal structure. When the accessory structure violates the intent of this subordination of structures, it also changes the relationship and nature of the lot. In this case, the residential use becomes subordinate to the proposed storage use. This is clearly in violation of the Single-Family Residential (R-6) District and the UDC. As such, OPD staff is recommending rejection.

There are no findings of fact or practical difficulties that support this application or its conflict with the UDC.

#### **OPD Staff Recommendation: REJECTION, but if approved with 3 Conditions**

1. The variance is conditioned upon the submitted site plan. Any changes shall be submitted to the Office of Planning and Development for approval.
2. The only permitted use of the accessory structure is for the storage of antique cars. Restoration or repair of cars is prohibited.

This page contains no comments

3. If the property owner, his heirs, his assigns, or leasees violate Condition No.2 as documented through complaints to the City of Memphis, the Memphis Police Department or the Memphis and Shelby County Office of Construction Code Enforcement (OCCE), this variance becomes null and void, and the applicant will remove the building from the site at his expense.

### GENERAL INFORMATION

**Street Frontage:** Approximately 50 feet along Mallory Avenue

**Planning District:** Quince

**Census Tract:** 118

**Zoning Atlas Page:** 2240

**Parcel ID:** 058100 00063

### DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

**City Engineer:** The City Engineer has no objection to the variance provided that no sewer, drainage or their respective easements are encroached upon.

**City Fire Division:** No comment received.

**Shelby County Health Department-Water Quality Branch and Septic Tank Program:** No comment.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:** (Typical)

- It is the responsibility of the owner/applicant to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- No permanent structures will be allowed within any utility easements, without prior MLGW approval.

This page contains no comments

- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is prohibited** within any MLGW easement or dedicated utility easement without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
  - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
  - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Respectfully Submitted,  
**MEMPHIS LIGHT, GAS and WATER DIVISION**

**Email from Property Owner**

To whom it my concern  
I am totally against building storage building in that area, this for years was residential area.  
It need to stay that ,  
my property located 4025 Mallory,  
sincerely  
Mahmoud Razian