



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Lindsley Hall
730 Second Avenue South
Nashville, Tennessee 37201

**Minutes
Of the
Metropolitan Planning Commission**

January 13, 2005

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Ann Nielson
Victor Tyler
Councilmember J.B. Loring
Phil Ponder, representing Mayor Bill Purcell

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Asst. Director
Margaret Holleman, Legal Counsel
David Kleinfelter, Planning Manager II
Trish Brooks, Administrative Assistant
Kathryn Fuller, Planner III
Adriane Harris, Planner II
Bob Leeman, Planner III
Luis Pereira, Planner I
Nekya Young, Planning Tech I
Chris Wooton, Planning Tech II

Commission Members Absent:

Tonya Jones
Jim McLean
Doug Small, Vice Chairman

I. CALL TO ORDER

The meeting was called to order at 4:07 p.m.

II. ADOPTION OF AGENDA

Ms. Hammond announced a correction to Item #48 which is a mandatory referral for MTA distributors. This item currently has the case number of #2005M-018G-02. This case number should be changed to read #2005M-029G-02.

Ms. Hammond also announced that Item #55 has been added to the agenda, as well as the consent agenda. It is Case Number 2004M-018G-02 – An ordinance authorizing the Director of Public Property Administration to execute an agreement to modify the restrictive covenants and grant a permanent easement and temporary construction easement located at 15530 Old Hickory Blvd., and accepting \$25,521.00 from BSM Nippers, LLC in consideration for the granting of said easements.

Mr. Lawson announced that Item #29 – 23-85-P-13, Hamilton Creek Apartments, was moved and would be the first item heard on the agenda.

Ms. Nielson moved and Mr. Loring seconded the motion, which passed unanimously to approve the agenda as presented. (6-0)

III. APPROVAL OF DECEMBER 9, 2004 MINUTES

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously to approve the minutes of December 9, 2004. (6-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Tygard spoke regarding Items #10 and 11 – 2004Z-158G-06 and 2005P-004G-06, Brown property PUD. He stated that he has met with property owners affected by this proposal and there were some issues concerning density and comparability. Regarding Item #19 – 2005Z-010G-06, Councilmember Tygard indicated that he has met with property owners directly affected by this proposal and is currently working with the developer on issues such as buffers, screening, etc. He indicated that the proposal was a good transition for the area. In reference to Item #20 – 2005Z-011G-06, Councilmember Tygard stated that he has not received any opposition regarding this development.

Mr. Clifton arrived at 4:10 p.m.

Councilmember Gotto stated that he was in favor of Item #5 – 154-73-G-14 Hermitage Woods, Item #24—2000S-026G-14 Cole's Retreat and Item #30 – 2004P-009G-14 Bridgewater, all of which were on the consent agenda.

Councilmember Toler stated he would speak after his items were presented to the Commission.

Councilmember Whitson spoke regarding Items #7, 8 and 9 (2004Z-150U-07, 2004P-036U-07, and 211-73-U-07). He acknowledged that these items were to be deferred to the January 27, 2005 meeting. In reference to Items #21 and 22 (2005Z-012U-07 and 2005P-005U-07), Councilmember Whitson stated he held two community meetings regarding this proposal and he has received favorable feedback on the development. He also spoke on Item #52, which was the request to rehear the West Meade Village Re-subdivision. He stated that many of his constituents were told that this item would be deferred until the January 27, 2005 meeting and requested that this deferral be granted. Councilmember Whitson spoke lastly of Items #1 and 2 (2004Z-144G-06 and 2005P-001G-06 Stoneridge Townhomes). He briefly explained the history of this development and the issues associated with it.

Councilmember Gilmore spoke regarding Item #23 – 2005S-004G-03 Carrington Place. She stated that the developer has agreed to defer this item until January 27, 2005. Councilmember Gilmore stated that she would be holding a community meeting regarding this proposal on Wednesday, January 26 at 6:00 p.m. at the Bordeaux Library. She requested that a Planning Department representative attend the Community meeting.

Councilmember Wilhoite stated she would speak after her item was presented to the commission.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

VII. SUBAREA PLAN AMENDMENT FOR SOUTHEAST COMMUNITY PLAN -- deferred to February 10, 2005 at the request of the applicant

VIII. SUBAREA PLAN AMENDMENT FOR SUBAREA 7 PLAN: 1999 UPDATE – deferred to January 27, 2005 at the request of the applicant

3. 2004Z-161G-12 Request to change from AR2a to RS15 located at 6891 Burkitt Road – deferred to February 10, 2005 at the request of the applicant

7. 2004Z-150U-07 Request to change from R6 and CL to SCR located at 6806 and 6710 Charlotte Pike, and Charlotte Pike (unnumbered) – deferred to January 27, 2005 at the request of the applicant

8. 2004P-036U-07 Request for preliminary approval for a PUD at Charlotte Pike (unnumbered) 6710 and 6806 Charlotte Pike – deferred to January 27, 2005 at the request of the applicant
9. 211-73-U-07 Request to cancel a Commercial Planned Unit Development district located at Charlotte Pike (unnumbered) – deferred to January 27, 2005 at the request of the applicant
12. 2004Z-160G-06 Request to change from R80 – RM4 district properties located at River Road (unnumbered) and 5820 River Road – deferred to January 27, 2005 at the request of the applicant
15. 2005Z-006U-12 Request to change from AR2s to CL district property located at Nolensville Road – deferred indefinitely at the request of the applicant
23. 2005S-004G-04 Carrington Place – Request for preliminary plat approval for 129 lots abutting the east margin of Eaton’s Creek Road – deferred to January 27, 2005 at the request of the applicant
52. A request to rehear the Planning Commission’s approval of a final plat to subdivide 1 existing lot into 2, located at the southeast corner of Davidson Road and Bresslyn Road (2.13 acres), classified within RS40 district, requested by Joan B. Hager, owner and John Hood, surveyor. – deferred until January 27, 2005 at the request of the applicant

Ms. Neilson moved and Ms. Cummings seconded the motion, which passed unanimously to adopt the deferred and withdrawn items. **(7-0)**

**PUBLIC HEARING: CONSENT AGENDA
PLANNED UNIT DEVELOPMENTS**

- | | | | |
|----|-------------|--|--|
| 5. | 154-73-G-14 | Hermitage Woods-Raintree Village - A request to cancel a portion of a Commercial PUD district located at Old Hickory Boulevard (unnumbered), north of Central Pike | - Approve w/ conditions – The developer will install 3-way stop signs if the speed bump on Hermitage Woods Drive is removed. |
|----|-------------|--|--|

MANDATORY REFERRALS

- | | | | |
|----|---------------|---|---|
| 6. | 2004M-092U-08 | A request to close an unbuilt 200-foot portion of 31 st Avenue | - Approve w/ condition that Metro retains an easement to allow for construction of a cul-de-sac if needed in the future |
|----|---------------|---|---|

PUBLIC HEARING ZONING MAP AMENDMENTS

- | | | | |
|-----|---------------|--|--|
| 13. | 2005Z-004G-13 | A request to change from R8 to CS located on Hobson Pike | - Approve |
| 14. | 2005Z-005U-08 | A request to change from IWD to CS located at 2200 Metro Center Boulevard | - Approve CS as requested in the amended application |
| 18. | 2005Z-008U-10 | A request to change from IR to MUL located at 350 28 th Avenue North and Charlotte Pike (unnumbered) | Approve MUL as requested in the amended application |
| 19. | 2005Z-010G-06 | A request to change from CL and OL to RM9 district a portion of property located at Route 5 Highway 100 | - Approve w/ conditions |
| 21. | 2005Z-012U-07 | A request to change from CS to RM40 district property located at 112 Harding Place, approximately 360 east of Harding Pike | - Approve |
| 22. | 2005P-005U-07 | A request for preliminary approval for a Planned Unit Development district located at 112 Harding Place, east of Harding Pike, classified CS and proposed for RM40 | - Approve with conditions |

**PRELIMINARY SUBDIVISION PLATS
FINAL PLATS**

- | | | | |
|-----|---------------|--|----------------------|
| 24. | 2000S-026G-14 | Cole’s Retreat, First Revision - A request to revise a final plat approval for five lots to include a sidewalk variance, abutting the east terminus of Wonderland Pass | - Approve |
| 26. | 2005S-010U-03 | Orbie D. Nelson Estate Final Plat – request for final plat | Approve, including - |

- | | | | |
|-----|---------------|--|---|
| | | approval to create 2 lots abutting the south margin of Doak Avenue | variance for lot size |
| 27. | 2005S-016U-05 | Talley Subdivision – a request for a final plat approval to create 3 lots abutting the northeast corner of Kenmore Place and McGavock Pike | Approve with conditions, disapprove the sidewalk variance request |

PLANNED UNIT DEVELOPMENTS (revisions)

- | | | | |
|-----|---------------|--|---|
| 28. | 103-79-G-14 | Vanguard Secure Storage-Phase 2 - A request to revise a portion of the preliminary plan and for final approval for a phase of the Commercial PUD district abutting the southwest margin of Robinson Road, to permit the development of 32,000 square foot storage facilities | - Approve w/ conditions |
| 30. | 2004P-009G-14 | Bridgewater, Phase I Final PUD – A request for final approval for a phase of the PUD abutting the west margin of Earhart Road to develop 150 single-family homes | Approve with conditions, including that a parcel created by the relocation of John Hager Road must be deeded to adjacent property owners to allow for road frontage |

MANDATORY REFERRALS

- | | | | |
|-----|---------------|--|-----------|
| 31. | 2005M-001U-10 | A Council bill ordinance authorizing the Director of Public Property, or his designee, to grant an easement and accept \$7,000 in consideration, to install a fiber optic switching station at 1 Music Square East | - Approve |
| 32. | 2005M-002U-10 | An easement acquisition at 2215 Garland Avenue | - Approve |
| 33. | 2005M-003G-04 | An easement acquisition at 726 Old Hickory Boulevard, for a 20' wide access and drainage easement acquisition | - Approve |
| 34. | 2005M-004U-07 | An easement acquisition at 6750 Centennial Boulevard | - Approve |
| 35. | 2005M-005U-08 | An easement acquisition at 1015, 1017, 1021, 1023, 1025, 1027, and 1031 Scovel Street | - Approve |
| 36. | 2005M-006U-14 | An easement acquisition at Elm Hill Pike (unnumbered) | - Approve |
| 37. | 2005M-007G-12 | A request to abandon and relocate an easement at 6601 Sugar Valley Drive | - Approve |
| 38. | 2005M-008G-06 | An easement acquisition at 810 Bellevue Road | - Approve |
| 39. | 2005M-009U-10 | An easement acquisition at 908 Tower Place | - Approve |
| 40. | 2005M-010U-10 | An easement acquisition at 1515 Wedgewood Avenue | - Approve |
| 41. | 2005M-011U-14 | An easement acquisition at 813 Massman Drive | - Approve |
| 42. | 2005M-012U-07 | An easement acquisition at 801 Percy Warner Boulevard | - Approve |
| 43. | 2005M-013U-13 | An easement acquisition at 1700 Antioch Pike | - Approve |
| 44. | 2005M-014U-07 | An easement acquisition at 6007 Neighborly Avenue and Neighborly Avenue (unnumbered) | - Approve |
| 45. | 2005M-015U-12 | An easement acquisition at 14985 Old Hickory Boulevard | - Approve |
| 46. | 2005M-016G-13 | An easement acquisition at 1551 Heil Quaker Boulevard | - Approve |
| 47. | 2005M-017G-12 | An easement acquisition at 6601 Sugar Valley Drive | - Approve |
| 48. | 2005M-018G-02 | An aerial encroachment to place fiber optic cable in the right-of way west of Hickory Hills Boulevard | - Approve |

OTHER BUSINESS

- | | | | |
|-----|---|---|-------------------------|
| 50. | Contract renewal for Lou Edwards | | - Approve |
| 51. | Amended Employee Contract for John Broome | | - Approve |
| 55. | 2004M-018G-02 | An ordinance authorizing the Director of Public Property Administration to execute an agreement modifying the restrictive covenants and grant a permanent easement and temporary construction | - Approve w/ conditions |

easement across Fire Station #10 located at 15530 Old Hickory Boulevard, and accepting \$25,521.00 from BSM Nippers, LLC in consideration for the granting of said easements

Ms. Nielson moved and Ms. Cummings seconded the motion, which passed unanimously, to approve the consent agenda as presented. (7-0)

Mr. Bernhardt announced that Item #49 Administrative Approval of Mandatory Referrals was placed on the agenda and will be heard at the January 27, 2005 meeting. He explained that this item requires a ten day notice before being heard by the Commission.

VII. SUBAREA PLAN AMENDMENT FOR SOUTHEAST COMMUNITY PLAN

The Metropolitan Planning Commission DEFERRED Subarea Plan Amendment for Southeast Community Plan to February 10, 2005, at the request of the applicant. (7-0)

VIII. SUBAREA PLAN AMENDMENT FOR SUBAREA 7 PLAN: 1999 UPDATE

The Metropolitan Planning Commission Subarea Plan Amendment for Subarea 7 Plan: 1999 Update to January 27, 2005, at the request of the applicant. (7-0)

IX. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING ZONING MAP AMENDMENTS

1. **2004Z-144G-06**
Map114, Parcels 209.02, 213, and 329
Subarea 6 (2003)
District 23 (Whitson)

A request to change from R10 to RM9 district properties at 7301 Sonya Dr. and Sonya Dr. (unnumbered), east of Old Hickory Boulevard, (13.32 acres), requested by CCH Partners, G.P., applicant/owner. (See Planning Unit Development Proposal 2005P-001G-06)

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 13.32 acres from residential (R10) to residential multi-family (RM9) property at 7301 Sonya Drive and Sonya Drive (unnumbered), east of Old Hickory Boulevard.

Existing Zoning

R10 district - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots. The R10 zoning would allow 49 lots, or 61 units with 25% duplex.

Proposed Zoning

RM9 district - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre. The RM9 zoning would allow 120 dwelling units on this property; however, the associated PUD limits the density to 115 units.

BELLEVUE COMMUNITY PLAN POLICY

Residential Low Medium (RLM) - RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Policy Conflict - Yes. The proposed zoning district (RM9) is not consistent with the RLM policy, which is intended for residential development within a density range of two to four dwelling units per acre. RLM policy may support a lower density multi-family residential district such as the RM4 district (4 units per acre).

A higher density multifamily district may be appropriate for this area, but the associated Planned Unit Development (2005P-001G-06) does not demonstrate protection of the hillsides greater than 20% slope present on the property or meet the policies set forth in the adopted Bellevue Community plan.

RECENT REZONINGS - The Bellevue Property PUD on the adjacent parcel to the east was approved in 1997, for 412 apartments and 35 single-family lots on 105 acres (4.25 units per acre).

TRAFFIC

PUBLIC WORKS' RECOMMENDATION - No exceptions taken.

The Department of Public Works has not identified any existing roadway network circumstances that would require any conditions to be placed on this rezoning or made any recommendations that the Metro Planning Commission and Metro Council disapprove the rezoning.

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	13.32	3.7	49	540	44	57

Typical Uses in Proposed Zoning District: RM9

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condos/townhome (230)	13.32	9	120	750	60	70

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	13.32			210	16	13

METRO SCHOOL BOARD REPORT

Projected student generation 7 Elementary 5 Middle 5 High

Schools Over/Under Capacity - Students would attend Brookmeade Elementary School, Hill Middle School, and Hillwood High School. Hill Middle School has been identified as being over capacity by the Metro School Board, by 11 students. The fiscal liability of accommodating these new students beyond Hill's capacity is \$65,000. This information is based upon data from the school board last updated January 16, 2004.

[Note: Items #1 and #2 were discussed by The Metropolitan Planning Commission together. See Item #2 for actions and resolutions.]

2.

2005P-001G-06

Stoneridge Townhomes
 Map114, Parcel 209.02, 213 and 329
 Subarea 6 (2003)
 District 23 (Whitson)

A request for preliminary approval for a Planned Unit Development located at 301 Sonya Drive and Sonya Drive (unnumbered), northeast of Old Hickory Boulevard, classified R10 and proposed for RM9, (13.32 acres), to permit 115 townhomes, requested by CCH Partners, G.P., owner, and Civil Site Design, engineer. (See Zone Change Proposal 2004Z-144G-06)

Ms. Fuller presented and stated that staff is recommending disapproval of zone change 2004Z-144G-06 and planned unit development 2005P-001G-06.

Mr. Bernhardt further explained the circumstances associated with moving from R10 to RM9 and the planned unit development requirement. He too explained additional reasons for denying the applicant's request to withdraw Planned Unit Development 2005P-001G-06.

Mr. Tom White, attorney, spoke in favor of the zone change request. He confirmed that the applicant did request the withdrawal of planned unit development (2005P-001G-06).

Mr. Lawson offered that if the Commission were to approve the zone change request there should be conditions placed on the approval to address the immediate issues associated with the development.

Mr. Clifton requested additional information for staff's disapproval of this proposal and whether they were related to safety issues.

Ms. Fuller stated it was the combination of slope and soil.

Mr. Bernhardt explained that when Council adopted the PUD regulations they included a prohibition against development on slopes over 20 percent. He stated that staff was in agreement with the number of units included in the proposal as long as the units were placed in the lower portion of the site, as opposed to up on the hill. He also explained that without the PUD, the developer would be allowed to build anywhere on the site.

Mr. Tyler requested clarification on the origination of the soil classifications that were located on the site.

Mr. Ponder requested clarification on the relation of the zone change request and the planned unit development.

Ms. Fuller explained the issues associated with both applications.

Mr. Bernhardt explained the intent of the application without the planned unit development. He suggested that the Commission recommend approval of the RM9, along with approval of a redesigned PUD that places a number of units on the lower portion of the site.

Mr. Ponder moved to approve zone change 2004Z-144G-06 with the added condition of a redesigned PUD that places a number of units on the lower portion of the site.

Councilmember Loring expressed concerns regarding the slope and soil types included in the area.

Mr. Lawson requested legal clarification on whether the Commission could legally act on a planned unit development that the applicant requested to withdraw.

Ms. Holleman stated that the Commission does not have to grant the withdrawal and could act on the PUD application.

Mr. Ponder moved, and Ms. Nielson seconded the motion, to approve zone change 2004Z-144G-06 with the added condition of a redesigned PUD that places a number of units on the lower portion of the site. Mr. Ponder offered that the Commission should again vote on the entire proposal. The action that was just approved was only an amendment.

Mr. Bernhardt clarified by stating that the rezoning includes a condition that restricts development to the

developable portions of the site (i.e. the portions that are less than 20% and are not in the subject soil) and that this be reflected on the bill or in the PUD.

Mr. Ponder moved, and Ms. Nielson seconded the motion, to approve zone change 2004Z-144G-06 with the added condition that restricts development to the developable portion of the site (i.e. portions that are less than 20% and are not in the subject soil) and that this condition be reflected on the bill or included in the PUD. **(6-1) No Vote – Loring**

Mr. Lawson suggested that the Commission move on planned unit development 2004P-001G-06.

Ms. Nielson moved, and Mr. Ponder seconded the motion, to approve the request to withdraw planned unit development 2005P-001G-06. **(7-0)**

Resolution No. RS2005-001

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-144G-06 is **APPROVED WITH CONDITIONS, including the condition that there shall be no disturbance in areas of sensitive soils and/or steep hillsides of 20% or greater.** (6-1)

The proposed RM9 district is appropriate at this location due to its proximity to Interstate 40, constraints of the property, and the surrounding development pattern. The Bellevue Community Plan calls for Residential Low Medium policy intended for residential development at a density of two to four dwelling units per acre. This property is characterized by steep slopes and problem soils where any proposed development should develop on the lower portion of the property away from the environmentally sensitive area.”

The Metropolitan Planning Commission approved the request to WITHDRAW Planned Unit Development 2005P-001G-06 by applicant.

3. **2004Z-161G-12**
Map 187, Parcel 10
Subarea 12 (2004)
District 31 (Toler)

A request to change from AR2a to RS15 district property located at 6891 Burkitt Road, approximately 2,200 feet west of Wattermore Lane (70.76 acres), requested by Kevin F. Gangaware of Civil Site Design Group PLLC, applicant, for Gene K. Smith, owner. (See Subarea Plan Amendment request for the Southeast Community Plan)

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-161G-12 to February 10, 2005 at the request of the applicant. (7-0)

X. FINAL PLATS

4. **2004S-355U-10**
Hobbs Place
Maps 131-01, Parcel 11
Subarea 10 (1994)
District 34 (Williams)

A request for final plat approval to create two lots on the north side of Hobbs Road, approximately 350 feet east of Trimble Road (0.93 acres), classified within the R20 district, requested by Haury & Smith Contractors, Inc., owner, Gresham Smith & Partners, surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Final Plat - This request is for final plat approval to subdivide 0.91 acres on one existing lot into two duplex lots (four total units), at 3300 Hobbs Road, along the north side of Hobbs Road. The lots will be served by a private joint access easement, not a public road.

ZONING

R20 District - R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots. However, because this parcel was created before August 1, 1984, the Zoning Code allows each new lot to have a duplex for any subdivision up to three lots.

SUBDIVISION DETAILS - The Planning Commission approved the preliminary plat on June 24, 2004, with a variance to the 4:1 Rule, with three conditions. The conditions were as follows:

1. Buildings must be located so as to avoid the existing 20 foot wide sewer easement at the back of the lot.
2. All common parking areas must be located as shown on the preliminary plat. No common parking spaces are to be located directly facing Hobbs Road.
3. The front-façade of the unit along Hobbs road shall face Hobbs Road.
4. The final plat approval must go to the Planning Commission.

The approved preliminary and proposed final plat include two lots of 20,098 square feet and 20,470 square feet, with frontages of 79 feet and 24 feet. The comparability standards in the Subdivision Regulations require the lots to have a size of no less than 38,387 square feet, a frontage of at least 129 feet.

Although the two proposed lots fail lot comparability for lot frontage and lot size, the Planning Commission granted a waiver with the approval of the preliminary plat under Section 2-4.7 A1 of the Subdivision Regulations. This section of the regulations allows the Planning Commission to grant a waiver to the lot comparability standards when a subdivision is within a one-half mile radius (2,640 feet) of a Regional Activity Center (RAC) policy. This subdivision is approximately 2,400 feet from the Green Hills Mall RAC policy.

Stormwater - The Stormwater division of Metro Water Services has approved the final plat with a condition that the needed drainage easements be recorded by separate instrument.

TRAFFIC ENGINEER'S FINDINGS - No exception taken.

CONDITIONS

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

1. Buildings must be located to avoid the existing 20 foot wide sewer easement at the back of the lot.
2. All common parking areas must be located as shown on the preliminary plat. No common parking spaces are to be located directly facing Hobbs Road.
3. The front-façade of the unit along Hobbs Road shall face Hobbs Road.

Mr. Leeman presented and stated that staff is recommending approval with conditions.

Mr. John Link, III, 3308 Hobbs Road, spoke in opposition to this proposal.

Mr. Ed Owen, Gresham Smith & Partners, spoke in favor of the proposal. He presented additional information to the Commission.

An engineer of Gresham Smith & Partners spoke in favor of the proposal.

Mr. Ponder spoke in favor of the proposal. He indicated that there were circumstances involved with this development beyond the developer's control.

Mr. Tyler spoke in favor of the proposal.

Ms. Cummings stated that she was comfortable that Metro Stormwater has reviewed the project, and she would be in favor of approving.

Ms. Nielson requested further clarification on retention of water and its relation to this proposal.

Mr. Leeman indicated that Metro Stormwater would be enforcing this issue.

Mr. Loring indicated that the developer was addressing the stormwater issue and was in favor of approving this project.

Mr. Ponder moved and Ms. Nielson seconded the motion, which passed unanimously to approve subdivision 2004S-355U-10. (7-0)

Resolution No. RS2005-002

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004S-355U-10 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. Buildings must be located so as to avoid the existing 20 foot wide sewer easement at the back of the lot.
2. All common parking areas must be located as shown on the preliminary plat. No common parking spaces are to be located directly facing Hobbs Road.
3. The front-façade of the unit along Hobbs road shall face Hobbs Road.
4. The final plat approval must go to the Planning Commission.”

The Commission recessed at 5:25 p.m.

The Commission resumed at 5:40 p.m.

Ms. Cummings left the meeting at 5:30 p.m.

XI. PLANNED UNIT DEVELOPMENTS

5. **154-73-G-14**
Hermitage Woods - Raintree Village
Map 86, Parcel 355
Subarea 14 (1996)
District 12 (Gotto)

A request to cancel a portion of a Commercial Planned Unit Development district located at Old Hickory Boulevard (unnumbered), north of Central Pike, classified RM9, (10.65 acres), where 74 multi-family units are approved, requested by Barge Waggoner Sumner and Cannon, for Davco O.H. Blvd, Properties, owner.

Staff Recommendation - *Approve with conditions; disapprove if the conditions have not been met prior to Third Reading at Council.*

APPLICANT REQUEST

Cancel PUD - Request to cancel a 10.65 acre portion of an existing Planned Unit Development, approved for 74 multifamily units, located at Old Hickory Boulevard (unnumbered), north of Central Pike.

DETAILS OF REQUEST

History The approved preliminary PUD plan allowed for the construction of 128 townhomes on 23.47 acres, including parcel 355. The land for six of the units was lost when TDOT acquired 0.65 acres for right-of-way. After the completion of 48 of the 128 planned homes, a new plat was recorded that established phase lines dividing the 128 units into three sections. When the bank subsequently foreclosed on the project, the three sections were converted into properties to be owned separately. Davco-O.H. Properties acquired the vacant 10.65 acres in 1988, and now wishes to cancel the PUD in order to construct condominiums, as well as create another access point from the parcel to Old Hickory Boulevard.

Donelson-Hermitage Community

Plan Policy-The subject site is located within Residential Medium (RM) density policy, which accommodates residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict -No. The current RM9 zoning on the property is consistent with the RM land use policy. The RM9 zoning would allow 95 units to be constructed, 21 more than are currently permitted by the PUD.

TRAFFIC -- PUBLIC WORKS RECOMMENDATION -11/11/2004 -Traffic does not support cancellation of the PUD unless the cancelled portion is accessed by way of the approved PUD roadway. This PUD was approved with the consolidation of potential driveways along Old Hickory Boulevard into one major access point at Hermitage Woods Drive.

PUBLIC WORKS' RECOMMENDATION 1/13/2005

Conditions for approval to cancel the portion of the PUD are as follow:

1. The existing homeowners association shall agree to retain the existing speed bump on Hermitage Woods Drive and if such speed bump is removed the developer will install 3-way stop signs on Hermitage Woods Drive and the proposed site access driveway. A letter from the HOA shall be submitted to Public Works agreeing with this condition.
2. The applicant shall obtain permission from the existing PUD homeowners association to allow the developer to modify the private Hermitage Woods drive to construct a new site access drive intersection and removal of a portion of the median .
3. No curb cut will be permitted on Old Hickory Boulevard.

CONDITIONS

The applicant shall comply with all of the Public Works conditions listed above and provide written permission from the existing homeowners association to perform the required work prior the Third Reading at Council.

Approve with conditions, **(7-0) Consent Agenda**

Resolution No. RS2005-003

“BE IT RESOLVED by The Metropolitan Planning Commission that 154-73-G-14 is **APPROVED WITH CONDITIONS, including the amended Public Works' condition #1 to read “The developer will install 3-way stop signs if the speed bump on Hermitage Woods Drive is removed.**

Conditions of Approval:

1. The existing homeowners association shall agree to retain the existing speed bump on Hermitage Woods Drive and if such speed bump is removed the developer will install 3-way stop signs on Hermitage Woods Drive and the proposed site access driveway. A letter from the HOA shall be submitted to Public Works agreeing with this condition.
2. The applicant shall obtain permission from the existing PUD homeowners association to allow the developer to modify the private Hermitage Woods drive to construct a new site access drive intersection and removal of a portion of the median .
3. No curb cut will be permitted on Old Hickory Boulevard.”

XII. MANDATORY REFERRALS

6. **2004M-092U-08**
Map 092-10, Parcels 033, 034, 140, 164
Subarea 8 (2002)
District 21 (Whitmore)

A request to close an unbuilt 200-foot portion of 31st Ave., North, between Delaware Ave. and Georgia Ave., requested by Hella Temple, property owner.

Staff Recommendation - *Disapprove, but approve* if new recommendation is received from Metro Public Works prior to Planning Commission meeting

APPLICANT REQUEST - A request to close an unbuilt 200-foot portion of 31st Ave., North, between Delaware Ave. and Georgia Ave., requested by Hella Temple, property owner.

The applicant has stated that they need this right-of-way to be abandoned so the property on either side of it can be developed for use by the Hella Temple #105. The Temple owns the property abutting this portion of 31st Avenue North, an unbuilt right-of-way.

DEPARTMENT AND AGENCY COMMENTS - The Department of Public Works has recommended disapproval of the request to abandon this portion of Metro right-of-way. Closing this section of 31st Avenue North would eliminate a connection to the adjacent unimproved Alley #1202, and completely isolate an unnamed alley to the west from Metro right-of-way. Where there are unbuilt rights-of-way, as in this case, staff must evaluate the consequences of closing one portion of right-of-way on the use of other public rights-of-way that exist in the area. In this case, closing a portion of 31st Avenue North would deny access to the alleys in the future, should those alleys be improved in the future.

The applicant has been able to obtain the signatures of all the abutting property owners adjacent to the two alleys except for a couple property owners. Metro requires the signatures of all property owners. Despite their best attempts of knocking on doors and sending letters certified mail to these few remaining property owners, it appears unlikely they will obtain these signatures. Hence, staff has developed an alternative closure plan which Hella Temple #105 supports.

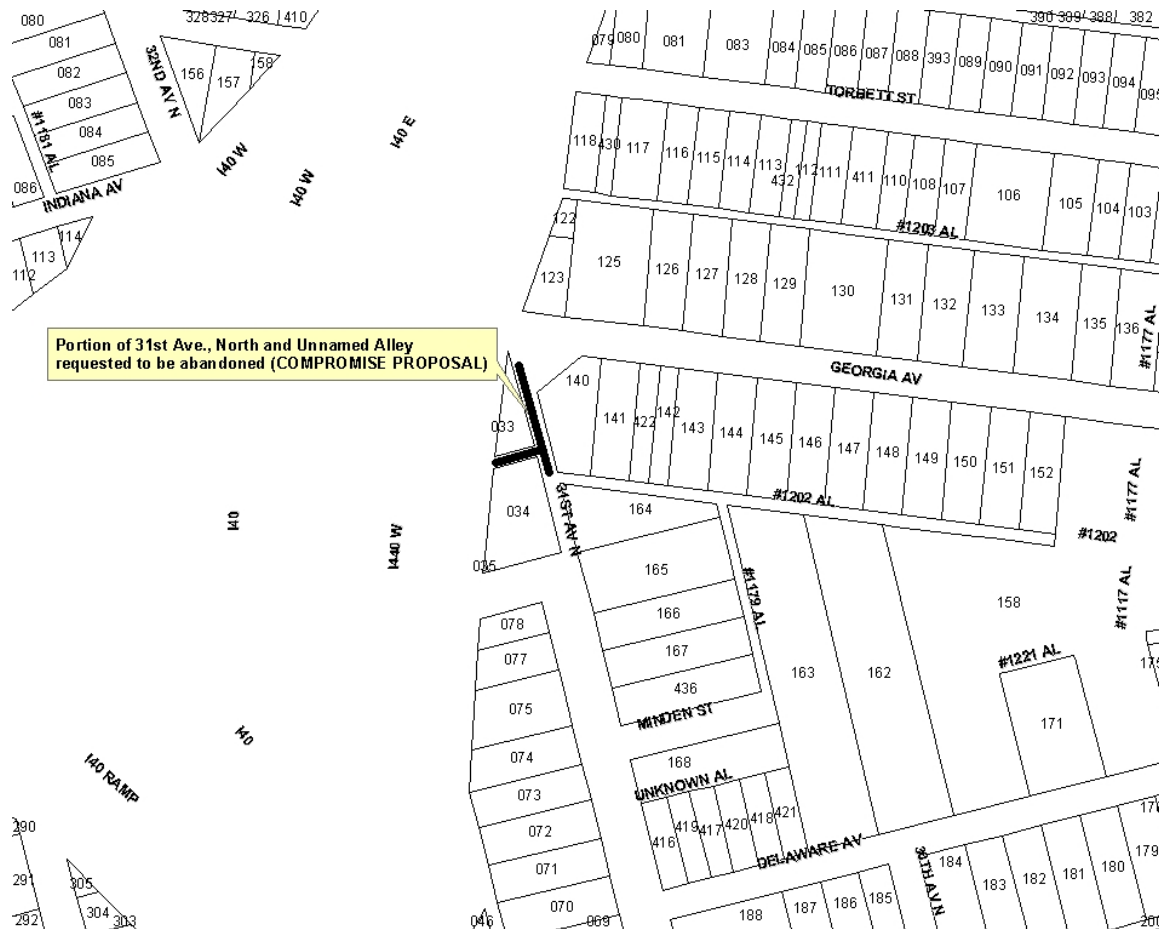
The alternative plan involves closing a smaller portion of 31st Avenue North, reducing the closure length from 281 feet to 181 feet. This plan would avoid the closure of the two alleys and obtaining all the property owners signatures. If this alternative plan is approved by Public Works, then two alleys would remain open and retain access to the existing portion of unbuilt 31st Avenue North. The sketch that follows this staff report shows the alternative plan.

RECOMMENDATION - At this time, therefore, Planning staff recommends **disapproval** of this alley closure because the last recommendation received from Public Works was to disapprove the request. If a recommendation

to approve the requested abandonment is received from Metro Public Works prior to the January 13, 2005, Planning Commission meeting, then staff will change its recommendation to **approval**.

As of the date that this staff report was mailed to the Planning Commission and the applicant, Metro Public Works did not have an opportunity to review the compromise proposal and has not provided a revised recommendation to the Planning Department.

OTHER AGENCIES - In addition to Public Works, the following departments or agencies have reviewed this request: NES and the Stormwater Division recommend approval. Metro Water Services recommends approval with retention of easement rights for an 8" sewer and 6" water line.



Approved with conditions that Metro retains an easement to allow for construction of a cul-de-sac if needed in the future, (7-0) *Consent Agenda*

Resolution No. RS2005-004

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-092U-08 is **APPROVED WITH CONDITIONS**, including new condition that Metro retains an easement to allow for construction of a cul-de-sac if needed in the future. (7-0)”

XIII. PUBLIC HEARING
ZONING MAP AMENDMENTS

7. **2004Z-150U-07**

Map 102, Parcels 22, 23, part of 24 (9.10 acres), & part of 26(14.25 acres)
Subarea 7 (2000)
District 20 (Walls)

A request to change from R6 and CL to SCR district properties located at 6806 and 6710 Charlotte Pike, and Charlotte Pike (unnumbered), between Charlotte Pike and I-40 at Old Hickory Boulevard, (53.10 acres), requested by Littlejohn Engineering Associates, for Nashville West Shopping Center, LLC, and Metro Govt., owners. (See Planned Unit Development Proposal 2004P-036U-07)

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-150G-07 to January 27, 2005, at the request of the applicant. (7-0)

8. **2004P-036U-07**
Nashville West Shopping Center (Revised)
Map 102, Parcels 22, 23, & part of 24 (9.10 acres), & part of 26 (14.25 acres)
Subarea 7 (2000)
District 20 (Walls)

A request for preliminary approval for a Planned Unit Development located at Charlotte Pike (unnumbered), 6710 and 6806 Charlotte Pike, Annex Ave (unnumbered), abutting the north margin of Charlotte Pike and the south margin of I-40, classified R6, CS and CL, (53.1 acres) to permit the development of 474,484 square feet of retail, restaurant and office use and 24 residential units, requested by Littlejohn Engineering Associates for Nashville West Shopping Center LLC, owners. (See Zone Change Proposal 2004Z-150U-07)

The Metropolitan Planning Commission DEFERRED Planned Unit Development 2004P-036U-07 to January 27, 2005, at the request of the applicant. (7-0)

9. **211-73-U-07**
Charlotte Pike PUD
Map 102, Parcel 22
Subarea 7 (2000)
District 20 (Walls)

A request to cancel an Commercial Planned Unit Development district located at Charlotte Pike (unnumbered), opposite Templeton Drive, classified CL, (10.91 acres), requested by Nashville West Shopping Center, owner.

The Metropolitan Planning Commission DEFERRED Commercial Planned Unit Development 211-73-U-07 to January 27, 2005, at the request of the applicant. (7-0)

10. **2004Z-158G-06**
Map155, Parcel 56
Subarea 6 (2003)
District 35 (Tygard)

A request to change from AR2a to RS10 district property located at 8872 McCrory Lane, approximately 160 feet north of Spring Ridge Drive (4.92 acres), requested by Michael Hartley, Landmark Realty Services Corp., applicant, Roger Brown, owner. (See Planned Unit Development Proposal 2005P-004G-06)

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-158G-06 to February 24, 2005, Commission meeting. (7-0)

11.

2005P-004G-06
Brown Property PUD
Map 155, Parcel 56
Subarea 6 (2003)
District 35 (Tygard)

A request for preliminary approval for a Planned Unit Development district located at 8872 McCrory Lane, north of Spring Ridge Drive, classified AR2a and proposed for RS10, (4.92 acres), to permit 16 single-family lots, requested by Walter Davidson and Associates, for Roger Coleman Brown, owner. (See Zone Change Proposal 2004Z-158G-06).

Mr. Pereira presented and stated that staff is recommending approval of zone change 2004Z-158G-06 and approval with conditions of planned unit development 2005P-004G-06.

Mr. Kenny Ferrelli, 825 Highland Park Court spoke in support of the proposal.

Mr. James Sanders, 105 Spring Ridge Lane, distributed additional information to the Commission. He spoke in opposition to the proposal.

Mr. Wood Newton, 8201 Spring Ridge Drive, spoke in opposition of the proposal.

Ms. Lisa Taylor, 8225 Spring Ridge Drive, spoke in opposition to this proposal.

Ms. Cindy Sanders, 105 Spring Ridge Lane, spoke in opposition to the proposal.

Mr. Todd Peterman, 8875 McCrory Lane, spoke in opposition to the proposal.

Mr. Garrett Matthew, 108 Spring Ridge Lane, spoke in opposition to the proposal.

Mr. Scott Peugeot, 109 Spring Ridge Lane, spoke in opposition to the proposal.

Mr. Ponder requested additional information on the placement of stub streets contained within this proposal.

Mr. Pereira explained that the topography of the site dictated the placement of the stub streets.

Mr. Ponder requested additional information on the total land selected for this proposal and why other parcels were not included.

Mr. Pereira explained that there was a stream located nearby and also the parcel in question was a subparcel – not to be included in this proposal.

Mr. Clifton acknowledged that the proposal was not in conflict with the subarea plan. He too mentioned the numbers used to determine the impact this development would have on area schools are obtained from the School Board. Mr. Clifton questioned whether the Commission has the authority to rule on issues such as streams which are located in various developments.

Mr. Pereira explained that the developer has received approval from Stormwater Management to cross the stream with bridges, which would not alter the current flow of the stream.

Mr. Clifton expressed concerns regarding the area being used as a dump site and offered that the developer would probably be responsible for cleaning up the area.

Mr. Lawson offered that the Commission could act on and require public safety when approving developments.

Mr. Clifton expressed concerns regarding the density of the zone change request. He stated he could support an RS20 zoning and not the current level being requested.

Ms. Nielson suggested the Commission defer this item to allow additional time to study the area in relation to its environmental impacts and what would be required to clean up this location.

Mr. Loring mentioned his concerns regarding the placement of this development and its density as well as the public safety issues mentioned. He too was in favor of deferring this proposal.

Mr. Ponder suggested the Commission disapprove the RS10 and recommend a lower density as an amendment.

Mr. Lawson expressed concerns regarding the density of the proposal. He mentioned other areas of concerns which included infrastructure, education and the overall quality of life as development continues in Nashville. He stated he was not in favor of approving this proposal. He too expressed concerns regarding the public safety issues involved due to the dumping that has occurred on this site.

Mr. Loring moved and Mr. Ponder seconded the motion, to defer zone change 2004Z-158G-06 and planned unit development 2005P-004G-06 until February 24, 2005 to allow time for the staff to work with the developer on the various issues contained in the proposal and to either place additional conditions on the project or submit a project with a lower density. **(6-0)**

The Metropolitan Planning Commission DEFERRED Planned Unit Development 2005P-004G-06 to February 24, 2005, Commission meeting. (6-0)

- 12. 2004Z-160G-06**
Maps 101 and 102, Parcel 6 and 161
Subarea 6 (2003)
District 35 (Tygard)

A request to change from R80 to RM4 district properties located at River Road (unnumbered) and 5820 River Road, west of Charlotte Pike (57.42 acres), requested by William E. Kantz, Jr., applicant, Mary O'Neil, Catherine Grose, and David Finney, owners.

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-160G-06 to January 27, 2005, at the request of the applicant. (7-0)

- 13. 2005Z-004G-13**
Map 164-00, Parcel portion of 201
Subarea 13 (2003)
District 32 (Coleman)

A request to change from R8 to CS district a portion of property located on Hobson Pike, 560 feet east of Murfreesboro Pike (.34 acres), requested by Brian Hamilton of Civil Site Design Group, PLLC, applicant for Belz/Becker-Lewis-Shlenkon Properties, owner.

Staff Recommendation -Approve

APPLICANT REQUEST - Rezone 0.34 acres from residential one and two-family (R8) to commercial service (CS) district on Hobson Pike, approximately 500 feet east of Murfreesboro Pike.

Existing Zoning

R8 district - requires a minimum 8,000 square foot lot and is intended for single and two family dwellings at a density of 5.41 dwelling units per acre including 25% duplex lots

Proposed Zoning

CS district - mercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

SUBAREA 11 PLAN

Community/Corridor Center- C is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses.

Policy Conflict – No. The proposed zoning district (CS) is consistent with Antioch-Priest Lake Community Plan’s CC policy. This zoning is also consistent with the current zoning pattern at the intersection of Hobson Pike and Murfreesboro Pike.

RECENT REZONINGS -Yes. Properties on the northwest corner of Murfreesboro Pike and Hobson Pike were rezoned to MUL in June 2003. The Planning Commission recommended approval of this rezoning.

TRAFFIC - PUBLIC WORK’S RECOMMENDATION - A Traffic Impact Study may be required at development. Dedication of right-of-way in conformance with the Major Street Plan will be required at the time of development.

The Department of Public Works has not identified any existing roadway network circumstances that would require any conditions to be placed on this rezoning or made any recommendations that the Metro Planning Commission and Metro Council disapprove the rezoning.

Typical Uses in Existing Zoning District: R8

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.34	4.63	2	23	11	3

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.34	0.188	2,784	31	11	82

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	.34			8	-	79

Maximum Uses in Existing Zoning District: R8

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.34	4.63	2	23	11	3

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Convenience Market (852)	0.34	.60	8,886		275	307
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Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					265	304

Approved with conditions, (7-0) *Consent Agenda*

Resolution No. RS2005- RS2005-005

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-004G-13 is **APPROVED. (7-0)**

The proposed CS district is consistent with the Antioch-Priest Lake Community Plan’s Community Center policy intended for single and multi-family residential, offices, commercial retail and services, and public benefit uses. It is also consistent with the surrounding zoning pattern at the intersection of Hobson Pike and Murfreesboro Pike.”

- 14. 2005Z-005G-08**
 Map 070-15, Parcel 39
 Subarea 8 (2002)
 District 2 (Isabel)

A request to change from IWD to MUG district property located at 2200 MetroCenter Boulevard, at the intersection of Metrocenter Boulevard and Athens Way (20.88 acres), requested by Amulet Associates LP, applicant and owner.

Staff Recommendation - Disapprove MUG, approve CS or CL.

APPLICANT REQUEST - Rezone 20.88 acres from industrial warehousing/ distribution (IWD) district to mixed use general (MUG) district at 2200 MetroCenter Boulevard, at the intersection of Metrocenter Boulevard and Athens Way.

Existing Zoning

IWD district - Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

Proposed Zoning

MUG district - Mixed Use General is intended for a moderately high intensity mixture of residential, retail, and office uses.

NORTH NASHVILLE COMMUNITY PLAN

METROCENTER-NORTH RHODES PARK DETAILED NEIGHBORHOOD DESIGN PLAN (DNBP)

Commercial in Corridor Center - Commercial in Corridor Center DNBP policy is intended for commercial uses only, with no residential uses. It is intended for mixed commercial buildings with shops at street level and office uses on the upper levels. The broader Corridor Center structure plan policy is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Policy Conflict - Yes. The proposed MUG district is not consistent with the Metro Center-North Rhodes Park DNDP calling for commercial uses only in this area, while the MUG district would allow for residential uses. CS or CL zoning would only allow for office, retail, and commercial uses, which is consistent with the policy. Although there is MUG zoning adjacent to this property, this was rezoned prior to the adoption of the DNDP in this area, which was adopted in October 2003.

RECENT REZONINGS - Parcel to the west was rezoned from IWD to MUG in January 2002, by Metro Council. The Planning Commission recommended approval in December 2001. This property was rezoned prior to the adoption of the Metro Center and North Rhodes Park DNDP.

TRAFFIC: PUBLIC WORKS' RECOMMENDATION - A Traffic Impact Study may be required at development.

The Department of Public Works has not identified any existing roadway network circumstances that would require any conditions to be placed on this rezoning or made any recommendations that the Metro Planning Commission and Metro Council disapprove the rezoning.

Typical Uses in Existing Zoning District: IWD

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	20.88	0.184	167,354	1983	283	266

Typical Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	20.88	0.184	167,354	1983	283	266

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	20.88			--	--	--

Maximum Uses in Existing Zoning District: IWD

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	20.88	.80	727,626	6150	918	894

Maximum Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (188)	20.88	3.0	2,728,598	17015	2642	3135

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour

--				+ 10865	+1724	+2241
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METRO SCHOOL BOARD REPORT

Projected student generation* 3__Elementary 2__Middle 2__High

Schools Over/Under Capacity - Students would attend Harpeth Valley Elementary School, Bellevue Middle School, or Hillwood High School. All three schools have been identified as being overcrowded by the Metro School Board. There is capacity at another elementary and middle school within the cluster and capacity at another high school in an adjacent cluster. This information is based upon data from the school board last updated August 31, 2004.

*The numbers for MUG zoning are based upon students that would be generated if the MUG zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,500 sq.ft. of floor area.

Approved with conditions, **(7-0) Consent Agenda**

Resolution No. RS2005-006

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-005U-08 is **APPROVED CS, as requested in the amended application. (7-0)**

The proposed CS district is consistent with the MetroCenter-North Rhodes Park Detailed Neighborhood Design Plan’s Commercial in Corridor Center policy intended for commercial uses only, with no residential uses. The CS district allows for a variety of commercial uses and does not allow for residential development.”

- 15. **2005Z-006U-12**
Map161, Parcel 108
Map172, Parcel 160
Subarea 12 (2004)
District 31 (Toler)

A request to change from AR2a to CL district property located at Nolensville Road (unnumbered), south of Swiss Avenue (10.76 acres), requested by Michael Cochrane of Gresham Smith & Partners, applicant, for Thomas H. and Ruby Smith and Lucy Ann Hardy, owners.

The Metropolitan Planning Commission DEFERRED Zone Change 2005Z-006U-12 indefinitely at the request of the applicant. (7-0)

- 16. **2005Z-007G-12**
Map173-00, Parcels 107, 184, 189
Subarea 12 (2004)
District 31 (Toler)

A request to change from AR2a to RS10 district properties located at 1015 Barnes Road and Barnes Road (unnumbered) , east of Nolensville Pike (50.26 acres), requested by David Coode of Lose & Associates, applicant, for Mayles B. Owens, Amy D. Ruggles, Clyde Delvin IV, Clyde Delvin III, Cynthia A. Delvin, owners. (See Planned Unit Development Proposal 2005P-003G-12)

The Metropolitan Planning Commission DEFERRED Zone Change 2005Z-007G-12 to the January 27, 2005, Commission meeting. (7-0)

17.

2005P-003G-12

Delvin Downs
Map 173, Parcel 107, 184, 189
Subarea 12 (2004)
District 31 (Toler)

A request for preliminary approval for a Planned Unit Development district located at 1015 Barnes Road and Barnes Road (unnumbered), west of Stanford Village Drive, classified AR2a and proposed for RS10, (50.26 acres), to permit 154 single-family lots, requested by Lose and Associates, for Mayles B. Owens, Amy D. Ruggles, Clyde Delvin IV, Clyde Delvin III, Cynthia A. Delvin, owners. (See Zone Change Proposal 2005Z-007G-12)

Ms. Harris presented and stated that staff is recommending disapproval of zone change 2005Z-007G-12 and disapproval of preliminary planned unit development 2005P-003G-12 due to the insufficient Traffic Impact Study that has been submitted.

Mr. Andy Bailey, 608 Hanna Ridge Court, spoke in opposition to the proposal. He submitted photos of the area to the Commission.

Mr. Chuck Whitint, 709 Kelsey Court spoke in opposition to the proposal. He submitted photos of the area to the Commission.

Ms. Hollye Cross, 601 Hanna Ridge Court spoke in opposition to the proposal.

Ms. Jennifer Mahar, 912 Springs Hill Way, spoke in opposition to the proposal.

Ms. Sharon Hurt, 2077 Stanford Village Drive, spoke in opposition to the proposal.

Ms. Rita Tripp, 6816 Sunnywood Drive, spoke in opposition to the proposal.

Ms. Cindy Delvin, owner, spoke in support of the development.

Mr. Hank Delvin, owner spoke in support of the proposal.

Mr. David Coode, Lose & Associates, spoke in support of the proposal. He submitted additional information to the Commission regarding the traffic impact study.

Councilmember Toler stated that he would be holding a neighborhood meeting with the developer to address the issues and concerns mentioned by the members of this community. He too mentioned that Nolensville Road has been submitted to the State of Tennessee as a priority street in need of improvement.

Mr. Lawson stated that even though this proposal was incomplete and is recommended for disapproval, the applicant requested that it move forward and not be deferred.

Ms. Nielson acknowledged that staff could possibly approve this proposal after they have had the chance to review the traffic impact study. She suggested that the Commission defer at least one meeting to allow this review.

Mr. Clifton agreed that the proposal was not ready for vote due to its incompleteness.

Mr. Tyler expressed concerns regarding a site distance issue and its proximity to a curve located on Barnes Road. He also questioned the number of lots in an adjacent subdivision.

Mr. Ponder requested more specifics regarding the insufficient Traffic Impact Study that was submitted. He suggested deferring the item until the January 27, 2005 meeting.

Mr. Ponder moved and Ms. Nielson seconded the motion, which passed unanimously to defer zone change 2005Z-007G-12 and planned unit development 2005P-003G-12 to the January 27, 2005 meeting which would allow additional time for staff to review the traffic impact study. **(6-0)**

The Metropolitan Planning Commission DEFERRED Planned Unit Development 2005P-003G-12 to the January 27, 2005, Commission meeting. (7-0)

18. 2005Z-008U-10
 Map 092-10, Parcel 391
 Map 092-14, Parcel 82
 Subarea 10 (1994)
 District 21 (Whitmore)

A request to change from IR to MUG district properties located at 350 28th Avenue North and Charlotte Pike (unnumbered), west of Park Plaza (9.44 acres), requested by Seth T. McDowell of Agilitas Property Development, applicant, for PLC Properties LLC and the Industrial Development Board of Nashville, owners.

Staff Recommendation - *Disapprove, a Traffic Impact Study has not been submitted.*

APPLICANT REQUEST - Rezone 9.44 acres from industrial restrictive (IR) district to mixed use general (MUG) district at 350 28th Avenue North and Charlotte Pike (unnumbered), west of Park Plaza.

Existing Zoning

IR district - Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

Proposed Zoning

MUG district - Mixed Use General is intended for a moderately high intensity mixture of residential, retail, and office uses.

SUBAREA 10 PLAN

Mixed Use (MU) MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

Industrial (IN) IND policy is intended for existing and future areas of industrial and distribution development. Most types of industrial and distribution uses are found in this policy category including: storage, business centers, wholesale centers, and manufacturing. Certain support uses such as sales, service, and office facilities will also be present in IND areas.

Policy Conflict No. There are two land use policies for these properties—IND and MU. The proposed MUG district is consistent with the Subarea 10 Plan’s MU policy and is consistent with the surrounding development pattern. The IND policy encompasses the southern portion of the property, which is near the industrial development at the terminus of 28th Avenue. Staff supports this change since office development is more prevalent than industrial development near the intersection of Charlotte and 28th Avenue.

A Traffic Impact Study is required and one has not been submitted.

RECENT REZONINGS - None.

TRAFFIC: PUBLIC WORKS’ RECOMMENDATION - A Traffic Impact Study is required prior to rezoning.

Typical Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Warehousing (150)	9.44	0.596	245,079	1216	157	132
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Typical Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	9.44	1.851	761,143	6366	952	931

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	+1.255	+516,064	+5150	+794	+799

Maximum Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Light Industrial (110)	9.44	0.6	246,723	1720	227	242

Maximum Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	9.44	3.0	1,233,619	13,582	1400	1382

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	+2.4	+986,896	+11,862	+1173	+1140

METRO SCHOOL BOARD REPORT

Projected student generation* 47 Elementary 21 Middle 24 High

Schools Over/Under Capacity - Students would attend Park Avenue Elementary School, Bass Middle School, or Pearl-Cohn High School. Bass has been identified as being overcrowded by the Metro School Board. There is capacity at another middle school within the cluster. This information is based upon data from the school board last updated August 31, 2004.

*The numbers for MUG zoning are based upon students that would be generated if the MUG zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,200 sq.ft. of floor area.

Approved with conditions, (7-0) *Consent Agenda*

Resolution No. RS2005-007

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-008U-10 is **APPROVED MUL**, as requested in the amended application. (7-0)

There are two land use policies for these properties—Mixed Use (MU) and Industrial (IND). The proposed MUL district is consistent with the Subarea 10 plan’s MU policy intended for a mixture of residential, retail, and office uses and is consistent with the surrounding development pattern. The IND policy encompasses the southern portion of the property, which is near the industrial development at the terminus of 28th Avenue. Office development is more prevalent than industrial development near the intersection of Charlotte and 28th Avenue.”

19. **2005Z-010G-06**
Map155, Parcel 121,122
Subarea 6 (2003)
District 35 (Tygard)

A request to change from CL (0.42 acres) and OL (5.9 acres) to RM9 district a portion of property located at Route 5 Highway 100, south of Collins Road (6.33 acres total), requested by Craighead Patten Properties, applicant, for Mary and James Johnson and Betty French, owners.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Rezone a total 6.33 acres from commercial limited (CL) district (.42 acres) and office limited (OL) district (5.9 acres) to residential multi-family (RM9) district at Route 5 Highway 100.

Existing Zoning

CL district - Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

OL district - Office Limited is intended for moderate intensity office uses.

Proposed Zoning

RM9 district - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

BELLEVUE COMMUNITY PLAN

Community Center (CC) - CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An accompanying Urban Design overlay or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Office Transition (OT) - OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

Policy Conflict - No. The RM9 district is consistent with the CC policy, but is not entirely consistent with the OT policy. The OT policy is intended for office uses to be used as a transition between residential and commercial areas. The RM9 district can also serve as a transition, however, between the low density residential development to the south and the commercial uses to the north.

A site plan was submitted that proposes 56 townhomes off using access from Highway 100. Staff has reviewed the site plan and suggests that the applicant consider the following with the final development plan: a.) coordinated access with adjacent properties, b.) protection of the hillside, and c.) pedestrian access to the proposed YMCA site adjacent to the property to the east.

RECENT REZONINGS - This property was rezoned from RS40 to CL and OL in March 2004. The Planning Commission recommended conditional approval of both rezonings. Conditions were based on Public Works recommendations.

TRAFFIC - PUBLIC WORKS' RECOMMENDATION - A portion of this property was previously conditioned during last zone change. A revised Traffic Impact Study (TIS) may be required to establish new conditions. However, the previous conditions still apply until a revised TIS is submitted.

Typical Uses in Existing Zoning District: CL and OL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	6.23	0.010	2,757	84	11	5

Maximum Uses in Existing Zoning District: CL and OL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	6.23	0.75	206,801	2334	335	308

Typical Uses in Proposed Zoning District: RM9

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. condo/townhome (230)	6.23	9	57	397	25	38

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	6.23			+313	+14	+34

METRO SCHOOL BOARD REPORT

Projected student generation 3 Elementary 2 Middle 2 High

Schools Over/Under Capacity - Students would attend Harpeth Valley Elementary School, Bellevue Middle School, or Hillwood High School. All three schools have been identified as being overcrowded by the Metro School Board. There is capacity at another elementary and middle school within the cluster and capacity at another high school in an adjacent cluster. This information is based upon data from the school board last updated August 31, 2004.

CONDITIONS

Prior to the issuance of any permits, an updated Traffic Impact Study should be submitted or if not submitted, the following conditions should apply:

1. Extend the existing left turn lane (12 ft wide) on Hwy 100 from the Collins Rd intersection to the westernmost site access joint access driveway. Install required transition per AASHTO. Lane shall be marked as 2-way left turn.

for this site. When averaging the slopes across the site, the applicant argues that slopes will be between 15% and 20%, which under CS zoning and the ISR adjustment factor in the Code would allow an adjusted ISR of 59%. In other words, 59% of the property could be graded covered with impervious surfaces. There are less limits on the amount of the hillsides that can be disturbed under straight CS zoning.

Existing Zoning

R15 district - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

Proposed Zoning

CS district - Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto-repair, auto sales, self-storage, light manufacturing and small warehouse uses.

BELLEVUE COMMUNITY PLAN POLICY

Residential Low Medium (RLM) - RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Policy Conflict - Yes. The proposed zoning district (CS) is not consistent with the RLM policy, which is intended for residential development within a density range of two to four dwelling units per acre. RLM policy may support a lower density multi-family residential district such as the RM4 district (4 units per acre).

The commercial services district is not consistent with the RLM policy in that it allows for a wide range of commercial uses. Since the site also contains steep slopes, the general provisions of the Land Use Policy Application (LUPA) guide apply:

“These policies are designed to encourage preservation of steeply sloping areas and reduce pressure for modification and development of these areas. The policies in this section apply to the areas within all Structure Plan categories, except NCO, DC, CBD, and older developed traditional neighborhood development areas that have slopes of 12% or more.

Land Uses

- Non-structural, low intensity uses and very low density residential uses are recommended in areas with 20%+ slopes.
- Any residential development in areas of conventional development with a prevalence of slopes of between 12% and 20% should be at Low-Medium densities or below.
- Non-residential uses in areas of conventional development with a predominance of slopes between 12% and 20% should not be more intense than RLC development.
- In all areas with 12-20% slopes, development should be small footprint and, to the greatest extent possible, should be carefully designed to fit the natural land form of the site.

Development Arrangement and Intensity

- Development should be clustered on the portion of the site with slopes less than 12%.
- Development potential for the steeply sloping portions of a site should be lower than it is for the more developable portion of a site, to an extent that preserves the essential integrity of the natural landform and vegetation.

Natural Preservation

- The preservation of steeply sloping areas (20%+) in their natural state is encouraged. Disturbance, modification, and development of these areas should be kept to a minimum.
- Preservation of areas with 12-20% slopes is preferable; although, with careful design, some development may be accommodated. Disturbance and modification of areas with 12-20% slopes should be kept to a minimum.”

RECENT REZONINGS - The adjacent site (parcel 279) was changed from SCC to CS and the existing PUD was amended to permit a 74,588 square foot self-service storage facility, replacing a 29,340 square foot office building

previously approved in the PUD. This request was recommended for disapproval by the Planning Commission in November 1999. The Metro Council subsequently approved the request in 2000.

When the original PUD Plan was proposed in 1999/2000, the Subarea 6 Plan called for natural conservation policy at this location, which called for preservation of the steep hill sides. The Planning Commission, and Staff, believed that the already approved office use would have less impact than self storage. However, the Metro Council approved the PUD amendment and zone change to CS on the site.

TRAFFIC -PUBLIC WORKS' RECOMMENDATION - No exceptions taken.

Typical Uses in Existing Zoning District: R15

Land Use (ITE Code)	Acres	Units Per Acre	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	1.44	2.47	4	54	12	6

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Mini-warehouse (151)	1.44	n/a	49,000*	116	8	12

*square footage proposed

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	1.44			+62	-4	+6

Mr. Leeman presented and stated that staff is recommending disapproval.

Mr. Cecil Branstetter, 8012 Poplar Creek Road, spoke in support of the proposal.

Mr. Loring spoke in support of approving this proposal due to the fact that the area is not suitable for residential and would be ideal for a storage facility. He moved to approve this proposal.

Ms. Nielson requested clarification on the slope measurements.

Mr. Clifton requested clarification on the zoning that currently exists in this area. He commented on the issues of the slope and the possibility of land uses if the proposal was not approved.

Ms. Nielson requested additional clarification regarding the development of this site and its relation to the existing property owners in the area.

Mr. Tyler requested additional information pertaining to the slope of the land and the placement of this development. He also questioned the land use policies surrounding this parcel.

Mr. Ponder questioned whether an alternate zoning would work for this proposal. He also expressed concerns regarding the safety issue involved with excavating the land for this proposal.

Mr. Loring moved, and Ms. Nielson seconded the motion, to approve zone change 2005Z-011G-06. **(5-1) No Vote – Tyler**

Resolution No. RS2005-009

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-001G-06 is **APPROVED. (5-1)**

Although the proposed CS district is not consistent with the Bellevue Community Plan’s Residential Low Medium (RLM) policy intended for residential development at a density of two to four dwelling units per acre, it is consistent with the surrounding development pattern. The CS district would be more likely to be developed than residential due to the steep slopes on the property.”

21. 2005Z-012U-07
Map130-01, Parcel 53
Subarea 7 (2000)
District 23 (Whitson)

A request to change from CS to RM40 district property located at 112 Harding Place, approximately 360 east of Harding Pike (.83 acres), requested by Kevin Gangaware of Civil Site Design Group, PLLC, applicant, for SCJ Realty Partners LLC, owner. (See Planned Unit Development 2005P-005U-07).

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone .83 acres from commercial service (CS) district to residential multi-family (RM40) district property at 112 Harding Place, approximately 360 feet east of Harding Pike.

Existing Zoning

CS district - Commercial Service is intended for retail, consumer service, financial, restaurant, office, Auto-repair, Auto sales, self-storage, light manufacturing and small warehouse uses

Proposed Zoning

RM40 district - RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre. The RM40 zoning would allow 33 dwelling units on this property, however, a Planned Unit Development is proposed on this property that would cap the number of dwelling units at 14. The applicant is requesting the RM40 zoning for the additional building height permitted.

SUBAREA 7 COMMUNITY PLAN POLICY

Retail Concentration Community – RCC policy is intended to accommodate concentrations of community scale retail. Community scale retail includes many forms of retail activity, including most types of retail shops, restaurants, entertainment, and consumer services but at a scale smaller than that of a regional mall. Also appropriate in RCC areas are higher density residential uses and upper floor residential uses in buildings with ground floor commercial.

Policy Conflict - No, higher density residential uses are permitted in the RCC areas. This proposal, along with Bellmeade Terrace Condominiums and Harding Academy on the opposite side of Richland Creek, will serve as a transition zone between the strip commercial development concentrated at the intersection of Harding Pike and Harding Place and the Residential Low Medium Policy area.

RECENT REZONINGS - None.

TRAFFIC - PUBLIC WORKS’ RECOMMENDATION-No exceptions taken.

The Department of Public Works has not identified any existing roadway network circumstances that would require any conditions to be placed on this rezoning or made any recommendations that the Metro Planning Commission and Metro Council disapprove the rezoning.

Typical Uses in Existing Zoning District: CS

Site Design - This is a redevelopment of the site which previously was the home of the Nashville Humane Association. The site is located completely in the floodway of Richland Creek. Since this site has been previously disturbed, the current floodplain regulations do not apply.

The proposal is for a five-story structure to be constructed on piers. The first floor will be an elevated parking deck with no fill placed under the building in order to address floodway issues. The flood elevation for the site is 505 feet above sea level, while the parking garage is proposed at 505.8.

Building elevations are not a requirement of submittal; but the applicant has indicated they will comply with the height restriction of 45 feet at the building setback lines, as required by the Zoning Code. The building will then increase in height away from the setbacks as allowed by the slope/height control plane of 2 to 1.

METRO PUBLIC WORKS' RECOMMENDATION - Preliminary approvals are subject to Public Works review and approval of construction plans to be included with the final PUD.

CONDITIONS

1. The applicant must provide a greenway open space and conservation easement to include Richland Creek, the creek bank and 15 feet from the top of bank prior to the issuance of building permits.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
3. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
6. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

Ms. Fuller presented and stated that staff is recommending approval of zone change 2005Z-012U-07 and approval with conditions of planned unit development 2005P-005U-07.

Mr. Joe Gaston, 5876 Owens Chapel Road, spoke in opposition to proposal.

Mr. Kevin Gangaware, Engineer, spoke in support of the proposal.

Mr. William Hastings, Designer, spoke in support of the proposal.

Ms. Clifton acknowledged the concerns of the resident and explained that these issues would be addressed as the proposal moves to its final stages.

Mr. Ponder questioned whether a greenway would be included in the proposal.

Mr. Bernhardt explained that after working with the Greenway Commission they have agreed to have the applicant protect a tree buffer included within this proposal.

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously to approve zone change 2005Z-012U-07 and to approve with conditions planned unit development 2005P-005U-07. (6-0)

Resolution No. RS2005-010

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-012U-07 is **APPROVED**. (6-0)

The proposed RM40 district is consistent with the Subarea 7 Plan’s Retail Concentration Community (RCC) policy intended for higher density residential, retail, and commercial uses. This zoning would serve as a transition from the strip commercial development at the intersection of Harding Pike and Harding Place and the single-family development to the east.”

Resolution No. RS2005-011

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-005U-07 is **APPROVED WITH CONDITIONS, with amendment to condition #1 that the development will not disturb the trees or vegetation within the side slopes of creek or the top edge of the bank**. (6-0)

Conditions of Approval:

1. The applicant must provide a greenway open space and conservation easement to include Richland Creek, the creek bank and 15 feet from the top of bank prior to the issuance of building permits.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
3. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
6. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.”

XIV. PRELIMINARY SUBDIVISION PLATS

23. **2005S-004G-03**
Carrington Place
Map 058, Parcel 078
Subarea 3 (1998)
District 1 (Gilmore)

A request for preliminary plat approval for 129 lots abutting the east margin of Eaton's Creek Road and the south margin of Briley Parkway (52.3 acres), classified within the RS15 District, requested by Elsie Carrington, owner, Anderson, Delk & Associates, Inc., surveyor.

The Metropolitan Planning Commission DEFERRED Preliminary Plat to January 27, 2005, at the request of the applicant. (7-0)

XV. FINAL PLATS

- 24. 2000S-026G-14**
Cole's Retreat, First Revision
Maps 076-13, Parcels 005-007
Map 087-10, Parcels 32 And 33
Subarea 14 (1996)
District 12 (Gotto)

A request to revise a final plat approval for five lots to include a sidewalk variance, abutting the east terminus of Wonderland Pass, approximately 100 feet east of Tulip Grove Road (2.08 acres), classified within the RS15 District, requested by Arnold A. and Alice Faye Cole, developers, Michael Moran, surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Final Plat - Request to revise a final plat for 5 lots, including a sidewalk variance. Sidewalk will be on lot 5 only (approximately 118 feet).

ZONING

RS15 district - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

SUBDIVISION DETAILS - This subdivision extends the existing street of Wonderland Pass. Wonderland Pass was built with sidewalks on the north side of the street only. In 2001, when the preliminary plat was approved, staff wanted the street to be extended as a stub to the remainder of the property. Staff worked with the applicant and verified with Public Works that this street extension would be difficult given the property's topography. These lots are proposed on one side of a hill. It was determined that the likelihood of any stub-out street extending further to the east is remote. However, staff recommended approval of that plat with the condition that the applicant revise the plat to show the required sidewalk (5 feet) and landscape strip (4 feet) along the Wonderland Pass extension, including the proposed cul-de-sac. In November of 2002, staff approved and recorded a final plat showing these required improvements.

On January 23, 2003, the Planning Commission reviewed a request for a sidewalk variance on all 5 lots. At that time, the Planning Commission required sidewalks to be constructed on one-half of the cul-de-sac to match the existing street and granted a variance for the other half of the cul-de-sac. Since that time, the subdivision and the street have been constructed and site conditions have made the construction of the entire sidewalk difficult. Public Works has visited the site and verified that the topography causes a hardship for the applicant.

TRAFFIC: PUBLIC WORKS' RECOMMENDATION - Approve.

Public Works met with the developer on site to evaluate the installation of sidewalks. They instructed the developer to install sidewalks on the south side of Wonderland Pass connecting to the existing sidewalk and go to the west side of the driveway on Lot # 5 and terminate with a curb ramp.

With the existing topography, existing driveways and a minimal amount of sidewalk that would be gained, it did not make sense to Public Works extend the sidewalk any further with the existing conditions.

CONDITION

- 1. Prior to the recording of the revised plat, a signature for the authorized representative of Universal Builders shall sign the plat for Lots 1 and 4.

Approved with conditions, (7-0) *Consent Agenda*

Resolution No. RS2005-012

“BE IT RESOLVED by The Metropolitan Planning Commission that 2000S-026G-14 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

- 1. Prior to the recording of the revised plat, a signature for the authorized representative of Universal Builders shall sign the plat for Lots 1 and 4.”

25.

2004S-195U-07

West Meade Farms, Section 6, Resubdivision of Lot 45
Maps 129-07, Parcel 40
Subarea 7 (2000)
District 23 (Whitson)

A request for final plat approval to subdivide 1 lot into 2 lots, north side of Melinda Drive, west of Groome Drive, (2.02 acres), classified RS40, requested by John Kohl & Co., surveyor, for William and Evelyn Rodgers, owners.

Staff Recommendation - Disapprove

APPLICANT REQUEST -Final Plat

Request to subdivide one existing lot into 2 lots on 2.02 acres on the north margin of Melinda Drive, west of Groome Drive.

ZONING

RS40 district - RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

SUBDIVISION DETAILS

Lot Comparability - Section 2-4.7 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots. A lot comparability waiver can be granted if the lot fails the lot comparability analysis -- is smaller in lot frontage and size -- if the new lots would be consistent with the land use policy in the area.

A lot comparability test was conducted and the lot area yielded a minimum lot size of 38,517 sq. ft. and a minimum allowable lot frontage of 157 feet. Both lots pass for lot area. Lot 2 fails for frontage, with 103.01 feet being proposed.

Sidewalks are not required since the zoning is RS40. Sidewalks are not required unless zoned under RS20, or lot sizes are less than 20,000 square feet.

STAFF RECOMMENDATION - Staff recommends disapproval of the subdivision. Although these lots are located within the Subarea 7 Plan’s Residential Low policy intended for residential development within a density of 1 to 2 dwelling units per acre, and meet that policy, staff does not recommend that the Commission grant a waiver of the comparability requirement.

The existing lot is the largest lot in this block of Melinda Drive, but it is not large enough to pass comparability or justify a waiver. Proposed lot 1 includes the existing house. Proposed Lot 2 is approximately 54 feet narrower in frontage than the minimum allowed by comparability. The lot is encumbered by a creek, sanitary sewer and drainage easements which reduce the effective width of the lot to approximately 75 feet, approximately half the width of other lots in the area. The proposed lots are not in keeping with the character of the area.

PUBLIC WORKS RECOMMENDATION - No Exception Taken.

Ms. Fuller presented and stated that staff is recommending disapproval.

Ms. Evelyn Rogers, 6516 Melinda Drive, spoke in support of the proposal.

Mr. Ponder expressed a concern with the widths of the lots.

Mr. Clifton requested further clarification on the lot size and its comparability with other parcels in the area.

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously, to disapprove subdivision 2004S-195U-07. **(6-0)**

Resolution No. RS2005-013

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004S-195U-07 is **DISAPPROVED. (6-0)**”

26. 2005S-010U-03
Orbie D. Nelson Estate Final Plat
Map 081-01, Parcel 085 and 086
Subarea 3 (1998)
District 2 (Isabel)

A request for final plat approval to create 2 lots abutting the south margin of Doak Avenue at the southern terminus of Hailey Avenue (2.80 acres), classified within the RS10 District, requested by the Estate of Orbie D. Nelso, owner, Elkins Surveying Company, surveyor.

Staff Recommendation - Approve, including a variance for lot size.

APPLICANT REQUEST

Final Plat -This request is to create 2 lots abutting the south side of Doak Avenue at the southern terminus of Hailey Avenue on 2.80 acres.

ZONING

RS10 District - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

SUBDIVISION DETAILS

Lot Size Variance - Section 2-4.2 (D) of the Subdivision Regulations states that the proposed lot area is not to exceed three times the minimum lot size required by the Zoning Ordinance for the zone district where the proposed subdivision is located. The zoning district in this area is RS10, which requires a minimum lot size of 10,000 square feet and under the Regulations allows a maximum of 30,000 square feet. The plan proposes a 12, 271 square foot lot and a 100,188 square foot lot, which exceeds the maximum lot size requirement under the Regulations.

Staff recommends approval of this variance. The existing parcel is 2.55 acres or 111,078 square feet, which already exceeds the maximum lot size requirement for RS10 zoning. This subdivision creates a better situation by creating one lot that meets the requirements of the Subdivision Regulations and brings the other lot closer to conformance with the zoning.

PUBLIC WORKS RECOMMENDATION - No Exception Taken.

CONDITION

1. Metro Water Services approval shall be submitted and performance bonds posted prior to final plat recordation.

Approved with conditions, (7-0) *Consent Agenda*

Resolution No. RS2005-014

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-010U-03 is **APPROVED, including variance for lot size. (7-0)**”

27. **2005S-016U-05**
Talley Subdivision
Map 072-06, Parcel 342
Subarea 5 (1994)
District 7 (Cole)

A request for final plat approval to create 3 lots abutting the northeast corner of Kenmore Place and McGavock Pike (0.75 acres), classified within the RS7.5 district, requested by James W. Talley, owner, Wamble & Associates, surveyor.

Staff Recommendation - *Approve with conditions*, disapprove the sidewalk variance request. .

APPLICANT REQUEST

Final Plat - Request to subdivide one existing lot into 3 lots on 0.75 acres on the northeast corner of Kenmore Place and McGavock Pike.

ZONING

RS7.5 district - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

SUBDIVISION DETAILS

Lot Comparability - All 3 of the lots pass lot comparability. Two comparability tests were run since this subdivision fronts on two streets-- McGavock Pike and Kenmore Place. The results yielded a minimum frontage of 61 feet and a minimum lot size of 8,413 square feet for Kenmore Place and 77 feet of frontage and 10,382 square feet for McGavock Pike.

Sidewalk Variance - Sidewalk construction is required for lots 1 and 2. Lot 3 has an existing house that will remain.

The applicant has requested a variance from sidewalk construction and has indicated that they do not wish to make a contribution to Metro in-lieu of building sidewalks. The applicant noted in their application that a continuous sidewalk is present on the opposite side of McGavock Pike and that mature trees on the McGavock Pike frontage would be lost if a sidewalk were required. They also noted that a solution would be to require sidewalks on the Kenmore Place frontage only.

Public Works' Constructability Report - McGavock Pike frontage. The existing sidewalk is built to the curb (no gutter - turn down curb) on the opposite side of McGavock. Pavement is approximately 22 ft (estimated).

McGavock Pike at this location is a U4 and should be a five-lane section with 60 feet of pavement and 84 ft of ROW according to the approved major street plan. If this segment of McGavock were constructed to a U4, it would require ~19 feet of pavement on each side to build a 5-lane roadway.

Staff Recommendation - During a site visit, staff observed the ground to be relatively flat. Several NES poles and trees were observed on the McGavock Pike frontage where the sidewalk construction would take place. Staff observed the Kenmore Place frontage to be flat and have fewer obstacles. The Kenmore Place sidewalk would extend the sidewalk network from McGavock Pike back into the neighborhood.

Staff recommends disapproval of the variance request. The applicant may choose to construct the sidewalk or pay the in-lieu fee because there currently are no other sidewalks on the same block face of Kenmore Place or McGavock Pike. Staff recommends that the applicant construct the sidewalk on Kenmore Place and make a contribution to the sidewalk network for the McGavock Pike frontage, however, it is the applicant's choice whether to construct the sidewalk or make a contribution. However, staff does recommend that the applicant not be required to widen McGavock Pike to the Major Street Plan requirements if the applicant chooses to construct the sidewalk.

PUBLIC WORKS' RECOMMENDATION - No Exception Taken.

CONDITIONS

1. Prior to recordation, the sidewalk shall be added to the plat or the in-lieu contribution shall be paid.

Approved with conditions, (7-0) *Consent Agenda*

Resolution No. RS2005-015

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-016U-05 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. Prior to recordation, the sidewalk shall be added to the plat or the in-lieu contribution shall be paid.”

XVI. PLANNED UNIT DEVELOPMENTS (revisions)

28. **103-79-G-14**
Vanguard Secure Storage-Phase 2
Map 53, Parcel 36
Subarea 14 (1996)
District 11 (Brown)

A request to revise a portion of the preliminary plan and for final approval for a phase of the Commercial Planned Unit Development District abutting the southwest margin of Robinson Road, north of Merritt Street (2.23 acres), classified R10, to permit the development of 32,000 square foot storage facilities, requested by Richard Williams, Williams Inc., applicant for Charles Byrd, Jr, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Revise Preliminary & Final PUD

A request to revise a portion of the preliminary and for final approval for a phase of the existing Commercial Planned Unit Development district (2.23 acres) to permit the development of 32,000 square feet of storage facilities, replacing 28,880 square feet of previously approved storage space.

Although the proposed plan changes the building footprints, parking layout and open space configuration, it is not considered to be an amendment because the use was previously approved and the expansion is not greater than 10% of the square footage approved for the entire PUD.

PLAN DETAILS

Existing Zoning

R10/Commercial PUD - The property is currently zoned Commercial PUD with a base zoning of R10. The existing Commercial PUD is a grandfathered plan approved for office, retail, mini-storage warehouse and restaurant uses in 1979. This portion of the PUD plan is currently undeveloped.

Site Design -The site had to be slightly redesigned to accommodate a 25-foot stream buffer that was not accounted for in the original design.

Access - Access to Lot 1 within the PUD is from an internal drive that intersects with Robinson Road. This phase of Lot 1 will gain access through the previously approved phase of the mini warehouse. Existing units will be removed to accommodate the new driveway. The proposed driveway appears to be undersized at 18-feet. This will need to be widened to 24-feet.

CONDITIONS

1. Additional storage units need to be removed in the existing Phase of Vanguard Storage to accommodate a 24-foot wide driveway to this new phase.
2. The four required parking spaces in Phase 1 will need to be called out on the revised plans prior to the issuance of a building permit.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
6. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
8. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approved with conditions, **(7-0) Consent Agenda**

Resolution No. RS2005-016

"BE IT RESOLVED by The Metropolitan Planning Commission that 103-79-G-14 is **APPROVED WITH CONDITIONIS. (7-0)**

Conditions of Approval:

1. Additional storage units need to be removed in the existing Phase of Vanguard Storage to accommodate a 24-foot wide driveway to this new phase.
2. The four required parking spaces in Phase 1 will need to be called out on the revised plans prior to the issuance of a building permit.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes

Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
6. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
8. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission."

29. **23-85-P-13**
Hamilton Creek Apartments
Map 150, Parcel 236
Subarea 13 (2003)
District 29 (Wilhoite)

A request to cancel a portion of a Residential Planned Unit Development located at 3140 Hamilton Church Road, abutting the north margin of Hamilton Church Road east of Murfreesboro Pike, classified R10, (8.45 acres), to cancel a portion of the plan approved for 116 multi-family units, requested by Councilmember Wilhoite and owned by Hamilton Church Apartment, L.P. owners.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Cancel a portion of PUD

Request to cancel an 8.46 acre portion of the Residential PUD approved for 116 apartment units. The property is located on the north side of Hamilton Church Road, east of Murfreesboro Pike.

ZONING

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

PLAN DETAILS - At the December 9, 2004, meeting, the Planning Commission approved a request to revise this portion of the Residential PUD to reduce the number of units in this section from 120 to 116 within a total of seven buildings located along either side of a single private drive that extends north into the site from Hamilton Church Road.

The connection to parcel 237, directly north of the subject site, remained intact as originally approved with the Council approved plan.

Council Approved Plan - The original Council approved PUD plan was approved for a total of 779 units on 83.5 acres, which equals 9 units per acre. The 779 units approved by the Council included 207 single-family lots, 112 townhomes, and 460 apartments (which equals 572 multi-family homes). Only the 207 single-family lots have been built and 116 apartment units have been given Final PUD approval by the Planning Commission.

According to Metro Legal, since Council originally approved 572 multi-family units for this PUD, cancellation of this portion of this PUD would only remove 116 units from the PUD, because that was the number of units last approved (by the Commission) for the canceled portion. Therefore, if the cancellation of this section of the PUD is approved by the Metro Council, an applicant would be permitted to apply for a revision to the remaining multifamily portion of this PUD to increase the number of units in that section up to 456, as long as all other requirements under the Zoning Code were met.

In this case:

1. 572 multifamily units were originally approved by Council as part of the overall PUD.
2. The site plan for the approved Preliminary PUD showed 256 of the multifamily units in the area that is currently requested to be cancelled.
3. The Commission has revised that section of the PUD to reduce the number in that section from 256 to 116.
4. The overall number of multifamily units in the PUD has not been revised by the Commission.
5. An applicant could come in and request a revision that would allow up to 456 units in the remaining multifamily area, so long as it did not change the overall "basic development concept," i.e., they could not propose a high-rise building to replace the 1-2 story buildings shown in the preliminary PUD approved by Council, or fail any other requirement in the Zoning Code. A revision that does not change the basic development concept and does not fail any other requirement in the Zoning Code would not be required to be submitted to the Metro Council as a PUD amendment.

Land Use Policy: Antioch-Priest Lake Community Plan Policy

Residential Medium High (RMH) RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate. The most common types include attached townhomes and walk-up apartments.

Staff recommendation The portion of the PUD proposed to be cancelled is approved for approximately 14 units per acre, which is consistent with the Subarea Plan's RMH policy calling for 9 to 20 dwelling units per acre. Staff recommends disapproval of the PUD cancellation since the currently approved PUD is consistent with the policy, while the underlying R10 base zoning would not be consistent with the policy.

METRO PUBLIC WORKS' RECOMMENDATION - No Exception Taken.

The Department of Public Works has not identified any existing roadway network circumstances that would require any conditions to be placed on this rezoning or made any recommendations that the Metro Planning Commission and Metro Council disapprove the rezoning.

Mr. Kleinfelter presented and stated that staff is recommending disapproval.

Councilmember Wilhoite spoke in support of the cancellation of this Planned Unit Development. She stated that the residents of this community would like to see more homeownership, as opposed to rental property in the area. Councilmember Wilhoite also spoke of the overcrowded schools and traffic issues that currently exist in this area and requested that the Commission approve this PUD cancellation.

Ms. Mary Harrell, 1017 Lonsway Circle, spoke in support of canceling this planned unit development.

Mr. Dwayne Barrett, attorney, representing Woodbine Community spoke in support of disapproving the cancellation of this Planned Unit Development.

Mr. Tyler requested clarification on the origination of this proposal.

Ms. Cummings also requested additional history and the origination of this proposal.

Mr. Kleinfelter briefly explained the history and origination of this PUD cancellation.

Mr. Clifton mentioned the fact that this development would provide affordable housing for those who were not in the position of homeownership. He acknowledged the issues and concerns mentioned by the residents, but indicated that from a planning perspective, the proposal does fit within the subarea plan.

Mr. Loring spoke in support of canceling the PUD. He stated that the area is currently overrun by apartments and that the residents of the area would like to see single-family homes. He also mentioned the work that Councilmember Wilhoite has placed on this PUD cancellation.

Mr. Lawson stated that the Commissioners should remember that they have already approved this planned unit development.

Mr. Clifton moved and Ms. Cummings seconded the motion to disapprove the request to cancel a portion of a Residential Planned Unit Development 23-85-P-13. **(6-1) No Vote – Loring**

Resolution No. RS2005-017

“BE IT RESOLVED by The Metropolitan Planning Commission that 23-85-P-13 is **DISAPPROVED. (6-1)**”

30. **2004P-009G-14**
Bridgewater, Phase 1
Map 98, Parcel 34
Subarea 14 (1996)
District 12 (Gotto)

A request for final approval for a phase of the Planned Unit Development located abutting the west margin of Earhart Road and the north margin of John Hager Road, classified R15, (72.36 acres), to develop 150 single-family lots, requested by Frank C. Batson Homes for Neal Smith, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Final PUD

Request for final approval for phase one of a Residential PUD, to develop 150 single-family lots, of 192 single-family and 98 duplex approved in the preliminary. Phase 1 involves 72.36 acres, located along the west margin of Earhart Road and the north margin of John Hager Road.

PLAN DETAILS

History- The preliminary residential PUD, which called for 290 single-family lots, was originally approved at the May 13, 2004, Planning Commission meeting. A modified plan was re-referred to the Commission from Council in October 2004, with changes made to a pedestrian trail, as well as a modification to include 98 duplexes as a portion of the 290 lots.

On October 14, 2004, the Planning Commission approved the PUD with sidewalk variances, and a final plat to include bonds for off-site road improvements and any necessary public improvements. The sidewalk variances required that there be a paved trail, in a public, pedestrian access easement, along the east side of Local Street D, across from Lots 80A to 88A. Sidewalks were not required along the west side of Local Street I or the south side of Local Street G, but a paved trail, in a public pedestrian access easement was to also be extended across the open space to connect the path along Street D with the Street G.

Site Design -The proposed plan calls for the development of three different housing types. The predominant type is the front-loaded lot with garages in front within the 8,000 to 10,000-square foot range. The second type is a more traditional approach, with garages designed to the rear of each site and accessed by a private alley. The last housing type proposed is the single-family attached units, located mainly along the northwest portion of this phase. A condition was placed on this development originally that requires greater interconnectivity between housing types, is achieved through an internal system of trails and sidewalks.

Access - The final PUD plans for Phase 1 show the same proposed public connections to John Hager Road at two points, access to Earhart Road, and access to the north to a yet-to-be-named, or built, roadway.

Previous conditions-There were several conditions put on the preliminary, which included that the applicant:

1. Construct realigned John Hager Road as collector cross-section with wide outside lanes (WOL) per the Strategic Plan for Bikeways.
2. Provide continuous center turn lane on new section of John Hager Road with 75 feet of dedicated storage for eastbound left turns at streets A, D, and E. In addition, the applicant was to provide 150 feet of dedicated storage for eastbound left turns at the intersection with Earhart Road.
3. Provide 2 exit lanes and 1 entering lane for street D at intersection with John Hager Road.
4. Make trails intersect roadways at street intersections.
5. Make all internal pedestrian paths, excluding public sidewalks because of their standard construction requirements, a minimum of 4 feet in width and either paved or constructed with a permanent material such as pea gravel with railroad lumber edges.
6. Determine the areas of the entire pedestrian path that might create potential safety concerns, such as areas that lack visibility from adjacent homes, and shall light these areas of the path.
7. Prior to the first final plat recordation, all traffic mitigation recommendations provided by the Public Works Department must "be completed or bonded with the appropriate performance agreement."
8. Open Space The final site plan has 6.59 acres devoted to streets, and 27.27 acres to open space, the latter constituting 37.69% of phase 1. Open spaces are located sporadically throughout the development.

Environmental - There are four storm drainage detention areas proposed throughout phase 1, and one retention pond.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works. All off-site traffic mitigation requirements must be bonded with the final plat for the first phase.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approved with conditions, (7-0) *Consent Agenda*

Resolution No. RS2005-018

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-009G-14 is **APPROVED WITH CONDITIONS, including that a parcel created by the relocation of John Hager Road must be deeded to adjacent property owners to allow for road frontage. (7-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works. All off-site traffic mitigation requirements must be bonded with the final plat for the first phase.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

XVII. MANDATORY REFERRALS

- 31.** **2005M-001U-10**
Map 97, Parcel 129
Subarea 10 (1994)
District 19 (Wallace)

A Council bill ordinance authorizing the Director of Public Property, or his designee, to grant an easement and accept \$7,000 in consideration, to install a fiber optic switching station at 1 Music Square East, requested by Real Property Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A Council bill ordinance authorizing the Director of Public Property, or his designee, to grant an easement and accept \$7,000 in consideration, to install a fiber optic switching station at 1 Music Square East, requested by Real Property Services.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-019

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-001U-10 is **APPROVED. (7-0)**”

32. 2005M-002U-10
Map104-4, Parcel 100
Subarea 10 (1994)
District 19 (Wallace)

A request for an easement acquisition at 2215 Garland Avenue , requested by Metro Water Services, Project No. 04-DL-0757.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an easement acquisition at 2215 Garland Avenue , requested by Metro Water Services, Project No. 04-DL-0757.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS-This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-020

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-002U-10 is **APPROVED. (7-0)**”

33. 2005M-003G-04
Map 42, Parcel 44
Subarea 4 (1998)
District 4 (Craddock)

A request for an easement acquisition at 726 Old Hickory Boulevard, for a 20' wide access and drainage easement acquisition, requested by Metro Water Services, Project No. 04-DL-058.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an easement acquisition at 726 Old Hickory Boulevard, for a 20' wide access and drainage easement acquisition, requested by Metro Water Services, Project No. 04-DL-058.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-021
"BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-003G-04 is **APPROVED. (7-0)**"

34. **2005M-004U-07**
Map 79, Parcel 5
Subarea 7 (2000)
District 20 (Walls)

A request for an easement acquisition at 6750 Centennial Boulevard, requested by Metro Water Services, Project No. 04-DL-0760.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an easement acquisition at 6750 Centennial Boulevard, requested by Metro Water Services, Project No. 04-DL-0760.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS-This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-022
"BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-004U-07 is **APPROVED. (7-0)**"

35. **2005M-005U-08**
Map 81-16, Parcel 294-300
Subarea 8 (2002)
District 19 (Wallace)

A request for an easement acquisition at 1015, 1017, 1021, 1023, 1025, 1027, and 1031 Scovel Street, requested by Metro Water Services, Project No. 04-DL-0759.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an easement acquisition at 1015, 1017, 1021, 1023, 1025, 1027, and 1031 Scovel Street, requested by Metro Water Services, Project No. 04-DL-0759.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-023

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-005U-08 is **APPROVED. (7-0)**”

36. **2005M-006U-14**
Map 96, Parcel 61
Subarea 14 (1996)
District 14 (White)

A request for an easement acquisition at Elm Hill Pike (unnumbered), requested by Metro Water Services, Project No. 04-DL-0761.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an easement acquisition at Elm Hill Pike (unnumbered), requested by Metro Water Services, Project No. 04-DL-0761.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-024

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-006U-14 is **APPROVED. (7-0)**”

37. **2005M-007G-12**
Map 181, Parcel 11
Subarea 12 (2004)
District 31 (Toler)

A request to abandon and relocate an easement at 6601 Sugar Valley Drive, requested by Metro Water Services, Project No. 04-DL-0762.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request to abandon and relocate an easement at 6601 Sugar Valley Drive, requested by Metro Water Services, Project No. 04-DL-0762.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-025

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-007G-12 is **APPROVED. (7-0)**”

38. **2005M-008G-06**
Map 142-6-A, Parcel 100
Subarea 6 (2003)
District 22 (Crafton)

A request for an easement acquisition at 810 Bellevue Road, requested by Metro Water Services, Project No. 03-D-0351.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an easement acquisition at 810 Bellevue Road, requested by Metro Water Services, Project No. 03-D-0351.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-026

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-008G-06 is **APPROVED. (7-0)**”

39. **2005M-009U-10**
Map132-05, Parcel 26
Subarea 10 (1994)
District 25 (Shulman)

A request for an easement acquisition at 908 Tower Place, requested by Metro Water Services, Project No. 03-D-365A.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an easement acquisition at 908 Tower Place, requested by Metro Water Services, Project No. 03-D-365A.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service

(NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-027

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-009U-10 is **APPROVED. (7-0)**”

40. **2005M-010U-10**
 Maps 104-12, Parcel 352
 Subarea 10 (1994)
 District 18 (Hausser)

A request for an easement acquisition at 1515 Wedgewood Avenue, requested by Metro Water Services, Project No. 04-DL-0743.

Staff Recommendation - Approve

APPLICANT REQUEST - A request for an easement acquisition at 1515 Wedgewood Avenue, requested by Metro Water Services, Project No. 04-DL-0743.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS-This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-028

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-010U-10 is **APPROVED. (7-0)**”

41. **2005M-011U-14**
 Map106, Parcel 41
 Subarea 14 (1996)
 District 15 (Loring)

A request for an easement acquisition at 813 Massman Drive, requested by Metro Water Services, Project No. 04-DL-0736.

Staff Recommendation - Approve

APPLICANT REQUEST - A request for an easement acquisition at 813 Massman Drive, requested by Metro Water Services, Project No. 04-DL-0736.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-029

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-011U-14 is **APPROVED. (7-0)**”

42. **2005M-012U-07**
Map 129, Parcel 007
Subarea 7 (2000)
District 23 (Whitson)

A request for an easement acquisition at 801 Percy Warner Boulevard, requested by Metro Water Services, Project No. 04-SG-172.

Staff Recommendation - Approve

APPLICANT REQUEST - A request for an easement acquisition at 801 Percy Warner Boulevard, requested by Metro Water Services, Project No. 04-SG-172.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY -RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-030

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-012U-07 is **APPROVED. (7-0)**”

43. **2005M-013U-13**
Map148, Parcel 213
Subarea 13 (2003)
District 28 (Alexander)

A request for an easement acquisition at 1700 Antioch Pike, requested by Metro Water Services, Project No. 04-DL-0746.

Staff Recommendation - Approve

APPLICANT REQUEST - A request for an easement acquisition at 1700 Antioch Pike, requested by Metro Water Services, Project No. 04-DL-0746.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS -

This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-031

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-013U-13 is **APPROVED. (7-0)**”

- 44.** **2005M-014U-07**
Map 103-01, Parcel 81,82,83
Subarea 7 (2000)
District 24 (Summers)

A request for an easement acquisition at 6007 Neighborly Avenue and Neighborly Avenue (unnumbered), requested by Metro Water Services, Project No. 04-DL-0732.

Staff Recommendation - Approve

APPLICANT REQUEST -A request for an easement acquisition at 6007 Neighborly Avenue and Neighborly Avenue (unnumbered), requested by Metro Water Services, Project No. 04-DL-0732.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-032

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-014U-07 is **APPROVED. (7-0)**”

- 45.** **2005M-015U-12**
Map 161, Parcel 98
Subarea 12 (2004)
District 31 (Toler)

A request for an easement acquisition at 14985 Old Hickory Boulevard, requested by Metro Water Services, Project No. 04-DL-0737.

Staff Recommendation - Approve

APPLICANT REQUEST - A request for an easement acquisition at 14985 Old Hickory Boulevard, requested by Metro Water Services, Project No. 04-DL-0737.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY -RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-033

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-015U-12 is **APPROVED. (7-0)**”

46. **2005M-016G-13**
Map 183, Parcel 100
Subarea 13 (2003)
District 32 (Coleman)

A request for an easement acquisition at 1551 Heil Quaker Boulevard, requested by Metro Water Services, Project No. 04-DL-0733.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an easement acquisition at 1551 Heil Quaker Boulevard, requested by Metro Water Services, Project No. 04-DL-0733.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-034

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-016G-13 is **APPROVED. (7-0)**”

47. **2005M-017G-12**
Map 181, Parcel 11
Subarea 12 (2004)
District 31 (Toler)

A request for an easement acquisition at 6601 Sugar Valley Drive, requested by Metro Water Services, Project No. 04-D-365A.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an easement acquisition at 6601 Sugar Valley Drive, requested by Metro Water Services, Project No. 04-D-365A.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-035

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-017G-12 is **APPROVED. (7-0)**”

48. **2005M-018G-02**
Map 40, Parcels 148,199, 208, 209 and 221

Subarea 2 (1995)
District 3 (Tucker – At Large)

A request for an aerial encroachment to place fiber optic cable in the right-of-way on existing utility poles for a distance of approximately 394 feet, on the west side of Hickory Hills Boulevard, north of the intersection of Westcap Road, requested by MTA Distributors, applicant.

Staff Recommendation - Approve

APPLICANT REQUEST - A request for an aerial encroachment to place fiber optic cable in the right-of-way on existing utility poles for a distance of approximately 394 feet, on the west side of Hickory Hills Boulevard, north of the intersection of Westcap Road, requested by MTA Distributors, applicant.

DEPARTMENT AND AGENCY COMMENTS - No responding departments or agencies take exception.

RECOMMENDATION - The following departments or agencies have reviewed this request and recommended approval: Metro Public Works, Emergency Communications Center and NES.

Planning staff also recommends approval.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-036

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-029G-02 is **APPROVED. (7-0)**”

XVIII. OTHER BUSINESS

49. Administrative approval of mandatory referrals

Mr. Bernhardt announced that Item #49 Administrative Approval of Mandatory Referrals was placed on the agenda and will be heard at the January 27, 2005 meeting. He explained that this item requires a ten day notice before being heard by the Commission.

50. Contract renewal for Lou Edwards

Approved (7-0), *Consent Agenda*

51. Amended Employee Contract for John Broome.

Approved (7-0), *Consent Agenda*

52. A request to rehear the Planning Commission’s approval of a final plat to subdivide 1 existing lot into 2, located at the southeast corner of Davidson Road and Bresslyn Road (2.13 acres), classified within RS40 district, requested by Joan B. Hager, owner and John Hood, surveyor.

The Metropolitan Planning Commission Subarea Plan Amendment for Subarea 7 Plan: 1999 Update to January 27, 2005 at the request of the applicant. ()

53. Executive Director Reports

54. Legislative Update

55. 2004M-018G-02 An ordinance authorizing the Director of Public Property Administration to execute an agreement modifying the restrictive covenants and grant a permanent easement and temporary construction easement across Fire Station #10 located at 15530 Old Hickory Boulevard, and accepting \$25,521.00 from BSM Nippers, LLC in consideration for the granting of said easements

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - An ordinance authorizing the Director of Public Property Administration to execute an agreement modifying the restrictive covenants and grant a permanent easement and temporary construction easement across Fire Station #10 located at 15530 Old Hickory Boulevard (Map 161, Parcel 266) and accepting \$25,521.00 from BSM Nippers, LLC in consideration for the granting of said easements.

DEPARTMENT AND AGENCY COMMENTS - The following departments or agencies have reviewed this request and recommend approval: Public Works, Stormwater, NES, and Codes Administration. Water Services recommends approval of the request with the condition that easement rights must be retained for a 12” sanitary sewer line located along the southerly property line and the southwest corner of the parcel.

Planning staff recommends approval with the Water Services condition stated above.

Approved (7-0), *Consent Agenda*

Resolution No. RS2005-037

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-018U-12 is **APPROVED WITH CONDITIONS. (7-0)**”

Conditions of Approval:

1. The following departments or agencies have reviewed this request and recommend approval: Public Works, Stormwater, NES, and Codes Administration. Water Services recommends approval of the request with the condition that easement rights must be retained for a 12” sanitary sewer line located along the southerly property line and the southwest corner of the parcel.”

XIX. ADJOURNMENT

The meeting was adjourned at 7:20 p.m.



Chairman

Secretary