



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission**

February 10, 2005

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
Victor Tyler
James McLean
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
Cynthia Wood, Planner III

Commissioners Absent:

Doug Small, Vice Chairman

I. CALL TO ORDER

The meeting was called to order at 4:08 p.m.

Mr. Lawson announced that Carrington Place - 2005S-004G-03, would be heard at the March 10, 2005 meeting. He explained that staff inadvertently failed to send out the proper notification for this proposal.

II. ADOPTION OF AGENDA

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve the agenda as presented. **(9-0)**

III. APPROVAL OF JANUARY 27, 2005 MINUTES

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously to approve the minutes of January 27, 2005. **(9-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Gotto spoke in favor of Item #4 2005Z-001T which was on the Consent Agenda.
Councilmember McClendon spoke in favor of Item #5 2005Z-003T which was on the Consent Agenda.
Councilmember Jameson did not address the Commission.
Councilmember Foster spoke in favor of Item #6 2004Z-025T.
Councilmember Summers did not address the Commission at this time.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

Ms. Hammond announced that there were no items to be deferred or withdrawn from the agenda.

VI. PUBLIC HEARING: CONSENT AGENDA

VII. Subarea Plan Amendment for Subarea 8 – Approve

FINAL PLATS

- | | | | |
|----|---------------|--|-----------|
| 1. | 2004Z-156U-08 | Request to change from R6 and CN to MUN district properties located at 2203 15 th Avenue North and 1500 Cecilia Avenue | - Approve |
| 3. | 2005S-029U-10 | Belle Meade Annex, Subdivision of Part of Lot 29 and lot 30- A request for final plat approval to create three lots abutting the southeast corner of Hobbs Road and Sneed Road | - Approve |

ZONING MAP AMENDMENTS, ZONING TEXT AMENDMENTS, AND PRELIMINARY URBAN DESIGN OVERLAYS

- | | | | |
|----|---------------|--|-----------------------|
| 4. | 2005Z-001T | A council bill to amend the Zoning Code, Section 17.40.060, requiring the Metro Clerk to forward immediately to the planning department any zone change applications filed with the Metro Clerk's office | - Approve w/Amendment |
| 5. | 2005Z-003T | A council bill to amend the Zoning Code, Section 17.20.120, to clarify that fees in lieu of sidewalk construction are to be in addition to any funds appropriated by the Metropolitan Government as part of the comprehensive sidewalk program | - Approve w/Amendment |
| 6. | 2004Z-025T | An Ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, by amending Section 17.36.260 regarding locational standards for adult entertainment establishments | - Approve |
| 7. | 2005Z-016U-09 | A request to change from CF to MUI district properties located at 141, 147, 149, 151, 161, 163, 165 2nd Avenue South, 140 and 150 3rd Avenue South, 3rd Avenue South (unnumbered), between 2nd and 3rd Avenues South and Demonbreun Street and Shelby Avenue | - Approve |

FINAL PLATS

- | | | | |
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| 10. | 2005S-031G-01 | Asalee's Acres - A request for final plat approval to create five lots abutting the south margin of Eaton's Creek Road | - Approve |
|-----|---------------|--|-----------|

PLANNED UNIT DEVELOPMENTS (revisions)

- | | | | |
|-----|------------|--|------------------------|
| 12. | 95-71-U-08 | Metrocenter, Lot 1 (Crest-Hummer Dealership) - A request to revise a portion of the preliminary and for final approval for a portion of the Commercial PUD district located at the southeast corner of Athens Way and MetroCenter Boulevard, to permit the addition of 6,830 square feet to the existing 64,490 square foot auto dealership building | - Approve w/conditions |
|-----|------------|--|------------------------|

OTHER BUSINESS

- | | | | |
|-----|---|--|--|
| 13. | Contract amendments for Bradley Thompson and James McAteer. | | |
| 14. | Grant Agreement between the State of Tennessee, Department of Transportation and Metro-Davidson County on behalf of the MPO for the Southeast Corridor Transit Alternatives Analysis Study" | | |

Ms. Nielson moved and Mr. McLean seconded the motion to approve the consent agenda as presented. **(9-0)**

VII. SUBAREA PLAN AMENDMENT FOR SUBAREA 8

Staff Recommendation - *Approve.*

APPLICANT REQUEST - Change the land use policy from Parks, Reserves, and Other Open Space in Potential Open Space (PR in POS) to Mixed Use in Neighborhood Center (MxU in NC) for approximately 0.42 acres for property located at 2203 15th Avenue North and 1500 Cecilia Avenue.

Existing Land Use Policy (Parks, Reserves, and Other Open Space (Detailed Land Use Plan) in Potential Open Space (Structure Plan) - The PR Detailed Land Use Plan category is reserved for open space intended for active and passive recreation, as well as buildings that support such open space. The underlying POS Structure Plan category indicates that the area in question is intended to be in open space use, but has not yet been secured for that use.

Types of uses intended within OS and POS areas range from active and passive recreational areas, reserves, land trusts and other open spaces to civic uses and public benefit activities deemed by the community to be "open space."

Proposed Land Use Policy

Mixed Use (Detailed Land Use Plan) - The MxU Detailed Land Use Plan category includes buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above. The underlying NC Structure Plan classification is for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize.

ANALYSIS - This is a request to amend both the Structure Plan and the Detailed Neighborhood Design Plan to accommodate a zoning district that is intended in a planned Neighborhood Center. The Neighborhood Center planned in this area for the Buena Vista Heights neighborhood is intended to contain Mixed Use and Single Family Attached and Detached policies centered around a small open space that it was hoped Metro would acquire as a park. That small open space was divided into two policy areas. Parks, Reserves, and Other Open Space with an underlying Structure Plan policy of Open Space applies to the two parcels now owned by the applicant. At the time the plan was adopted, these parcels were owned by Metro and thus were placed in Open Space policy on the Structure Plan, unlike the other parcels in the planned future park, which were and are privately owned. These other parcels were assigned a policy of Parks, Reserves, and Other Open Space in Neighborhood Center with an alternate Detailed Land Use Plan policy of Single Family Attached and Detached in case the land could not be acquired for open space (see graphic entitled "Current Policies"). Since that time, Metro has sold the property to the applicant and the underlying Structure Plan policy of Open Space, being intended for publicly owned properties, is no longer an appropriate fit.

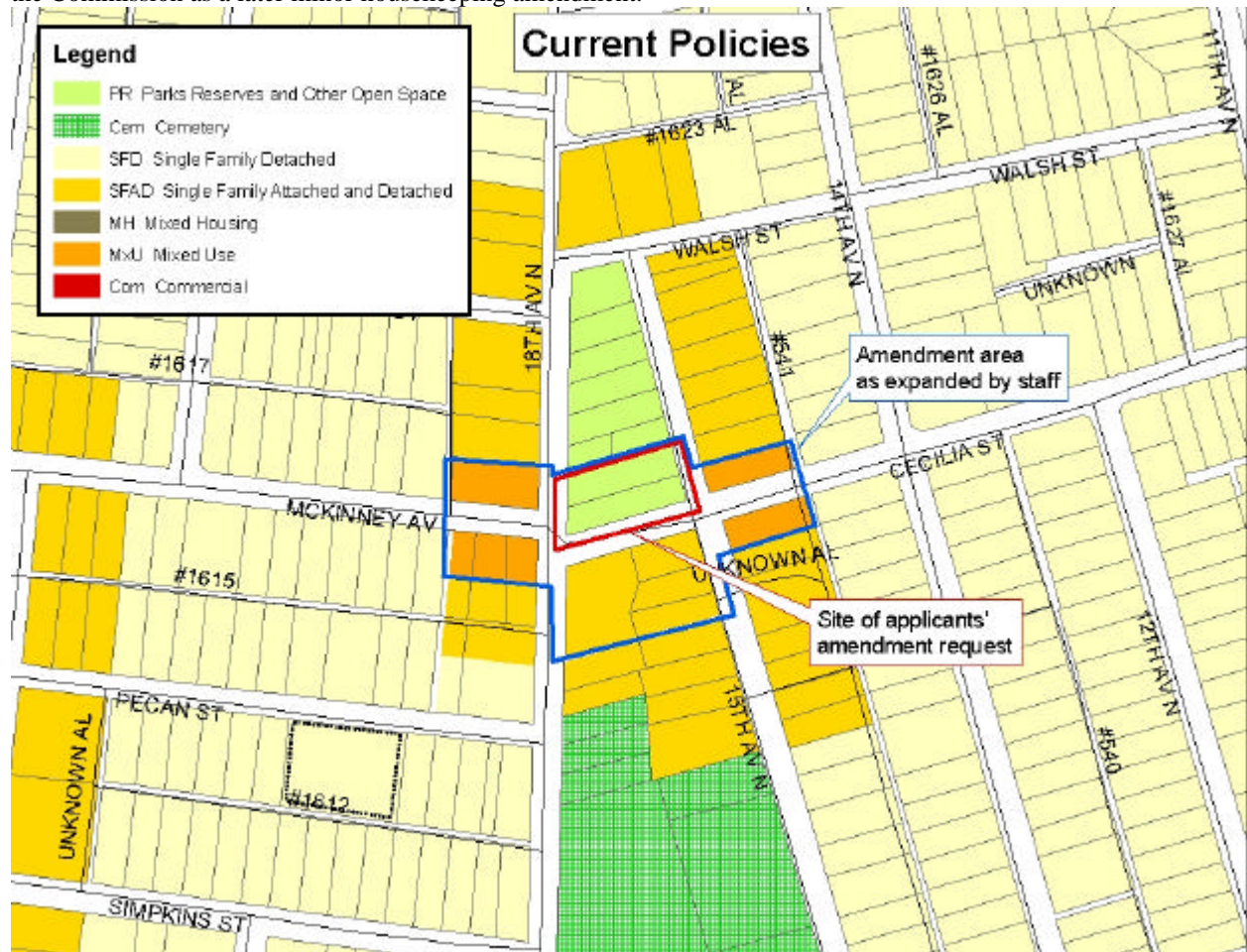
The Parks Department has been contacted about the proposed park and has expressed some reluctance to create it. They consider the neighborhood to be adequately served by parks at present (ex: Buena Vista Park, Rhodes Park, the playground at Hull-Jackson School) and are also cautious about creating new mini-parks. Nonetheless, they have recently begun discussions with Councilmember Isabel and the neighborhood association about possibly creating the park.

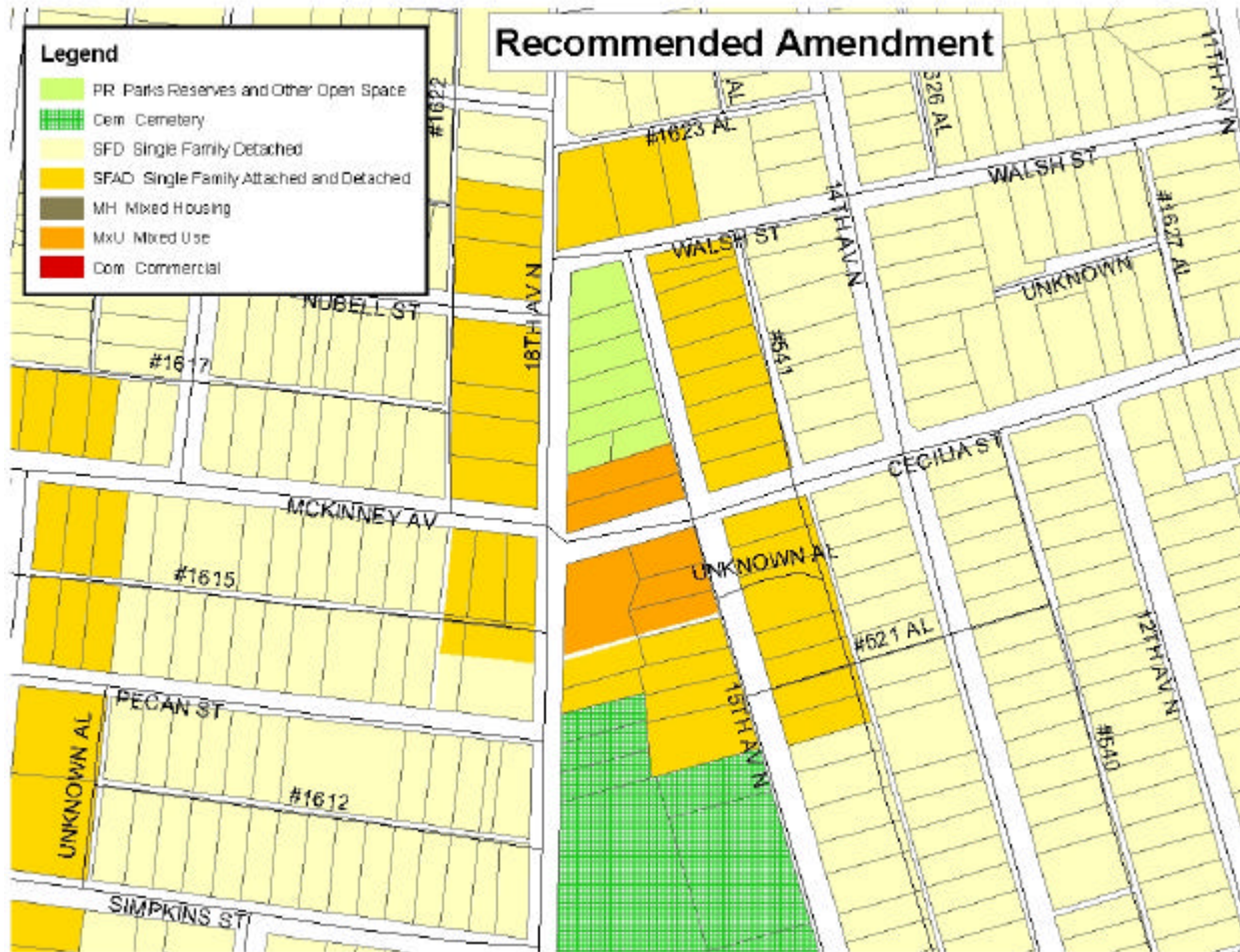
Staff held a community meeting in the neighborhood to discuss the amendment proposal. About twenty people were in attendance and the vast majority supported the applicants' proposal. They agreed with staff's suggestion to consider a somewhat larger area for amendment than just the applicant's two parcels, since a general rearrangement of the location of the Mixed Use policy designation seems warranted in light of the changed circumstances. Neighborhood residents wished to keep the Parks, Reserves and Other Open Space Detailed Land Use Plan designation on the parcels in the proposed park that are not owned by the applicant in case those can still be secured for open space use.

Staff recommends amending the plan to Mixed Use in Neighborhood Center for the applicants' two parcels as well as rearranging which parcels are designated Mixed Use as opposed to Single Family Attached and Detached as

shown on the second graphic, entitled "Recommended Amendment." This will ensure that the Mixed Use portion of the Neighborhood Center will continue to be coherently arranged so that the Mixed Use properties are grouped together and serve as a focal point. By rearranging rather than adding to the Mixed Use parcels in the Neighborhood Center, the Center will also continue to be at a modest scale that is appropriate for the neighborhood, which has more than one planned Neighborhood Center and other convenient commercial services along Clarksville Pike.

There will need to be some later follow-up done for this amendment, which will consist of redrafting the detailed drawings in the plan in light of the policy changes. These were done to illustrate how the planned Neighborhood Center could develop under the policies. These redrafted drawings will be shown to the community and submitted to the Commission as a later minor housekeeping amendment.





Approved (9-0), *Consent Agenda*

Resolution No. RS2005-063

“BE IT RESOLVED by The Metropolitan Planning Commission that the Subarea Plan Amendment for Subarea 8 is **APPROVED. (9-0)**”

VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

ZONING MAP AMENDMENTS

1. **2004Z-156U-08**
 Maps 81-03, Parcels 72, 73
 Subarea 8 (2002)
 District 2 (Isabel)

A request to change from R6 and CN to MUN district properties located at 2203 15th Avenue North and 1500 Cecilia Avenue (0.42 acres), requested by Andre Southall and Warren Summers, applicants/owners.

Staff Recommendation - Approve

APPLICANT REQUEST - A request to change 0.42 acres from R6 and CN to MUN district properties located at 2203 15th Avenue North and 1500 Cecilia Avenue.

Existing Zoning

R6 district - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

CN district - Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

Proposed Zoning

MUN district - Mixed Use Neighborhood is intended for a low intensity mixture of residential, retail, and office uses.

NORTH NASHVILLE COMMUNITY PLAN POLICY

Open Space (OS*) -In the update to the North Nashville Community Plan in January 2002, a Potential Open Space (OS*) policy was applied to the entire block enclosed by Walsh and Cecilia Streets and 18th and 15th Avenues North. OS and OS* are intended for a variety of public, private not-for-profit, and membership-based open space and recreational activities. The designation OS* indicates that the area in question is intended to be in open space use, but has not yet been secured for that use.

This area also falls within the Buena Vista Heights Detailed Neighborhood Design Plan (DNDP). According to the DNDP, a policy of “Parks, Reserves, and Other Open Space in Potential Open Space” applies to this block. An alternate land use category identifies this area as “Single Family Attached and Detached,” allowing a residential use.

The properties in the area surrounding this block constitute a mix of policies, but are predominantly residential, including “Single Family Detached in Neighborhood General,” and “Single Family Detached and Attached in Neighborhood General.” The intersections to the west and east of the properties in question, including McKinney Avenue and 18th Avenue, and 15th Avenue and Cecilia Avenue, have a “Mixed Use in Neighborhood Center” policy, which supports a combination of residential and commercial uses.

Policy Conflict - Yes. The properties proposed for mixed use zoning (MUN) would be inconsistent with the intent of the Detailed Neighborhood Design Plan of Buena Vista Heights, which seeks to maintain these properties as potential open space. This policy was chosen to address a drainage problem in this block, as well as provide open space in an area that is central to the neighborhood.

After holding a community meeting on January 24, 2005, which included the Councilmember and applicant, the people in attendance expressed their support of a policy amendment for this location. Under the subarea amendment, the two parcels owned by the applicant would change to a Mixed Use in Neighborhood Center policy, leaving the remaining part of the block to the north as “Parks, Reserves, and Other Open Space in Potential Open Space.” If the policy is amended, then this zoning request will no longer conflict with the policy.

RECENT REZONINGS - None.

TRAFFIC PUBLIC WORKS RECOMMENDATION - No exception taken.

Typical Uses in Existing Zoning District: R6 and CN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	0.42	0.36	6,586	292	NA	38

Typical Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Specialty Retail Center (814)	0.42	0.36	6,586	292	NA	38
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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
--	--			0	0	0

Maximum Uses in Existing Zoning District: R6 and CN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.42	0.25	4,574	124	8	7

Maximum Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.42	0.6	10,977	243	17	17

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
--	--			119	9	10

METRO SCHOOL BOARD REPORT

Projected student generation 0_Elementary 0_Middle 0_High

Schools Over/Under Capacity - Students would attend Harpeth Valley Elementary School, Bellevue Middle School, and Hillwood High School. All three have been identified as being full or overcrowded by the Metro School Board.

There is capacity in several adjacent clusters, including Whites Creek, Hillsboro, and Pearl-Cohn. This information is based upon data from the school board last updated August 31, 2004.

Approved (9-0), *Consent Agenda*

Resolution No. RS2005-064

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-156U-08 is **APPROVED (9-0)**

The proposed MUN district is consistent with the newly amended Subarea 8 Plan’s Mixed Use in Neighborhood Center policy intended for a mixture of residential, retail, and office uses within small centers of activity for the neighborhood they serve. “

FINAL PLATS

2.

2005S-023U-12
Barbara Battle Property

Maps 147-08, Parcel 17.02
Subarea 12 (2004)
District 30 (Kerstetter)

Staff Recommendation - *Disapprove sidewalk variance*, based on additional technical information regarding the feasibility of sidewalk construction from Public Works. If the applicant chooses to use an alternative sidewalk design which varies from the standard used by Public Works, construction plans should be submitted to Public Works for approval by the appropriate agency.

APPLICANT REQUEST - A request for a variance from sidewalk construction along lot 2 of a subdivision (2005S-023U-12) parallel to Taylor Road (0.32 acres).

ZONING

R6 - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

SUBDIVISION DETAILS - Two lots were created with the approval of this subdivision by the Commission on January 27, 2005. Lot 1, at the corner of Flora Maxwell Road and Taylor Road, will front the two streets, and Lot 2 will front on Taylor Road. There is an existing house on Lot 1.

Sidewalk requirement - As the property falls within the Urban Services District and a new development right has been created on lot 2, a sidewalk is required along its frontage. The Subdivision Regulations allow the developer to either construct the sidewalk segment or make a financial contribution to the sidewalk fund in lieu of actually constructing. Alternatively, the developer may seek a sidewalk variance. The applicant has requested a variance from providing a sidewalk along the frontage of lot 2.

Drainage and elevation - The applicant's variance request is based on the difficulties that are claimed to exist by the elevation drop immediately east of Taylor Road. The elevation is claimed to decline into a drainage ditch that measures 24 inches deep. A Sidewalk Constructability Report prepared by Public Works confirmed the existence of an ephemeral stream / drainage area just south of the property, adjacent to Taylor Road. The report concluded that if a sidewalk were to be constructed south of lot 2 along Taylor Road, a culvert/drainage structure would be required at this ephemeral stream.

Public Works has now confirmed that given a properly designed and constructed sidewalk, there are no problems anticipated to result involving the site's drainage and the elevation drop.

Construction standards-The normal standard for sidewalk construction includes a 2 foot gutter at a 1:12 (Vertical:Horizontal) cross slope with a 6 inch curb, followed by a 4 foot green space buffer, and a 5 foot sidewalk with a 1:96 (Vertical:Horizontal) cross slope.

Subgrade preparations for sidewalks are required, and shall be made to the required depth and width that will permit the installation and bracing of the forms. *If, for example, the sidewalk design indicates that subgrade preparations will likely result in the failure of the rock wall, or slope stability of the soil, an alternate design would be evaluated by Public Works. Alternate designs could include a reduction of the green space, or a ditch line behind the sidewalk.*

Alternative pedestrian trail - Public Works has also said that an alternative pedestrian trail does not appear to be appropriate for this subdivision, since a pedestrian trail on a two-lot subdivision does not substantially serve the same purpose as a sidewalk along an existing street.

Staff recommendation - Section 1-10 of the Subdivision Regulations addresses the conditions that must apply for the Planning Commission to grant a variance. One condition is that if "the particular physical surroundings, shape, or topographical conditions of the specific property involved" result in a "particular hardship to the owner, as distinguished from a mere inconvenience," a variance may be granted. Given the information regarding the elevation drop and drainage, and that the ephemeral stream is located south of the subdivided property, staff contends that this site does not have "particular physical surroundings, shape or topographical conditions" that result

in “a particular hardship to the owner, as distinguished from a mere inconvenience.”

Staff recommends that the applicant choose between the construction of a sidewalk to regular Metro standards, a financial contribution to the sidewalk fund, or the submission to Public Works of construction plans for an alternative sidewalk design. Staff accordingly recommends disapproval of the sidewalk variance.

A request for final plat approval to create two lots abutting the southwest corner of Taylor Road and Flora Maxwell Drive, (0.32 acres), classified within the R6 District, requested by Meridian Construction, owner/developer, John Franklin, surveyor.

Mr. Pereira presented and stated that staff is recommending disapproval of the requested sidewalk variance.

Mr. Shane Teeters spoke in favor of the sidewalk variance.

Ms. Nielson spoke in support of staff recommendation.

Mr. Ponder indicated that sidewalks would upgrade this community and spoke in favor of staff’s recommendation.

Ms. Jones expressed concerns regarding the options available to the applicant and the need to keep the existing wall located on the site.

Mr. Ponder moved and Ms. Nielson seconded the motion, which passed unanimously to adopt staff recommendation to disapprove the sidewalk variance included in Final Plat 2005S-023U-12. **(9-0)**

Resolution No. RS2005-065

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-023U-12 is **DISAPPROVED THE SIDEWALK VARIANCE. (9-0)**”

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- 3. 2005S-029U-10**
Belle Meade Annex, Subdivision of Part of Lot 29
and all of Lot 30
Maps 130-04, Parcel 066
Subarea 10 (1994)
District 34 (Williams)

A request for final plat approval to create three lots abutting the southeast corner of Hobbs Road and Sneed Road, (2.06 acres), classified within the RS20 District, requested by G. W. Weesner, owner, Barge, Waggoner, Sumner & Cannon, surveyor.

Staff Recommendation - Approve

APPLICANT REQUEST - Final Plat

This request is to create 3 lots at the southeast corner of Hobbs Road and Sneed Road (2.06 acres).

ZONING

RS20 District - RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

SUBDIVISION DETAILS

Lot Comparability - Section 2-4.7 of the Subdivision Regulations state 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 test was conducted and all three lots pass for lot area and frontage.

Sidewalks - At the last meeting, a sidewalk variance was requested by the applicant for Lot 2, the portion along Sneed Road. For this meeting, a variance has not been requested or is needed since the applicant has revised the plat to add a note stating that “Sidewalk construction or bonding is required with the issuance of building permits.” This satisfies the sidewalk requirement and would require the applicant to either construct or bond the sidewalk at the development stage rather than the platting stage.

PUBLIC WORKS RECOMMENDATION - No Exception Taken.

Approved (9-0), *Consent Agenda*

Resolution No. RS2005-066

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-029U-10 is **APPROVED. (9-0)**”

IX. PUBLIC HEARING:
ZONING MAP AMENDMENTS, ZONING TEXT AMENDMENTS, AND
PRELIMINARY URBAN DESIGN OVERLAYS

4. **2005Z-001T**
Council Number BL2004-489

A council bill to amend the Zoning Code, Section 17.40.060, requiring the Metro Clerk to forward immediately to the planning department any zone change applications filed with the Metro Clerk's office, sponsored by Councilmembers Jim Gotto, J. B. Loring, and Harold White.

Staff Recommendation - *Approve with recommended amendment*

APPLICANT REQUEST - Amend Zoning Code to require the Metro Clerk to provide immediate notification to the Planning Commission and Metro Council Office upon the filing of any application to amend the Official Zoning Map.

ANALYSIS

Existing Law - The Zoning Code currently requires no notification of district councilmembers or the Metro Council Office when an application to amend the Official Zoning Map [hereinafter “amending application”] is submitted by an applicant to Metro Government. Applications to rezone property or to amend the zoning text can be submitted either to the planning department or the Metro Clerk. Applications to apply a planned unit development (PUD) or urban design overlay (UDO) districts can only be submitted to the planning department.

Existing Practice - Staff routinely provides notification to councilmembers of all amending applications in their respective districts after the MPC filing deadline. Only councilmembers-at-large do not receive such notice. As was detailed in a previous staff report regarding PUD notification (2004Z-023T; BL2004-431), staff provides notice to the district councilmember in four ways: 1) a sketch of the project after the submittal deadline; 2) public hearing notice; 3) MPC staff report and agenda; and 4) a MPC action letter.

Proposed Text Change - The proposed amendment (see below) would require the Metro Clerk to forward immediately any amending application (except a zoning text amendment) to the planning department and a copy of same to the Council Office. Since the actual forwarding of the original and copy will be done by the Metro Clerk, staff takes no position on this procedural aspect of the bill. Staff recognizes the interest councilmembers have in quickly obtaining information.

Amending Text - Section 17.40.060 by adding the following new sentence at the end of subsection A:

“All applications to amend the official zoning map filed with the metropolitan clerk shall be immediately forwarded to the planning commission and a copy sent to the metropolitan council office.”

Analysis - Staff already provides notification to the district councilmember of amending applications *after* the submittal deadline. This bill would require the Metro Clerk to provide immediate notification *upon the filing* of any amending application with the Clerk’s office to the planning department and Metro Council Office. Since PUDs and UDOs cannot be filed with the Metro Clerk’s office per Section 17.40.060.A, then this text change would apply to the rezoning of property or application/amendment/cancellation of any historical overlay, neighborhood landmark overlay, institutional overlay, or other overlay. For informational purposes, to the staff’s knowledge, there have been at most two amending applications submitted directly to the Metro Clerk in the past 7.5 years.

One zoning application type not covered by this bill is a zoning text amendment. Given the interest and timing of applications, staff has suggested to one of the bill sponsors, Councilmember Jim Gotto, the bill be amended to include zoning text amendments. Councilmember Gotto agreed such an amendment would better serve the Council.

Staff Recommendation - *Approve with a proposed amendment* that requires all applications to amend the official zoning map and the Zoning Regulations, and which are filed with the Metro Clerk, be immediately forwarded to the planning department and a copy sent to the Metro Council Office.

Proposed Text - Section 17.40.060 by adding the following new sentence at the end of subsection A: “All applications to amend the official zoning map or these zoning regulations filed with the metropolitan clerk shall be immediately forwarded to the planning commission and a copy sent to the metropolitan council office.”

Approved with amendment (9-0), *Consent Agenda*

Resolution No. RS2005-067

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-001T is **APPROVED WITH AMENDMENT. (9-0)**”

Amendment:

Section 17.40.060 by adding the following new sentence at the end of subsection A: “All applications to amend the official zoning map or these zoning regulations filed with the metropolitan clerk shall be immediately forwarded to the planning commission and a copy sent to the metropolitan council office.”

5. 2005Z-003T
Council Number BL2004-491

A council bill to amend the Zoning Code, Section 17.20.120, to clarify that fees in lieu of sidewalk construction are to be in addition to any funds appropriated by the Metropolitan Government as part of the comprehensive sidewalk program, sponsored by Councilmember McClendon.

Staff Recommendation - *Approve with amendment*

APPLICANT REQUEST - Amend Zoning Code to clarify the disposition of monetary contributions to the sidewalk fund.

ANALYSIS

Existing Law - Presently, the Zoning Code permits a developer to make a financial contribution to Metro’s comprehensive sidewalk program. That option is available in the USD and areas in the GSD with a sidewalk priority index (SPI) of 20 or greater, where a sidewalk is required, but there is no sidewalk “gap” to be filled-in. When a developer opts to make such a contribution, the fee is calculated based on the property’s linear frontage along a collector or arterial street where the sidewalk is required. The Department of Public Works then places those funds within the Strategic Plan for Sidewalk Capital Improvements. The funds are deposited within one of the eleven pedestrian benefit zones based on where the property is located. If those funds are not allocated to a sidewalk

project by Metro Government within two years from the date on which they were received, the Zoning Code requires the funds be refunded to the building permit applicant.

Proposed Text Change - The proposed text amendment merely clarifies that when a developer opts to make a financial contribution, that developer contribution will be in addition to any other funds previously appropriated by the Metro Council for sidewalk construction. The sponsors want to ensure developer contributions do not diminish the available pool of sidewalk funds overtime.

Amending Text - 17.20.120 Provision of Sidewalks: Add the following new sentence at the end of subsection D.1.: “All fees in lieu of sidewalk construction shall be in addition to any other funds previously appropriated by the metropolitan council for sidewalk construction as part of the comprehensive sidewalk program.”

Analysis - While the intent of this amendment is to clarify that developer contributions are not intended to diminish the available pool of sidewalk funding, it could be interpreted differently. The Metro Budget contains a “budget glossary” which defines budget terminology. According to the Metro Budget, all appropriated funds expire at the end of the fiscal year. Thus, the use of that term in this amendment has the opposite effect of what the sponsors intended. If adopted as written, any developer contributions would be in addition to other funds appropriated by the Metro Council until the end of the fiscal year, wherein, the “appropriated funds” would expire if not spent, and possibly the only remaining sidewalk funding would be the developer contributions. Therefore, staff recommends the following modifications:

“All fees in lieu of sidewalk construction shall be in addition to any other funds, including but not limited to those proposed, programmed, allotted, dedicated, reserved, approved, funded, or appropriated by the metropolitan council for sidewalk construction as part of the comprehensive sidewalk program.”

Staff Recommendation - *Approve with proposed amendment.* The amendment provides greater clarity as to the many funding contingencies that arise during a fiscal year.

Approved with amendment (9-0), *Consent Agenda*

Resolution No. RS2005-068

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-003T is **APPROVED WITH AMENDMENT. (9-0)**”

Amendment:

17.20.120 Provision of Sidewalks: Add the following new sentence at the end of subsection D.1.:

“All fees in lieu of sidewalk construction shall be in addition to any other funds, including but not limited to those proposed, programmed, allotted, dedicated, reserved, approved, funded, or appropriated by the metropolitan council for sidewalk construction as part of the comprehensive sidewalk program.”

6. 2004Z-025T
Council Number: BL2004-490

An Ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, by amending Section 17.36.260 regarding locational standards for adult entertainment establishments, introduced by Councilmember Foster.

Staff Recommendation – *Approve*

APPLICANT REQUEST - Amend Zoning Code to modify list of sensitive land uses from which a proposed adult entertainment use must be separated from within the Adult Entertainment (AE) overlay district.

ANALYSIS

Existing Law - The Metro Council adopted an ordinance in 1984 regulating AE uses (O84-265). The Zoning Code

currently requires adult uses to be located a minimum of 500 hundred feet (measured property line to property line) from a list of what is generally considered sensitive land uses (e.g. churches, school grounds, college campuses and parks). These sensitive land uses are ones where large numbers of children and adults may congregate, assemble, or visit for learning, studying, and contemplative thought. To ensure the public health, safety, and welfare of Nashville residents and visitors, these sensitive land uses are afforded a physical buffer (i.e. separation distance) from AE uses within the Zoning Code.

The proposed amendment modifies some of the names given to these sensitive land uses to more closely correspond with those land use names, and thus, definitions in the Zoning Code. As well, a new sensitive land use is proposed, “day care center or day care home,” for AE uses to be located away from.

Proposed Text Change - The amendment does not change the boundary of the AE overlay nor the distance required between an AE use and a sensitive land use. It also does not change the “property line to property line” method of measuring distances between an existing or proposed AE and sensitive land use.

Amending Text - 17.36.260 Locational standards.

- A. All adult entertainment establishments...
- B. Within the overlay district, no adult entertainment establishment shall be located within five hundred feet (measured property line to property line) of:
 - 1. A church religious institution;
 - 2. A school playground facility engaged primarily in community education;
 - 3. A day care center or day care home;
 - 4. A college campus or university; or
 - 5. A park.
- C. No adult entertainment establishment shall locate within an adopted redevelopment district unless that redevelopment district specifically authorizes adult entertainment uses as a permitted land use.
- D. No establishment classified as adult entertainment shall locate within one hundred fifty feet (measured property line to property line) of any other adult entertainment establishment.”

Analysis - AE uses are considered a protected form of free speech under the U.S. Constitution. Hence, any restrictions on speech must be narrowly tailored to serve a public purpose, whatever the venue. By adding an additional sensitive land use, the possibility arises that AE uses may be further restricted in locating within the existing boundaries of the AE overlay district. To determine whether that was indeed the case, staff used Metro’s GIS to identify possible future AE locations, assuming this text amendment was adopted. Staff’s analysis indicates that there are 17 AE uses within the AE overlay today, and 3 legally non-conforming AE uses located outside the AE overlay. Within the AE overlay, there 514 parcels today on which an AE use could locate. With the adoption of this ordinance, there will be 498 parcels on which an AE use could locate within the AE overlay, a decrease of 3%.

Staff Recommendation - *Approve*. The proposed amendment clarifies the sensitive land uses from which an AE use must be located away from by correlating them to those land use names and definitions in Metro’s Zoning Code. As well, adding “day care center or day care home” to the list of sensitive land uses from which an AE use must locate does not appear to materially disrupt or change the possible future locations of these uses.

Approved (9-0), *Consent Agenda*

Resolution No. RS2005-069

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-025T is **APPROVED. (9-0)**”

- 7. **2005Z-016U-09**
Maps 093-64, Parcels 063-068, 070, 072-075
Subarea 9 (1997)

District 6 (Jameson)

A request to change from CF to MUI district properties located at 141, 147, 149, 151, 161, 163, 165 2nd Avenue South, 140 and 150 3rd Avenue South, 3rd Avenue South (unnumbered), between 2nd and 3rd Avenues South and Demonbreun Street and Shelby Avenue, (1.59 acres), requested by Ralph Moore, Engineer, for The Carell Family, LLC, owner.

Staff Recommendation – Approve

APPLICANT REQUEST - Rezone 1.59 acres from core frame (CF) to mixed use intensive (MUI) district at 141, 147, 149, 151, 161, 163, 165 2nd Avenue South, 140 and 150 3rd Avenue South, 3rd Avenue South (unnumbered), between 2nd and 3rd Avenues South and Demonbreun Street and Shelby Avenue

Existing Zoning

CF district - Core Frame is intended for a wide range of parking and commercial service support uses for the central business district.

Proposed Zoning

MUI district - Mixed Use Intensive is intended for a high intensity mixture of residential, retail, and office uses.

SUBAREA 9 PLAN

Central Business District (CBD) - CBD policy is intended specifically for the heart of the downtown area and the surrounding area that contains supporting uses. The CBD constitutes the single largest concentration of non-residential development in the city. Offices are the predominant type of development, also some retail, entertainment, community facilities, government services, and higher density residential.

Policy Conflict - No. The proposed zoning district (MUI) is consistent with the Subarea 9 Plan’s CBD policy. The subarea plan suggests that the MUI zoning district should be applied to areas south of Broadway, also known as the SoBro area, to allow for intense development, but not allow for industrial and manufacturing uses. The MUI district allows similar land uses as the CF district currently, but does not permit the manufacturing and industrial uses that would be allowed under CF zoning.

This is also located within the Rutledge Hill Redevelopment District. The Metro Development and Housing Agency (MDHA) has confirmed that this rezoning is consistent with this redevelopment plan for this area.

RECENT REZONINGS - None.

TRAFFIC - An access study will be required at development.

Typical Uses in Existing Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.59	2.57	177,999	2080	298	279

Typical Uses in Proposed Zoning District: MUI

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office	1.59	2.57	177,999	2080	298	279

(710)						
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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
--				0	0	0

Maximum Uses in Existing Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.59	5	346,302	3471	507	467

Maximum Uses in Proposed Zoning District: MUI

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.59	5	346,302	3471	507	467

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
--				0	0	0

METRO SCHOOL BOARD REPORT

Projected student generation* 2_ Elementary 1_ Middle 1_ High

Schools Over/Under Capacity - Students would attend Eakin Elementary School, West End Middle School, or Hillsboro High School. None of these schools have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated August 31, 2004.

*The numbers for MUI zoning are based upon students that would be generated if the MUI zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,000 sq.ft. of floor area.

Approved (9-0), *Consent Agenda*

Resolution No. RS2005-070

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-016U-09 is **APPROVED. (9-0)**

The proposed MUI district is consistent with the Subarea 9 Plan’s Central Business District policy intended for predominantly office uses, but also including higher density residential, retail, and entertainment uses. The subarea plan recommends that the MUI zoning district be applied to areas south of Broadway to allow for higher intensity development, but not allow for industrial and manufacturing uses.”

8. **2005Z-017U-13**
 Map120-01, Parcels 134, 135
 Subarea 13 (2003)
 District 13 (Burch)

A request to change from RM20 to RM40 district properties located at 1154 Vultee Boulevard and Vultee Boulevard (unnumbered), located along the north side of Vultee Boulevard, approximately 500 feet north of Murfreesboro Pike, (1.55 acres), requested by George Anton, owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 1.55 acres from RM20 (multifamily) to RM40 (multifamily) district, located at 1154 Vultee Boulevard and Vultee Boulevard (unnumbered), located along the north side of Vultee Boulevard, approximately 500 feet north of Murfreesboro Pike.

Existing Zoning

RM20 district - RM20 is a medium high density multifamily district, intended for multi-family dwellings at a density of 20 units per acre.

Proposed Zoning

RM40 district - RM40 is a high density residential multifamily district, intended for multi-family dwellings at a density of 40 units per acre.

ANTIOCH-PRIEST LAKE COMMUNITY PLAN POLICY

Existing Plan Policy - Residential High Density -RH policy provides for new and existing residential development with densities above 20 units per acre. RH development generally should be located along arterial streets having four or more lanes or should be near freeway interchanges. Sites with exceptionally good access to transit (i.e. adjacent to a bus corridor) are also appropriate. RH development should be within one-quarter mile of existing or programmed mass transit service.

Policy Conflict - The current RH policy does support densities of over 20 units per acre, and this location is relatively close to the Murfreesboro Road bus route. The densities of the existing apartment complexes in the area, however, are between 20 and 25 dwelling units per acre. The proposed RM40 district is not consistent with the existing density of apartments in the area. Additionally, these parcels are located on the edge of the RH policy area and directly abut a RLM (2 to 4 dwelling units per acre) policy area. The adjacent property is zoned RS10 and has an established pattern of single-family development. It is not appropriate for these properties to develop at 40 dwelling units per acre because this area should serve as a transition to the RLM policy.

Staff might be able to recommend approval of RM40 zoning if a Planned Unit Development was proposed that would cap the density at up to 25 dwelling units per acre and was designed to be sensitive to the adjacent RLM policy area.

RECENT REZONINGS - None.

TRAFFIC

PUBLIC WORKS' - No exception taken. Cross access and/or a joint use RECOMMENDATION driveway may be required at development.

Typical Uses in Existing Zoning District: RM20

Land Use (ITE Code)	Acres	Density per acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour

Res. Condo/Townhome (230)	1.55	20	31	238	21	23
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Typical Uses in Proposed Zoning District: RM40

Land Use (ITE Code)	Acres	Density per acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	1.55	40	62	428	36	41

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
--			+31	190	15	18

METRO SCHOOL BOARD REPORT

Projected student generation 7 Elementary 4 Middle 3 High

Schools Over/Under Capacity - Students would attend Glenview Elementary School, Cameron Middle School, and Glencliff High School.

Glenview Elementary has been identified as being full or overcrowded by the Metro School Board. There is capacity at other elementary schools within the cluster. This information is based upon data from the school board last updated August 31, 2004.

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

Mr. George Anton, owner, spoke in support of the proposal.

Mr. Robert Rutherford, attorney, spoke in opposition to this proposal.

Ms. Cummings moved and Mr. Jones seconded the motion, which passed unanimously to adopt staff recommendation to disapprove Zone Change 2005Z-017U-13. **(9-0)**

Resolution No. RS2005-071

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-017U-13 is **DISAPPROVED. (9-0)**

Although the proposed RM40 district is consistent with the Antioch-Priest Lake Community Plan’s Residential High policy intended for residential development with densities exceeding 20 units per acre, it is not consistent with the existing density of apartments or surrounding character of the area. The RM40 is not appropriate at this location because this area should serve as a transition to the abutting RLM policy and RS10 zoning to the east of the property.”

9.

2005UD-001U-10

Harding Town Center
Map 103-15, Parcel 13-15, 18-34, 36, 39, 44-45, 54
Map 103-16, Parcels 118-119
Map 116-03, Parcels 51-54, 93-94, 98-102
Subarea 10 (1994)
District 24 (Summers)

A request to apply an Urban Design Overlay District to various properties located along the north and south side of Harding Pike and east of White Bridge Pike, classified MUL, OG, OR20, RM40, and CS, (72.89 acres), to permit a mixture of uses, including office, residential, and commercial uses with detailed design standards, requested by Councilmember Summers.

Staff Recommendation - *Approve*. This proposal is the outcome of an extensive charrette process involving property owners, residents, business owners, developers and the district councilmember working with a Planning Department design team in consultation with a Transportation Planning Firm and various local, regional, and state departments. The vision is “to enjoy the benefits of a convenient, walkable, mixed-use village, while minimizing the negative impacts of vehicular traffic congestion in the area.” The design plan and associated standards encourage an appropriate mix of compatible uses consistent with the characteristics of the location, as well as an appropriate mix of building types with associated standards that work together to create a harmonious streetscape.

APPLICANT REQUEST -Apply an Urban Design Overlay (UDO) district to various properties located between White Bridge Road and the Aquinas Campus and Richland Creek and Ridgefield Drive.

SUBAREA 10 POLICY-This area is designated as the “Harding Road/Woodmont Boulevard Mixed-use Area” in the current policy plan. The objective is “to achieve a complementary blend of residential and non-residential activities.” Additionally, the intent is “to provide for compact working, shopping, and living arrangements in a more pedestrian friendly environment.” The predominant land use policy for the area is mixed-use with the intent to “recognize the importance of maintaining a balance of residential, retail and office activities and encourage a more integrated development pattern.”

Policy Conflict - No. The UDO implements the policy of the area by promoting a balance of uses within a pedestrian friendly environment. The Community Plans division is currently updating the Subarea 10: Green Hills/Midtown Plan, which is consistent with the outcome of the Harding Town Center study.

TRAFFIC

Traffic Study Submitted - Yes. A transportation plan developed in conjunction with the urban design overlay accompanies this request. The transportation plan seeks to mitigate the traffic impact of entitled development through a balanced transportation system that supports the community’s vision for future redevelopment of the area. Some additional traffic impact study may be required for individual projects and the approved findings incorporated into any final development plans.

Public Works’ Recommendation - Approve. Staff has worked with the Public Works Department as well as the Tennessee Department of Transportation, the Metropolitan Planning Organization, and the Regional Transportation Agency throughout this process. Public Works has reviewed the proposed urban design overlay plan and transportation plan and recommended changes that have been incorporated into the plans.

Mr. Covington presented and stated that staff is recommending approval, however, if the issues regarding the Urban Design Overlay and the implementation of the transportation strategies were not finalized, staff would be in favor of deferring this proposal to the February 24, 2005, meeting.

Mr. Phillip Clark, Kenner Manor Neighborhood Association, spoke in support of the proposed UDO.

Ms. Ann Kelly, 15 Whitebridge Road, spoke in support of the proposed UDO.

Mr. Jeffrey Belser, One Belle Meade Place, announced that Ingram Industries conditionally supports the UDO and he explained each of the conditions.

Mr. Frank Englert, requested to defer the UDO to allow additional time to work on issues related to traffic.

Mr. John Cooper, 3925 Woodlawn, distributed information to the Commission. He spoke in support of deferring the UDO to work on issues related to transportation and traffic.

Mr. Joe Griffin, Ragan Smith Associates, spoke of issues relating to St. Thomas Hospital and the UDO.

Mr. Doug Whitman, 3310 West End Avenue, expressed concerns regarding the UDO and the outpatient facilities of St. Thomas Hospital.

Mr. Wood Caldwell, a representative of St. Thomas Hospital, spoke in support of the UDO, however expressed issues with the traffic plan implementation and requested deferring the proposal.

Ms. Bell Newton, 3950 Woodlawn Drive, spoke in support of deferring the UDO to work on issues related to traffic.

Ms. Sandra Carlton, 211 Mockingbird Road, spoke in support of the UDO.

Ms. Patsy Bruce, 4117 Aberdeen, spoke in favor of the UDO.

Mr. Hill McAlister spoke in opposition to the UDO.

Mr. Leon May, 230 Ensworth Place, spoke in opposition to the UDO. Unanimity

Councilmember Summers spoke in favor of the Urban Design Overlay. He explained that although the plan may not represent unanimity, there was a general consensus of support expressed by constituents and the various neighborhood groups. Councilmember Summers explained that the area could see an enormous amount of development with or without this UDO. He stated that this plan will assist with the design elements of any future development for this area. Councilmember Summers summarized by stating that if there was not sufficient progress on this project within a two year period, he would be willing to repeal the UDO.

Mr. McLean requested additional information pertaining to deferment of the project.

Councilmember Summers stated that he would only want to defer this UDO for one meeting. He would like to present it at the March Public Hearing at Council.

Mr. Ponder questioned whether two weeks would be a sufficient amount of time to address the various issues associated with the proposal.

Mr. Covington stated that the Metro consultant would review and prepare a response within this two week period.

Mr. Ponder moved to defer the Urban Design Overlay 2005UD-001U-10 to February 24, 2005.

Mr. Lawson spoke against deferring this proposal. He indicated that Councilmember Summers has agreed to monitor the progress of issues related to traffic, planning and implementation and deferring the project for two weeks would be unproductive.

The motion to defer failed.

Mr. Tyler requested additional information on the alternative plan submitted by Ragan Smith and how it compares to the plan submitted by the Metro consultant.

Mr. Covington explained the differences within these two plans.

Ms. Cummings spoke in support of the plan.

Ms. McLean spoke in support of the plan.

Ms. Jones spoke in support of the UDO

Mr. Loring spoke in support of the UDO.

Mr. Ponder moved and Mr. McLean seconded the motion, which passed unanimously, to approve the Urban Design Overlay 2005UD-001U-10. **(8-0)**

Resolution No. RS2005-072

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005UD-001U-10 is **APPROVED. (8-0)**”

The Commission recessed at 5:20 p.m.

The Commission resumed at 5:35 p.m.

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

X. FINAL PLATS

- 10. 2005S-031G-01**
Asalee's Acres
Map 029, Parcel 167
Subarea 1 (1997)
District 1 (Gilmore)

A request for final plat approval to create five lots abutting the south margin of Eaton's Creek Road at the intersection of Forte Road (11.12 acres), classified within the AR2a District, requested by Tammy Ruff, owner, Jeffrey Chandler, surveyor.

Staff Recommendation – Approve

APPLICANT REQUEST - Final Plat

This request is to create 5 lots on 11.12 acres abutting the south side of Eaton's Creek Road at the intersection of Forte Road.

ZONING

AR2a District - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres.

SUBDIVISION DETAILS - This subdivision proposes 5 lots on lots sizes of 2 and 3 acres. Three of the lots have frontage on Eaton's Creek Road, while the other two have frontage on Forte Road. The existing house on lot 2 will remain. All lots will have private septic systems and approval has been obtained from the Metro Health Department. Sidewalks are not required because this property is not located in a sidewalk priority zone.

PUBLIC WORKS' RECOMMENDATION - Show and dimension right-of-way consistent with the approved major street plan. Dedicate 5 feet of right-of-way along Eaton's Creek Road.

PUBLIC WORKS' RECOMMENDATION - The access driveway from Nolensville Road shall be limited to provide access for right in and right out turning vehicles, with no median cut on Nolensville Road. This driveway shall be located near the northern property line on Nolensville Road. The commercial lot shall allow future cross access to adjacent properties on Nolensville Road.

CONDITIONS

The following revisions are required prior to the recording of the final plat:

1. Show and dimension ROW along Nolensville Road at property corners, consistent with the approved major street plans (U6- 108' ROW).
2. Dimension from road center line to property line.
3. Dedicate 5' on Brewer Drive.
4. Lot 2 shall indicate future cross access to the adjacent PUD on the north property line.
5. Add a bar scale.
6. Add the appropriate drainage easement along the roadside.
7. Add parcel numbers. Lot 1 is parcel 9 and Lot 2 is parcel 106 (Map 161-08).

Ms. Fuller presented and stated that staff is recommending approval with conditions. She also mentioned that staff has recommended the addition of another condition to be labeled Condition #8 and to be stated as follows: “the lot line follow the zone district boundary between CL and R6 districts”.

Mr. Mohseni, owner, spoke in support of the proposal.

Councilmember Foster mentioned that he has held neighborhood meetings regarding this proposal. He stated that the community did not want additional commercial uses encroaching the residential areas of the community. Councilmember Foster spoke in favor of granting the sidewalk variance.

Ms. Jones suggested deferring the proposal to allow additional time to continue discussion on open issues associated with the project.

Mr. Loring spoke in favor of supporting Councilmember Foster’s request on this proposal.

Mr. McLean moved and Mr. Ponder seconded the motion, to approve staff recommendations on Subdivision 2005S-032U-12. **(6-1) No Vote - Loring**

Resolution No. RS2005-074

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-032U-12 is **APPROVED WITH CONDITIONS, with the new condition that the lot line follow the zone district boundary between CL and R6 districts. (7-1)**

Conditions of Approval:

1. Show and dimension ROW along Nolensville Road at property corners, consistent with the approved major street plans (U6- 108' ROW).
2. Dimension from road center line to property line.
3. Dedicate 5' on Brewer Drive.

4. Lot 2 shall indicate future cross access to the adjacent PUD on the north property line.
5. Add a bar scale.
6. Add the appropriate drainage easement along the roadside.
7. Add parcel numbers. Lot 1 is parcel 9 and Lot 2 is parcel 106 (Map 161-08).”

XI. PLANNED UNIT DEVELOPMENTS (revisions)

- 12. 95-71-U-08**
Metrocenter, Lot 1 (Crest- Hummer Dealership)
Map 81-04, Parcel 228
Map 70-16, Parcel 17
Subarea 8 (2002)
District 2 (Isabel)

A request to revise a portion of the preliminary and for final approval for a portion of the Commercial Planned Unit Development district located at the southeast corner of Athens Way and MetroCenter Boulevard, classified CS, (9.0 acres), to permit the addition of 6,830 square feet to the existing 64,490 square foot auto dealership building, requested by Civil Site Design Group, for Car Son Mas, TN, LLC, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Revise Preliminary & Final PUD

Request to revise a portion the preliminary plan and for final PUD approval to permit the addition of a new 6,830 square foot vehicular sales facility, on the same lot of the existing 64,490 square foot auto dealership building, on 9.0 acres, located at the southeast corner of Athens Way and MetroCenter Boulevard, classified CS.

PLAN DETAILS

Site Plan - The proposed new 6,380 square foot building will have a vehicular sales and service use, as a facility for the sale of Hummers brand vehicles. This use is consistent with the existing 2-story building, which has both vehicular sales and service and automotive repair uses, including a showroom for Cadillacs, and a service and body shop.

History- This is a PUD that was approved for institutional, highway-oriented, and office uses in 1971, and subsequently revised several times. There was a revision to preliminary in 1988, which allowed an auto dealership use on the site that now holds the Crest car facilities in question. Based on staff research, the new building does not appear to represent an increase greater than 10% of the square footage approved by Council on the preliminary plans.

Staff consideration - Staff recommends the Planning Commission treat this request as a revision for the reasons listed below, but if the Commission believes this change alters the basic development concept of this PUD, then it can recommend an amendment to the PUD, which requires referral to the Metro Council. Based on the following factors, staff finds that this request to modify the PUD should be treated as a revision, which is not required to be referred to the Metro Council:

1. The proposed use is consistent with the Council-approved uses in the PUD.
2. This revised PUD plan does not increase the total floor area more than ten percent beyond the total floor area last approved by Metro Council.
3. The proposed access points are consistent with the Council-approved plan.

4. The proposed plan does not significantly increase the height of the buildings in the PUD.
5. The proposed plan does not significantly change the impact to the surrounding area.

Access - No new access points have been proposed with these plans. The two existing access points will not be altered, including one along Athens Way, and one along MetroCenter Boulevard.

Sidewalks - This site falls within the Urban Services District, and there is an existing sidewalk along MetroCenter Boulevard. Because this is a development any sidewalk requirement will be determined at the building permit stage.

Parking - The applicant has complied with the 254 parking spaces required for this limited vehicular sales use, by proposing 351 parking spaces.

Open Space and Landscaping - Because this is a commercial PUD, there is no open space requirement. As this PUD is zoned CS and is surrounded by CS on all sides, no landscape buffers are required along its exterior perimeter.

Environmental - There are two small blue line streams on the property, one along the southeastern PUD limit, and one along the PUD's frontage with MetroCenter Boulevard. Both of these streams fall within landscaped areas. There is no floodway or floodplain on the property.

Recent rezoning -None.

TRAFFIC PUBLIC WORKS' RECOMMENDATIONS - Final approvals are subject to Public Works' review and approval of construction plans.

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.

Conditions

1. Prior to the issuance of any permits, the applicant must revise the existing plat or record an instrument at the Register of Deeds to observe the appropriate Right-of-way consistent with approved Major Street Plan along MetroCenter Boulevard (84 feet of Right-of-way are required on a U4).
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. 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.
4. 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.
5. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
6. 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.

7. 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 (9-0), *Consent Agenda*

Resolution No. RS2005-075

“BE IT RESOLVED by The Metropolitan Planning Commission that 95-71-U-08 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, the applicant must revise the existing plat or record an instrument at the Register of Deeds to observe the appropriate Right-of-way consistent with approved Major Street Plan along MetroCenter Boulevard (84 feet of Right-of-way are required on a U4).
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. 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.
4. 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.
5. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
6. 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.
7. 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.”

XII. OTHER BUSINESS

13. Contract amendments for Bradley Thompson and James McAteer.

Approved (9-0), *Consent Agenda*

14. Grant Agreement between the State of Tennessee, Department of Transportation and Metro-Davidson County on behalf of the MPO for the Southeast Corridor Transit Alternatives Analysis Study"

Approved (9-0), *Consent Agenda*

15. Executive Director Reports
16. Legislative Update

XIII. ADJOURNMENT

The meeting adjourned at 5:45 p.m.



Chairman

Secretary